

International Criminal Court



Assembly of States Parties

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**Report of the Committee on Budget and Finance
on the work of its thirty-third session**

Addendum

*Reissued for technical reasons

I. Introduction

1. The proposed budget for Major Programme IV (Secretariat of the Assembly of States Parties) was outlined in the 2020 Proposed Budget for the International Criminal Court (“the Court”) and submitted to the Committee on Budget and Finance (“the Committee”) for its consideration. On 13 November 2019, the final version report of the Committee’s thirty-third session was issued.²
2. On 30 September 2019, the Pre-Trial Chamber issued a confidential decision confirming the charges of war crime and crimes against humanity brought by the Prosecutor against Mr Al Hassan and committed him to trial. As a result, and on 28 October 2019, the Court submitted to the Committee the first addendum increase to the 2020 proposed budget for Major Programme III (Registry) in a total amount of €230.7 thousand under *Counsel for Defence* budget line item.
3. On 19 November 2019, the Court withdrew the addendum and informed the Committee that it would absorb the increase within the originally approved budget for Major Programme III.
4. On 28 November 2019, the Committee was notified of a second addendum to the proposed programme budget following developments in relation to two bodies mandated by the Assembly of States Parties (“the Assembly”) with a total cost of €479.7 thousand.

II. Background

5. The proposed Independent Expert Review of the Court has been discussed within the Bureau and its Working Groups throughout 2019. The details of the review, including who would undertake it and how their work would be conducted, were the subject of extensive discussions in the latter months of 2019.
6. The Committee on the Election of the Prosecutor (“CEP”) was effectively established by the Bureau on 3 April 2019 via the adoption of Terms of Reference for the Election of the Prosecutor.³ The Terms of Reference provide that the mandate of the CEP is to facilitate the nomination and election of the next Prosecutor. The Bureau determined that the CEP would be composed of five members, designated by the Bureau based on consultations with the regional groups, and assisted by a panel of five independent experts appointed by the Bureau.

III. Addendum to the Proposed Budget for Major Programme IV

7. The Court’s proposed programme budget for 2020, as submitted on 12 July 2019, contained a total requested budget for Major Programme IV of €2,837.0 thousand.
8. According to the addendum submitted by the Court on 28 November 2019, the costs related to the proposed Independent Expert Review (€435.1 thousand) and the Committee on the Election of the Prosecutor (€44.6 thousand) amount to a total increase of €479.7 thousand. It is proposed that this amount be contained in a new programme within Major Programme IV, Programme 4600 (Assembly-mandated bodies in 2020), as outlined in Table 1 below:

² ICC-ASP/18/15.

³ ICC-ASP/18/INF.2.

Table 1. Additional resources for Programme 4600 (Assembly-mandated bodies in 2020) (thousands of euro)

<i>Major Programme IV: 4600</i>	<i>Proposed 2020 Budget</i>
Temporary assistance for meetings	7.1
<i>Subtotal Other-staff</i>	<i>7.1</i>
Travel	166.6
Contractual services	30.0
Consultants	276.0
<i>Subtotal Non-staff</i>	<i>472.6</i>
Total	479.7

9. Consequently, the amended 2020 proposed budget for the Secretariat of the Assembly became a total of €3,316.7 thousand (or 16.7 per cent increase in comparison to 2019 approved budget), and the amended 2020 proposed programme budget for the Court became a total of €147,419.4 thousand excluding the host State loan (or 2 per cent increase in comparison to 2019 approved budget). The Committee noted that the Bureau has suggested that the total amount of this Addendum to be financed from the cash surplus of 2017.

10. The Committee considered this additional request taking into consideration the original requested amount for the Secretariat of the Assembly of €2,837 thousand together with an additional information provided.

11. As regard to the proposed Independent Expert Review of the Court with a total amount of €435.1 thousand, the Committee when considering the additional information provided noted several discrepancies:

- i. the amount calculated for the remuneration of each expert was based on two-months period, while the travel was calculated using 65 days, which is more than the duration of the contract;
- ii. the calculation of the daily subsistence allowance used the reduced percentage (67 per cent) for the whole period of 65 days, while the correct calculation is to use 100 per cent for the first 60 days and the reduced rate for the remaining five days;
- iii. when calculating the flight costs for the nine experts, there was no indication that one or more experts could be locally contracted, therefore, no travel cost should be incurred; and
- iv. no budget was estimated for the interpretation services.

12. **The Committee identified potential areas for efficiencies from (i) travel cost and (ii) procurement process. Therefore, the Committee recommended in order to achieve the best value for money that selecting experts should follow the Court's procurement process, where an expression of interest shall be advertised with terms of reference on the work to be done.**

13. **As this is an exceptional project for 2020 only and taking into consideration the efficiency that might be achieved following a procurement process, the Committee recommended a total amount of €435.1 thousand be approved by the Assembly to be added to the budget of Major Programme IV.**

14. **Further, the Committee recommended that the usage of this exceptional budget of €435.1 thousand be limited to the purpose of the Expert Review. Any surplus from this amount should go to the miscellaneous income account. The Committee requested the Court to submit a detailed report on the actual expenditure incurred at its thirty-fourth session.**

15. **As regard to the work of the Committee on the Election of the Prosecutor with a total amount of €44.6 thousand, the Committee considered the additional information provided and recommended the Assembly to approve the total amount of**

€44.6 thousand and requested the Court to submit a separate report on the actual expenditure incurred at its thirty-fourth session.

16. As a result of this addendum to the budget, the total appropriation for States Parties for 2020 budget will increase in the amount of €479.7 thousand.
