

**Eighteenth session**

The Hague, 2-7 December 2019

**Report of the Registry on
the Approximate Costs Allocated so far within the Court in
Relation to Referrals by the Security Council****I. Background**

1. At its fourteenth session, the Assembly of States Parties (“the Assembly”), “request[ed] the Registry to report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council.”¹ The Registry submitted this report on 1 November 2016.² The Assembly “request[ed] the Registry to update its report”³ at its fifteenth session, and the Registry submitted this report on 25 October 2017⁴. At its sixteenth session, the Assembly further “request[ed] the Registry to update its report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council ahead of the seventeenth session of the Assembly”⁵, which the Registry did on 29 October 2018⁶.

2. At its seventeenth session, the Assembly “request[ed] the Registry to update its report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council ahead of the eighteenth session of the Assembly”⁷.

3. Article 115 of the Rome Statute provides that “the expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, as provided for in the budget decided by the Assembly of States Parties, shall be provided by the following sources:

- (a) Assessed contributions made by States Parties; and
- (b) Funds provided by the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council.”

4. In operative paragraph 48 of resolution ICC-ASP/17/Res.5, titled “Strengthening the International Criminal Court and the Assembly of States Parties”, the Assembly “[n]otes with concern that, to date, expenses incurred by the Court due to referrals by the [United Nations] Security Council continue to be borne exclusively by States Parties, and notes that, to date, the approved budget allocated so far within the Court in relation to referrals made by the Security Council amount to approximately €61 million”.

¹ ICC-ASP/14/Res.4, Annex I, para 3(b).

² ICC-ASP/15/30.

³ ICC-ASP/15/Res.5, Annex I, para 4(b).

⁴ ICC-ASP/16/23.

⁵ ICC-ASP/16/Res.6, Annex I, para 4(b).

⁶ ICC-ASP/17/27.

⁷ ICC-ASP/17/Res.5, Annex I, para 4(b).

II. Approximate Costs Allocated

5. It needs to be noted that the approximate cost allocations indicated below exclude limited cross-cutting costs associated with operational support activities for all the different situations and cases in the Court. The Court's budget methodology does not include distribution of support costs to its operations.⁸ The estimate below can therefore not be considered to be a fully accurate costing of the situations, following a standard cost accounting methodology; rather, it is an approximate budgetary indication of the direct impact of the situations as allotted in the Court's yearly budgets.

6. To date, the approved budgets allocated so far within the Court in relation to the referrals made by the Security Council⁹ amount to approximately €64,633.6 million over the years, as illustrated by the table below:

Regular budget costs¹⁰ – approved budget (in thousands of euros)

Year	<i>Situation Darfur</i>	<i>Situation Darfur OTP</i>	<i>Situation Darfur Registry</i>	<i>Situation Libya</i>	<i>Situation Libya OTP</i>	<i>Situation Libya Registry</i>
2006	5,755.2	4,253.2	1,468.3	n/a	n/a	n/a
2007	6,158.6	4,480.5	1,678.1	n/a	n/a	n/a
2008	7,080.8	4,182.6	2,861.5	n/a	n/a	n/a
2009	7,575.6	4,344.1	3,225.3	n/a	n/a	n/a
2010	6,602.6	4,050.5	2,552.1	n/a	n/a	n/a
2011	4,728.9	2,375.0	2,353.9	n/a	n/a	n/a
2012	3,185.1	2,310.2	874.9	6,487.9	4,890.8	1,597.1
2013	1,659.5	1,519.9	139.6	1,659.5	1,406.7	252.8
2014	1,265.2	1,058.1	207.1	584.3	340.2	244.1
2015	336.0	167.1	168.9	622.8	594.4	28.5
2016	519.4	336.4	183.0	733.6	528.7	203.1
2017	1,399.9	1,158.7	241.3	1,568.0	1,393.4	174.6
2018	1,270.3	1,065.3	205.0	1,689.5	1,455.7	233.8
2019	1,464.0	1,160.5	303.5	2,286.9	2,084.2	202.7
Total	49,001.2	32,462.1	16,462.5	15,632.5	12,694.0	2,936.6
Grand total						64,633.6

7. The approximate costs have been determined based on the planned budgetary allocation included in the Court's yearly budgets, as approved by the States Parties. The first column specifies all Court budgeted costs foreseen for the situation concerned, including the Trust Fund for Victims' budgeted activities, while the second and third columns detail respectively the OTP and Registry budget allocation per situation.

8. Notably, the above allocation of resources consists of those funds directly associated with the situations in Libya and Darfur, Sudan. These funds have covered, inter alia, the different cost allocations related to investigative and cooperation-related missions, the allocations related to judicial proceedings in both situations (notably regarding the pre-trial proceedings, including initial appearances and two confirmation of charges, in the cases of *The Prosecutor v. Ahmad Harun and Ali Kushayb*, *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, *The Prosecutor v. Abu Garda*, *The Prosecutor v. Abdallah Banda and Saleh*

⁸ For example, the generic cost of IT equipment is borne by the Registry section responsible for IT and such costs do not appear under the budget of teams operating in a particular situation, such as Libya or Sudan.

⁹ United Nations Security Council resolution 1593 (2005) and 1970 (2011).

¹⁰ The 'costs' presented in the table are planned expenditures as included in the Court's yearly budgets and do not reflect actual expenditures.

*Jerbo, The Prosecutor v. Abdel Raheem Muhammad Hussein, The Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, The Prosecutor v. Abdullah Al-Senussi, The Prosecutor v. Saif Al-Islam Gaddafi, The Prosecutor v. Al-Tuhamy Mohamed Khaled and The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli*¹¹), as well as the allocations related to field operations (such as witness protection, outreach activities, security). In the situation in Darfur, Sudan, these costs also include the creation and running of two field offices (in N'Djamena and Abeché, from 2005 to 2011).

¹¹ Arrest warrants in *The Prosecutor v. Al-Tuhamy Mohamed Khaled* and *The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli* cases were unsealed and issued, respectively, during the course of 2017 (a second arrest warrant was issued against Mr Al-Werfalli on 4 July 2018), as further indications of the Court's activity in this situation.