

**Eighteenth session**

The Hague, 2-7 December 2019

Report of the Working Group on the 2020 proposed programme budget of the International Criminal Court**External audit, programme budget for 2020 and related documents****A. Introduction**

1. The Assembly of States Parties (the Assembly) had before it the 2020 proposed programme budget submitted by the Registrar of the International Criminal Court (the Court), in an advance version, on 16 July 2019,¹ the two addenda to the budget,² the reports of the thirty-second³ and thirty-third⁴ sessions of the Committee on Budget and Finance (the Committee), the reports of the Audit Committee on its ninth and tenth sessions,⁵ the financial statements for the Court for the period 1 January to 31 December 2018,⁶ and the Trust Fund for Victims financial statements for the period 1 January to 31 December 2018.⁷ In addition, the Assembly had before it annex III of the report of the Committee on the work of its thirty-third session, in which the Court outlined the budgetary implications of the Committee's recommendations on the budgets of the major programmes.

2. At its fifth plenary meeting, the Assembly heard statements by the Registrar of the Court, Mr. Peter Lewis, the Chairperson of the Committee, Mr. Hitoshi Kozaki, the Chairperson of the Audit Committee, Mr. Samir Abu Lughod, and the representative of the External Auditor (*la Cour des comptes* (France)), Mr. Guy Piolé. The Assembly was further assisted by the Vice-Chairperson of the Committee, Mr. Urmet Lee.

3. The Working Group on the Programme Budget met on 5 and 6 December 2019. During the meetings the draft resolution was considered and finalized.

B. External audit

4. The Assembly noted with appreciation the reports of the External Auditor and the related comments of the Committee, contained in the report on the work of its thirty-third session.

¹ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part A.

² *Ibid.*, annexes XIX and XX.

³ *Ibid.*, part B.1.

⁴ *Ibid.*, part B.2.

⁵ Available on the website of the Assembly at http://asp.icc-cpi.int/en_menus/asp/AuditCommittee/.

⁶ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part C.1.

⁷ *Ibid.*, part C.2.

C. Amount of appropriation

5. The Court's 2020 proposed programme budget amounted to €151,235.2 thousand, including €3,585,100 for Major Programme VII-2 (Host State Loan), a first addendum for €230.7 thousand for legal aid requirements in the *Al Hassan* case, and a second addendum for €479.7 thousand within Major Programme IV for the costs of the Committee on the Election of the Prosecutor and the Independent Expert Review.

6. The Committee considered the Court's 2020 proposed programme budget at its thirty-third session and concluded that there were a number of areas where savings could be made. Accordingly, the Committee recommended that the budget allocation be reduced to a total of €149,788.5 thousand, including €3,585,100 for Major Programme VII-2 (Host State Loan), the first addendum for €230.7 thousand for legal aid requirements in the *Al Hassan* case, and the additional €479.7 thousand within Major Programme IV for the costs of the Committee on the Election of the Prosecutor and the Independent Expert Review.

7. The Assembly noted that the Court had informed States Parties that, following careful consideration of the latest developments in cases and situations, the additional resources of €230.7 thousand requested by the Court in the first addendum to the budget⁸ could be absorbed within the budget for legal aid for the defence as originally recommended by the Committee during its thirty-third session. The Court indicated that this was only possible after a very detailed consideration of the application of the legal aid policy to the new developments following the consideration by the Committee of the 2020 proposed programme budget.

8. The Assembly endorsed the recommendations contained in the report of the Committee, with the additional adjustments as reflected in resolution ICC-ASP/18/Res.1.

9. The Assembly decided that, on an exceptional basis, for the year 2020, the amount of €479.7 thousand of the budget appropriations approved by the Assembly for Major Programme IV shall be financed using the cash surplus from 2017.

10. The Assembly therefore approved a budget appropriation for 2020 of €149,205.6 thousand.

11. The Assembly noted that without Major Programme VII-2 (Host State Loan) and the portion of the approved budget for Major Programme IV to be financed from the 2017 cash surplus, the total level of assessed contributions for the 2020 programme budget amounted to €145,140.8 thousand.

D. Contingency Fund

12. The Assembly decided to maintain the notional level of the Contingency Fund at €7 million.

13. The Assembly authorized the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed within one major programme while a surplus existed in other major programmes, to ensure that all appropriations for 2019 were exhausted before accessing the Contingency Fund.

E. Working Capital Fund

14. The Assembly took note of the recommendations of the Committee on Budget and Finance and decided that the Working Capital Fund for 2020 shall be established in the amount of €11.6 million. The Assembly also decided that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

⁸ *Ibid.*, part A, annex XIX.

F. Amendments to the Rules of Procedure of the Committee on Budget and Finance

15. The Assembly adopted amendments to the Rules of Procedure of the Committee on Budget and Finance as reflected in annex I⁹ to resolution ICC-ASP/18/Res.1.

G. Financing of appropriations for 2020

16. The Assembly resolved that, for 2020, the total assessed contributions amounted to €145,140.8 thousand.

⁹ The Executive Secretary continues to perform general functions within the Secretariat as a whole, as per paragraph 632 of the proposed programme budget of the Court for 2020 (*Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part A).