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## Proposed Programme Budget for 2022 of the International Criminal Court

### *Executive Summary*

#### A. Overview of the Proposed Programme Budget for 2022

1. The Court has prepared its Proposed Programme Budget for 2022 mindful of the exceptional circumstances presented by the COVID-19 pandemic and its impact on the global economy. These extraordinary times continue to test the resilience and adaptability of the systems and structures of organizations and institutions around the world, the Court included. Notwithstanding restrictions inherent in the measures taken by governments, the Court has managed to maintain high productivity throughout the crisis through adaptations to its operations, innovative measures, and the strength and commitment of its staff. The diligent efforts of the Court as a whole to implement its mandate, in cooperation with States Parties and other stakeholders, have concretely translated into a significant increase in the level of courtroom activity. In this context, the Court remains committed to presenting the leanest possible budget proposal for 2022. To respond to its needs and build on the positive developments in its prosecutorial and judicial activities, the Court is proposing a total budget **€158,760.9 thousand**, representing an increase for 2022 of approximately **€14.09 million**, or **9.7 per cent**, over the approved budget for 2021.

2. The proposed budget for 2022 has been carefully assessed against the plans of the Court, including the vision of the new leadership for the organization and for the OTP in particular; the Court's goals and stakeholder expectations – including those of victims and affected communities of atrocity crimes – regarding its overall performance and effective discharge of its mandate; the complexity of the Court's operating environments (involving matters of security, cooperation and political support); the significant and increasing volume of demands for intervention by the Court; and taking into account the recommendations in the final report of the *Independent Expert Review of the International Criminal Court and the Rome Statute System* (IER Report), where relevant and appropriate. The proposed budget also factors in the priorities set in the Court-wide and organ-specific strategic plans for the period 2019-2021, in anticipation of the adoption of the strategic plans for the new cycle. The Court has taken into account the need to contain budgetary increases as much as possible in view of financial constraints on the States Parties and to make sure that funds are requested only after all possible steps have been taken to finance increases through savings and efficiencies.<sup>1</sup> The Court believes that the requested funds will contribute to increasing tangible results and long-term efficiencies, mainly through more expeditious judicial proceedings and enhanced fair-trial safeguards; more effective and focused preliminary

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventeenth session, The Hague, 5-12 December 2018* (ICC-ASP/17/20), vol. I, part III, ICC-ASP/17/Res.4, Section K, para. 1.

examinations, investigations and prosecutions; enhanced impact on the ground; and a more secure information environment for the Court's operations.

3. The impact of the additional requirements to support developments in prosecutorial and judicial activities will result in an increase to the budget for 2022 over the budget for 2021. The budget increase presented is conservative compared to the operational increase and was achieved as a result of careful efforts to absorb new costs where possible, lessons learned from the COVID-19 pandemic and multiple improvement exercises.

4. In line with its response to the COVID-19 pandemic, elaborated on in the budget for 2021, the Court is constantly evaluating its internal processes as part of its commitment to continuous improvement to leverage the current global reality to its advantage and to evaluate the suitability of some of its structures and working methods in the new environment. In the light of the increasing workload of the Court (seen in a greater volume of judicial and prosecutorial activities), the Court needs to retain and reinforce its existing capabilities for the future, the capabilities in which States have invested over the years and which have allowed the institution to show resilience and adaptability in the face of new challenges and ever-increasing demands on its mandate and activities.

5. The decisions confirming the charges in *Abd-Al-Rahman* on 9 July and *Gicheru* on 15 July required a rapid response from the Court in order to include the resources required for these additional trials in this budget proposal. The Court's efforts to react swiftly have enabled it to present resource requests as early as possible in the budget consideration process, while adhering to the principle that it will request resources only for those activities that are certain and can be accurately calculated at the time of the budget submission. It should be recalled that, in accordance with this principle, further resources may need to be requested in future, depending on judicial decisions and the transfer of suspects to the Court.

6. In all, this Proposed Programme Budget for 2022 limits the budgetary increase that is necessary to respond to a number of positive operational developments for the Court as a whole. It reflects a thoroughly considered budget proposal prepared with due regard for responsible and disciplined budget planning and the necessary resource requirements of the Court to effectively undertake its mandate under the Rome Statute.

## **B. High-level strategic budget priorities for 2022**

7. The Court's Principals, through the Coordination Council, have identified a number of strategic budget priorities for the Court's activities in 2022. It is important to note that these priorities and activities reflect what can reasonably be anticipated for 2022 at the time of writing of this document, taking into account both the recent leadership changes at the Court and the continued impact of the COVID-19 pandemic. The projections may subsequently be affected by the realities and continuously evolving context of the judicial and prosecutorial work of the Court.

8. In formulating the budget priorities and main cost drivers, the Court's Principals have continued to rely on the Court-wide Strategic Plan for 2019-2021 and the strategic goals stated therein as the guiding principles in their commitment to presenting the leanest possible budget. These strategic goals are the cornerstone of the Court's planning approach and feature prominently in its budget planning for 2022. The planning is complemented by the distinct strategic plans for the same period for the OTP, the Registry and the Trust Fund for Victims, and further informed by the vision, strategic direction and independent judgment of the new leadership as well as the Court's early anticipation of the next strategic period. Performance and results will be assessed in the preparation of the new strategic plans. The importance of measuring performance, while insisting on the link between strategic planning, risk management and budgetary planning, will be duly taken into account.

9. The Court's overriding objective is to achieve an effective, efficient and universal system of international criminal justice, under the Rome Statute, in which to independently conduct fair and expeditious investigations and trials when national authorities are unable or unwilling to genuinely do so. The three main strategic areas, which encompass all Court activities and are reflected in the respective strategic plans of each organ, continue to be judicial and prosecutorial performance; cooperation and complementarity; and

organizational performance.<sup>2</sup> Additionally, to contribute to its effective functioning, the Court is also committed to continue engaging closely in the Independent Expert Review process.

10. In this context, the Court has identified the following priorities:

**1. Conduct and support fair and expeditious judicial proceedings**

11. The conduct of fair and expeditious pre-trial, trial and appeal proceedings before the Chambers remains an essential facet of the Court's mandate. In 2022, the number of active trials with court hearings is forecast to double, from two trials in 2021 to four trials in 2022.

12. In comparison to most domestic proceedings, proceedings of the Court are exceptionally complex in terms of the cases presented and the procedural rules to be followed. The sheer number of witnesses, volume of evidence and number of languages involved, coupled with the need for security on the ground and cooperation from national jurisdictions, make trials resource-intensive and often lengthy. Delays affecting part of one trial can have a multiplying effect on other aspects of the Court's operations and budget – such as detention or witness costs. Efficiency is therefore crucial, and the Court continues to work tirelessly to expedite proceedings, e.g. through the Chambers' standardized practice manuals and the OTP's resolve to enhance the quality of its investigations, the resilience of its processes and the strength of the cases it actually presents to the Chambers.

13. At the pre-trial level, a decision on confirmation of charges is expected to be handed down in *Said* in the fourth quarter of 2021. If charges are confirmed in this case as well, trial preparations could commence in 2022, triggering additional resource requirements. In addition, if any of the persons for whom warrants of arrest have been issued by the Pre-Trial Chambers are arrested and surrendered to the Court on short notice (as has happened in the past), this would lead to an increase in activity at the pre-trial level and a concomitant increase in the level of required resources.

14. At the trial stage, the number of cases will double. Two cases, *Al Hassan and Yekatom and Ngaiïssona*, are expected to continue at an accelerated pace, while two new cases, *Abd-Al-Rahman* and *Gicheru*, will enter the trial stage. This will generate significant additional workload for the Court and will require additional capacity for more courtroom activities.

15. Final appeals on judgments and decisions are expected to continue in *Ongwen*, while the Appeals Chamber is also expected to hear interlocutory appeals from cases before the Pre-Trial and Trial Chambers.

16. Up to 11 defence teams and up to 8 teams of legal representatives of victims will need to be financed by legal aid in 2022. Judicial developments, including the recently confirmed charges in *Abd-Al-Rahman* and *Gicheru*, have automatically increased these costs, as applied according to the existing legal aid framework and enshrined in the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court, by which the Court is obliged to abide.

**2. Conduct at least eight active investigations and support five cases in (pre-)trial, including through operations in the field**

17. Article 53 of the Rome Statute mandates the Prosecutor to initiate investigations in situations where he or she determines that there is a reasonable basis on which to proceed. The jurisdiction of the Court covers the most serious crimes of concern to the international community, and its operations often take place in very challenging security and cooperation environments. In addition, in nearly all cases, local languages and other operating conditions vary. As a result, in comparison to investigations at the national level, the Court's investigations are extremely complex and resource-intensive.

18. Despite the continued impact of the COVID-19 pandemic and limited resources, the Court has demonstrated resilience and flexibility and has continued to deliver on its

<sup>2</sup> In alignment with the Court's strategic plans and main strategic areas, the Trust Fund for Victims complements the Court's activities through the implementation of reparations and assistance activities, striving – as one of its main goals – to maximize the impact thereof on victims, their families and communities.

significant mandate, leading to tangible successes in court as well as consequent increases in the workload in 2022. Activities have been reprioritized and adapted where necessary to enable business continuity and to safeguard the health and well-being of staff and those they interact with on the Court's premises and in the field. Funds have been managed in a responsible and conscientious way, including to limit the financial impact of the new working modalities and conditions, the additional measures necessary to mitigate COVID-19 infection risks and liquidity problems.

19. The newly sworn-in Prosecutor is currently conducting a comprehensive review of all preliminary examinations, investigations and prosecutions, and of the OTP's Policy on Case Selection and Prioritisation and the newly adopted Policy on Situation Completion. This review will ultimately guide the Office's priorities for 2022. The budget that the OTP is presenting is based on current activities in 2021 and has been carefully prepared to present the leanest and most effective proposal that allows the OTP to focus its resources effectively to ensure that it can discharge its statutory duties – including the burden of proof in all cases – to manage the dynamic workload, sustain its operations under challenging circumstances and preserve and strengthen its capacity to do better and deliver results.

20. In this context, in accordance with the Prosecutor's aim to refocus the Office, in 2022 the OTP will prioritize resources in relation to those situations with cases in pre-trial and trial proceedings, namely Darfur (Sudan), Mali, CAR II(a) and CAR II(b), and Kenya (article 70). Additionally, the OTP will conduct investigations in at least eight situations, as follows: Bangladesh/Myanmar, Burundi, Côte d'Ivoire (CIV II), Darfur (Sudan), Georgia, Libya (three cases),<sup>3</sup> in addition to Afghanistan (currently subject to an ongoing deferral request under article 18 of the Rome Statute but nonetheless requiring maintenance activities) and Palestine (currently in the investigation planning phase). Such prioritization is required to ensure and, where possible, increase the speed, efficiency and effectiveness of operations, taking into account the limited resources available to the OTP and the need to avoid spreading those resources too thin. Nevertheless, all situations will continue to be monitored, for example, for new leads or prospects of arrest or to continue engaging with witnesses in cases pending arrests.

21. At the time of the submission of this budget document, the OTP is also seized of eight preliminary examinations (Bolivia, Colombia, Guinea, Nigeria, the Philippines, Ukraine and two situations in Venezuela). Five of these are currently ongoing. The preliminary examinations in relation to Nigeria, Ukraine and the Philippines have been completed; the latter is the subject of an application by the former Prosecutor requesting judicial authorization under article 15 of the Rome Statute. Resource constraints have meant that the Office has not yet sought judicial authorization to proceed to the investigation phase in the situations of Nigeria and Ukraine. This is a matter that would need to see resolution as soon as possible. The Office invites an open and frank discussion with States Parties in this regard. In any further steps across the situations under preliminary examination, the OTP will take into account strategic and operational considerations and challenges, including in particular the Office's resource constraints and the Prosecutor's review of the OTP's activities. Owing to the inherently dynamic nature of the OTP's mandate and activities, it is possible that additional investigations may be opened during the remainder of 2021 or in 2022. At the same time, the OTP has continued to review communications submitted to the Office, some of which are likely to lead to new situations requiring the opening of a preliminary examination.

22. The OTP has carefully reviewed its staff needs in the light of the Prosecutor's vision and plans for the reorganization of the Office. As the Office's ongoing investigative activities and workload continue to remain at a high level, important changes to the structure of the Office are being proposed under the leadership of the new Prosecutor in a considered effort to optimize its performance against ever-increasing workload, rationalize the functioning of the organ and enhance its effectiveness through greater integration. The objective is therefore to make the OTP a bespoke and consistently high-performing organ. The new reorganization of the Office will improve its capacity to conduct its core activities while introducing important changes that aim to enhance not only the way the OTP conducts its work, but also

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<sup>3</sup> The Office had planned to focus on one line of investigation in the Libya situation (Libya III) in 2021. However, it has continued to monitor the evolution of all cases in that situation and intends to conduct investigative activities in 2022 in Libya IV and Libya V as well.

the workplace environment in which that work is conducted, thereby elevating performance. The envisaged reorganization is intended to ensure greater efficiency and performance from the Office in the discharge of its mandate while at the same time duly addressing many of the recommendations of the IER in the process. It is designed to make optimal and efficient use of the existing human resources and services of the Office. Only a limited number of new positions are proposed in the OTP budget for 2022. These positions are central to the new Prosecutor's vision, reorganization and approach to prosecutorial performance and are required to enhance OTP capacity.

23. For the mid- and long-term efficiency and viability of its operations, it is critical that the OTP be able to maintain and, where possible and necessary, strengthen its staff capacity. The details of OTP planning are explained in the budget proposal for Major Programme II.

24. The Registry continues to provide the Court with support in administrative and operational matters both at Headquarters and in the country offices. In 2022, there is a notable need for the Registry to provide protection to an increased number of witnesses, which is another important cost driver for the Registry. Mindful of their respective mandates and of the specific security and confidentiality aspects of their operations, the Registry and the OTP continue to optimize their cooperation and synergies both at Headquarters and in the country offices.

### 3. **Reparations activities in five cases**

25. In 2022 the implementation of reparations awards is expected to reach new levels of volume and complexity in the *Katanga*, *Lubanga*, *Al Mahdi* and *Ntaganda* cases. It is expected that the delivery of reparations in *Katanga* as well as the process relevant to the eligibility assessment in *Lubanga* will come to a close in the first half of 2022; while the impact evaluation of *Katanga* will follow. In 2022, up to two thousand beneficiaries will continue to benefit from the multi-annual collective awards reparations programme in *Lubanga* that will then be in its second year. The symbolic reparations measures for child soldiers in *Lubanga* will also be implemented. In *Al Mahdi*, it is anticipated that the three multi-annual collective reparations projects (building-related, economic and psychological reparations) will be ongoing, as will the evaluation of the individual awards that will be implemented by the end of 2021. In *Ntaganda*, the victim eligibility assessments that started in 2021 will expand and, subject to the approval of an implementation plan, the process of procuring and contracting partners for the implementation of a collective reparations programme will continue. In *Ongwen* (Uganda), with the largest expected victim base to date in reparations cases at the Court, an implementation plan will be developed in 2022 following the anticipated order for reparations, which should lead to the approval of processes for the eligibility assessment and the implementation of reparations awards. Such initial activities may continue or start in 2022 in *Ntaganda* and *Ongwen*, respectively, contingent on the relevant Chamber's requests for and approval of implementation plans to address the urgent needs of victims.

### 4. **Capital replacement plan for the Court's Permanent Premises**

26. Following the recommendations of the Committee and the resolution of the Assembly,<sup>4</sup> the Court and the main contractor engaged by the Court for the maintenance of its premises submitted to the Committee for its consideration a medium-term plan for capital replacements (2021-2024) needed to ensure the smooth functioning of the building. Longer-term budgetary needs are reported in the budget narrative of Major Programme V and in Annex XIV of the Court's Proposed Programme Budget for 2022. As the Committee recommended reassessing the medium and long-term capital replacement plan in light of budgetary appropriations for 2021, the proposed budget absorbs the expected price index increase in the facilities management industry in the Netherlands. This reduction will be implemented by continuing to replace only vulnerable elements that have already broken down or show signs of imminent breakdown.

<sup>4</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part III, ICC-ASP/18/Res.1, Section G, para. 1; and ICC-ASP/18/15, para. 115.

## C. Savings and efficiencies

27. Since its fifteenth session in November 2016, the Assembly has requested the Court to present a sustainable budget proposal for the following year in which proposed increases are requested only after all possible steps have been taken to finance such increases through savings and efficiencies.<sup>5</sup> In addition, the Assembly has also requested the Court to present an annex to the programme budget with detailed information about the savings and efficiencies achieved in the current year and estimates for the following year.<sup>6</sup> Subsequently, savings and efficiencies were reported in the 2018, 2019, 2020 and 2021 programme budgets.<sup>7</sup>

28. In the Proposed Programme Budget for 2022, the Court has achieved organization-wide savings and efficiencies in the amount of €2,598.0 thousand (1.8 per cent). In total, the Court's reduction to the baseline amounts to €1,551.4 thousand. Through these savings and efficiencies, the Court has been able to offset increases in other areas where resources are necessary to implement mandated activities for 2022. All the initiatives are described in detail in Annex XVI.

## D. Proposed Programme Budget for 2022

29. The Court's Proposed Programme Budget for 2022 amounts to **€158.76 million**. This represents an increase of approximately **€14.09 million**, or **9.7 per cent**, over the approved budget for 2021 (€144.67 million). On the recommendation of the Committee at its twenty-fifth session,<sup>8</sup> the figures for the proposed regular budget are presented separately from interest on the Host State Loan for the Court's permanent premises. Including the interest of **€3.59 million** on the cost of the permanent premises project, the Court's Proposed Programme Budget for 2022 amounts to **€162.35 million**, or an increase of **9.5 per cent**.

30. As indicated, additional requirements are directly linked to the anticipated volume of work and a significant increase in the level of activities of the Court in 2022. The request aims to cater for, *inter alia*, preliminary examinations, investigations and prosecutions, trials, witness protection, language services, legal aid, reparations and assistance to victims, and management of the Court's various facilities. The Court has constructed a realistic and focused budget, fully cognizant of its needs while mindful of the acute difficulties that have arisen as a consequence of the global pandemic. In this regard, efforts have been made Court-wide to maximize flexibility and explore enhanced collaboration, redeployment and prioritization of activities to optimize the Court's use of resources even further. The Court has carefully sought ways in which to increase efficiencies and absorb exogenous, obligatory costs – at times by taking difficult measures – without impeding its operating capabilities.

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<sup>5</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section L, para. 1.

<sup>6</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section L, para. 2.

<sup>7</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part A, paras. 38-51 and Annex X; *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part A, paras. 35-41; and *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part A, paras. 34-38.

<sup>8</sup> ICC-ASP/14/15, para. 25.

Programme	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
MPI - Judiciary	11,756.3	1,613.9	13.7	13,370.2
MPII - OTP	47,334.8	3,994.0	8.4	51,328.8
MPIII - Registry	75,784.0	7,794.9	10.3	83,578.9
MPIV – SASP	2,837.0	338.6	11.9	3,175.6
MPV – Premises	2,270.0	-	-	2,270.0
MPVI – STFV	3,199.6	188.6	5.9	3,388.2
MPVII-5 – IOM	739.5	134.7	18.2	874.2
MPVII-5 – OIA	752.7	22.3	3.0	775.0
<i>Subtotal</i>	<i>144,673.9</i>	<i>14,087.0</i>	<i>9.7</i>	<i>158,760.9</i>
MPVII-2 - Host State Loan	3,585.1	-	-	3,585.1
<b>Total ICC</b>	<b>148,259.0</b>	<b>14,087.0</b>	<b>9.5</b>	<b>162,346.0</b>

## E. Major Programme I: Judiciary

31. The proposed budget for Major Programme I in 2022 amounts to **€13.37 million**, which represents an increase of **€1.61 million**, or **13.7 per cent**, as compared to the 2021 approved budget of €11.76 million.

32. This is the first proposed increase for the Judiciary in four years, with overall decreases approved in the 2019, 2020 and 2021 budgets. In terms of human resources, the 2022 budget for the Judiciary reflects important changes related to the Court's significantly increasing workload, both inside the courtroom and within the institution as a whole. The aforementioned doubling in the number of active trials requires the full complement of 18 judges to be in full-time service for the whole of 2022. Moreover, general temporary assistance in the form of nine new legal staff members – seven at the P-2 level and two at the P-3 level – will be required in the Chambers to address the mounting workload. The Presidency will also require two P-3 GTA legal staff members to enable the Judiciary to respond comprehensively to the IER Report.

33. This increased caseload in 2022 is expected to be handled successfully through the continued policy of flexible staff deployment, reinforced by effective coordination among the divisions. This approach is expected to continue to result in significant staff output and an improvement in and diversification of individual staff members' skills. Accordingly, despite the two-fold increase in the number of active trials in 2022, the Judiciary requests only a modest increase in additional staff resources over and above the requested and approved staffing level for 2021. This level has remained unchanged since 2018. As part of its commitment to presenting the leanest possible budget, no change is proposed by Major Programme I with respect to non-staff costs for 2022.

Major Programme I Judiciary	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Judges	4,711.1	365.0	7.7	5,076.1
Staff Costs	5,747.2	(15.0)	(0.3)	5,732.2
Other Staff Costs	1,179.0	1,263.9	107.2	2,442.9
Non-Staff Costs	119.0	-	-	119.0
<b>Total</b>	<b>11,756.3</b>	<b>1,613.9</b>	<b>13.7</b>	<b>13,370.2</b>

## F. Major Programme II: Office of the Prosecutor

34. The OTP proposes a budget of **€51.32 million** for 2022. On the basis of planned required activities for 2022, and in furtherance of its Strategic Plan for 2019-2021, the OTP proposed budget has increased by **€3.99 million (8.4 per cent)** over the €47.33 million approved by the Assembly for 2021.

35. As indicated, important changes are being proposed to the structure of the Office under the leadership of the new Prosecutor in a considered effort to optimize its performance against the ever-increasing workload, rationalize the functioning of the organ and enhance its effectiveness through greater integration and synergies across all components of the Office as well as streamlined workflows and reporting lines. This new organization is informed by the Office's previous experiences and the strategic direction and independent judgment of the new Prosecutor. It moreover takes into account the recommendations in the IER Report, where relevant and appropriate.

36. The proposed changes are essential to implementing the Prosecutor's commitment to enhancing the overall effectiveness and governance of the Office and ensuring that staff expertise and resources are properly allocated and harnessed in an optimal workplace environment, and that the Office's core activities are conducted in accordance with the highest international standards that will withstand strict judicial scrutiny in the courtroom.

37. The Office has incorporated the Prosecutor's vision for change by maximizing flexibility in the use of staff funds and available posts where possible, in an effort to make optimal and efficient use of the existing human resources and services of the Office. Because of the nature of the Office's mandate and operations, the majority of the resources requested are staff related. In the 2022 proposed budget, total staff costs account for 91.6 per cent of the funds requested by the Office. In its 2021 submission, the OTP committed to leaving a number of previously approved posts unfilled or to fund them for a few months only, deliberately delaying recruitment to the last part of the year. These measures allowed for a reduction in staff costs that partially offset the United Nations Common System changes. For the 2022 proposed budget, however, these measures are not sustainable in the light of the increase in workload. Additional or changed positions are requested to support operations. These positions are central to the new Prosecutor's vision, reorganization and approach to prosecutorial performance, and are required to enhance OTP capacity. Wherever possible, the financial impact has been offset by the abolition of posts in the same area.

38. In relation to non-staff costs, the travel budget requested has been formulated considering several factors and requirements, in an attempt to find a balance between the need to safeguard the effectiveness of operations and the desire to minimize their financial impact. The Office has done so, firstly and most importantly, by minimizing the risks for the Office's staff involved in missions and for those interacting with its staff both at Headquarters and in the field; secondly, by ensuring that sufficient progress is made in the Office's operations, in particular in relation to the increased number of cases where a trial will be conducted in 2022 and to the investigations where prospects of issuing warrants of arrest and moving to the pre-trial stage are promising; and thirdly, by maximizing the value for money of the missions, benefitting from the measures devised and implemented during the pandemic. While the funds allocated to travel show an increase as compared to the 2021 approved budget, the amount requested is lower than the amounts approved in pre-pandemic years.

39. The increase in workload and in the number of activities also has an impact on the funds requested for other budget lines, such as in relation to the capacity of the Language Services Unit, and the provision of specific expert assistance in investigative and trial support activities (exhumations and forensic analysis, digital evidence corroboration, voice and facial recognition analysis for videos to be used as evidence, ballistic reports, etc.). The Court has made progress in the implementation of a common platform for the administration of training through e-learning tools. The new tools that the Office is planning to deploy will also require specific training and funds. Finally, funds are requested for OTP-specific information management enhancements. The proposed programme will define and implement a strategy, which encompasses architectural enhancements, aimed at cloud-driven initiatives that will lay the groundwork for the OTP's transition to a cloud-based environment.

40. The OTP, together with the Registry, has continued to pay particular attention to finding the most effective and efficient ways to plan for activities, including those requiring the support of the Registry's functions. Benefitting from the experience gained in recent years and from the lessons learned in managing operations differently during the COVID-19 pandemic in particular, the OTP and the Registry have been able to identify alternative ways of performing certain activities, and thus generating savings.

41. The table below summarizes the net increase/decrease per major budget item:

Major Programme II Office of the Prosecutor	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	33,031.9	1,117.8	3.4	34,149.7
Other Staff Costs	11,200.2	1,643.7	14.7	12,843.9
Non-Staff Costs	3,102.7	1,232.5	39.7	4,335.2
<b>Total</b>	<b>47,334.8</b>	<b>3,994.0</b>	<b>8.4</b>	<b>51,328.8</b>

## G. Major Programme III: Registry

42. The proposed 2022 budget for the Registry amounts to **€83.58 million**, which represents an increase of **€7.79 million**, or **10.3 per cent**, over the 2021 approved budget of €75.78 million.

43. This is the first proposed increase for the Registry in four years, with overall decreases introduced in the 2019, 2020 and 2021 budgets. Being fully aware of the continuing serious effects of the COVID-19 pandemic on the economies of the Court's States Parties, the Registry has redoubled its efforts to present a budget for 2022 that ensures that the essential judicial and prosecutorial operations can take place within the most sensible, efficient and minimal budget possible.

44. The proposed increase is attributable to three main cost drivers:

a) Increase in judicial activity from two trials to four trials, which includes the scaling up from one courtroom team to two and a half courtroom teams in 2022 (€4.8 million) as well as the accompanying increase in legal aid (€2.1 million), and greater requirements to support victim-related activities (€0.5 million);

b) New investigative activities which entail, among others, additional costs for witness protection (€1.9 million); and

c) Introduction of the established post of Focal Point for Gender Equality as well as the consultancy costs for an ombudsperson (€0.3 million).

45. In 2022, the Registry is required to provide support for four trials through two and a half courtroom teams, leading to an increase of €4.8 million in requested resources. In 2021, two trials took place for which only one courtroom team was budgeted. In addition to the trials of *Al Hassan* and *Yekatom and Ngaïssona*, ongoing in 2021, the Registry will need to support two new trials during the course of 2022 following the confirmation of charges in *Abd-Al-Rahman* and *Gicheru* in July 2021, respectively. In other words, this means that additional courtroom capacity to support the doubled number of trials is unavoidable. Secondly, the pace of the already ongoing trials, *Al Hassan* and *Yekatom and Ngaïssona*, will accelerate in 2022, in different courtrooms and throughout the entire year. Thirdly, the expected return to a pre-pandemic operating environment in some respects during the course of 2022 implies that the Registry will not be able to continue benefitting from certain redeployments, such as security, in order to support courtroom activity to the extent that it has been able to in 2021.

46. There is also an increase in required support for victim-related activities in the amount of €0.5 million in the Office of Public Counsel for Victims and the Victims Participation and Reparations Section, whose workloads have significantly increased.

47. Likewise stemming directly from the increase in judicial activity is the corresponding increase in legal aid for the defence teams and victims' counsel (€2.1 million). The costs of

legal aid are applied according to the existing legal aid framework, as enshrined in the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court, by which the Registry is obliged to abide.

48. The second main underlying factor in the Registry's proposed increase is the support required for the OTP's investigations (€1.9 million), in large part due to the need to provide protection to an increased number of witnesses. There has been a 300 per cent increase in referrals for witness protection by the OTP, including in the *Said* and *Abd-Al-Rahman* cases during their pre-trial stage, which will lead to a corresponding increase in the services required of the Registry, irrespective of whether the charges are also confirmed in the *Said* case.

49. The third underlying factor is the introduction of the Focal Point for Gender Equality and an ombudsperson, which are two important Court-wide initiatives but are currently budgeted formally under the Registry budget (€0.3 million). The pressing and compelling need to address gender issues and gender equality at the Court has been underlined multiple times, including in the last staff engagement survey and the IER Report (Recommendation 15), and equally forms an essential part of the strategic plans for 2019-2021 of the Registry and of the Court. The need for the function of an ombudsperson at the Court has similarly been highlighted on a number of occasions including by the Independent Expert Review (Recommendation 118).

50. The proposed overall increase in the Registry's budget would have been higher had it not been for reductions, savings and efficiencies across the Registry in the total amount of €1.8 million, as detailed in the Registry narrative.

51. In conclusion, despite the total of €9.6 million in additional costs required to support four trials -two new trials and two ongoing trials continuing at an accelerated pace- through two and a half courtroom teams and legal aid for defence and victims, provide support for victim-related activities and investigations, and enable two important Court-wide initiatives, namely the Focal Point for Gender Equality and the ombudsperson, the Registry has nonetheless managed to produce a significantly reduced total increase of €7.8 million thanks to its utmost efforts to find reductions, savings and efficiencies in its continuous aim for budgetary self-discipline.

Major Programme III Registry	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	47,321.9	1,007.9	2.1	48,329.8
Other Staff Costs	4,310.4	4,123.6	95.7	8,434.0
Non-Staff Costs	24,151.7	2,663.4	11.0	26,815.1
<b>Total</b>	<b>75,784.0</b>	<b>7,794.9</b>	<b>10.3</b>	<b>83,578.9</b>

## H. Major Programme IV: Secretariat of the Assembly of States Parties

52. The proposed 2022 budget for Major Programme IV amounts to **€3.18 million**, which represents a net increase of **€338.6 thousand (11.9 per cent)** over the 2021 approved budget of €2.84 million. This increase in resources is mainly due to a number of costs contained in the 2022 budget, including the costs associated with holding the twenty-first session of the Assembly in The Hague,<sup>9</sup> a two-day session of the Advisory Committee on Nominations of Judges and the increase in the annual fees for the external auditor. Some savings were attained through a combination of measures, including adjustments of staff resources, with a view to meeting the actual needs of the Secretariat in a flexible manner while bearing in mind efficiency considerations and synergy effects.

<sup>9</sup> The full cost of renting conference rooms for the 2022 session of the Assembly is included in the request under contractual services.

Major Programme IV Secretariat of the ASP	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	1,217.4	(86.8)	(7.1)	1,130.6
Other Staff Costs	693.8	(62.3)	(9.0)	631.5
Non-Staff Costs	925.8	487.7	52.7	1,413.5
<b>Total</b>	<b>2,837.0</b>	<b>338.6</b>	<b>11.9</b>	<b>3,175.6</b>

## I. Major Programme V: Premises

53. The proposed 2022 budget for Major Programme V remains unchanged from the 2021 approved budget of **€2.27 million**. The funds are required for preventive and corrective maintenance and for the replacement of building components that have reached the end of their useful lives (capital replacements). The proposal is in effect a reduction as it includes absorption of the expected 2.5 per cent price index increase in the facilities management industry in the Netherlands. This reduction will be implemented by continuing to replace only vulnerable elements that have already broken down or show signs of imminent breakdown.

Major Programme V Premises	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	2,270.0	-	-	2,270.0
<b>Total</b>	<b>2,270.0</b>	<b>-</b>	<b>-</b>	<b>2,270.0</b>

## J. Major Programme VI: Secretariat of the Trust Fund for Victims

54. The proposed 2022 budget for the Trust Fund for Victims amounts to **€3.39 million**, which represents an increase of **€188.6 thousand**, or **5.9 per cent**, as compared to the 2021 approved budget of €3.20 million.

55. The Trust Fund's increasing workload will be addressed by internal flexibility and efficiency measures, including in the working relationship with the Registry. The focus of the Trust Fund's work in 2022 will be on implementing reparations in five cases and raising the resources required to complement reparations awards and extending ongoing assistance programmes as approved by the Board of Directors of the Trust Fund for Victims.

56. The requested additional resources relate to the above-mentioned priority areas of reparations and fundraising, including raising the visibility of the Trust Fund through social media and seeking partnerships with international and non-governmental organizations for the benefit of victims. Increasingly, various donors and earmarking also require that the Trust Fund enhance its fund management activities and focus resources on internal and external financial and narrative reporting. The limited additional resources requested will therefore allow the Trust Fund to be responsive in its strategy and mandates.

Major Programme VI Secretariat of the Trust Fund for Victims	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	1,164.6	195.9	16.8	1,360.5
Other Staff Costs	1,722.4	(63.4)	(3.7)	1,659.0
Non-Staff Costs	312.6	56.1	17.9	368.7
<b>Total</b>	<b>3,199.6</b>	<b>188.6</b>	<b>5.9</b>	<b>3,388.2</b>

## K. Major Programme VII-2: Permanent Premises Project – Host State Loan

57. The proposed 2022 budget for Major Programme VII-2 amounts to **€3.59 million**, which is equal to the 2021 approved budget. Major Programme VII-2 manages the payment of interest on the Host State Loan, which must be paid to and received by the host State on the due date (i.e. on or before 1 February of each calendar year).<sup>10</sup> Repayment of the loan began following the surrender of the interim premises leases on 30 June 2016. Capital and interest owed for the period from 1 January to 31 December 2021 will be payable on or before 1 February 2022.

Major Programme VII-2 Host State Loan	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	-	-	-	-
Host State Loan	3,585.1	-	-	3,585.1
<b>Total</b>	<b>3,585.1</b>	<b>-</b>	<b>-</b>	<b>3,585.1</b>

## L. Major Programme VII-5: Independent Oversight Mechanism

58. The proposed 2022 budget for the Independent Oversight Mechanism amounts to **€874.2 thousand**, which represents an increase of **€134.7 thousand**, or **18.2 per cent**, as compared to the 2021 approved budget of €739.5 thousand. The Independent Oversight Mechanism was established by the Assembly at its eighth session, in accordance with article 112(4) of the Rome Statute, to provide independent, effective and meaningful oversight of the Court through the conduct of investigations, evaluations and inspections. The increase in the requested amount reflects an increase in staff costs as a result of the request for one additional investigator position.

Major Programme VII-5 Independent Oversight Mechanism	2021 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Staff Costs	526.4	0.2	0.0	526.6
Other Staff Costs	158.0	133.7	84.6	291.7
Non-Staff Costs	55.1	0.8	1.5	55.9
<b>Total</b>	<b>739.5</b>	<b>134.7</b>	<b>18.2</b>	<b>874.2</b>

## M. Major Programme VII-6: Office of Internal Audit

59. The proposed 2022 budget for the Office of Internal Audit amounts to **€775.0 thousand**, which represents an increase of **€22.3 thousand**, or **3.0 per cent**, as compared to the 2021 approved budget of €752.7 thousand. The requested resources will enable the Office to contribute to the achievement of the Court's strategic and operational objectives by providing assurance to management on the effectiveness and efficiency of governance, internal control frameworks and risk management through (at least nine) audits and advisory work.

60. The increase in resources is due to contractual services to upgrade TeamMate AM, the internal audit software that has been in use for more than 10 years. The scope of the external consultant's work will be the business-side preparation for the upgrade to TeamMate+, including planning, configuration, training, testing and deployment. The Information Management Services Section will cover the expenditures associated with licences and handle the technical aspect of the upgrade.

<sup>10</sup> Loan agreement between the State of the Netherlands (Ministry of Foreign Affairs) and the International Criminal Court, dated 23 March 2009, para. 6.1.

<b>Major Programme VII-6 Office of Internal Audit</b>	<i>2021 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2022 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	583.3	3.2	0.5	586.5
Other Staff Costs	133.5	(1.2)	(0.9)	132.3
Non-Staff Costs	35.9	20.3	56.5	56.2
<b>Total</b>	<b>752.7</b>	<b>22.3</b>	<b>3.0</b>	<b>775.0</b>