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

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I. Introduction

A. Opening of the session, election of officers and adoption of the agenda

1. The twelfth session of the Committee on Budget and Finance (“the Committee”) was convened in accordance with a decision of the Assembly of States Parties (“the Assembly”) taken at the 7th plenary meeting of its seventh session on 21 November 2008. The Committee held its twelfth session, comprising nine meetings, at the seat of the Court in The Hague, from 20 to 24 April 2009. The President of the Court, Mr. Sang-hyun Song, delivered welcoming remarks at the opening of the session.

2. For the twelfth session, the Committee elected by consensus Mr. Santiago Wins (Uruguay) as Chairperson and Mr. Ugo Sessi (Italy) as Vice-Chairperson, in accordance with rule 10 of its Rules of Procedure. In accordance with rule 13, the Committee appointed Mr. Masud Husain (Canada) as Rapporteur.

3. The Committee on Budget and Finance recognized the former Chairperson, Mr. David Dutton (Australia), for his excellent work and contribution to the Committee.

4. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and its Director, Mr. Renan Villacis, acted as Secretary of the Committee.

5. At its 1st meeting, the Committee adopted the following agenda (ICC-ASP/8/CBF.1/L.1):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Participation of observers
5. Organization of work
6. Programme performance of the 2008 budget
7. Programme performance of the 2009 budget: first quarter
8. Audit matters
9. Human resources
10. Implications of the global financial crisis
11. Review of administrative procedures
12. Independent oversight mechanism
13. Legal aid
14. Family visits
15. Premises of the Court
16. Procurement
17. Other matters

6. The following members attended the twelfth session of the Committee:

1. David Banyanka (Burundi)
2. Carolina María Fernández Opazo (Mexico)
3. Gilles Finkelstein (France)
4. Masud Husain (Canada)
5. Shinichi Iida (Japan)
6. Juhani Lemmik (Estonia)
7. Rosette Nyirinkindi Katungye (Uganda)
8. Gerd Saupe (Germany)
9. Ugo Sessi (Italy)
10. Elena Sopková (Slovakia)
11. Santiago Wins (Uruguay)

7. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

B. Participation of observers

8. The Committee accepted the request of the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee invited the Coalition for the International Criminal Court to make a similar presentation at its next session.

II. Consideration of issues on the agenda of the Committee at its twelfth session

A. Review of financial issues

1. Status of contributions

9. The Committee reviewed the status of contributions as at 23 April 2009 (annex I). The Committee welcomed that the outstanding contributions from the previous financial periods had been reduced to a total of €483,369 compared to €2.56 million in April 2008. However, the Committee expressed concern that, as at 31 March 2009, only 55.8 per cent of the 2009 contributions had been paid, compared to 64.7 per cent in 2008, and that only 48 States had fully paid all their contributions. The Committee noted that, as the Court moves towards a 100 per cent implementation rate, the timely payment of assessments will be increasingly important for the Court's ability to implement its programmes. The Committee encouraged all States Parties to make best efforts to ensure that the Court has sufficient funds throughout the year, in accordance with regulation 5.6 of the Financial Regulations and Rules.

2. Cash holdings

10. The Committee was informed that, as at 21 April 2009, the Court held approximately €74.2 million. This included cash for the Working Capital Fund (€7.4 million) and the Contingency Fund (€9.2 million).

B. Audit matters

11. The Committee welcomed the measures taken by the Court, pursuant to the request of the Assembly at its seventh session,¹ to revisit the Terms of Reference of the Audit Committee, with a view to aligning its composition more closely with the model recommended by the Committee and the External Auditor. In this regard, the Court informed the Committee that the Terms of Reference were being revised to provide, inter alia, that the Audit Committee would be comprised of a majority of external members and would play a purely advisory role, thereby obviating the need for a veto for the President and the Prosecutor. **The Committee noted that neither the Charter for Internal Audit nor the Presidential Directive ICC/PRES/D/G/2008/001, dated 4 August 2008, relating to the Audit Committee yet reflected the proposed changes to the Audit Committee, and requested that they be updated.**

12. As regards the appointment of external members, the Court informed the Committee that, while one external member, Mr. David Dutton (Australia), had been appointed, the Court continued to face challenges in attracting additional external members with the relevant expertise. The Committee encouraged the Court to continue its efforts to identify the other external members.

13. With regard to the costs associated with the participation of external members, the Committee recalled its previous discussion on the importance of attracting competent external members, which included a consideration of the rates paid to external consultants.² In this regard, the Committee noted that the Court covered the costs associated with external members' participation in meetings, i.e. travel and daily subsistence allowance (DSA), as well as the payment of €1,000 per meeting, which related to the preparatory work of the members. The Court was considering the possibility of holding meetings via video-conferencing, in order to reduce the costs of the participation of the external members. The Committee queried whether the payment of €1,000 per meeting would also apply in this case.

14. The Internal Auditor informed the Committee that she had presented to the Audit Committee the results of the audits which she had conducted on general procurements and on the Secretariat of the Trust Fund for Victims. Furthermore, she informed the Committee that she was currently conducting an audit of general temporary assistance (GTA).

15. Furthermore, the Internal Auditor informed the Committee about her audit plans for the coming three years. **The Committee requested the Internal Auditor to make available those work plans, in accordance with the relevant communication protocols of the Court and the Financial Regulations and Rules.**

C. Budgetary matters

1. Programme performance of the 2008 budget

16. The Committee considered the report on programme performance of the International Criminal Court for the year 2008.³ The Committee noted that the overall implementation rate had been 93.3 per cent.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, para. 6.

² *Ibid.*, vol. II, part B.1, para. 19.

³ Report on programme performance of the International Criminal Court for the year 2008 (ICC-ASP/8/7).

17. The Committee welcomed the improved implementation rate of the 2008 programme budget as an indication of the increasing maturity of the institution. Nevertheless, the Committee observed that the implementation of the Court's budget did not always correspond to the realization of the underlying assumptions (see annex II). It noted for example, that overspending had occurred in a number of areas, including, inter alia, general temporary assistance and equipment.

18. The Court explained that some of the gap between assumptions and implementation resulted from factors related to judicial proceedings such as the stay in the Lubanga trial. For example, the infrastructure for the trial had to remain in place so that the trial could continue once the stay was lifted. The Committee accepted that the activities of the Court were, to a certain extent, contingent upon external factors. However the Committee noted that a risk of overspend may have resulted if the assumptions had been fully realized.

19. The Committee recommended that, as the Court increased in experience and maturity, the link between assumptions and implementation should be reinforced. Hence, it recommended that the Court include in its annual programme performance report a segment on the realization of the assumptions set for that year and an indication of any additional activities that had not been initially foreseen.

20. In reviewing the inventories of the Court for 2008, the Committee observed that the Court had not established a procedure for monitoring the quantity, location and status of its inventories. **Consequently, the Committee requested the Court to include the outcome of its annual inventories in the programme performance report of the respective years.**

2. Performance of the 2009 budget (first quarter)

21. The Committee considered the report on budget performance of the International Criminal Court for the year 2009 (first quarter).⁴ The Committee noted that the Assembly, while adopting the programme budget of €101,229,900, had provided for assessments of only €96,229,900 with the mandate for the Registrar to seek efficiencies before accessing the Working Capital Fund for the remaining amount.

22. In this regard, the Committee raised concerns that the Court had spent 32.3 per cent of its 2009 programme budget by the end of the first quarter. The Court explained that a number of costs were now due at the beginning of the year, such as judges' pension and other contractual services. The Court also informed the Committee that it was undertaking measures to seek efficiencies and had implemented a system that would not allow the expenditure of more than 95 per cent of the budget without authorization.

23. The Committee welcomed this measure, **encouraged the Court to continue seeking efficiencies and noted that it would return to this issue at its next session.**

3. Budget assumptions for 2010 and beyond

24. The Committee received an oral presentation on the budget assumptions for 2010 and the main challenges regarding its preparation.

25. The Committee was informed that a number of issues could have an impact on the budget for 2010 and subsequent years. For example, the Court informed the Committee that, in 2008, the United Nations salary scale had increased the salaries of general service staff by 4.9 per cent and increased the post adjustment amount by 6.25 per cent for professional staff.

⁴ Report on budget performance of the International Criminal Court as at 31 March 2009 (ICC-ASP/8/12).

Moreover, the Court informed the Committee that this increase was automatically processed into the Court's salaries and would represent an additional €2.6 million in the 2010 budget.

26. The Court further noted that the improvements in recruiting would have an impact on the vacancy rate that should be applied to the budget. The Court also advised that it may not be able to absorb the total cost of training at €750,000.

27. The Court stated that there were delays in cooperation from States Parties that could have negative implications for future programme budgets. For example, delays in responding to requests for assistance in relation to witness relocation and protection could add to the costs of the Court's protection system and might result in a prolongation of proceedings. **The Committee invited the Court to further analyze the financial impact of such delays and to report to the Committee at its next session.**

28. In the mid-term, the Court noted that a number of significant extra-expenses would have to be addressed such as capital investment replacement for which no amortization had been provided, the costs associated with moving to new permanent premises, and the payment of rent for the interim premises starting in mid-2012. For the 2010 budget, the Court expected that zero growth in real terms, excluding inflation for non-staff costs, would amount to approximately €104.7 million.

29. For the 2010 budget, the Committee received the explanations of the Court salary increases. In light of the current global financial crisis and the already good conditions of service within the Court, **the Committee recommended that the Court review the framework for providing such salary increases and report to the Committee at its next session. The Committee further reiterated its challenge to the Court to finance new activities from efficiency savings.**⁵

30. The Committee recognized that potentially significant costs, such as interim rent and costs associated with the permanent premises and capital investment, needed to be considered at an early stage and **recommended that the Assembly be seized of the matter. The Committee recommended that the potential future budget impact of accruing amortizations should be made transparent in future budgets. The Committee invited the Court to analyze the budgetary impact and to report to the Committee at its thirteenth session.**

31. As regards training, the Committee reiterated its full support for training activities which it considers as an investment in personnel. **However, due to the financial situation, the Committee recommended that the Court adopt a selective approach based on urgent priorities and inform the Committee at its next session.**

D. Implications of the global financial crisis

32. The Committee had before it the report by the Court entitled "Banking risk at the International Criminal Court".⁶

33. The Committee observed that the funds of the Court, in a value of €74.2 million, are currently deposited with four major financial institutions located in the Netherlands (see annex III). The Committee welcomed the fact that, despite the current financial crisis, the Court did not lose any funds and, in fact, registered earnings on its holdings. This demonstrated that the Court was concentrating its efforts on preservation of investment capital

⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, para. 56.

⁶ ICC-ASP/8/CBF.1/1.

instead of pursuing a high rate of return and was actively seeking ways to increase the security of these funds. In this connection, the Committee noted that one financial institution had provided the Court with a “comfort letter”, dated 19 February 2009, in which the institution pledged that all term deposits are secured according to the rules and regulations of the Dutch Central Bank. The Committee welcomed the Court’s initiatives to reduce the concentration and liquidity risk resulting from current practice. It agreed with the Court that, in light of the crisis, further risk mitigation should be achieved.

34. With regard to the proposal by the Court to establish an investment committee composed of two members of the Court and four external members, which would include one member of the Committee on Budget and Finance, to review the Court’s investments and make recommendations, the Committee observed the following:

35. While welcoming the involvement of the Committee in such an advisory body, it felt that its participation should be limited to that of an observer in order to avoid any possible conflicts of interest and preserve its role as an advisory body to the Assembly.

36. **The Committee requested the Court to further elaborate on the investment proposals contained in the report and to explore additional options.**

E. Procurement

37. The Committee had before it the document entitled “Report of the Court on procurement”.⁷ The Court informed the Committee that it had a policy and manual on procurement and that all the organs of the Court, as well as the independent offices, follow the same procurement procedures, which are centralized by the Procurement Department.

38. Regarding procurement in the field, the Committee was informed that programme managers in the field have the authority to procure goods and services up to an amount of €3,000. Any amount exceeding €3,000 was done at The Hague following the regular procurement process. In practice many of the purchases for the field offices were done as block purchases by the Court in The Hague.

39. The Committee was also informed that the Court participates in regular meetings with other international organizations in the Netherlands to share information about vendors and prices of products. Furthermore, the Court has conducted joint procurements with the European Union Judicial Cooperation Unit (“Eurojust”) in order to take advantage of economies of scale.

40. The Committee welcomed this cooperation and **invited the Court to consider methods for enhancing and institutionalizing it by, for example, including a larger number of multilateral organizations in The Hague such as Europol and the Special Tribunal for Lebanon, with a view to achieving greater economies of scale.**

41. The Committee addressed a concern as to whether the procedures and transparency of the Court’s procurement practices followed the best international practices and, in this connection, **recommended that the Office of Internal Audit continue to include procurement in its work plan.**

42. **The Committee requested the Court to submit on an annual basis a report on procurement. Furthermore, the Committee recommended that the Court consider shifting to an approach that solicits bids from a wider range of vendors, thus giving greater transparency to the process.**

⁷ ICC-ASP/8/13.

F. Review of administrative procedures

43. The Committee welcomed the “Status report on the Court’s investigations into efficiency measures for 2010”⁸ which set out the efforts made on, inter alia, the issue of centralizing the Court’s activities and the context of the Court’s strategic objective of becoming a non-bureaucratic institution. The Court informed the Committee that this exercise would involve all processes, cover all organs, and have clear connections with other strategic activities of the Court such as the current risk assessment project.

44. The Committee agreed with the Court that this strategy required concerted efforts by all organs, notwithstanding their specific responsibilities, to ensure coherent implementation throughout the Court. The Committee invited the Court to explain, in the context of the proposed programme budget for 2010, its existing coordination arrangements, and identify possible ways to strengthen them.

45. The Committee recalled its prior comments on the need for the Court to strive to finance its requirements through efficiency measures.⁹ The Court indicated that improving efficiency in administrative processes would take time as in many cases expenses were fixed in longer term obligations such as staffing, services contracts and other essential payments.

46. Nonetheless, the Committee suggested that the Court carefully consider areas for immediate efficiencies such as the necessity of the 21 vacant posts and the 65 posts under recruitment, especially if some of these posts had remained vacant over an extended period of time.

47. The Committee expressed its expectation that the proposed programme budget for 2010 would contain some quantifiable results of the exercise to improve efficiency measures through a review of the Court’s administrative procedures.

G. Independent oversight mechanism

48. The Committee heard a presentation by the facilitator of The Hague Working Group, Mr. Akbar Khan (United Kingdom), on the “Report of the Bureau on the establishment of an independent oversight mechanism”¹⁰ which contained ten recommendations.

49. The facilitator informed the Committee that The Hague Working Group had identified the need for an enhanced investigative capacity for the Court in order to ensure the credibility of the Court. It would constitute the first step in the establishment of the independent oversight mechanism envisaged in article 112, paragraph 4, of the Rome Statute, and would eventually expand to cover the other functions (inspection and evaluation of the Court). The scope of the proposed independent oversight mechanism would extend to elected officials, the staff of the Court, and contractors. Contractors, who were not subject to the Staff Rules and Regulations of the Court, would be bound by the standards set out in the respective contractual arrangements. As regards independence, the oversight mechanism would enjoy functional independence, would have *proprio motu* powers, would provide whistleblower protection and would be funded through a separate major programme. It would also report to the Assembly through the Bureau.

⁸ ICC-ASP/8/6.

⁹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, para. 56.

¹⁰ ICC-ASP/8/2 and Add.1.

50. The Committee was informed that the United Nations Office of Internal Oversight Services (OIOS) had indicated its readiness to provide support for the independent oversight mechanism, in its establishment and investigations, on a cost-recovery basis. With the support of OIOS, the Court would have the ability to build its in-house investigative capacity. It was proposed that the office of the independent oversight mechanism be staffed by a head at the P-5 level, with the support of another staff member at the P-1 or P-2 level.

51. The Committee appreciated the work accomplished by the facilitator in developing this proposal, which sought to strike a proper balance between operational and cost effectiveness. The Committee noted that representatives of the Court's Staff Union had also expressed concern with the current lack of a dedicated independent professional investigative capacity within the Court to deal with disciplinary issues and that this proposal would address those concerns.

52. In terms of the financial implications, **the Committee recommended that further consideration be given to options for financing the oversight mechanism with a view to reducing the proposed budget of €421,295. For example, the Committee suggested that the Bureau might explore with the Court the possibility of the secondment of a staff member of OIOS to the independent oversight mechanism, which would also ensure the independence of the seconded person. The Committee also suggested that the Court examine the possibility of financing one or both of the proposed positions through a redeployment of vacant positions or positions that are currently scheduled to be terminated at the end of the fiscal year. The Committee further recommended that closer examination be given to the initial costs of cooperation with OIOS to determine what core services would be required from OIOS.**

53. **Finally, the Committee recommended that, should the Assembly ultimately decide to establish the independent oversight mechanism, a monitoring system be established to ensure that the workload justified the existence of these positions over time.**

H. Human resources

54. The Committee had before it the "Report of the Court on human resources management"¹¹ which set out the human resources strategy and the implementation of its human resources objectives. The Committee also received data on the geographical and gender composition of staff of the Court (see annex IV). The Committee also held an informal meeting with Staff Union representatives.

55. The Committee welcomed the overall progress achieved in the area of human resources management. This was also demonstrated in a number of areas including the improvement in the relationship between Court management and the staff union.

Performance management

56. The Committee was informed that the Court had now implemented a performance management system that included a mandatory annual cycle for appraisals and mid-year reviews of individual staff performance, with a mandatory annual cycle for work planning at the divisional, sectional, unit and individual levels. The Court indicated that it regarded performance management as the foundation of the other human resources initiatives, policies, tools and training needs. It was working on improving the system of performance appraisals by, for example, providing staff with the opportunity for rebuttal and the introduction of a

¹¹ ICC-ASP/8/8.

continuous appraisal system and it was considering introducing a shorter form of appraisal for GTA staff.

57. The Committee welcomed the improvements in the Court's implementation of its performance management system. The Committee expressed the view that a well-functioning performance management system would contribute to the fair treatment and improved motivation of staff. **The Committee recommended that the Court set a time-frame for the conduct of performance appraisals of all staff and that it continue to explore improvements for this system.**

Contractual arrangements

58. The Committee was informed that the Court intended to develop criteria for contract extension and duration and noted that this measure would address staff concerns regarding lack of clarity on contract duration.

59. The Court indicated that it was in the process of considering internally the introduction of longer-term or continuing contracts, along the lines of the structure recommended by the International Civil Service Commission¹² regarding staff of the United Nations Secretariat. It informed the Committee that the World Health Organization had implemented these contractual arrangements in 2007. The introduction of this system of longer-term contracts would be subject to the availability of funds, the need for the post after five years and performance. The Court further indicated that a system of continuing and longer-term contracts would be manageable, even with its fluctuating staffing requirements, and that such contracts could be terminated when the need for the post ceased to exist or for reasons related to performance. The Court noted that the introduction of longer-term contracts would contribute to administrative efficiencies by reducing the administrative processes associated with the renewal of contracts.

60. The Committee noted that performance management, contract review and extension were part of an overall package of effective human resource management. **In that regard, the Committee recommended that the Court develop clear and consistent criteria upon which contract extensions would be based.**

61. Furthermore, the Committee recalled its discussion during its first session in 2003 where the use of fixed term contracts was adopted as a way of providing flexibility and staff motivation responding to the unique circumstances of the Court.¹³ **Therefore, the Committee recommended that a further evaluation be conducted of the different types of contracts (fixed term, continuous and permanent) and their applicability for the particular situation of the Court before proceeding with any changes to the current system.**

Use of general temporary assistance (GTA)

62. The Court informed the Committee that, in implementing the decision of the Assembly which requested the Court to regularize the use of GTAs and required the authorization of the Registrar, or the Prosecutor for GTAs within the Office of the Prosecutor, for the creation of any unapproved GTAs in 2009, the number of GTAs had decreased from 240 in November 2008 to 156 in April 2009. The Committee welcomed this achievement.

¹² General Assembly resolution A/RES/61/239.

¹³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Second session*, New York, 8-12 September 2003 (United Nations publication, Sales No. E.03.V.13), (ICC-ASP/2/10), part II, A.6, para. 24.

Career development and mobility

63. The Committee welcomed the career development objectives of the Court, and noted that a career path permitted staff the ability to progress to the next stage. The Committee noted that career development was closely linked to performance management, training and learning. The Committee further noted that the Office of the Prosecutor had established career paths for certain groups of staff e.g. analysts, investigators and trial lawyers.

64. As regards pay-based performance incentives, the Court indicated that it had not implemented this practice and noted that some other organizations in the common system had attempted to introduce this system, but without success. The Court would begin consideration of performance-based incentives in 2010, once the performance management system was firmly in place. The Committee cautioned that performance-based incentives, where they exist, are normally part of well-established human resource management systems and are not necessarily reserved exclusively to financial incentives. **The Committee recommended that further experience with the current performance management system in the Court should be obtained before implementing such an initiative.**

Learning and training

65. The Committee highlighted the importance of learning and training and noted that the Court had provided training in some areas e.g. performance management, teambuilding, communication skills. The Committee stressed the importance of ensuring that all staff receive appropriate training, subject to the availability of funds. The Court indicated that it recognized that investing in staff training was a key element for staff development and noted that the current stage in the development of the Court was an opportune moment for the Court to look more closely at this area. It had thus prepared proposals for leadership development and training.

66. **The Committee recommended that the Court identify priority areas for training and that it prepare long-term training plans and models such as a training for trainers system.**

Geographical distribution

67. The Committee was informed of the efforts of the Court to recruit staff from under-represented countries. **The Committee recommended that the Court consider options for increasing representation, such as enhancing contacts with representatives of these countries to promote awareness and advertising in local media and the possibility of targeted recruitment missions.**

Reclassifications

68. The Committee heard a briefing by one of its members on the work of the sub-group on reclassifications at the seventh session of the Assembly. The Committee reiterated its views that reclassifications should only be used in a justified change of duties and not as a career promotion tool.¹⁴

¹⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, annex IV, paras. 5 - 6.

Conditions of service for staff serving in the field

69. The Committee was informed that the Court was conducting a review of the conditions of staff in field offices and that the creation of a Field Service category for security staff was under consideration as the security staff in the current situation countries were not locally recruited and hence received the salary of Hague-based staff together with international benefits. The Court was considering the model of the United Nations Department of Peacekeeping Operations but noted that this category of staff might be abolished by the United Nations.

70. The Committee recommended exploring other options such as agreements with States that have experience in providing security in peacekeeping operations and which could provide the Court with experienced personnel at a lower cost rate than permanent personnel.

71. The Committee also received an oral presentation by the Registrar on the situation of the field offices and the options that the Court is considering in order to render the offices more effective, including a review of the level of the positions managing the offices to provide the individuals more leverage to deal effectively with the local authorities in the particular region. The Court noted that enhancing the field offices could have significant efficiency savings.

72. In the absence of a written report and the survey conducted by the Court, the Committee was not in a position to offer detailed recommendations. However the Committee noted a number of potential concerns that the Assembly may wish to keep under review.

73. For example, further consideration should be given to potential duration of a field office as the material and personnel infrastructure of an office can have significant cost implications depending on the number of situations that are opened. **In this regard appropriate consideration should be given to the role that the field offices are expected to play and how, at the conclusion of Court proceedings in a given area, any residual issues should be handled.**

74. In addition, the Court should be able to identify the budget lines that would be affected and quantify the savings that would result from the enhancement measures to allow a proper cost/benefit analysis. The Court should also be able to demonstrate that it could finance the enhancement measures through these savings in other budget lines.

E-recruitment

75. The Committee was informed that the Court had experienced some challenges in implementing the e-recruitment system, and that it had some concerns regarding security. After some tests, the Court expected to implement the e-recruitment system in the first week of June 2009.

Rate of turnover of staff

76. As regards the rate of staff leaving the Court, the Committee noted that a total of 64 staff members left the Court in 2008 resulting in a turnover rate of 12 per cent. The Court informed the Committee that the average turnover rate in the United Nations system was 7.5 per cent. The Committee was informed that the Court no longer conducted exit interviews as the Court considered such interviews could not be conducted in a meaningful way by Court staff. **The Court suggested that the function be outsourced to an external company that would assure anonymity and that would present aggregated data.**

Documentation

77. In relation to documentation for future sessions, **the Committee requested the Court to incorporate all information on human resources into a single comprehensive formal report.**

I. Legal aid

Legal aid (defence)

78. The Committee had before it the document entitled “Interim report of the Court on legal aid: alternative models for assessment of indigence”¹⁵ and heard a presentation by the facilitator of The Hague Working Group for the issue of legal aid in relation to the defence, Ms. Marie-Charlotte McKenna (Australia), on her discussion paper, dated 2 April 2009, containing alternatives to the method for calculating indigence for the purpose of legal aid for the defence.

79. While welcoming the information provided by the Court and the facilitator, the Committee observed that consultations within The Hague Working Group on the interim report, in particular on the recommendations contained therein, were continuing and that an initial exchange of views had taken place on 6 April 2009.

80. The Committee looked forward to the outcome of the discussion in the Working Group and encouraged the Court and the Working Group to further identify and analyze the budgetary implications of the system. The Committee agreed to continue its consideration of the issue at its thirteenth session, if necessary.

Legal aid (victims)

81. The Committee had before it the document entitled “Report of the Court on legal aid: Legal and financial aspects for funding victims’ representation before the Court”¹⁶ and heard a presentation by the facilitator of The Hague Working Group for the issue of legal aid for victims, Ms. Yolande Dwarika (South Africa), on the Working Group’s 30 March 2009 discussions. The facilitator indicated that the Working Group had no objection to the Court’s interpretation of rule 90 of the Rules of Procedure and Evidence and, further, that the Working Group was of the view that it did not seem feasible to have one lawyer per group of victims. In this regard, the Working Group recognized the need to balance meaningful participation for victims and the cost implications of such participation. She indicated further that the Working Group had welcomed the Court’s efforts to inform Chambers of the financial implications of judicial decisions, in accordance with the request of the Assembly at its seventh session.¹⁷

82. The Committee welcomed the information provided by the facilitator and the Court. While noting that the discussions in The Hague Working Group were still at a preliminary stage, **the Committee suggested that the Working Group integrate the cost implications of the different options as part of its consideration.**

83. In this regard, **the Committee also suggested that the Working Group continue to consider the possible uses of the Office of Public Counsel for Victims.**

¹⁵ ICC-ASP/8/4.

¹⁶ ICC-ASP/8/3.

¹⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part II, para. 13.

84. **Furthermore, the Committee also suggested that consideration be given to whether the salary range of a P-5 was really appropriate in order to ensure competent legal counsel for victims participation given the different role that such counsel play in the proceedings.**

85. The Committee looked forward to the outcome of the discussion in the Working Group and encouraged the Court and the Working Group to further identify and analyze the budgetary implications of the system. The Committee agreed to continue its consideration of the issue at its thirteenth session. The Committee noted that the full budget impact of legal aid for victims was only beginning to emerge. The proceedings of the Court had yet to reach the final reparations stage where victims would play a leading role. Moreover, the case law of the Court defining the scope of legal protection was still evolving. Future policy should be developed in parallel with a full costing of the measures proposed. **The Court should also develop scenarios showing the possible budgetary impact for the full cycle of the proceedings through to the final reparations stage.**

J. Family visits

86. The Committee had before it the “Report of the Court on the financial aspects of enforcing the Court’s obligation to fund family visits to indigent detained persons”¹⁸ as well as the decision by the Presidency of 10 March 2009.¹⁹ The Committee also heard a presentation by a facilitator of The Hague Working Group, Ms. Miia Aro-Sánchez (Finland), on her discussion paper and the status of considerations within The Hague Working Group.

87. The Committee recalled that the issue of funding for family visits was first identified at its ninth session in which the Committee was informed by the Registrar that “the decision (to fund family visits) represented a policy decision and had no precedent in the other criminal tribunals”.²⁰ The Committee noted that such funding “could become costly as the number of detainees increased in the future and recommended that the Assembly should consider the policy questions involved”. The Committee further recalled that, at its eleventh session, it “restated its view that the question of whether the Court should fund family visits for indigent detainees was a political one to be decided by the Assembly” and that “the Committee was aware that the Assembly would consider the substantial and long term financial implications of this question for the Court’s budget and the precedent it would set”.²¹

88. The Committee noted that, at its seventh session, the Assembly had decided that further discussions were necessary in order to facilitate a policy decision on the issue of financial assistance for family visits to persons detained on remand by the Court, as well as, in case of the adoption of such a policy, the specific conditions for its implementation. The Assembly had invited the Court to engage in a constructive dialogue with States Parties on this issue in a timely manner, allowing for a proper review by the Committee on Budget and Finance at its twelfth and thirteenth sessions and for a decision to be taken at the eighth session of the Assembly.²²

¹⁸ ICC-ASP/8/9.

¹⁹ ICC-RoR-217-02/08, reclassified as public on 24 March 2009.

²⁰ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B. 2, para. 67.

²¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, para. 67.

²² *Ibid.*, vol. I, part III, resolution ICC-ASP/7/Res.3, para. 18.

89. Furthermore, the Assembly had agreed, on an exceptional basis and limited to 2009 only, to allow the Court to fund family visits up to the amount of €40,500 in accordance with the 2009 programme budget, subject to some caveats.²³

90. The Committee was informed that, a confidential *ex parte* application by Mr. Ngudjolo Chui, detained in the Detention Unit since 2008 had been made to the Presidency of the Court, challenging the Registrar's decision to fund only three family visits of two persons or two family visits of three persons in 2009 which would preclude a visit with one of his children.

91. The Presidency in its decision of 10 March 2009 ("the Decision") granted this application and stated that "notwithstanding the lack of such recognition (of a general right to funded family visits in the texts of the Court or in international human rights instruments) in the instant case, a positive obligation to fund family visits must be implied in order to give effect to a right which would otherwise be ineffective in the particular circumstances of the detainee. As such, in determining that there is no positive obligation to fund family visits in particular circumstances of the detainee, the Registrar erred in law".²⁴

92. In the light of the above finding, the Presidency instructed the Registrar to ensure that provision is made for the funding of family visits to indigent detained persons in the budget of the Court: "Although funding through the budget may be supplemented by funding from alternative sources if available, the primary responsibility for funding lies with the Court."²⁵ Notwithstanding this responsibility, the Presidency also found that "the obligation cannot create an entitlement to unlimited funded family visits".²⁶ The Presidency holds that the obligation to fund can legitimately be restricted by the resource constraints faced by the Court, to the extent that the right to family visits is still rendered effective.²⁷ In this respect, the Registrar is expected to apply a balancing test in order to strike a fair balance between safeguarding resources and ensuring that family links are maintained.²⁸

93. The facilitator of The Hague Working Group indicated that the consideration of this issue in light of the Presidency's decision was still at an early stage, since the decision had only been made public on 24 March 2009.

94. The Committee noted that its technical expertise was limited to the financial considerations of the issue. The Committee recalled that Financial Regulation 4.1 provided that "The appropriations adopted by the Assembly of States Parties shall constitute an authorization for the Registrar to incur obligations and make payments for the purposes of which the appropriations were adopted and up to the amounts adopted."²⁹ From this perspective, the Committee was of the view that, given the detailed and explicit consideration of this issue by the Assembly at its seventh session, regulation 4.1 would preclude the Registrar from exceeding the amount authorized for this item (€40,500) in 2009 as adopted by the Assembly at its seventh session or from changing the terms and conditions of the authorization without its approval. **The Committee recommended that the Registrar determine whether these terms and conditions would place her in the position of not being able to comply with the 10 March 2009 decision in its entirety, and for the sake of transparency, advise the Chair of the Committee and the facilitator of The Hague**

²³ Ibid., vol. I, part II, para. 15.

²⁴ Decision ICC-RoR-217-02/08, para. 37.

²⁵ Ibid., para 41.

²⁶ Ibid., para. 42.

²⁷ Ibid.

²⁸ Ibid., para. 51.

²⁹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II. D.

Working Group of her determination. If the Registrar determines that she may have conflicting obligations, the Committee recommended that the Registrar raise this issue with the Bureau of the Assembly as a matter of priority.

95. The Committee reiterated its view that a decision to fund family visits from the Court's budget could have serious and long-term financial implications that the Assembly would have to consider under its authority pursuant to article 112, paragraph 2 (b), of the Rome Statute to "consider and decide the budget for the Court".

96. In order to generate greater certainty with respect to the Assembly's authority to determine the financial terms and conditions of a policy decision on this issue, **the Committee suggested that the Assembly may wish to consider using its amending power under the Rome Statute, for example, by amending regulation 179, paragraph 1, of the Regulations of the Registry to make clear that the regulations do not imply or create a legal right to the funding of visits.** This may help ensure that the Assembly can consider the whole range of policy options from full funding of visits for all immediate family members in both pre-trial and post-trial detention to a decision to providing no funding for family visits through the regular budget.

97. With respect to the consideration of a policy decision, the Committee noted that the Assembly should consider carefully the financial implications of the scope and criteria that could be applied. Given the early stage of the policy consideration within The Hague Working Group, the Committee agreed to continue its consideration of this issue at its thirteenth session.

K. Premises of the Court

Permanent premises

98. The Committee had before it the "Report on the activities of the Oversight Committee"³⁰ and welcomed the presentation by the Chairperson of the Committee, H.E. Mr. Lyn Parker (United Kingdom of Great Britain and Northern Ireland), in which he provided information on issues related to the selection of an architect and the financing of the project.

99. As regards the latter, the Committee noted with satisfaction that the Court and the host State had concluded the agreements for the implementation of the host State loan on 23 March 2009.

100. As regards the financing scheme, the Committee noted that the Court had sent a letter, dated 9 April 2009, to all States Parties, inviting them to inform the Registrar, in accordance with annex III of resolution ICC-ASP/7/Res.1, of their possible intention to select the option of a one-time payment of their assessed share by 30 June 2009.

101. The Chairperson of the Oversight Committee indicated that the Committee was in the process of reviewing the recommendations of the Project Board with regard to the continuation of negotiations with the first-prize winner of the architectural design competition and that a decision on the matter would be taken at the next meeting of the Committee, scheduled to take place on 24 April. On the basis of the outcome of these negotiations, a final decision on the selection of an architect was expected to be taken by the Oversight Committee in mid-2009.

³⁰ ICC-ASP/8/9.

102. As regards the timeline, the Committee was informed that the project was three months behind schedule, but that this delay was considered to be acceptable in light of the crucial phase of the project and possible long term impacts of certain decisions to be taken.

103. The Court highlighted that it foresaw the need to increase its in-house capacity to be able to provide its input as user into the permanent premises project over the coming period and sought the views on the Committee on where to place the resource proposals within the future proposed programme budget. The Committee recalled its previous observations with regard to the pooling of resources³¹ and need for the Court to operate within existing resources to the maximum extent possible.³² The Committee observed that any requests for additional resources should be included in the proposed programme budget for 2010 and be duly justified.

Interim premises

104. The representative of the host State, H.E. Mr. Paul Wilke, informed the Committee that the Haagse Veste building provided under the terms of the Headquarters Agreement had been handed over to the Court in December 2008. The Court indicated that 275 workstations had been installed in the Haagse Veste building, planning had been completed within the Court regarding the different programs that would be relocated there, and that many of the staff of these programmes were in fact housed in the Haagse Veste. Ambassador Wilke confirmed that the Court staff that had been temporarily housed in the Hoftoren building had been relocated to either the Arc building or the Haagse Veste.

105. The Committee was informed that when the agreement between the host State and the Court relating to rent-free interim premises expired in mid-2012, the Court would incur rental costs for one and a half years, until the completion of the permanent premises in 2014. The host State indicated that the estimated rental costs in 2011 for the Arc and the Haagse Veste in total would be €6,184,032. In 2012, following the expiry of the rent-free period, the Court's pro rata share of the rent for the interim premises would be €3,181,258, increasing to an estimated €6,362,516 in 2013. Ambassador Wilke confirmed that the repayment of the loan for the permanent premises would not commence until the Court had relocated to those premises to avoid placing the Court in a situation where it would be paying both interim rent and loan repayments, although interest on the host State loan would continue to accrue.

106. **The Committee anticipates the Court's collaboration in providing adequate space in the interim premises for all the temporary staff of the Secretariat of the Assembly of States Parties who are required to participate in the upcoming work of the Assembly.**

L. Other matters

1. "Contamination" of judges

107. The Committee received a copy of the letter of the President of the Assembly to the President of the Court, dated 9 April 2009, expressing the concerns of the Bureau at the manner in which the Appeals Division had been composed by the plenary of judges. The Committee also received an informal paper from the Presidency on the matter.

³¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B. I, paras. 54 - 57.

³² *Ibid.*, part B.2, para. 51.

108. The Committee recalled that as of its eighth session, it had “agreed that, before any further proposals were made to increase the provision of legal support in Chambers, the Court should provide a revised staffing structure.”³³ The Committee expressed concern with the financial implications that the composition of the Appeals Division could have in terms of the amount of work the two “contaminated” judges may be able to engage in over the next few years, as well as the impact on any legal officers working with these judges. **The Committee requested that a detailed report outlining the scope of the issues, the potential costs for major programme I and the impact on the establishment of efficiency measures within the Court be provided along with a revised staffing structure prior to its next session.**

2. Contingency Fund

109. At its seventh session, the Assembly had approved the extension of the Contingency Fund indefinitely and had further decided to maintain the Contingency Fund at its current level for 2009. The Assembly had also requested the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund, including the three options identified by the Committee on Budget and Finance in the report on the work of its eleventh session,³⁴ with a view to making recommendations to the Assembly at its eighth session.³⁵

110. The facilitator of The Hague Working Group for the issue of the Contingency Fund, Ambassador Călin Fabian (Romania), requested an informal opinion of the Committee on Budget and Finance on:

- a) The possibility of integrating the Working Capital Fund with the Contingency Fund and the replenishment of the Fund thus created;
- b) The Committee’s confirmation that the adaptation of the current Working Capital Fund level to a higher budget would not lead automatically to higher contributions of the State Parties, as the Working Capital Fund is alimented by the incoming national contributions according to the scale of assessment and the contributions flowing to the Working Capital Fund are credited against the national assessments; and
- c) Information and/or comments concerning the Court’s use so far of the Contingency Fund.

111. The Committee observed that the discussions in the Working Group were continuing. Consequently, the Committee agreed to only provide some preliminary observations and to enter into an in-depth discussion of the matter at its thirteenth session.

112. The Committee recalled that at its eleventh session it had put forward three options for the replenishment of the fund. **The Committee requested the Court to explore these options, as well as possible additional options, and to report on the outcome therefore to the Working Group and the Committee well in advance of the thirteenth session of the Committee.**

113. The Court informed the Committee that the Contingency Fund had not been used.

³³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.1, para. 73.

³⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, paras. 137 -141.

³⁵ *Ibid.*, vol. I, part III, resolution ICC-ASP/7/Res.4, part E.

3. Working methods of the Committee

114. Given the increasing amount of issues on its agenda, the Committee decided to review its working methods with a view to improving the efficiency of its meetings and ensuring adequate time to deliberations. In that regard, the Committee decided to explore measures such as encouraging the oral presentations of formal reports to focus on developments subsequent to the issuance of the reports under consideration and areas for recommendations. The Committee also decided to explore the use of informal sub-groups on specific themes³⁶ to identify and prepare issues prior to the formal meetings. The Committee noted that, should the work load continue to increase, it may become necessary to add extra days to a session or possibly hold an extra session.

4. Status of documentation

115. The Committee noted that the issue of late documentation has been raised repeatedly since its sixth session.³⁷ While some improvement had been made for the twelfth session, the Committee noted that it had not received a number of Court documents within the required three week period or in the proper format, particularly with respect to the working languages of the Court.

116. The Committee stressed anew the importance of receiving formal court documentation three weeks prior to its sessions in both working languages in order to allow Committee members to have adequate time for preparation. **The Committee urged the Court to take appropriate measures to identify the causes for the late issuance of documents and to rectify the situation.**

5. Dates for the thirteenth session of the Committee

117. The Committee decided to hold its thirteenth session in The Hague from 24 August to 1 September 2009.

³⁶ Such as legal issues (witnesses, victims, legal aid); budget performance and financial audit matters; assessments and arrears; human resources; premises; and detention.

³⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.1, paras. 9-10 and part B.2, paras. 142-143.

Annex I

Status of contributions as at 23 April 2009

	States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2009 Assessed Contributions	2009 Contributions Received	2009 Outstanding Contributions	Total Outstanding Contributions
1	Afghanistan	11,413	9,871	1,542	1,433	-	1,433	2,975
2	Albania	39,123	39,123	-	8,595	6,980	1,615	1,615
3	Andorra	46,458	46,458	-	11,460	9,314	2,146	2,146
4	Antigua and Barbuda	19,372	19,372	-	2,865	2,328	537	537
5	Argentina	5,487,118	5,487,118	-	465,575	90,824	374,751	374,751
6	Australia	12,770,962	12,770,962	-	2,559,947	2,080,521	479,426	479,426
7	Austria	6,705,888	6,705,888	-	1,270,662	1,032,692	237,970	237,970
8	Barbados	70,777	70,776	-	12,893	10,478	2,415	2,415
9	Belgium	8,309,292	8,309,292	-	1,578,658	1,283,007	295,651	295,651
10	Belize	7,645	7,645	-	1,433	462	971	971
11	Benin	12,343	12,343	-	1,433	6,301	(4,868)	(4,868)
12	Bolivia	59,350	51,277	8,073	8,595	-	8,595	16,668
13	Bosnia & Herzegovina	32,402	32,402	-	8,595	6,986	1,610	1,610
14	Botswana	96,413	96,413	-	20,056	92	19,964	19,964
15	Brazil	10,225,653	10,154,571	71,082	1,254,904	-	1,254,904	1,325,987
16	Bulgaria	136,354	136,354	-	28,651	23,285	5,366	5,366
17	Burkina Faso	12,958	11,703	1,255	2,865	-	2,865	4,120
18	Burundi	6,022	1,489	4,533	1,433	-	1,433	5,966
19	Cambodia	12,343	12,343	-	1,433	1,165	268	268
20	Canada	21,837,322	21,837,322	-	4,264,669	3,465,985	798,684	798,684
21	Central African Republic	7,645	2,324	5,321	1,433	-	1,433	6,754
22	Chad	2,949	-	2,949	1,433	-	1,433	4,382
23	Colombia	1,047,810	1,047,810	-	150,417	72,233	78,184	78,184
24	Comoros	3,215	-	3,216	1,433	-	1,433	4,649
25	Congo	6,388	5,504	884	1,433	-	1,433	2,317
26	Cook Islands	336	-	336	1,433	-	1,433	1,769
27	Costa Rica	229,096	229,096	-	45,841	2,712	43,129	43,129
28	Croatia	322,465	322,465	-	71,627	58,212	13,415	13,415
29	Cyprus	312,315	312,315	-	63,032	293	62,739	62,739
30	Democratic Republic of the Congo	23,556	23,556	-	4,298	1,690	2,608	2,608
31	Denmark	5,571,797	5,571,797	-	1,058,646	331,536	727,110	727,110
32	Djibouti	7,449	4,606	2,843	1,433	-	1,433	4,276
33	Dominica	7,645	5,134	2,511	1,433	-	1,433	3,944
34	Dominican Republic	146,903	76,400	70,503	34,381	-	34,381	104,884

	States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2009 Assessed Contributions	2009 Contributions Received	2009 Outstanding Contributions	Total Outstanding Contributions
35	Ecuador	154,877	154,877	-	30,083	-	30,083	30,083
36	Estonia	102,311	102,311	-	22,921	18,628	4,293	4,293
37	Fiji	27,636	21,333	6,303	4,298	-	4,298	10,601
38	Finland	4,160,519	4,160,519	-	807,952	656,639	151,313	151,313
39	France	47,181,285	47,181,285	-	9,026,429	5,378,079	3,648,350	3,648,350
40	Gabon	68,953	46,202	22,751	11,460	-	11,460	34,211
41	Gambia	7,645	7,645	-	1,433	-	1,433	1,433
42	Georgia	21,275	21,275	-	4,298	3,493	805	805
43	Germany	66,674,377	66,674,377	-	12,286,888	5,000,342	7,286,546	7,286,546
44	Ghana	31,201	31,201	-	5,730	7,136	(1,405)	(1,405)
45	Greece	4,253,138	4,253,138	-	853,793	693,895	159,899	159,899
46	Guinea	16,335	3,758	12,577	1,433	-	1,433	14,010
47	Guyana	6,022	6,022	-	1,433	2,954	(1,521)	(1,521)
48	Honduras	38,072	23,451	14,621	7,163	-	7,163	21,784
49	Hungary	1,307,766	1,307,766	-	349,540	58,185	291,355	291,355
50	Iceland	268,189	268,189	-	53,004	15,699	37,305	37,305
51	Ireland	2,922,060	2,922,060	-	637,480	518,093	119,387	119,387
52	Italy	38,039,636	38,039,636	-	7,275,866	5,913,247	1,362,619	1,362,619
53	Japan	24,772,011	24,772,011	-	21,170,578	645,914	20,524,664	20,524,664
54	Jordan	85,201	85,201	-	17,190	13,971	3,219	3,219
55	Kenya	51,137	51,137	-	14,325	11,642	2,683	2,683
56	Latvia	120,446	120,446	-	25,786	20,957	4,829	4,829
57	Lesotho	7,645	7,028	618	1,433	-	1,433	2,050
58	Liberia	6,022	5,138	884	1,433	-	1,433	2,317
59	Liechtenstein	53,591	53,591	-	14,325	11,642	2,683	2,683
60	Lithuania	192,568	192,568	-	44,409	36,092	8,317	8,317
61	Luxembourg	614,178	614,178	-	121,766	98,962	22,804	22,804
62	Madagascar	1,570	1,527	43	2,865	-	2,865	2,908
63	Malawi	8,026	8,026	-	1,433	781	652	652
64	Mali	12,343	12,343	-	1,433	7,673	(6,240)	(6,240)
65	Malta	113,556	113,556	-	24,353	19,792	4,561	4,561
66	Marshall Islands	7,645	4,755	2,890	1,433	-	1,433	4,323
67	Mauritius	84,105	84,105	-	15,758	12,807	2,951	2,951
68	Mexico	9,666,196	9,666,196	-	3,233,241	869,491	2,363,750	2,363,750
69	Mongolia	7,645	7,645	-	1,433	462	971	971
70	Montenegro	3,881	3,881	-	1,433	1,165	268	268
71	Namibia	46,493	46,493	-	8,595	2,769	5,826	5,826
72	Nauru	7,645	4,716	2,929	1,433	-	1,433	4,362
73	Netherlands	13,492,911	13,492,911	-	2,683,146	2,180,648	502,498	502,498
74	New Zealand	1,805,622	1,805,622	-	366,730	298,049	68,681	68,681
75	Niger	7,645	3,657	3,988	1,433	-	1,433	5,421
76	Nigeria	352,983	344,465	8,518	68,762	-	68,762	77,280

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2009 Assessed Contributions	2009 Contributions Received	2009 Outstanding Contributions	Total Outstanding Contributions
77 Norway	5,475,843	5,475,843	-	1,120,246	910,447	209,799	209,799
78 Panama	156,449	156,450	-	32,948	918	32,030	32,030
79 Paraguay	73,583	73,164	418	7,163	-	7,163	7,581
80 Peru	678,368	454,441	223,927	111,738	-	111,738	335,665
81 Poland	3,582,082	3,582,082	-	717,702	583,291	134,411	134,411
82 Portugal	3,757,342	3,757,342	-	754,948	613,562	141,386	141,386
83 Republic of Korea	14,513,492	14,513,492	-	3,112,908	829,318	2,283,590	2,283,590
84 Romania	487,164	487,164	-	100,278	81,498	18,780	18,780
85 Saint Kitts and Nevis	3,215	3,215	-	1,433	-	1,433	1,433
86 Saint Vincent and the Grenadines	7,449	7,435	14	1,433	-	1,433	1,447
87 Samoa	7,527	7,527	-	1,433	1,163	270	270
88 San Marino	22,319	22,319	-	4,298	3,493	805	805
89 Senegal	35,281	32,799	2,483	5,730	-	5,730	8,213
90 Serbia	151,788	151,788	-	30,083	143	29,940	29,940
91 Sierra Leone	7,645	2,746	4,899	1,433	-	1,433	6,332
92 Slovakia	420,381	420,381	-	90,250	73,348	16,902	16,902
93 Slovenia	667,627	667,627	-	137,524	111,769	25,755	25,755
94 South Africa	2,298,860	2,298,860	-	415,436	337,633	77,803	77,803
95 Spain	20,591,112	20,591,112	-	4,251,776	1,163,626	3,088,150	3,088,150
96 Suriname	336	336	-	1,433	1,433	-	-
97 Sweden	7,864,946	7,864,946	-	1,534,249	7,517	1,526,733	1,526,733
98 Switzerland	9,255,768	9,255,768	-	1,741,968	1,415,734	326,234	326,234
99 Tajikistan	7,645	7,187	458	1,433	-	1,433	1,891
100 The former Yugoslav Rep. of Macedonia	42,927	42,927	-	7,163	5,822	1,341	1,341
101 Timor-Leste	7,527	7,527	-	1,433	577	856	856
102 Trinidad and Tobago	179,246	179,246	-	38,679	31,435	7,244	7,244
103 Uganda	36,412	36,412	-	4,298	3,577	721	721
104 United Kingdom	48,006,742	48,006,742	-	9,514,925	4,038,325	5,476,601	5,476,601
105 United Republic of Tanzania	44,323	44,323	-	8,595	20	8,575	8,575
106 Uruguay	325,014	325,014	-	38,679	41,783	(3,104)	(3,104)
107 Venezuela	1,416,138	1,416,138	-	286,508	11,513	274,995	274,995
108 Zambia	11,949	11,949	-	1,433	-	1,433	1,433
Total	410,527,646	410,044,277	483,369	96,229,900	41,254,245	54,975,656	55,459,025

Annex II

Performance table

Financial year	Approved budget (in million euros)	Budget performance (in %)	Assumptions	Realization of assumptions
2005	66.9	83.4	<ul style="list-style-type: none"> - Monitor eight situations - Two situations in the pre-trial, trial and appeals phase - Two situations in the investigation phase 	<ul style="list-style-type: none"> - Monitored/analysed eight situations - Pre-trial proceedings and interlocutory appeals in three situations - Three situations in the investigation phase – Uganda, DRC I and Darfur (following referral from UNSC)
2006	80.4	79.7	<ul style="list-style-type: none"> - Monitor up to eight situations - Opening of fourth investigation - Start of two trials 	<ul style="list-style-type: none"> - Monitored/analysed five situations - Opening of fourth investigation – DRC II - Pre-trial proceedings and interlocutory appeals in the case of Lubanga Dyilo (DRC I). - Pre-trial proceedings in the other three investigations.
2007	88.9	90.5	<ul style="list-style-type: none"> - Monitor at least five situations - No opening of investigations into new situations - Within the four situations, investigation of at least six cases, including the two cases in which arrest warrants have been issued 	<ul style="list-style-type: none"> - Five situations under preliminary/advanced analysis - One new investigation into a new situation opened (CAR) - Seven cases within four situations under investigation (DRC I, DRC II, Darfur I, Darfur II, Uganda, CAR) - Continuation of pre-trial proceedings (Confirmation of charges hearing) in the case of Lubanga Dyilo (DRC I)
2008	90.4	93.3	<ul style="list-style-type: none"> - Monitor at least five situations - No opening of investigations into new situations - In four situations, pursue investigative steps, in a total of at least five cases, including the three cases in which arrest warrants have been issued - At least one trial 	<ul style="list-style-type: none"> - Six situations under preliminary/advanced analysis - No new situations opened - Seven cases within four situations under investigation (Uganda, DRC I, II, Darfur I, II, III, CAR) - Lubanga Dyilo case before the trial chamber; proceedings stayed (DRC I) - Pre-trial proceedings (Confirmation of charges hearing) in case of Katanga/Ngudjolo Chui (DRC II) - Pre-trial hearings (status conferences) in case of Bemba (CAR)

Annex III

Time deposit investment report April 2009

General fund deposit (Time deposits)

Institute	Principal amount	Int. rate	Yearly basis	Days invested	Int. gained	Value at maturity	Date of maturity
ABN AMRO	5,052,905.56	4.91%	360	364	250,854.30	5,303,759.86	28/04/2009
SNS Bank	5,261,723.04	4.88%	360	364	259,625.11	5,521,348.15	18/05/2009
Rabo Bank	7,000,000.00	4.90%	360	364	346,811.11	7,346,811.11	19/05/2009
ABN AMRO	5,000,000.00	4.92%	360	364	248,733.33	5,248,733.33	19/05/2009
Fortis Bank	4,097,173.11	4.81%	360	364	199,263.74	4,296,436.85	19/05/2009
ABN AMRO	8,000,000.00	5.36%	360	363	432,373.33	8,432,373.33	18/06/2009
Rabo Bank	5,416,784.56	1.81%	360	182	49,539.20	5,466,323.76	24/08/2009
Total	39,828,586.27				1,787,200.13	41,615,786.40	

Victims Trust Fund deposit

ABN AMRO	313,637.01	5.33%	360	363	16,856.16	330,493.17	09/07/2009
Total	313,637.01				16,856.16	330,493.17	

ICC breakdown deposits and bank account 21 April 2009

General Fund ABN AMRO (Immediate access) (Interest April 1.03% amounts over 10 million):.....	30.3 million
TFV ABN AMRO (Immediate access):	3.1 million
Fortis TFV (Immediate access):	0.7 million
Time deposits April 2009:	40.1 million
Total cash position:	74.2 million

Historical interest information 1 January 2008 to 31 December 2008

Time deposit interest 2008: (Average interest 4.61%)	4.1 million
Total interest ICC bank accounts:.....	0.6 million
Total interest ICC 2008: 4.7 million	

Annex IV

Human resources tables

Table 1: Geographical representation of Professional staff
Status as at 31 March 2009

Total number of professionals: 294*
Total number of nationalities: 70

Distribution per region

African		
	Benin	1
	Burkina Faso	1
	Cameroon	1
	Chad	1
	Congo, Democratic Republic of the	2
	Egypt	3
	Gambia	3
	Ghana	2
	Kenya	3
	Lesotho	1
	Mali	2
	Niger	2
	Nigeria	8
	Senegal	3
	Sierra Leone	4
	South Africa	5
	Togo	1
	Uganda	1
	United Republic of Tanzania	2
African total		46

Asian		
	Iran, Islamic Republic of	4
	Japan	6
	Jordan	2
	Lebanon	1
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	1
	Republic of Korea	2
	Singapore	1
	Sri Lanka	1
Asian total		20

* Excluding 31 language staff.

Eastern European		
	Belarus	1
	Bosnia and Herzegovina	1
	Bulgaria	2
	Croatia	5
	Georgia	1
	Romania	7
	Russian Federation	1
	Serbia	3
	The former Yugoslav Republic of Macedonia	1
	Ukraine	1
	Albania	1
Eastern European total		24

GRULAC¹		
	Argentina	3
	Brazil	5
	Chile	1
	Colombia	7
	Costa Rica	3
	Ecuador	2
	Mexico	2
	Peru	2
	Saint Vincent and the Grenadines	1
	Trinidad and Tobago	4
	Venezuela	1
GRULAC total		31

WEOG²		
	Australia	13
	Austria	3
	Belgium	12
	Canada	10
	Denmark	1
	Finland	4
	France	37
	Germany	19
	Greece	1
	Ireland	4
	Italy	10
	Netherlands	12
	New Zealand	4
	Portugal	1
	Spain	11
	Sweden	1
	Switzerland	2
	United Kingdom	19
	United States of America	9
WEOG total		147

¹ Group of Latin American and Caribbean States.

² Western European and Other States Group.

Table 2: Geographical representation of professional staff per post, per region*
Status as at 31 March 2009

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
D-1	African	Senegal	1
		African Total	1
	GRULAC ¹	Ecuador	1
		GRULAC total	1
	WEOG ²	Belgium	1
		France	2
		Germany	1
		Netherlands	1
		WEOG Total	5
D-1 total			7
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-5	African	Gambia	1
		Kenya	1
		Lesotho	1
		Mali	1
		Senegal	1
		South Africa	1
		African Total	6
	Asian	Philippines	1
		Asian total	1
	GRULAC	Argentina	1
		GRULAC total	1
	WEOG	Belgium	1
		Canada	1
		Finland	1
		France	1
		Germany	6
		Ireland	1
		Italy	2
		United Kingdom	1
		United States of America	1
		WEOG total	15
P-5 total			24

* Excluding 31 language staff.

¹ Group of Latin American and Caribbean States.

² Western European and Other States Group.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>	
P-4	African	Congo, Democratic Republic of the	1	
		Nigeria	2	
		Sierra Leone	1	
			African total	4
	Asian	Iran, Islamic Republic of	2	
		Japan	1	
		Jordan	1	
			Asian total	4
	Eastern European	Croatia	1	
			Eastern European total	1
	GRULAC	Argentina	1	
		Colombia	1	
		Ecuador	1	
		Peru	1	
		Trinidad and Tobago	3	
			GRULAC total	7
	WEOG	Australia	3	
		Belgium	2	
		Canada	2	
		Denmark	1	
		Finland	3	
		France	6	
		Germany	4	
Italy		2		
Netherlands		4		
Spain		3		
Sweden		1		
United Kingdom		5		
United States of America	3			
		WEOG total	39	
P-4 total			55	

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-3	African	Benin	1
		Chad	1
		Congo, Democratic Republic of the	1
		Egypt	1
		Kenya	1
		Mali	1
		Niger	2
		Nigeria	3
		Sierra Leone	1
		South Africa	4
	United Republic of Tanzania	1	
	African Total		17
	Asian	Iran (Islamic Republic of)	1
		Japan	1
		Jordan	1
		Republic of Korea	1
	Asian total		4
	Eastern European	Romania	2
		Serbia	1
Albania		1	
Eastern European total		4	
GRULAC	Brazil	3	
	Colombia	4	
	Costa Rica	1	
	Mexico	1	
	Trinidad and Tobago	1	
	Venezuela	1	
GRULAC total		11	
WEOG	Australia	8	
	Austria	2	
	Belgium	6	
	Canada	3	
	France	9	
	Germany	4	
	Ireland	2	
	Italy	5	
	Netherlands	1	
	New Zealand	2	
	Portugal	1	
	Spain	4	
	Switzerland	1	
	United Kingdom	6	
United States of America	2		
WEOG total		56	
P-3 total		92	

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-2	African	Burkina Faso	1
		Egypt	2
		Gambia	1
		Ghana	2
		Kenya	1
		Nigeria	2
		Sierra Leone	2
		Togo	1
		United Republic of Tanzania	1
	African total		13
	Asian	Iran (Islamic Republic of)	1
		Japan	3
		Lebanon	1
		Mongolia	1
		Palestinian Territory, Occupied	1
		Republic of Korea	1
		Singapore	1
		Sri Lanka	1
	Asian total		10
Eastern European	Belarus	1	
	Bulgaria	1	
	Croatia	3	
	Georgia	1	
	Romania	3	
	Serbia	1	
	Ukraine	1	
Eastern European total		11	
GRULAC	Brazil	1	
	Colombia	2	
	Costa Rica	2	
	Mexico	1	
	Saint Vincent and the Grenadines	1	
GRULAC total		7	
WEOG	Australia	2	
	Austria	1	
	Belgium	1	
	Canada	4	
	France	16	
	Germany	4	
	Greece	1	
	Italy	1	
	Netherlands	5	
	New Zealand	2	
	Spain	3	
	Switzerland	1	
	United Kingdom	7	
United States of America	3		
WEOG total		51	
P-2 total		92	

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>	
P-1	African	Cameroon	1	
		Gambia	1	
		Nigeria	1	
		Senegal	1	
		Uganda	1	
			African total	5
	Asian	Japan	1	
				Asian total
	Eastern European	Bosnia and Herzegovina	1	
		Bulgaria	1	
		Croatia	1	
		Romania	2	
		Russian Federation	1	
		The former Yugoslav Republic of Macedonia	1	
				Eastern European total
	GRULAC	Argentina	1	
		Brazil	1	
		Chile	1	
		Peru	1	
			GRULAC total	4
	WEOG	Belgium	1	
		France	3	
		Ireland	1	
		Netherlands	1	
Spain		1		
		WEOG total	7	
P-1 total			24	
Grand total			294	

Percentage of staff per post, per region

Chart 1: Percentage – D-1 posts

Due to the limited number of only 7 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

Chart 2: Percentage - P-5 posts

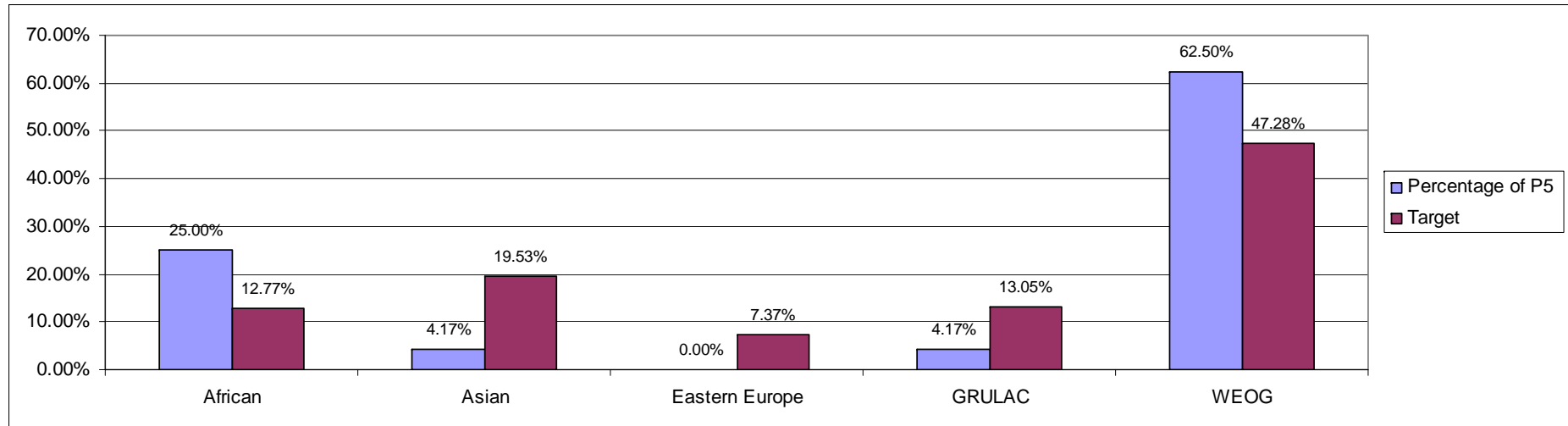


Chart 3: Percentage – P-4 posts

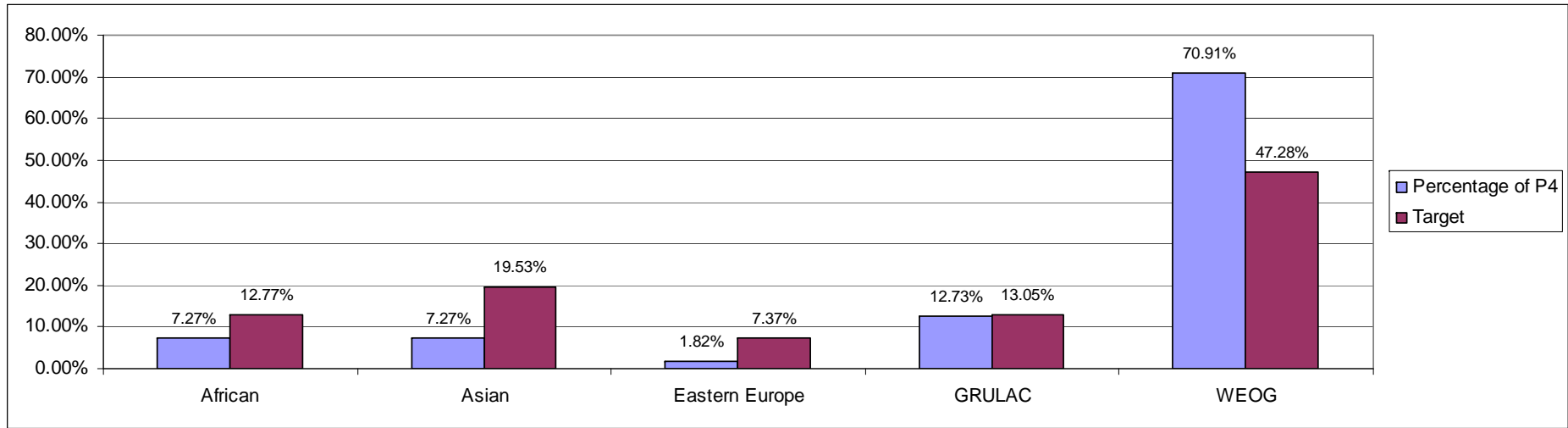


Chart 4: Percentage – P-3 posts

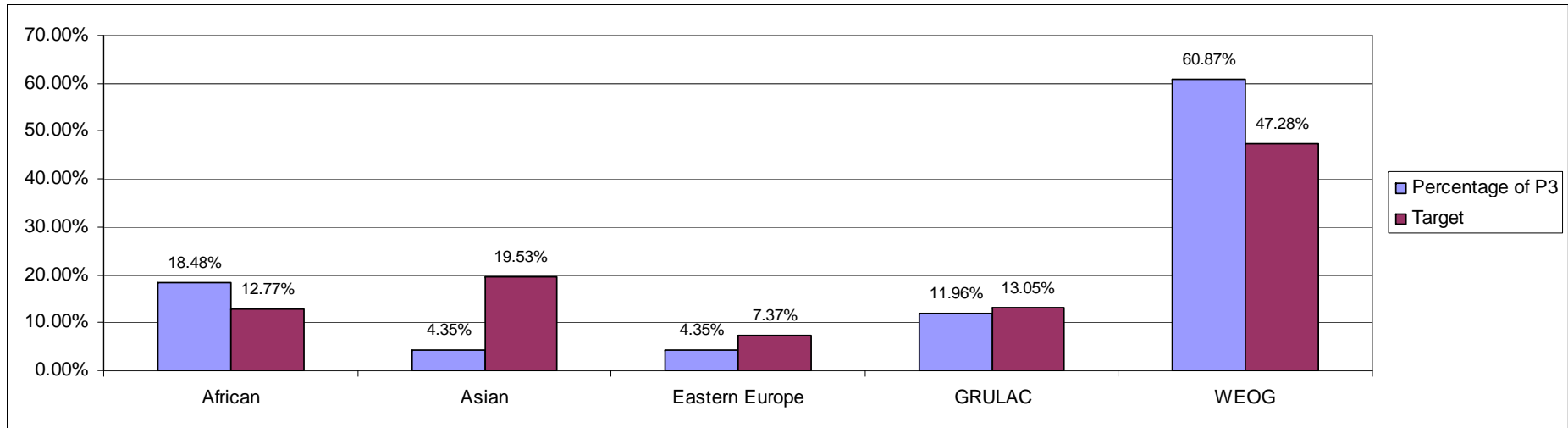


Chart 5: Percentage – P-2 posts

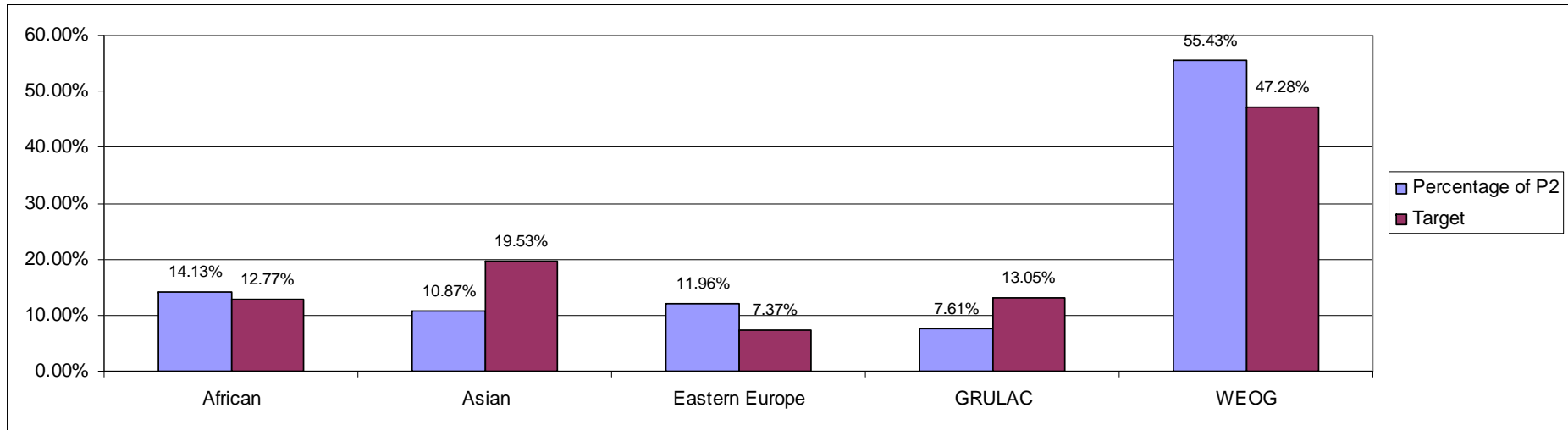


Chart 6: Percentage – P-1 posts

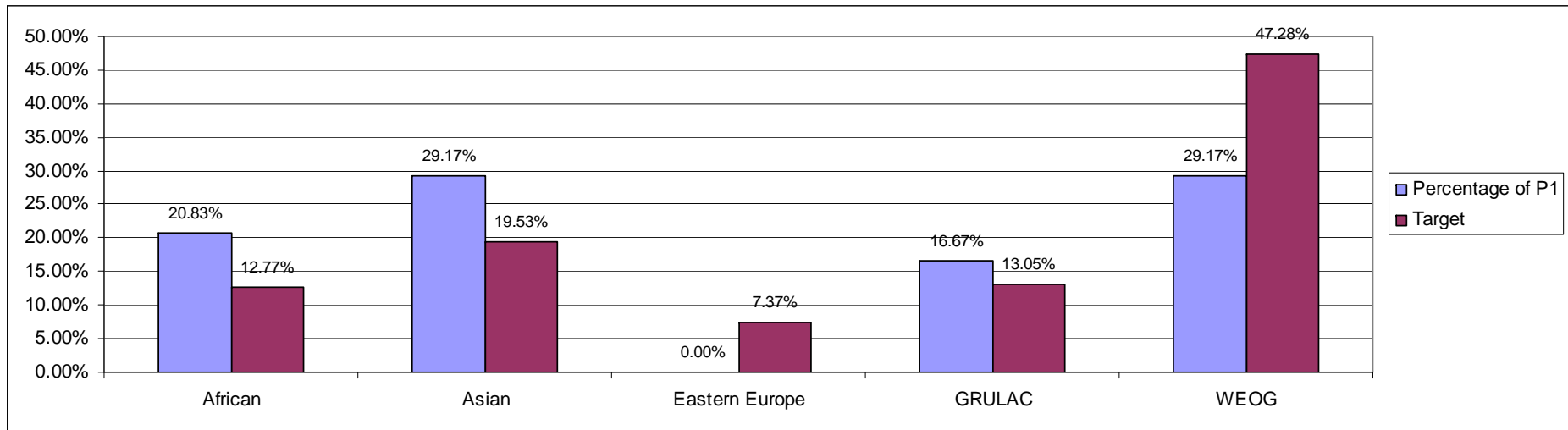


Table 3: Geographical representation of Professional staff

Desirable and weighted distribution of staff in posts subject to geographical distribution, by State Party (as at 31 March 2009)

Region	Country	Assessment 2008	Desirable Range	Midpoint	No. of Staff
AFRICAN	Benin	0.00149%	1.13 - 1.52	1.33	1
	Botswana	0.02084%	1.10 - 1.49	1.30	
	Burkina Faso	0.00298%	1.17 - 1.59	1.38	1
	Burundi	0.00149%	1.12 - 1.52	1.32	
	Central African Republic	0.00149%	1.09 - 1.48	1.28	
	Chad	0.00149%	1.14 - 1.54	1.34	1
	Comoros	0.00149%	1.06 - 1.44	1.25	
	Congo	0.00149%	1.09 - 1.47	1.28	
	Democratic Republic of the Congo	0.00447%	1.07 - 1.45	1.26	2
	Djibouti	0.00149%	1.54 - 2.08	1.81	
	Gabon	0.01191%	1.08 - 1.47	1.27	
	Gambia	0.00149%	1.07 - 1.45	1.26	3
	Ghana	0.00595%	1.25 - 1.68	1.46	2
	Guinea	0.00149%	1.13 - 1.53	1.33	
	Kenya	0.01489%	1.08 - 1.46	1.27	3
	Lesotho	0.00149%	1.07 - 1.45	1.26	1
	Liberia	0.00149%	1.09 - 1.47	1.28	
	Madagascar	0.00174%	1.21 - 1.64	1.42	
	Malawi	0.00149%	1.16 - 1.58	1.37	
	Mali	0.00149%	1.15 - 1.56	1.36	2
	Mauritius	0.01638%	1.09 - 1.47	1.28	
	Namibia	0.00893%	1.08 - 1.47	1.28	
	Niger	0.00149%	1.17 - 1.58	1.37	2
	Nigeria	0.07146%	2.31 - 3.13	2.72	8
	Senegal	0.00595%	1.16 - 1.57	1.36	3
	Sierra Leone	0.00149%	1.10 - 1.49	1.30	4
	South Africa	0.43172%	2.11 - 2.85	2.48	5
	Uganda	0.00447%	1.30 - 1.76	1.53	1
United Republic of Tanzania	0.00893%	1.38 - 1.87	1.62	2	
Zambia	0.00149%	1.15 - 1.55	1.35		
ASIAN	Afghanistan	0.00149%	1.27 - 1.71	1.49	
	Cambodia	0.00149%	1.17 - 1.58	1.37	
	Cook Islands	0.00112%	1.06 - 1.43	1.24	
	Cyprus	0.06550%	1.16 - 1.57	1.37	
	Fiji	0.00447%	1.07 - 1.45	1.26	
	Japan	22.00000%	36.50 - 49.38	42.94	6
	Jordan	0.01786%	1.13 - 1.53	1.33	2
	Marshall Islands	0.00149%	1.06 - 1.43	1.24	
	Mongolia	0.00149%	1.08 - 1.46	1.27	1
	Nauru	0.00149%	1.06 - 1.43	1.24	
	Republic of Korea	3.23495%	6.49 - 8.79	7.64	2
	Samoa	0.00149%	1.06 - 1.43	1.25	
	Tajikistan	0.00149%	1.11 - 1.50	1.30	
	Timor-Leste	0.00149%	1.07 - 1.44	1.25	

Region	Country	Assessment 2008	Desirable Range	Midpoint	No. of Staff
EASTERN EUROPEAN	Albania	0.00893%	1.09 - 1.48	1.29	1
	Bosnia & Herzegovina	0.00893%	1.10 - 1.49	1.29	1
	Bulgaria	0.02977%	1.16 - 1.57	1.36	2
	Croatia	0.07444%	1.21 - 1.63	1.42	5
	Estonia	0.02382%	1.10 - 1.49	1.30	
	Georgia	0.00447%	1.10 - 1.48	1.29	1
	Hungary	0.36324%	1.70 - 2.30	2.00	
	Latvia	0.02680%	1.11 - 1.51	1.31	
	Lithuania	0.04615%	1.15 - 1.56	1.36	
	Montenegro	0.00149%	1.06 - 1.44	1.25	
	Poland	0.74584%	2.52 - 3.41	2.96	
	Romania	0.10421%	1.38 - 1.87	1.63	7
	Serbia	0.03126%	1.18 - 1.60	1.39	3
	Slovakia	0.09379%	1.24 - 1.68	1.46	
	Slovenia	0.14292%	1.29 - 1.75	1.52	
The Former Yugoslav Rep. of Macedonia	0.00744%	1.08 - 1.46	1.27	1	
GRULAC¹	Antigua and Barbuda	0.00298%	1.06 - 1.43	1.25	
	Argentina	0.48383%	2.12 - 2.86	2.49	3
	Barbados	0.01340%	1.08 - 1.46	1.27	
	Belize	0.00149%	1.06 - 1.43	1.25	
	Bolivia	0.00893%	1.14 - 1.55	1.34	
	Brazil	1.30410%	4.58 - 6.19	5.39	5
	Colombia	0.15631%	1.66 - 2.24	1.95	7
	Costa Rica	0.04764%	1.16 - 1.57	1.37	3
	Dominica	0.00149%	1.06 - 1.43	1.24	
	Dominican Republic	0.03573%	1.18 - 1.60	1.39	
	Ecuador	0.03126%	1.21 - 1.63	1.42	2
	Guyana	0.00149%	1.06 - 1.44	1.25	
	Honduras	0.00744%	1.12 - 1.52	1.32	
	Mexico	3.36000%	7.14 - 9.66	8.40	2
	Panama	0.03424%	1.13 - 1.53	1.33	
	Paraguay	0.00744%	1.11 - 1.51	1.31	
	Peru	0.11612%	1.45 - 1.96	1.71	2
	Saint Kitts and Nevis	0.00149%	1.06 - 1.43	1.24	
	Saint Vincent and the Grenadines	0.00149%	1.06 - 1.43	1.24	1
	Suriname	0.00112%	1.06 - 1.43	1.25	
Trinidad and Tobago	0.04019%	1.13 - 1.53	1.33	4	
Uruguay	0.04019%	1.14 - 1.55	1.35		
Venezuela	0.29774%	1.73 - 2.35	2.04	1	

¹ Group of Latin American and Caribbean States.

Region	Country	Assessment 2008	Desirable Range	Midpoint	No. of Staff
WEOG²	Andorra	0.01191%	1.07 - 1.45	1.26	
	Australia	2.66031%	5.41 - 7.32	6.36	13
	Austria	1.32048%	3.19 - 4.31	3.75	3
	Belgium	1.64055%	3.70 - 5.01	4.36	12
	Canada	4.43186%	8.25 - 11.16	9.71	10
	Denmark	1.10015%	2.86 - 3.86	3.36	1
	Finland	0.83963%	2.41 - 3.26	2.84	4
	France	9.38031%	16.22 - 21.95	19.08	37
	Germany	12.76859%	21.69 - 29.34	25.52	19
	Greece	0.88727%	2.53 - 3.42	2.98	1
	Iceland	0.05508%	1.14 - 1.55	1.34	
	Ireland	0.66247%	2.13 - 2.88	2.50	4
	Italy	7.56111%	13.35 - 18.06	15.71	10
	Liechtenstein	0.01489%	1.08 - 1.46	1.27	
	Luxembourg	0.12654%	1.26 - 1.70	1.48	
	Malta	0.02531%	1.10 - 1.48	1.29	
	Netherlands	2.78834%	5.55 - 7.51	6.53	12
	New Zealand	0.38111%	1.68 - 2.28	1.98	4
	Norway	1.16416%	2.91 - 3.94	3.43	
	Portugal	0.78455%	2.37 - 3.20	2.78	1
San Marino	0.00447%	1.06 - 1.44	1.25		
Spain	4.41846%	8.31 - 11.24	9.77	11	
Sweden	1.59440%	3.62 - 4.90	4.26	1	
Switzerland	1.81026%	3.95 - 5.34	4.64	2	
United Kingdom	9.88795%	17.01 - 23.01	20.01	19	
Total[*]		100.00%		335.00	267

² Western European and Other States Group.

* 27 other professional staff members are nationals of non-States Parties.

Table 4: Gender balance of professional staff* by grade per organ
Status as at 31 March 2009

Judiciary

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1	1	2

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	1	2	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	9	4	13

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	4	1	5

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1		1	1

Office of the Prosecutor

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	2	8	10

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	11	15	26

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	13	28	41

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	29	19	48

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1	13	6	19

* Including language staff.

Registry

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	1	3	4

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	3	8	11

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	15	13	28

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	25	29	54

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	27	15	42

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1	4	4	8

Secretariat of the Assembly of States Parties

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	2	1	3

Secretariat of the Trust Fund for Victims

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	1		1

Project Office for the Permanent Premises

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	1		1

Grand total

<i>F</i>	<i>M</i>	<i>Total</i>
166	162	328*

* Including elected officials and language staff.

Table 5: Staff count, actual

As at 31 March 2009, the actual situation regarding the Court's staff count is as follows:

Staff count	
Established posts	654
Approved GTA	156
Interns	77
Visiting professionals	5
Consultants	37
Elected officials	20
Total	949

Table 6: Staff count based on the approved budget for 2008

Based on the approved budget for 2009, and on averages of interns, visiting professionals and consultants in the previous years, the Court's headcount at the end of 2009 will be as follows:

Staff count	
Established posts	740
Approved GTA	172
Interns ¹	90
Visiting professionals	12
Consultants	40
Elected officials	21
Total	1075

¹ The number of interns is fluctuating and comprises European Union funded internships as well as unpaid internships.

Table 7: Vacant posts - Professional staff
Status as at 31 March 2009

Major programme	Programme	Sub-programme	Post level	Post title	Total	Occupied by GTA
MPI	Judiciary	Presidency	P-5	Chef de Cabinet	1	Yes
		Chambers	P-3	Legal Officer ¹	(1)	
MPII	Investigation Division	Planning & Operations Section	P-2	Associate Analyst	1	
			GS-OL	Field Operations Coordinator	1	
MPIII	Office of the Registrar	Immediate Office of the Registrar	GS-OL	Administrative Assistant ¹	(1)	
			GS-OL	Security Officer ²	1	
	Common Administrative Services Division	Human Resources Section	GS-OL	Staffing Assistant ¹	(1)	
			GS-PL	Senior Control Assistant	1	
			GS-OL	Finance Assistant ¹	(1)	
			P-2	Facilities Project Officer	1	
	Information and Communication Technology Section	GS-OL	Records Management and Archives Assistant	1		
		Division of Victims and Counsel	Head Office	P-5	Head of Division	1
MPVI	Secretariat TFV	Secretariat TFV	P-3	Monitoring and Evaluation Officer	1	
Grand Total*					13 (9)³	1

* 73 other posts are currently under recruitment or advertised.
 1 ASG post under MPII is not currently on recruitment.
 Recruitment status as at 2 April 2009.
¹ Post is currently at the advertisement stage.
² Post vacated due to the recent resignation.
³ Total number of vacant posts is 9.

Annex V

List of documents

Committee on Budget and Finance

ICC-ASP/8/CBF.1/L.1	Provisional agenda
ICC-ASP/8/CBF.1/L.2/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/8/CBF.1/1	Banking risk at the International Criminal Court
ICC-ASP/8/CBF.1/2	Interim report of the Court on legal aid: Legal and financial aspects for funding victims' legal representation before the Court
ICC-ASP/8/CBF.1/3	Interim report of the Court on legal aid: Alternative models for assessment of indigence
ICC-ASP/8/CBF.1/4	Status report on the Court's investigations into efficiency measures for 2010
ICC-ASP/8/CBF.1/5	Report on programme performance of the International Criminal Court for the year 2008
ICC-ASP/8/CBF.1/5/Corr.1	Report on programme performance of the International Criminal Court for the year 2008 - Corrigendum
ICC-ASP/8/CBF.1/5/Corr.2	Report on programme performance of the International Criminal Court for the year 2008 - Corrigendum
ICC-ASP/8/CBF.1/6	Report of the Court on human resources management
ICC-ASP/8/CBF.1/7	Report of the Court on the financial aspects of enforcing the Court's obligation to fund family visits to indigent detained persons
ICC-ASP/8/CBF.1/9	Report on the activities of the Oversight Committee
ICC-ASP/8/CBF.1/10	Report on budget performance of the International Criminal Court as at 31 March 2009
ICC-ASP/8/CBF.1/10/Add.1	Report on budget performance of the International Criminal Court as at 31 March 2009 - Addendum
ICC-ASP/8/CBF.1/11	Report of the Court on procurement
ICC-ASP/8/2	Report of the Bureau on the establishment of an independent oversight mechanism
ICC-ASP/8/2/Add.1	Report of the Bureau on the establishment of an independent oversight mechanism - Addendum