

B. Reports of the Committee on Budget and Finance

1. Report of the Committee on Budget and Finance on the work of its twelfth session, April 2009*

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* Previously issued as ICC-ASP/8/5.

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. Rossette Nyirinkindi Katungye (Uganda)
 8. Gerd Saube (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.

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, part II, para. 6.

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.

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 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).

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. 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 analyse 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

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

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.

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 analyse 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 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.

⁶ ICC-ASP/8/CBF.1/1.

⁷ ICC-ASP/8/13.

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.

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.

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.

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.

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.

¹⁰ ICC-ASP/8/2 and Add.1.

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 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.

¹¹ ICC-ASP/8/8.

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

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.

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.

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.

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

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

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.

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 analyse 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 analyse 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

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

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.

²³ *Ibid.*, vol. I, part II, para. 15.

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 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 (d), of the Rome Statute to "consider and decide the budget for the Court".

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.

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.

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.

³⁰ ICC-ASP/8/9.

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.

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 programmes 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.

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.

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.

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.

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.

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.

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

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.

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

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
34 Dominican Republic	146,903	76,400	70,503	34,381	-	34,381	104,884
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

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
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
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	1
	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	7
	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

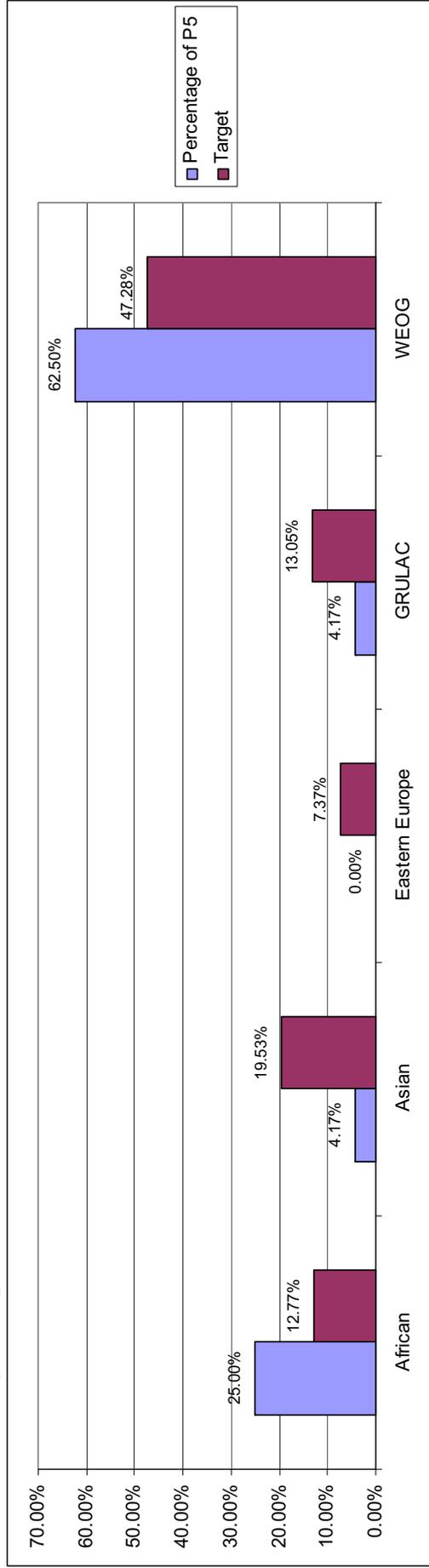


Chart 3: Percentage – P-4 posts

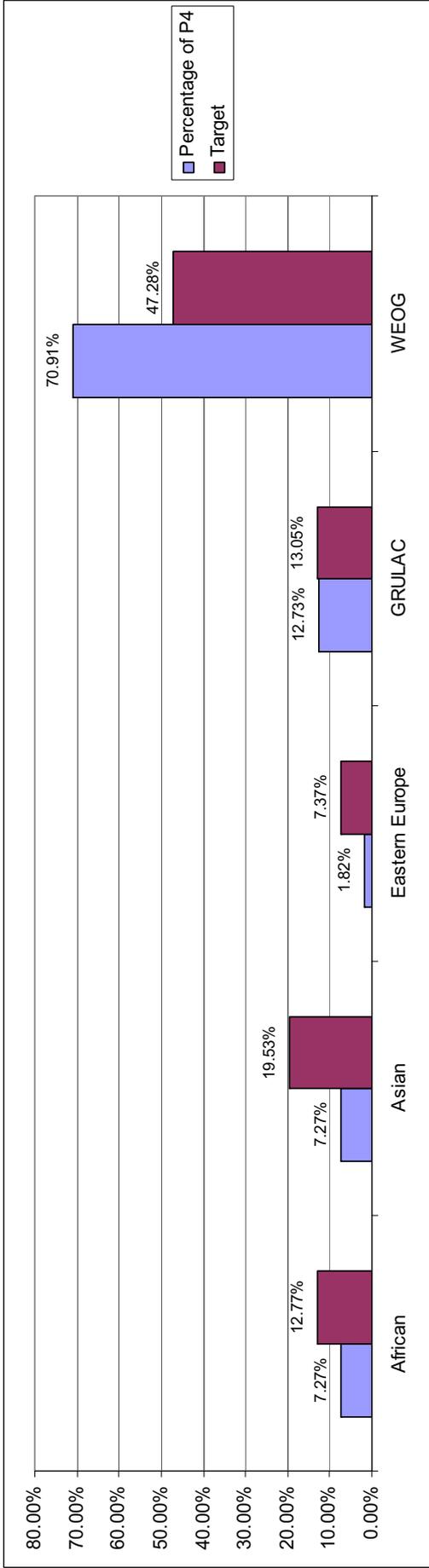


Chart 4: Percentage – P-3 posts

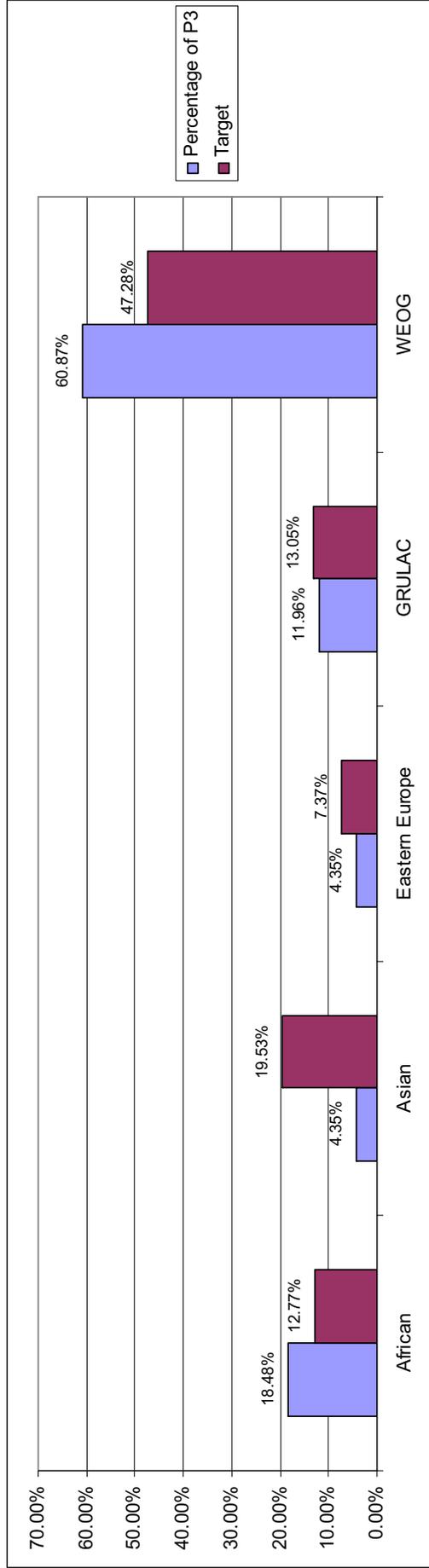


Chart 5: Percentage – P-2 posts

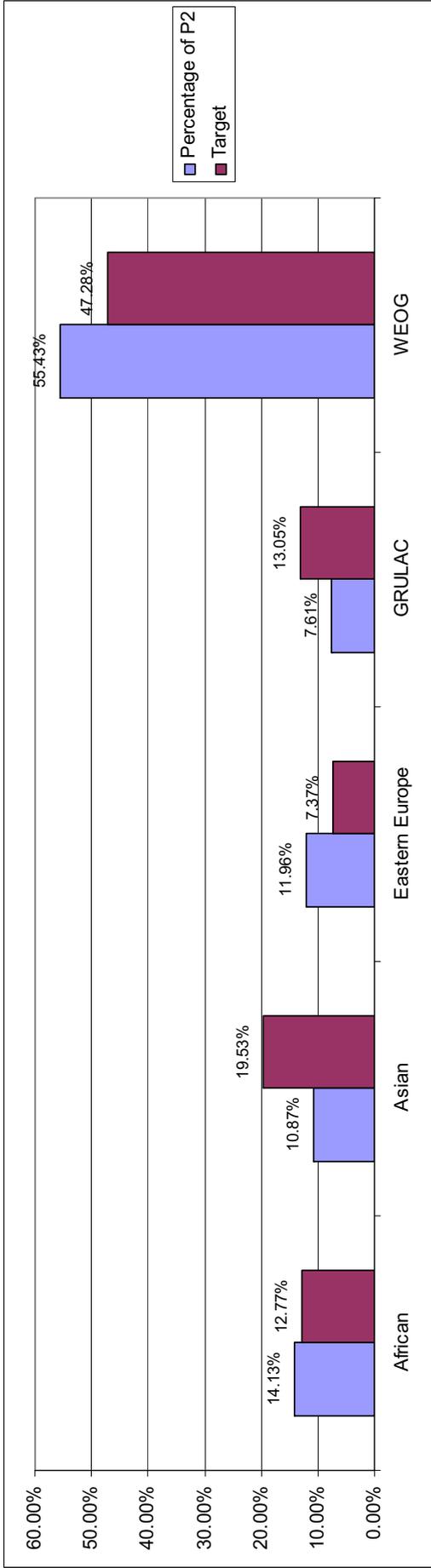


Chart 6: Percentage – P-1 posts

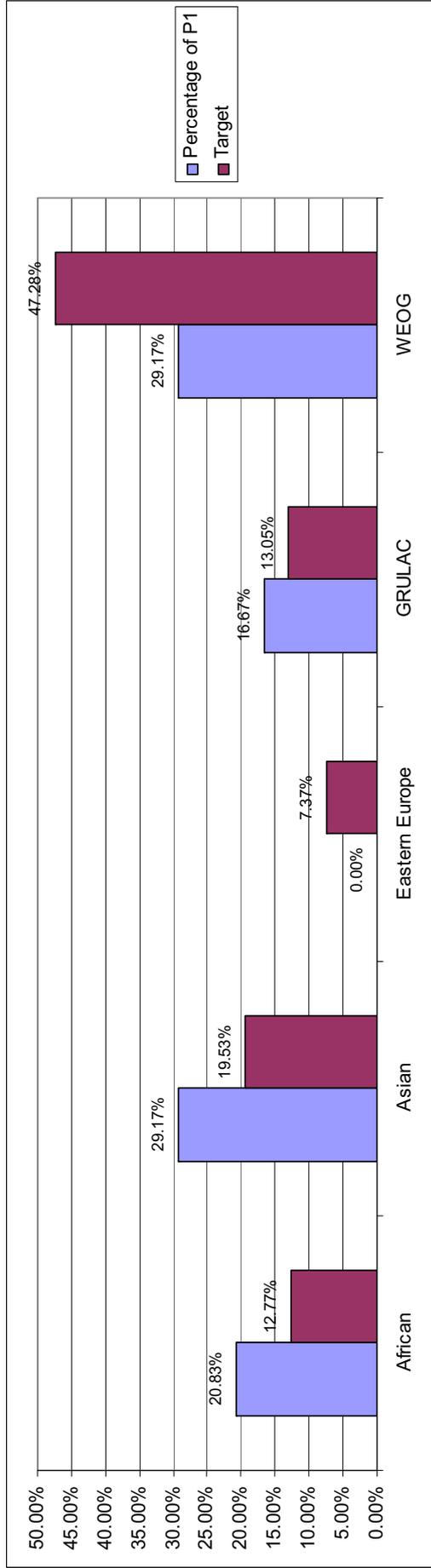


Table 3: Geographical representation of Professional staff

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	

Region	Country	Assessment 2008	Desirable Range	Midpoint	No. of Staff
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	
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	

Region	Country	Assessment 2008	Desirable Range	Midpoint	No. of Staff
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
WEOG ²	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 2009

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	
MPIII	Office of the Registrar	Immediate Office of the Registrar	GS-OL	Field Operations Coordinator	1	
			GS-OL	Administrative Assistant ¹	(1)	
	Common Administrative Services Division	Security and Safety Section	GS-OL	Security Officer ²	1	
			GS-OL	Staffing Assistant ¹	(1)	
	Budget and Finance Section	General Services Section	GS-PL	Senior Control Assistant	1	
			GS-OL	Finance Assistant ¹	(1)	
			P-2	Facilities Project Officer	1	
	Division of Victims and Counsel	Information and Communication Technology Section	GS-OL	Records Management and Archives Assistant	1	
			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 MPIII 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

2. Report of the Committee on Budget and Finance on the work of its thirteenth session, August 2009*

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Introduction

A. Opening of the session and adoption of the agenda

1. The thirteenth session of the Committee on Budget and Finance (the “Committee”) was convened in accordance with the decision of the Assembly of States Parties (the “Assembly”) taken at the 7th plenary meeting of its seventh session, on 21 November 2008, and the further decision of the Committee on its dates, on 24 April 2009. The session, comprising 15 meetings, was held from 24 August to 1 September 2009. The President of the International Criminal Court (the “Court”), Mr. Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

2. 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.

3. The following members attended the thirteenth session of the Committee:

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

4. At its 1st meeting, the Committee adopted the following agenda (ICC-ASP/8/CBF.2/L.1):

1. Opening of the session.
2. Adoption of the agenda.
3. Participation of observers.
4. Organization of work.
5. States in arrears.
6. Financial performance data of the 2009 budget.
7. Consideration of the proposed programme budget for 2010.
8. Audit matters:
 - (a) Audit reports
 - (i) Financial statements of the International Criminal Court for the period 1 January to 31 December 2008;
 - (ii) Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2008;

(iii) Report of the Office of Internal Audit.

(iv) Report of the Audit Committee.

(b) Governance arrangements.

9. Premises of the Court.
10. Independent oversight mechanism.
11. Legal aid.
12. Family visits.
13. Contingency Fund.
14. Investment of the Court's liquid funds.
15. Other matters.

5. 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

6. The Committee decided to accept the request of the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee expressed its appreciation for the presentation.

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

A. Review of financial issues

1. Status of contributions

7. The Committee reviewed the status of contributions as at 20 August 2009 (annex II). It noted that a total of €94,175,008 had been received for the 2009 financial period while €2,401,507 was outstanding from previous financial periods. It noted that 61 States were fully paid up for all their contributions as at 20 August 2009. Since 97.9 per cent of the 2009 assessed contributions had been paid, the overall situation represented an improvement since the Committee's previous session. The level of outstanding contributions from previous financial periods had also been further reduced.

2. States in arrears

8. The Committee noted that on 1 June 2009 the Secretariat had communicated with States in arrears, informing them of their outstanding contributions and advising them of the minimum payment required to avoid the application of article 112, paragraph 8, of the Rome Statute. The Secretariat advised the Committee that five States were ineligible to vote as at 20 August 2009.¹ The Committee recalled that the matter was being addressed by the New York Working Group of the Bureau, which had been entrusted with the issue by the Assembly.

9. The Committee requested the Secretariat to again advise States in arrears of the minimum payment required before the eighth session of the Assembly.

¹ Burundi, the Central African Republic, Guinea, Niger and Sierra Leone.

3. Surpluses

10. In accordance with regulation 4.6 of the Financial Regulations and Rules of the Court, the estimated cash surplus that is to be returned to States Parties on 1 January 2010 amounts to €13.1 million, and comprises the provisional cash surplus for 2008 and assessed contributions in respect of prior periods that were received from States Parties in 2009.

B. Audit matters

(a) Audit reports

1. Financial statements of the Court for the period 1 January to 31 December 2008

2. Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2008

11. Introducing his reports on the financial statements of the Court² and of the Trust Fund for Victims,³ the External Auditor informed the Committee that the statements were free of material misstatement and presented fairly the financial position of the Court and of the Trust Fund and that he was able to offer an unqualified audit opinion. The Committee noted that total expenditure in 2008 amounted to €84,854,000⁴ compared to the approved budget of €90,382,100, representing a budget implementation rate of 93.3 per cent.⁵

12. The Committee welcomed the presentation of the External Auditor, in particular recommendation 1 that the Court should ensure adequate forecasting procedures for cash flow, particularly for the medium and long term, as the Court approaches a 100 per cent implementation rate of its budget. The Committee also highlighted recommendation 4⁶ as meriting particularly careful consideration with respect to improving risk assessment and risk management arrangements.

13. With respect to recommendation 8 on the adoption of International Public Sector Accounting Standards (IPSAS), the External Auditor noted that IPSAS would ultimately become the standard of accounting practices for international organizations and was being adopted over time by the United Nations. The Committee noted that the Court had proposed a budget of €409,400 for 2010 as part of the overall budget of €1,968,302 over the next five years for IPSAS implementation.⁷ The Committee recalled its prior advice that “the Court should work towards implementation of IPSAS in the medium term”.⁸ The Committee was of the view that the Court could safely defer implementation at this point for at least one year in order to assess the outcome of the system’s implementation in other organizations and requested the Court to provide an updated report on its assessment. The Committee therefore recommended that the Assembly not provide €409,400 for 2010 and that it further consider the experience of other international organizations before making a final decision on a schedule for IPSAS implementation.

² ICC-ASP/8/14.

³ ICC-ASP/8/16.

⁴ ICC-ASP/8/14.

⁵ ICC-ASP/8/7.

⁶ ICC-ASP/8/14, External Auditor’s Report 2008. Pursuant to recommendation 4, the External Auditor recommended that “improved risk assessment and risk management arrangements be taken forward as a matter of priority, to ensure that the Court maintains momentum on this important aspect of governance and is able to actively manage significant risks, ensuring that both external and internal risks are recognized and prioritized. This should lead to the production of a risk register with prioritized risks, the identification of risk owners, and actions to mitigate key risks; reviewed and updated regularly by senior management and submitted to the Audit Committee for review and further action as necessary.”

⁷ ICC-ASP/8/26, para. 20, Table 2: Budget estimate for IPSAS implementation.

⁸ *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. 18.

14. With respect to the Trust Fund for Victims, the Committee endorsed the view of the External Auditor that more careful consideration should be given to donations under €5,000 to reduce the risk of irregular donations.⁹

15. With respect to recommendation 3 on the possibility of shifting the costs of administering funds from the core budget to the use of donations, the Committee noted that this issue was ultimately for the Assembly to decide. In this regard, the Committee endorsed the view of the External Auditor that an evaluation of the level of activity of the Trust Fund be undertaken in relation to the Assembly's original resolutions¹⁰, so that the Assembly can determine whether and/or when it would be appropriate and viable for the expenses of the Fund to be paid by voluntary contributions.

16. The Committee read with great interest the External Auditor's report as well as the opinion expressed therein. The Committee recommended that the prescriptions mentioned are implemented and that the Court should report to the Committee on its implementation.

3. Report of the Office of Internal Audit

17. Pursuant to Rule 110.1 of the Financial Regulations and Rules, the Office of Internal Audit submitted its annual activity report to the Committee on Budget and Finance, outlining the activities of the Office for the second half of 2008 and the first half of 2009.

18. The Committee considered the report of the Office of Internal Audit. It discussed the specific findings and recommendations with the Director of the Office and Court officials.

19. Pursuant to its mandate under Rule 110.1 the Committee would like to highlight to the Assembly that certain weaknesses of coherency were found to exist in the current procurement process for specialized services such as translators and interpreters between the different organs of the Court. In this regard the Committee recommended that the Court review its procurement practices for such services and that the Office of Internal Audit continue to include procurement in its work plan. The Committee also recommended that, to further enhance the transparency of its procurement practices, the Court should post its procurement procedures on its website.

20. The Committee also noted that there was no specific mechanism to review the follow-up to the recommendations of the internal auditor. The Committee therefore recommended that the Office of the Internal Audit include as part of its annual report a section on follow-up actions to previous recommendations.

21. The Committee expressed its concern regarding the substantial delays in fully staffing the office which would seem to have delayed the full implementation of the audit plan. In this connection, the Committee recalled its past observations¹¹ and invited the Court to expedite the recruitment process for the post which had been vacant for over one year.

4. Report of the Audit Committee

22. The Court informed the Committee that revised terms of reference¹² had entered into force on 11 August 2009 which provided for a majority of external members and a governance structure as proposed by the External Auditor and endorsed by the Committee.¹³ One external member has been recruited and the Audit Committee would meet on 4 September 2009. The Court advised the Committee that it was making serious efforts to identify the remaining external members.

⁹ ICC-ASP/8/16, paras. 16-17.

¹⁰ Ibid., paras. 11-15.

¹¹ Ibid., para. 21.

¹² Presidential Directive ICC/PRES/D/G/2009/1, dated 11 August 2009.

¹³ ICC-ASP/8/14, External Auditor's Report 2008, paras. 26-28.

23. As regards the revised terms of reference previously mentioned, the Committee noted that no specific amount had been included concerning remuneration and travel expenses of the external members. The Committee requested the Court to review those terms anew so that they include specific figures within the maximum budget envelope of €90,000. As regards the proposed budget of the Audit Committee for 2010, the Committee recommended it be transferred from major programme IV to major programme I and that the total costs for the Audit Committee be distinctly reflected in future budget proposals.

24. The Committee welcomed the decision by the Court and looked forward to receiving the first annual report of the Audit Committee under its revised terms of reference.

(b) Governance arrangements

25. The Committee considered a report prepared by an external consultant on risk management in the Court. The Committee noted that the report had identified divisions among the organs and a lack of clarity of roles as the main risk that could lead to inefficiencies. The Committee noted that risk management had been similarly highlighted by the External Auditor in the recommendations of his report.¹⁴

26. The Committee considered that this issue was of high priority. In this regard, the Committee requested that the Presidency of the Court submit a report for consideration at its fourteenth session on the measures that the Court is taking to increase clarity on the responsibilities of the different organs and a common understanding throughout the Court of such responsibilities.

27. In light of the 2010 Review Conference, the Committee suggested that the Assembly may wish to consider ways to improve and enhance the governance structures of the Court, and the Assembly's role.

C. Budgetary matters

1. Financial performance data of the 2009 budget as at 30 June 2009

28. The Committee had before it the report of the Court on budget performance as at 30 June 2009.¹⁵ It noted that the implementation rate for 2009 as at 30 June was 51.9 per cent, representing an expenditure of €52.5 million. The implementation was 5.1 per cent higher than for the corresponding period in 2008. The projected implementation rate to 31 December 2009 was 97.7 per cent based on a projected expenditure of €98.875 million. This would represent under-expenditure of €2.4 million of the approved budget, but €4.7 million over the amount received from assessed contributions for 2009, which amount to €94,175,008 as at 20 August.

29. The Committee in particular noted that the Court had overspent its budget for consultancy services and equipment across the various programmes and recommended that the Court identify ways to improve consolidation of its budgetary discipline.

30. With regard to staffing, the Committee noted that the overall recruitment position of the Court had improved markedly over the same point in 2008. Of the 739 posts approved for 2009¹⁶, 669 were occupied as at 30 June, a difference of 70 posts. Of the vacant posts, 49 were under recruitment, while a further 10 had been advertised, and 11 posts had not been advertised. The Court forecast that a total of 702 posts would be filled as at 31 December 2009.

¹⁴ ICC-ASP/8/14, External Auditor's Report 2008, paras. 29-31.

¹⁵ ICC-ASP/8/17.

¹⁶ The number of approved posts indicated is based on table 4 of the Report of the Court on budget performance as at 30 June 2009 (ICC-ASP/8/17), however, it provides no clarity as to the difference between elected (by the Assembly or by Chambers) and non-elected officials.

31. In light of this implementation rate, as well as the issuance of a summons to appear and the subsequent appearance of Mr. Abu Garda (see section I: Contingency Fund), the Registrar informed the Committee by letter dated 12 August 2009, that the Court foresaw accessing the Working Capital Fund to cover the expected gap between assessed contributions and actual expenditure as provided for in resolution ICC-ASP/7/Res.4.

32. The Committee had before it the Second status report on the Court's investigations into efficiency measures¹⁷ and was also informed orally about a number of efficiency measures and processes, as well as cost savings that had been implemented in 2009 with a view to reducing costs.

33. The Committee noted with appreciation the real and sincere efforts made by the Court to find efficiency and other savings. However the Committee pointed out that the report and briefings in question were more descriptive of efficiency processes and did not provide quantifiable details on actual savings attained in 2009. In this regard, the Committee recommended that the Court provide more details on actual savings in 2009. It further recommended that the Court ensure that it keep its expenditures for 2009 under constant review in order to prioritize activities with a view to finding increased savings that would allow the gap between the assessed contributions and expenditures to be as small as possible. The Committee also noted that with the postponement to 2010 of the third trial, the Court should be able to identify a number of areas where savings could be realized in the 2009 budget, thereby resulting in a decreased need to access the Working Capital Fund in order to cover the assessment gap.

(a) Working Capital Fund

34. The Committee recalled its advice at its eleventh session that the Working Capital Fund was an essential mechanism for ensuring the Court could meet cash flow needs where the regular contributions of States Parties might be late and that, in principle, it would be reasonable to set the fund at one-twelfth of the annual budget.¹⁸ However, given the improvement in the level of contributions received and the resulting strong cash position of the Court, the Committee recommended that the Working Capital Fund should be maintained at its current level of €7,405,983 and that any draw down of the fund for the purpose of filling the gap between assessed contributions and the approved budget in 2009 be replenished through assessed contributions in 2010. In addition, the Committee recommended that the Court make every effort to bring expenditures in line with the assessment level of €96 million.

2. Consideration of the proposed programme budget for 2010

(a) Presentation

35. The Committee welcomed the overall presentation of the budget document, including the Court's adjustments that provide greater transparency in the sections and sub-programmes.

36. However the Committee noted several areas for improvement. The Committee recommended that legal aid for the defence and legal aid for victims be identified as discrete items in their respective sub-programmes rather than being contained in the category of "contractual services including training". This would allow for greater transparency and comparability from year to year.

37. The Committee also recommended that training be identified as a discrete item in the different programmes and sub-programmes.

¹⁷ ICC-ASP/8/30.

¹⁸ *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. 70.

38. The Committee further recommended that, in some programmes, a better justification for resource proposals be provided.

39. With respect to the non-inclusion in the proposed budget of the costs for the Review Conference, the proposed liaison office at the African Union Headquarters and the proposed independent oversight mechanism, the Committee recommended that, as a general rule, items that have not received the policy approval of the Assembly should not be included in the budget. Nonetheless items, such as the Review Conference, that are the result of a statutory requirement of the Rome Statute should be contained in the proposed budget, although provision should be made to ensure that periodic events are not understood or counted as part of the core budget for the Court in any way. The costs of the Review Conference should therefore not serve as a basis for calculating the proposed budget for 2011. With respect to the budgets of items that have been prepared for consideration by the Assembly, such as the proposed liaison office, the proposed independent oversight mechanism and family visits for indigent detainees, the Committee recommended that such budgets appear as annexes to the budget document to ensure full transparency as to their impact on the overall budget.

40. In relation to the travel budget of the Court to the Review Conference, the Committee noted that there was a lack of consistency across the major programmes. Some programmes included travel costs to attend the Review Conference within their major programme budget while others placed their travel costs in the proposed budget for the Review Conference.¹⁹ In this connection, the Committee recommended that all travel related to the Review Conference be removed from the regular budget and listed in an addendum to the budget document. The amounts approved by the Assembly would then be incorporated into each of the major programmes for 2010 but in accordance with the one-time expenditure approach (see paragraph 39 above) by which such costs would be excluded from the calculation of the baseline for the preparation of the proposed programme budget for 2011.

(b) Assumptions and activities for 2010

41. The Court informed the Committee that the proposed programme budget for 2010 was based on the assumption of up to three consecutive trials throughout the year, involving a total of four accused.

42. The Committee recalled its comments on the 2008 and 2009 budgets urging the Court to maximize the efficiency of proceedings and to schedule trials so as to avoid additional costs wherever possible.²⁰

43. The Committee was informed that the Prosecutor did not intend to commence any investigations in a new situation in 2010, unless a need to open such a new situation arose or the Security Council or a State referred a situation to the Court. The Prosecutor was conducting five active investigations in three of the situations before the Court, was maintaining five further residual investigations and would continue to analyze up to eight other potential situations.²¹

(c) Macro-analysis

44. The Court informed the Committee that it proposed a budget of €102.98 million for 2010, representing an increase of €1.75 million or 1.7 per cent over the approved budget level for 2009.

¹⁹ ICC-ASP/8/17, annex XI.

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. 35 and *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. 47.

²¹ ICC-ASP/8/10, paras. 9-10 and annex III.

45. The Committee noted that States Parties could be assessed an additional €2.4 million for the following activities, increasing the proposed budget by 2.3 per cent depending on decisions to be taken by the Assembly.

Review Conference:	€1.4 million
Liaison office at the African Union Headquarters:	€0.5 million
Independent oversight mechanism:	€0.5 million

46. As the Court is acquiring greater experience in costing its activities, and as its budget is starting to stabilize in light of the current level of activity, the Committee was of the view that the Court should commence forecasting and quantifying known and potential cost drivers in order to allow the Assembly to have a reasonable understanding of the potential budgetary stresses over the next five years.

47. The Committee welcomed this budget as an indication that the Court was indeed completing its establishment stage, the budget was starting to stabilize and that the Court had made serious efforts to review its activities and seek efficiencies.

48. In that regard, the Committee welcomed the Second status report on the Court's investigations into efficiency measures²², which provided information on the current measure undertaken or planned to increase efficiencies in the Court's activities. The Committee was informed that, as much of the Court's budget (86 per cent) covers staff and other medium term contractual costs, the scope for immediate savings is limited. The Committee requested the Court to submit, for consideration at its fourteenth session, a third report on efficiency measures, which would include an indication of the monetary savings achieved thus far.

(i) *Medium term budgeting forecast*

49. The Committee welcomed the Report of the Court on capital investment replacements²³ as a commencement on the identification of known and potential cost pressures. The Committee noted that the report provided information on the potential costs of renewing the vehicle fleet, electronic and information and communication technologies (ICT) equipment, the implementation of IPSAS and rent associated with interim premises. These items alone would add over €5 million a year to the Court's budget over the next four years.

50. The Committee was of the view that this report constituted an excellent start but was incomplete. For example, the External Auditor had noted that the Court was able to provide costs by situation rather than by specific trial. The Committee recommended that the Court implement analytic accountability for each trial in order to foresee its costs.

51. The Committee also noted the possibility that, in a given year, there may be more than 18 judges on active duty as outgoing judges in the trial and appeals chambers are required under article 36, paragraph 10, of the Rome Statute to stay in office to complete any trial or appeal the hearing of which had already commenced. Depending on the status of the various trials and appeals, as well as new cases, the potential exists to have several newly elected judges coming into active service for new cases while several outgoing judges are still in office to complete trials or appeals as the case may be. The Committee recommended that the Assembly, in consultation with the Court, consider whether any clarifications or any other deliberations are required in order to mitigate the potential costs.

²² ICC-ASP/8/30.

²³ ICC-ASP/8/27.

52. The Committee recommended that the Court continue to refine the report on capital investment replacement and include therein other potential medium-term cost drivers such as parallel trials, the continuation in office of outgoing judges and costs associated with interim rent and permanent premises.

53. The Committee further recommended that the Court use these forecasts to prepare procurement, amortization, cash management and financial plans to address these cost drivers and provide enough advance notification to the Assembly. The procurement plan should allow the Court to forecast its needs with a view to pooling procurement with other international organizations as much as possible.

54. In the longer term, noting that the staffing costs comprised of 71 per cent of the total proposed budget, the Committee also recommended that the Court commence an analysis of the proper ratio of staff to other costs for an institution of its nature.

(d) Common staff costs / inflation

55. The Committee took note of the Report of the Court on its salary framework²⁴ and observed that the decision to adopt the United Nations common system standards had been taken by the Assembly and that this decision has a certain financial impact upon the Court's budget. While the Court is not part of the United Nations system, the United Nations common system is applied via a selective approach. This selective application of the common system has an additional financial impact on the Court's salary framework.

(e) Recruitment delays and vacancy rates

56. The Committee recommended the application in 2010 of the vacancy rates proposed by the Court²⁵ of 10 per cent or 8 per cent for all major programmes, including major programme VI. If the Committee's recommendations on posts are adopted, the application of these vacancy rates would result in programme budget implications of €1.3 million.

(f) Reclassifications

57. The Committee had before it the Report of the Court on the job evaluation study of established posts.²⁶ The Committee also had the proposed list of reclassifications for 2010.

58. The Court explained its reclassification policy, noting that reclassification is not used as a promotion tool and should only be required when substantive changes take place in the nature of the work.

59. While advising that its recommendations on the reclassification will be contained under each major programme and sub-programme where the reclassification is requested (following past practice, the Committee will only provide recommendations against a reclassification, silence implying a positive recommendation), the Committee made some remarks of a general nature.

60. The Committee noted that since 2007 the Assembly has approved 35 reclassifications of generic posts applicable to 64 staff members. The financial implications of such recommendations amount to €783,900. The Committee noted that the present proposed reclassifications, amounting to an additional 14 requests for reclassifications would have an additional financial impact of approximately €300,000 in the 2010 budget.

²⁴ ICC-ASP/8/32.

²⁵ ICC-ASP/8/10, para. 49 and annex VII.

²⁶ ICC-ASP/8/36.

61. The Committee expressed some concern with the reclassification process, noting that last year, the Committee had not been able to review the request for reclassifications during its regular session due to time constraints and the workload in reviewing the budget. The Committee was also concerned with the level of detail provided in support of reclassification proposals. For that reason, the Committee recommended that it review with the Court at its next session the process by which reclassification proposals are prepared and reviewed, including the selection of external consultants.

(g) General temporary assistance and established posts

62. The Court informed the Committee that it had made further progress in regularizing its use of General Temporary Assistance (GTA) resulting in a decrease of unapproved GTAs in 2009. The Committee welcomed this development. While noting that the use of GTAs is acceptable and provides needed flexibility to deal with contingencies and short term requirements, the Court should apply discipline in its creation and filling of GTA positions and that further improvement could be made in terms of identifying and reporting on the budgeting of GTAs.

63. The Committee noted that the Court was considering new modalities for the hiring of young professionals.²⁷ The Committee noted that such practices can result in an unfair advantage for the young professionals who may be fast tracked in recruitment exercises, thereby affecting the regional balance within the institution. Furthermore, the Committee recalled that the Assembly had adopted clear Guidelines for the selection and engagement of gratis personnel.²⁸ Accordingly, the Committee requested the Court to submit a report on gratis personnel to its fourteenth session. In the case the Court insists on proposing new modalities for hiring personnel, a report thereon should also be submitted for the Committee's consideration at its next session.

(h) Travel

64. The Committee reviewed the proposed travel for each major programme in detail. As a general matter, the Committee was of the view that many of the travel budgets contained elements that could be characterized as important, even desirable, but not essential. In this regard, the Committee recommended that the travel budgets of major programmes I, II, IV, VI and VII be reduced by 10 per cent with each of these programme having the discretion to prioritize its respective travel. For major programme III, in light of the already serious reductions made in some sub-programmes, the same 10 per cent reduction applies, unless otherwise indicated.

(i) Training

65. The Committee noted that, as the budgets for training are contained in each major programme under the heading of "contractual services including training", it was difficult in the budget document to understand the full extent and costs of training activities across the Court and that the Committee was provided with different numbers for the overall training budget. The Committee reviewed proposed training in each section and was informed that the overall budget for training amounts up to over €1 million. The Committee noted that some of this training is to allow officials to maintain or acquire essential qualifications and certifications while other training is of a less prescriptive nature.

66. While recognizing the importance of training for maintaining a well functioning work force and as an important element of good human resource management, the Committee was of the view that the training in the major programmes should be better prioritized. Therefore, the Committee recommended that the Court prepare a strategic training plan linked to the risk management that would identify training required for core functions (e.g. maintenance of permits and licenses) and

²⁷ ICC-ASP/8/10, para. 38.

²⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November-3 December 2005* (International Criminal Court publication, ICC-ASP/4/32), part III, resolution ICC-ASP/4/Res.4, annex II.

other types of training with a plan for prioritization. The report should include a plan to enhance “training the trainer” opportunities.

67. The Committee recommended that the training budget for 2010 be reduced by 10 per cent across every major programme with the discretion being given to each major programme to prioritize its training needs and allocate its training resources accordingly.

(j) Major programme I: Judiciary

68. The Committee had before it a Report of the Presidency on the revised staffing structure of Chambers²⁹ and a Report of the Court on the new composition of the Appeals Division and the excusal of judges.³⁰

69. The Committee welcomed the emphasis on ensuring continuity and flexibility, noting the offer of judges not currently working in the Appeals Chamber to assist on a temporary basis, where a judge was unable to take part in an appeal due to prior involvement. The Committee also welcomed the confirmation that legal officers who worked with a recused judge will not themselves be excused from the case but will continue working for the substitute judge. The Committee recommended that Chambers continue to work toward pooling its staff to allow maximum efficiency.

70. In programme 1100, in light of the current staff levels, the Committee considered that the requirements for the P-3 Legal Officer appear to be of a temporary nature which can be met through general temporary assistance. The Committee noted that it would review this recommendation in light of further justification in the review of the 2011 budget.

71. In programme 1300, the Committee recalled the decision of the Assembly when it created the Liaison office to keep the structure limited. The Committee was not convinced that increasing resources in the New York office was justified on a cost-benefit analysis. The Committee therefore recommended that the additional P-3 officer not be approved.

72. With respect to increasing the budget to allow rental of a conference room, the Committee also recommended that this not be approved and that the office continue to look for cost effective ways through partnerships with the United Nations and others to meet its needs in this regard.

(k) Major programme II: Office of the Prosecutor

73. The Committee welcomed the initiative by the Prosecutor to redistribute resources and responsibilities among staff and review its current structure. The decision to re-allocate a P-5 position to the Prosecution Division by redistributing the responsibilities of the Chef de Cabinet to other positions was welcomed as a good example of flexibility and pooling of resources.

74. With respect to travel, the Committee was concerned with repeated travel to New York for budget presentations.³¹

(l) Major programme III: Registry

75. The Committee acknowledged the important effort undertaken by the Registry to bring in a zero growth budget in major programme III.

76. In sub-programme 3110 (Office of the Registrar) the Committee recommended that the post of a GS-OL Staff Council Assistant not be approved.

²⁹ ICC-ASP/8/29.

³⁰ ICC-ASP/8/31.

³¹ ICC-ASP/8/10, para. 137.

77. In sub-programme 3120 (Office of Internal Audit) the Committee was not convinced that an established post of ICT auditor had been fully justified as funds existed for consultants to assist the auditor. As a result, the Committee recommended that this post not be approved.

78. In sub-programme 3140 (Security and Safety Section), the Committee was of the view that the staffing structure in the Kampala field office should be reviewed (see paragraphs 83 to 85 on field offices). In light of this consideration, the Committee recommended that the reclassification of one P-2 to P-3 Field Security Coordination Officer not be approved.

79. In sub-programme 3160 (Registry Permanent Premises Office), the Committee was concerned with the lack of details provided in the budget document and encouraged the Court to ensure a sufficient amount of description is provided, including the activities of the office.

80. In sub-programme 3280 (Field Operations Section), the Committee had before it the Report of the Court on the enhancement of the Registry's field operations for 2010³² as well as copies of the memoranda of understanding between the Court and the various situation countries (the Republic of Chad in the case of the Darfur situation). The Committee took careful note of the risk assessment undertaken by the Court in relation to its field operations. The Committee also took note of the evaluation of the Court of its current lack of strategic and coordination capacity at headquarters.

81. The Committee welcomed the report as an important step in developing a strategic vision for the Court's field office presence and standardizing its field operations. However, the Committee also felt that a number of issues remained unanswered in the report including a vision for actual scale up and down of a field office, an identification of real savings that would result from enhanced representation of the Registry in the field, duration of field offices and the treatment of residual issues, alternative mechanisms for service delivery for the different users and revision of the memoranda of understanding to ensure that they respond to the Court's needs.

82. From this perspective, the Committee recommended that the position of Chief of Section be reclassified from a P-4 to a P-5, that the head of Field Operations be reclassified from a P-3 to a P-4, that the position P-4 Head of Field strategic Coordination and Planning be approved and that the position P-2 Strategic Planning Officer be converted from a GTA to an established post. These positions should provide the Registry with the resources required to undertake the strategic policy and planning and coordination required. However, the Committee recommended that the reclassification from P-3 to P-4 of the four Field Office managers not be approved in the 2010 budget. The Committee recommended that the Court complete its strategic planning and that the Committee review the issue at its fourteenth session. This report should include the total staff number and the units for whom they work in each of the field offices.

83. The Committee also reviewed the current staffing of the Kampala Field office. The Committee was surprised that this office continued to maintain the highest number of staff in any field office³³ given the current level of judicial and prosecutorial activity in the Uganda situation. The Committee therefore recommended that the strategic review of the field offices focus special attention on this issue. The Committee was of the view that immediate savings could be obtained in the Kampala Office by decreasing the number of drivers from 5 to 2 and re-deploying the positions to areas of greater priority, by not reclassifying the field security officer from P-2 to P-3 (see sub-programme 3140 above) and by re-deploying the position of P-2 Associate Field Officer of the Victims Participation and Reparations Section from Kampala to the Central African Republic (see comments under sub-programme 3530). Therefore, the Committee recommended that the request for new 3 GS-OL drivers not be approved but that three positions of GS-OL drivers be re-deployed from the Kampala Field Office to areas of greater need. The Committee recommended that each

³² ICC-ASP/8/33.

³³ 27 posts out of 104.

section of the Court that has a field presence in the Kampala Office review the amount of resources that are currently stationed there in light of the current level of activity. The Committee requested that a report on this issue be provided to the Committee at its fourteenth session.

84. In sub-programme 3210 (Office of the Director (CASD)), the Committee questioned the need for some of the proposed travel and recommended that the travel budget be reduced by 15 per cent.

85. In sub-programme 3220 (Human Resources Section), the Committee did not believe that the reclassification from P-2 to P-3 of the Staffing specialist was justified and recommended that this reclassification not be approved. With respect to the conversion of the Human Resources Assistant from a GTA post to a GS-OL, the Committee noted that insufficient justification had been provided and therefore recommended that this conversion not be approved.

86. In sub-programme 3250 (General Services Section), the Committee recalled its comments in paragraphs 51 to 55 above about the importance of developing a procurement, amortization and financing plan for capital investment renewal.

87. In sub-programme 3260 (Information and Communication Technologies Section), the Committee observed that the current staffing levels were already high. The Committee recommended that the positions of Service Desk Technician and e-Court Technical Assistant not be converted from GTA to established posts, as the continuous need for the positions was not sufficiently justified.

88. In sub-programme 3310 (Office of the Director (DCS)), the Committee recommended that the post of P-2 Associate Legal Officer not be converted from GTA to an established post. The Committee observed, in this regard, that it was not certain whether the Court would be faced with three consecutive trials in 2010. The Committee further recommended that the travel budget be reduced by 5 per cent.

89. In sub-programme 3320 (Court Management Section), the Committee recommended that the conversion of two P-2 Court Reporters from GTA to established posts not be approved.

90. In sub-programme 3330 (Detention Section), the Committee requested the Court to provide, to its fourteenth session, a written report on the policy relating to medical care and insurance for detainees, exploring alternative options and providing an overview of the budgetary implications.

91. In sub-programme 3340 (Court Interpretation and Translation Service), the Committee recommended that the travel budget be accepted as presented.

92. In sub-programme 3350 (Victims and Witnesses Unit), the Committee recommended that the post of P-3 Psychologist/Psychological Trauma Expert not be converted from GTA to an established post. The Committee further recommended that, in light of the existing staffing level, the post of Administrative Operations Assistant not be approved. The Committee recommended that the travel budget be accepted as presented.

93. In sub-programme 3400 (Public Information and Documentation Section), the Committee recommended that the post of P-2 Audiovisual Producer not be converted from GTA to an established post. The Committee questioned the need to create permanent in-house capacity at this point.

94. In sub-programme 3510 (Office of the Head (DVC)), the Committee recommended that the travel budget be reduced by 50 per cent as much of the travel seemed to be associated with meetings outside of the core business of the office. In addition, the Committee recommended that the provision for consultancy services not be approved. The Committee observed in this regard that it was the task of the Financial Investigator to analyze legal aid applications.

95. In sub-programme 3520 (Defence Support Section), the Committee recommended that the travel budget remain as presented. In light of current trends in expenditure for legal aid for the defence, the Committee recommended that the budget be reduced by 7 per cent.

96. In sub-programme 3530 (Victims Participation and Reparations Section), the Committee had concerns with the proposed 64 per cent increase in the travel budget. The Committee recommended that the travel budget be reduced by 15 per cent. As regards the request of the Court for a P-2 Associate Field Officer, the Committee recommended that this position be re-deployed from the Kampala Office. The Committee further recommended that the reclassification from GS-OL to P-1 Case Manager³⁴ not be approved as the Committee was not convinced with the justification provided. In light of current trends in expenditure for legal aid for victims, the Committee recommended that the budget be reduced by 15 per cent.

97. In sub-programme 3550 (Office of Public Counsel for Victims), the Committee noted the large increase in the travel budget (35.7 per cent). The Committee was not provided with adequate information to justify such an increase. Accordingly, the Committee recommended that the travel budget be frozen at its 2009 level.

(m) Major programme IV: Secretariat of the Assembly of States Parties

98. The Committee noted that the use of GTAs in this programme was reasonable given the periodic increase in workload for the Secretariat in relation to sessions of the Assembly and its subsidiary bodies.

99. The Committee recalled resolutions ICC-ASP/7/Res.6 and ICC-ASP/7/Res.7 with respect to translations of decisions, official documents of the Assembly and recommendations and other documents of the Committee.³⁵ The Committee noted that it would monitor implementation of these resolutions.

100. The Committee was informed that the vacant P-4 position of Conference Services and Protocol Officer was under recruitment.

101. With regard to holding future conferences in venues outside The Hague or New York, the Committee recommended that the Assembly consider adopting terms and modalities for holding such conferences along the lines of the United Nations General Assembly resolution 47/202 of 22 December 1992. The terms and modalities should specify the costs to be incurred by the States interested in hosting such events.

(n) Major programme VI: Secretariat of the Trust Fund for Victims

102. The Committee welcomed the substantial reduction in expenditures of the Trust Fund in 2008 against its approved budget for that year. However, the Committee also considered that despite this reduction, the budget submission for 2010 still amounted to a resource growth of 10 per cent.

³⁴ ICC-ASP/8/10, para. 356. The Court clarified therein that the post of P-1 Case Manager had been renamed as "Documentation and Database Administrator".

³⁵ *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 III.

103. Regarding the scope of donations to the Trust Fund, the Committee noted that the current database was mainly restricted to one geographical area. In this regard, the Committee was informed of the development of fundraising strategies for the Trust Fund, the selection criteria for projects tendered, the monitoring measures for the implementation of the various projects, and the mechanisms to provide accountability to donors.

104. The Committee considered the efforts the Secretariat had undertaken in complying with the strategic planning process of the Court, which included the development of a global strategic plan for a period of three years, together with evaluation mechanisms based on general performance indicators.

105. The Committee emphasized the importance of the recommendation made by the External Auditor with regard to the overhead charges³⁶ and welcomed the decision of the Secretariat to formulate a mid-term resources mobilization plan in order to allow for an adequate management of the Fund. In this light, the Committee encouraged the Secretariat to continue developing a strategy consisting of clearly defined targets, introducing safeguards for the expenditure of funds, and reference to a completion strategy.

106. The Committee considered the necessity of the transfer of the P-5 Senior Administration/Liaison Officer and recommended that the post be no longer required once the Executive Director would take office. The Committee also recommended that one GS-OL Communications Support Assistant not be approved and the two GS-OL Field Assistants not be converted from GTA to established posts.

107. With respect to the travel budget, the Committee recommended that the budget be reduced by 10 per cent.

(o) Major programme VII: Project Office for the Permanent Premises

108. In major programme VII, the Committee observed that the payment of interest over the host State loan had been included under “General operating expenses”.³⁷ The Committee recalled that, at its seventh session, the Assembly decided to establish, within the ambit of the annual proposed programme budget, a permanent premises budget for the purpose of payment of the accrued interest and repayment of the host State loan.³⁸

109. The Committee recommended that the Court consider including the payment of interest and the repayment of the loan in an annex to the annual proposed programme budget. Such approach would allow for States Parties to be assessed differently, depending on whether or not they have opted for the one-time payment scheme.

110. The Committee also recommended that the Project Office more clearly delineate costs of the office that would be in the budget of major programme VII and costs that would be borne by the host State loan and one-time contributions.

(p) Estimated income for 2010

111. The Committee noted that the Court had projected income in 2010 of €8,870 from the Special Court for Sierra Leone³⁹ and €1 million income from interest.⁴⁰

³⁶ ICC-ASP/8/16, recommendation 3, paras. 14-15.

³⁷ ICC-ASP/8/10, para. 403.

³⁸ *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 III, resolution ICC-ASP/7/Res.1.

³⁹ ICC-ASP/8/10, annex X(a).

⁴⁰ *Ibid.*, annex IX.

D. Premises of the Court**(a) Permanent premises**

112. The Committee had before it the “Second report on the activities of the Oversight Committee”⁴¹ 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 an update on issues before the Oversight Committee, including the status of negotiations to select an architect.

113. The Chairperson informed the Committee that the project was approximately six months behind schedule, mainly caused by the need to have further clarifications of the cost estimates. However, since the project would benefit from the more thorough cost analysis, the delay was considered defensible. The Project Director indicated that, although the main aim would be to accelerate the project, the costs incurred by the delay so far could be absorbed by the existing budget.

114. The Committee pointed out that the Court was preparing forecasts for the replacement of its capital investment over the medium term, some items of which, such as some ICT and other technical equipment would be purchased close to the date of the completion of the project. The Committee recommended that the Court commence work on identifying and quantifying the others costs related to the project but not directly related to the construction, as specified in resolution ICC-ASP/6/Res.1, to ensure that any new capital purchases would be fully compatible with the requirements and technical specifications of the new premises.

115. The Committee expressed concern with the delays that the project was facing and welcomed the intention of the Oversight Committee to examine the financial risks of the project, such as the rent of interim premises over a longer period of time, an additional inflation cost factor and additional consultancy services.

116. The Committee noted that the Oversight Committee had not sought any specific advice from the Committee at this session. Noting the governance structure and the level of oversight that currently exists for the project, the Committee invited the Oversight Committee to consider what technical, advisory assistance and supervisory role it might require specifically from the Committee as the project advances so that the Committee can ensure that it is well prepared and obtains the necessary documentation.

(b) Interim premises*(i) Secretariat of the Assembly translation teams*

117. As regards the Committee’s recommendation from April 2009,⁴² the Court indicated that the translation teams of the Secretariat of the Assembly were provided office space at the Haagse Veste 1 building in 2009 and that such an arrangement would continue in 2010. The Committee expressed its expectation that such arrangement continue until the Secretariat moved to the permanent premises, so as to avoid budgetary implications for the rental of office space under major programme IV.

(ii) Possible additional office space needs of the Court

118. In addition, the host State’s representative recalled that in accordance with its bid the host State would provide office space to the Court free of rental charge until June 2012. He further explained that, should the Court require any additional office space after June 2012, the costs would

⁴¹ ICC-ASP/8/34 and Add.1.

⁴² ICC-ASP/8/5, para. 106.

be borne by the Court. In this connection, he pointed out that the lead time for the provision of additional office space is between one and one and a half years.

(iii) *Return of interim premises to owners*

119. As regards the capital investment, the Court indicated that the agreement with the host State provides that it is the responsibility of the host State to bring back the two buildings into the “original state” once the Court moves into the permanent premises. The representative of the host State confirmed that the costs would be borne by the host State and indicated in this regard that “original state” referred to the condition of the building at the time that it was made available for usage by the Court. In the case of the Haagseveste 1 building, any additional changes introduced thereafter would have to be reversed by the Court.

E. Independent oversight mechanism

120. The Committee considered the Report of the Bureau on the establishment of an independent oversight mechanism.⁴³

121. Bearing in mind that the decision to establish the mechanism was under consideration by the Assembly, the Committee was of the view that the option of relying on the assistance from the United Nations Office of Internal Oversight (OIOS)⁴⁴ was the most convenient as it would allow the Court to benefit from the experience of that office and progressively build-up its own capacity. Although in its set-up phase, the mechanism foreseen in the Bureau’s report envisages the secondment of a P-5 staff member from OIOS, subsequently the staff would be composed by a P-4 and a P-2, with the P-2 to be recruited in the course of 2010.⁴⁵ The Committee requested the Court to submit to the eighth session of the Assembly the draft amendments to the Rules of Procedure and Evidence and to the Regulations of the Court, as well as report on the draft memorandum of understanding to be negotiated with the United Nations, and an updated costing in euros, so that the mechanism could, once approved by the Assembly, be set up in 2010.⁴⁶ The Committee encouraged the Court to reduce the costs of servicing the new mechanism by pooling resources, such as support staff and infrastructure for securing documents or evidence, with other units, in particular the Office of Internal Audit.

F. Legal aid

(a) Legal aid (defence)

122. The Committee had before it the document entitled “Report of the Court on legal aid: alternative models for assessment of indigence”⁴⁷ 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).

123. While welcoming the information provided by the Court and the facilitator, the Committee observed that consultations within The Hague Working Group on the report, in particular on the recommendations contained therein, were continuing and that the Report of the Bureau on the issue would be finalized in the coming weeks.

⁴³ ICC-ASP/8/2, Add. 1 and 2.

⁴⁴ Ibid., Add.2, para. 11.

⁴⁵ Ibid., Add.2, paras. 6-7 and 12.

⁴⁶ Ibid., Add.2, paras. 12-13, annexes II and III.

⁴⁷ ICC-ASP/8/24.

124. Reiterating its advice from paragraph 53 of the report of its eleventh session⁴⁸, the Committee noted that legal aid is one of several areas “where there were significant pressures on the budget”. The Committee recommended that the Court provide an update on legal aid at its fourteenth session, including any reports that may be requested by the Assembly.

(b) Legal aid (victims)

125. 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”⁴⁹ 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). The facilitator indicated that the Working Group was continuing its consideration of the issue, inter alia, on the basis of the recommendations made by the Committee at its twelfth session in April 2009. While noting that the Court had not yet gone through a full cycle of proceedings, including the reparations stage where victims would play a leading role, the facilitator observed that the information provided thus far did not allow for a full comparison between the Office of Public Counsel for Victims (OPCV) and external counsel costings.

126. While welcoming the report, the Committee noted several concerns. Specifically, the Committee observed that the scenarios showing the possible budgetary impact of victims’ representatives for a full cycle of a case did not specify the number of months against which the costs were calculated for each scenario. The Committee was informed that the cost of using the OPCV exclusively was based on a 12 month period while the costs for using external counsel were based on a 26 month cycle. It was also noted that the administrative costs of the OPCV as contained in the budget document did not figure as part of the costs in the table. The Committee observed that, in the absence of a common baseline for the calculation, the figures provided in annex II were highly unreliable and could lead an unwary reader to conclude that choosing the OPCV was automatically the most economical option without proper justification. The Committee recommended that the Court revise the annex and the report once it will have established common parameters for comparison and that it report back to Committee at its fourteenth session.

G. Family visits

127. The Committee recalled the comments made on the item at its twelfth session⁵⁰ and noted that the matter was the subject of consideration by the Bureau via The Hague Working Group. Furthermore, it noted that the Registrar had indicated that the funds approved for family visits in the 2009 budget were sufficient for her to meet the expected trips authorized by the Assembly. The level of funds requested for the same purpose in the proposed 2010 budget, amounted to €81,500.⁵¹

H. Liaison office at the African Union Headquarters

128. The Committee had before it the Report of the Court on the establishment of an office for the International Criminal Court at the African Union Headquarters in Addis Ababa⁵² and an informal summary of the meeting of the New York Working Group held on 7 May 2009. Following the request of the Assembly that “the Court consider the desirability and feasibility of establishing, at African Union Headquarters in Addis Ababa, a small representation common to all parts of the Court, and requests the Registrar to report to the Assembly of States Parties on this question, including its budgetary implications, drawing upon experiences and lessons learned from existing

⁴⁸ *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. 53.

⁴⁹ ICC-ASP/8/25.

⁵⁰ ICC-ASP/8/5, paras. 86-97.

⁵¹ ICC-ASP/8/9, para. 9.

⁵² ICC-ASP/8/35.

offices of the Court in New York and in the field”⁵³, the Court had undertaken a mission to Addis Ababa. On the basis of the mission, the report of the Court concluded that establishing a liaison office would be desirable and feasible.

129. While welcoming the report, the Committee noted that a number of other questions could also be addressed to allow the Assembly to take as informed decision as possible. For example, the Committee noted that the report did not address the issue of likely duration of the office, alternate mechanisms for achieving the same goals, a cost/benefit analysis of the different options (such as more timely visits of senior officials of the Court or the Assembly), the timing for opening such an office and its accreditation, and the general strategy for the Court to engage regional organizations.

130. With respect to the proposed budget, the Committee recommended that, in case the Assembly decides to establish the liaison office, the resources should not exceed those of the New York Liaison Office and hence should be staffed at a P-5 level and not contain an additional P-3.

I. Contingency Fund

1. Use of the Contingency Fund in 2009

131. The Committee was informed by letters from the Registrar dated 6 May 2009 and 6 July 2009 that the Court would access the Contingency Fund in the amount of €610,000 to finance supplemental activity following the surrender of Mr. Abu Garda. The Committee concurred that the surrender of Mr. Abu Garda was an unforeseen event within the meaning of the Financial Regulations and Rules. The Court advised the Committee that it would make every effort to absorb the extra costs in the regular budget before accessing the Contingency Fund.

132. The Court noted that, given the current forecast of expenditure for the regular budget it foresaw accessing the Working Capital Fund to cover the expected gap between assessed contributions and actual expenditure as provided for in resolution ICC-ASP/7/Res.4. In light of this, the Court enquired whether it should access the Contingency Fund directly.

133. As a first step, the Committee was of the view that the Court should make all efforts to reduce spending and find savings in order to decrease the gap between assessed contributions (of €96 million) and the approved budget (of €101,229,900). Only after having made such efforts, the Committee recommended that the Court absorb the additional costs within the approved budget level. This would imply that the Court should use the funds from the Working Capital Fund up to the authorized amount and only then access the Contingency Fund.

134. The Committee recalled that the existence of a Contingency Fund did not relieve the Court of its responsibility to properly plan its activities.

2. Replenishment of the Contingency Fund

135. In its eleventh report, the Committee had recommended that the Assembly consider three options to replenish the Contingency Fund. Under the first option, the Assembly could replenish the Fund from time to time as was necessary. Under the second option, the Fund would be replenished automatically by an amendment to the last sentence of regulation 6.6 of the Financial Regulations and Rules. Under the third option, the Assembly could decide to no longer hold funds in a Contingency Fund and instead continue to provide the commitment authority provided for in

⁵³ Ibid, para. 1.

regulation 6.7 of the Financial Regulations and Rules with a new provision to charge the costs to States Parties at the end of the financial period.⁵⁴

136. By letter dated 18 August 2009, the facilitator of The Hague Working Group, H.E. Mr. Călin Fabian (Romania) requested that the Committee also consider the option of merging the Working Capital Fund with the Contingency Fund.

137. The Committee observed that the Contingency Fund was currently well capitalized and had not yet been accessed by the Court. The Committee was of the view that further experience would be required on the functioning of the Working Capital Fund and the Contingency Fund, including their capacity to address the risks for which they were created, before a decision on merger could be considered.

138. In reviewing options 1 and 2, the Committee did not believe that the Contingency Fund should necessarily be replenished to its current level automatically as there was no clear experience that suggested that the actual amount (€10 million) was the absolute minimum required for prudent risk management. However the Committee was also of the view that a reasonable level of the Fund could be fixed at €7 million, taking into account the estimates about the possible impact of events to be covered by the Fund (opening of new situations, parallel trials, extra session of the Assembly). Bearing this in mind, the Committee felt that replenishment of the Fund would not be needed as long as the Contingency Fund did not decrease below €7 million by the end of each year. The Committee requested the Court to prepare draft amendments to the Financial Regulations and Rules which may be necessary.

139. Therefore the Committee recommended that if the Contingency Fund should decrease below €7 million by the end of the year, then the Assembly should decide on its replenishment, including using the interest generated by the Contingency Fund each year.

140. The Committee also recommended that the Assembly keep the proposed threshold under review in light of further experience.

J. Investment of the Court's liquid funds

141. The Court updated the Committee on the status of its liquid funds. As of July 2009, cash holding amounted to €78 million of which €73 million, or 93 per cent, were placed with a single bank. To spread the risk, the Court was currently developing relationships with further suitable banks.

142. The Committee noted with concern the continuing level of risk concentration. Recalling its observations made at the twelfth session,⁵⁵ the Committee recommended that the Court now move towards effective risk diversification and noted that it would review progress as its fourteenth session.

K. Other matters

1. Future meetings

143. The Committee decided, tentatively, to hold its fourteenth session in The Hague, from 19 to 23 April 2010, and its fifteenth session from 23 to 31 August 2010 in The Hague.

⁵⁴ *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.

⁵⁵ ICC-ASP/8/5, paras. 32-36.

2. Timeliness of documentation

144. The Committee welcomed the significant improvement in the preparation of the documentation submitted for its consideration at the thirteenth session and requested the Secretariat and the Court's organs to continue to consult on how to further enhance the submission, translation and issuance of documentation so that the Committee receives the working language versions at least three weeks prior to the beginning of its sessions.

Annex I

List of documents

Committee on Budget and Finance

ICC-ASP/8/CBF.2/L.1	Provisional agenda
ICC-ASP/8/CBF.2/L.2/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/8/CBF.2/1	Report of the Court on the implications of implementation of the International Public Sector Accounting Standards
ICC-ASP/8/CBF.2/2	Report of the Court on capital investment replacements
ICC-ASP/8/CBF.2/3	Report of the Office of Internal Audit
ICC-ASP/8/CBF.2/4	Report of the Court on the options for replenishment of the Contingency Fund
ICC-ASP/8/CBF.2/5	Report of the Presidency on the revised staffing structure of Chambers
ICC-ASP/8/CBF.2/6	Second status report on the Court's investigations into efficiency measures
ICC-ASP/8/CBF.2/7	Report of the Court on the new composition of the Appeals Division and the excusal of judges
ICC-ASP/8/CBF.2/8	Report of the Court on legal aid: Alternative models for assessment of indigence
ICC-ASP/8/CBF.2/9	Report of the Court on its salary framework
ICC-ASP/8/CBF.2/10	Report of the Court on the enhancement of the Registry's field operations for 2010
ICC-ASP/8/CBF.2/11	Second report on the activities of the Oversight Committee
ICC-ASP/8/CBF.2/11/Add.1	Second report on the activities of the Oversight Committee - Addendum
ICC-ASP/8/CBF.2/11/Corr.1	Second report on the activities of the Oversight Committee - Corrigendum
ICC-ASP/8/CBF.2/12	Report of the Court on the establishment of an office for the International Criminal Court at the African Union Headquarters in Addis Ababa
ICC-ASP/8/CBF.2/13	Report of the Court on legal aid: Legal and financial aspects of funding victims' legal representation before the Court

ICC-ASP/8/CBF.2/14	Report of the Court on the job evaluation study of established posts - review of previously classified positions at the Professional level
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
ICC-ASP/8/2/Add.2	Report of the Bureau on the establishment of an independent oversight mechanism - Addendum
ICC-ASP/8/3	Interim report of the Court on legal aid: Legal and financial aspects for funding victims' legal representation before the Court
ICC-ASP/8/4	Interim report of the Court on legal aid: Alternative models for assessment of indigence
ICC-ASP/8/5	Report of the Committee on Budget and Finance on the work of its twelfth session
ICC-ASP/8/9	Report of the Court on the financial aspects of enforcing the Court's obligation to fund family visits to indigent detained persons
ICC-ASP/8/10	Proposed Programme Budget for 2010 of the International Criminal Court
ICC-ASP/8/14	Financial statements for the period 1 January to 31 December 2008
ICC-ASP/8/16	Trust Fund for Victims financial statements for the period 1 January to 31 December 2008
ICC-ASP/8/17	Report on budget performance of the International Criminal Court as at 30 June 2009
ICC-ASP/8/18	Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2008 to 30 June 2009
ICC-ASP/8/18/Add.1	Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2008 to 30 June 2009 – Addendum

Annex II

Status of contributions as at 20 August 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	10,217	1,196	1,433	-	1,433	2,629
2	Albania	39,123	39,123	-	8,595	9,057	(462)	(462)
3	Andorra	46,458	46,458	-	11,460	12,084	(624)	(624)
4	Antigua and Barbuda	19,372	19,372	-	2,865	3,021	(156)	(156)
5	Argentina	5,487,118	5,487,118	-	465,575	640,668	(175,093)	(175,093)
6	Australia	12,770,962	12,770,962	-	2,559,947	2,699,235	(139,288)	(139,288)
7	Austria	6,705,888	6,705,888	-	1,270,662	1,339,798	(69,136)	(69,136)
8	Barbados	70,777	70,777	-	12,893	13,594	(701)	(701)
9	Belgium	8,309,292	8,309,292	-	1,578,658	1,664,552	(85,894)	(85,894)
10	Belize	7,645	7,645	-	1,433	808	625	625
11	Benin	12,343	12,343	-	1,433	6,647	(5,214)	(5,214)
12	Bolivia	59,350	53,354	5,996	8,595	-	8,595	14,591
13	Bosnia & Herzegovina	32,402	32,402	-	8,595	9,063	(467)	(467)
14	Botswana	96,413	96,413	-	20,056	21,146	(1,090)	(1,090)
15	Brazil	10,225,653	10,225,653	0	1,254,904	1,252,110	2,794	2,795
16	Bulgaria	136,354	136,354	-	28,651	30,209	(1,558)	(1,558)
17	Burkina Faso	12,958	12,958	-	2,865	1,766	1,099	1,099
18	Burundi	6,022	1,835	4,187	1,433	-	1,433	5,620
19	Cambodia	12,343	12,343	-	1,433	1,511	(78)	(78)
20	Canada	21,837,322	21,837,322	-	4,264,669	4,496,713	(232,044)	(232,044)
21	Central African Republic	7,645	2,670	4,975	1,433	-	1,433	6,408
22	Chad	2,949	236	2,713	1,433	-	1,433	4,146
23	Colombia	1,047,810	1,047,810	-	150,417	108,589	41,828	41,828
24	Comoros	3,215	312	2,903	1,433	-	1,433	4,336
25	Congo	6,388	5,850	538	1,433	-	1,433	1,971
26	Cook Islands	336	-	336	1,433	-	1,433	1,769
27	Costa Rica	229,096	229,096	-	45,841	33,357	12,484	12,484
28	Croatia	322,465	322,465	-	71,627	75,522	(3,895)	(3,895)
29	Cyprus	312,315	312,315	-	63,032	66,463	(3,431)	(3,431)
30	Democratic Republic of the Congo	23,556	23,556	-	4,298	2,729	1,569	1,569
31	Denmark	5,571,797	5,571,797	-	1,058,646	1,116,250	(57,604)	(57,604)
32	Djibouti	7,449	4,952	2,497	1,433	-	1,433	3,930
33	Dominica	7,645	5,480	2,165	1,433	-	1,433	3,598

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
34 Dominican Republic	146,903	84,709	62,194	34,381	-	34,381	96,575
35 Ecuador	154,877	154,877	-	30,083	7,271	22,812	22,812
36 Estonia	102,311	102,311	-	22,921	24,167	(1,246)	(1,246)
37 Fiji	27,636	22,372	5,264	4,298	-	4,298	9,562
38 Finland	4,160,519	4,160,519	-	807,952	851,914	(43,962)	(43,962)
39 France	47,181,285	47,181,285	-	9,026,429	7,559,682	1,466,747	1,466,747
40 Gabon	68,953	48,972	19,981	11,460	-	11,460	31,441
41 Gambia	7,645	7,645	-	1,433	354	1,079	1,079
42 Georgia	21,275	21,275	-	4,298	4,532	(234)	(234)
43 Germany	66,674,377	66,674,377	-	12,286,888	12,955,434	(668,546)	(668,546)
44 Ghana	31,201	31,201	-	5,730	8,521	(2,790)	(2,790)
45 Greece	4,253,138	4,253,138	-	853,793	900,249	(46,455)	(46,455)
46 Guinea	16,335	4,104	12,231	1,433	-	1,433	13,664
47 Guyana	6,022	6,022	-	1,433	3,300	(1,867)	(1,867)
48 Honduras	38,072	30,938	7,134	7,163	-	7,163	14,297
49 Hungary	1,307,766	1,307,766	-	349,540	142,665	206,875	206,875
50 Iceland	268,189	268,189	-	53,004	28,510	24,494	24,494
51 Ireland	2,922,060	2,922,060	-	637,480	672,165	(34,685)	(34,685)
52 Italy	38,039,636	38,039,636	-	7,275,866	7,671,754	(395,888)	(395,888)
53 Japan	24,772,011	24,772,011	-	21,170,578	21,234,502	(63,924)	(63,924)
54 Jordan	85,201	85,201	-	17,190	18,127	(937)	(937)
55 Kenya	51,137	51,137	-	14,325	17,787	(3,462)	(3,462)
56 Latvia	120,446	120,446	-	25,786	27,189	(1,403)	(1,403)
57 Lesotho	7,645	7,373	272	1,433	-	1,433	1,704
58 Liberia	6,022	5,484	538	1,433	-	1,433	1,971
59 Liechtenstein	53,591	53,591	-	14,325	15,104	(779)	(779)
60 Lithuania	192,568	192,568	-	44,409	46,825	(2,416)	(2,416)
61 Luxembourg	614,178	614,178	-	121,766	128,392	(6,626)	(6,626)
62 Madagascar	1,570	1,527	43	2,865	-	2,865	2,908
63 Malawi	8,026	8,026	-	1,433	1,127	306	306
64 Mali	12,343	12,343	-	1,433	8,019	(6,586)	(6,586)
65 Malta	113,556	113,556	-	24,353	25,679	(1,326)	(1,326)
66 Marshall Islands	7,645	5,101	2,544	1,433	-	1,433	3,977
67 Mauritius	84,105	84,105	-	15,758	16,616	(858)	(858)
68 Mexico	9,666,196	9,666,196	-	3,233,241	1,650,934	1,582,307	1,582,307
69 Mongolia	7,645	7,645	-	1,433	808	625	625
70 Montenegro	3,881	3,881	-	1,433	1,511	(78)	(78)
71 Namibia	46,493	46,493	-	8,595	9,064	(469)	(469)
72 Nauru	7,645	5,062	2,583	1,433	-	1,433	4,016
73 Netherlands	13,492,911	13,492,911	-	2,683,146	2,829,139	(145,993)	(145,993)

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
74 New Zealand	1,805,622	1,805,622	-	366,730	386,682	(19,952)	(19,952)
75 Niger	7,645	4,003	3,642	1,433	-	1,433	5,075
76 Nigeria	352,983	352,983	-	68,762	8,102	60,660	60,660
77 Norway	5,475,843	5,475,843	-	1,120,246	1,181,199	(60,953)	(60,953)
78 Panama	156,449	156,449	-	32,948	8,881	24,067	24,067
79 Paraguay	73,583	73,583	-	7,163	1,313	5,850	5,850
80 Peru	678,368	481,448	196,920	111,738	-	111,738	308,658
81 Poland	3,582,082	3,582,082	-	717,702	756,752	(39,050)	(39,050)
82 Portugal	3,757,342	3,757,342	-	754,948	796,027	(41,079)	(41,079)
83 Republic of Korea	14,513,492	14,513,492	-	3,112,908	1,581,678	1,531,230	1,531,230
84 Romania	487,164	487,164	-	100,278	105,733	(5,455)	(5,455)
85 Saint Kitts and Nevis	3,215	3,215	-	1,433	1,511	(78)	(78)
86 Saint Vincent and the Grenadines	7,449	7,449	-	1,433	332	1,101	1,101
87 Samoa	7,527	7,527	-	1,433	1,509	(76)	(76)
88 San Marino	22,319	22,319	-	4,298	4,532	(234)	(234)
89 Senegal	35,281	34,183	1,098	5,730	-	5,730	6,828
90 Serbia	151,788	151,788	-	30,083	31,720	(1,637)	(1,637)
91 Sierra Leone	7,645	3,092	4,553	1,433	-	1,433	5,986
92 Slovakia	420,381	420,381	-	90,250	95,162	(4,912)	(4,912)
93 Slovenia	667,627	667,627	-	137,524	145,007	(7,483)	(7,483)
94 South Africa	2,298,860	2,298,860	-	415,436	438,039	(22,603)	(22,603)
95 Spain	20,591,112	20,591,112	-	4,251,776	4,483,121	(231,345)	(231,345)
96 Suriname	336	336	-	1,433	1,433	(0)	(0)
97 Sweden	7,864,946	7,864,946	-	1,534,249	1,617,729	(83,479)	(83,479)
98 Switzerland	9,255,768	9,255,768	-	1,741,968	1,836,750	(94,782)	(94,782)
99 Tajikistan	7,645	7,533	112	1,433	-	1,433	1,545
100 The Former Yugoslav Rep. of Macedonia	42,927	42,927	-	7,163	7,553	(390)	(390)
101 Timor-Leste	7,527	7,527	-	1,433	923	510	510
102 Trinidad and Tobago	179,246	179,246	-	38,679	40,783	(2,104)	(2,104)
103 Uganda	36,412	36,412	-	4,298	8,164	(3,867)	(3,867)
104 United Kingdom	48,006,742	48,006,742	-	9,514,925	10,032,646	(517,720)	(517,720)
105 United Republic of Tanzania	44,323	44,323	-	8,595	2,097	6,498	6,498
106 Uruguay	325,014	325,014	-	38,679	51,130	(12,451)	(12,451)
107 Venezuela	1,416,138	1,416,138	-	286,508	80,759	205,749	205,749
108 Zambia	11,949	11,949	-	1,433	1,511	(78)	(78)
Total	410,527,646	410,181,031	346,615	96,229,900	94,175,008	2,054,892	2,401,507

Annex III

Budgetary implications of the implementation of the recommendations of the Committee on Budget and Finance*

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

TOTAL – ALL MAJOR PROGRAMMES

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)	
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related
<i>Judges</i>	5,634.0	5,634.0	5,634.0	5,634.0		
Professional staff	18,985.3	21,743.5	18,614.3	21,152.4	-371.0	-591.1
General Service staff	10,675.1	9,566.1	10,555.1	9,423.8	-120.0	-142.3
<i>Subtotal staff</i>	29,660.4	31,309.6	29,169.4	30,576.2	-491.0	-733.4
General temporary assistance	2,031.2	5,047.7	2,294.2	5,553.6	263.0	505.9
Temporary assistance for meetings	1,079.7	71.1	1,079.7	71.1		
Overtime	252.4	137.2	269.0	137.2	16.6	16.6
Consultants	83.7	358.8	83.7	308.8		-50.0
<i>Subtotal other staff</i>	3,447.0	5,614.8	3,726.6	6,070.7	279.6	455.9
Travel	1,096.4	4,355.3	985.91	3,985.8	-110.5	-349.5
Hospitality	57.0	57.0	57.0	57.0		
Contractual services incl. training	2,822.7	5,039.1	2,768.5	4,662.1	-54.2	-377.0
General operating expenses	6,139.5	5,910.3	7,221.1	5,910.3	1,081.6	1,081.6
Supplies and materials	759.5	451.8	759.5	451.8		
Furniture and equipment	436.5	266.2	436.5	266.2		
<i>Subtotal non-staff</i>	11,311.6	16,002.7	12,228.5	15,276.2	916.9	-726.5
Total	50,053.0	52,927.1	50,758.5	51,923.1	705.5	-1,004.0
		27,314.3		27,504.7		190.4
		102,980.1		102,681.6		-298.5
Distributed maintenance						

* As recommended by the Committee on Budget and Finance, costs relating to the Review Conference, excluding travel costs, have been added into the appropriate programmes.

<i>Item</i>	Proposed budget 2010 <i>(thousands of euros)</i>		CBF – Proposed budget 2010 <i>(thousands of euros)</i>		CBF changes <i>(thousands of euros)</i>		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	176	227	403	172	220	392	-2.7
General Service staff	175	203	378	172	200	372	-1.6
Total staff	351	430	781	344	420	764	-2.2

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1. Major Programme I – Judiciary

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
<i>Judges</i>	5,634.0		5,634.0	5,634.0			
Professional staff	2,942.4	454.5	3,396.9	2,748.8	454.5	3,203.3	-5.7
General Service staff	797.7	180.0	977.7	797.7	180.0	977.7	
<i>Subtotal staff</i>	3,740.1	634.5	4,374.6	3,546.5	634.5	4,181.0	-4.4
General temporary assistance	134.5		134.5	242.0		242.0	79.9
Temporary staff for meetings							
Overtime	16.2		16.2				
Consultants							
<i>Subtotal other staff</i>	150.7		150.7	258.2		258.2	71.3
Travel	192.2	31.2	223.4	263.0	28.1	291.1	30.3
Hospitality	17.0		17.0	17.0		17.0	
Contractual services incl. training	22.8		22.8	20.5		20.5	-10.0
General operating expenses	73.6		73.6	55.9		55.9	-24.0
Supplies and materials	5.0		5.0	5.0		5.0	
Furniture and equipment							
<i>Subtotal non-staff</i>	310.6	31.2	341.8	361.4	28.1	389.5	13.9
Total	9,835.4	665.7	10,501.1	9,800.1	662.6	10,462.7	-0.4
Distributed maintenance	119.3	22.4	141.7	119.3	22.4	141.7	

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	30	4	34	28	4	32	-5.9
General Service staff	13	3	16	13	3	16	
Total staff	43	7	50	41	7	48	-4.0

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1.1 Programme 1100 – The Presidency

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
<i>Judges</i>	1,037.5		1,037.5	1,037.5			
Professional staff	804.0		804.0	707.2		-96.8	-12.0
General Service staff	257.7		257.7	257.7			
<i>Subtotal staff</i>	1,061.7		1,061.7	964.9		-96.8	-9.1
General temporary assistance	53.8		53.8	161.3		107.5	199.8
Temporary staff for meetings							
Overtime	16.2		16.2				
Consultants							
<i>Subtotal other staff</i>	70.0		70.0	177.5		107.5	153.6
Travel	103.6		103.6	183.2		79.6	76.9
Hospitality	15.0		15.0	15.0			
Contractual services incl. training	5.9		5.9	5.3		-0.6	-10.0
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	124.5		124.5	203.6		79.1	63.5
Total	2,293.7		2,293.7	2,383.5		89.8	3.9

Distributed maintenance	33.3		33.3				
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Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	8		8	7		-1	-12.5
General Service staff	4		4	4			
Total staff	12		12	11		-1	-8.3

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1.2 Programme 1200 – Chambers

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
<i>Judges</i>	4,596.5		4,596.5	4,596.5			
Professional staff	1,902.2	454.5	2,356.7	1,902.2	454.5	2,356.7	
General Service staff	480.0	180.0	660.0	480.0	180.0	660.0	
<i>Subtotal staff</i>	2,382.2	634.5	3,016.7	2,382.2	634.5	3,016.7	
General temporary assistance	53.8		53.8	53.8		53.8	
Temporary assistance for meetings							
Overtime							
Consultants							
<i>Subtotal other staff</i>	53.8		53.8	53.8		53.8	
Travel	79.2	31.2	110.4	71.3	28.1	99.4	-10.0
Hospitality	1.0		1.0	1.0		1.0	
Contractual services incl. training	16.9		16.9	15.2		15.2	-1.7
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	97.1	31.2	128.3	87.5	28.1	115.6	-9.9
Total	7,129.6	665.7	7,795.3	7,120.0	662.6	7,782.6	-0.2
Distributed maintenance	77.7	22.4	100.1	77.7	22.4	100.1	

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	20	4	24	20	4	24	
General Service staff	8	3	11	8	3	11	
Total staff	28	7	35	28	7	35	

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

1.3 Programme 1300 – New York Liaison Office

<i>Item</i>	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related	Percent
<i>Judges</i>							
Professional staff	236.2	236.2	139.4	139.4	-96.8	-96.8	-41.0
General Service staff	60.0	60.0	60.0	60.0			
<i>Subtotal staff</i>	296.2	296.2	199.4	199.4	-96.8	-96.8	-32.7
General temporary assistance	26.9	26.9	26.9	26.9			
Temporary assistance for meetings							
Overtime							
Consultants							
<i>Subtotal other staff</i>	26.9	26.9	26.9	26.9			
Travel	9.4	9.4	8.5	8.5	-0.9	-0.9	-10.0
Hospitality	1.0	1.0	1.0	1.0			
Contractual services incl. training							
General operating expenses	73.6	73.6	55.9	55.9	-17.7	-17.7	-24.0
Supplies and materials	5.0	5.0	5.0	5.0			
Furniture and equipment							
<i>Subtotal non-staff</i>	89.0	89.0	70.4	70.4	-18.6	-18.6	-20.9
Total	412.1	412.1	296.7	296.7	-115.4	-115.4	-28.0
Distributed maintenance	8.3	8.3	8.3	8.3			

<i>Item</i>	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related	Percent
Professional staff	2	2	1	1	-1	-1	-50.0
General Service staff	1	1	1	1			
Total staff	3	3	2	2	-1	-1	-33.3

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2. Major Programme II – Office of the Prosecutor

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	3,704.2	11,806.4	15,510.6	3,704.2	11,806.4	15,510.6			
General Service staff	1,000.4	2,947.2	3,947.6	1,000.4	2,947.2	3,947.6			
<i>Subtotal staff</i>	<i>4,704.6</i>	<i>14,753.6</i>	<i>19,458.2</i>	<i>4,704.6</i>	<i>14,753.6</i>	<i>19,458.2</i>			
General temporary assistance	37.0	4,185.7	4,222.7	37.0	4,185.7	4,222.7			
Temporary assistance for meetings									
Overtime	15.0		15.0	15.0		15.0			
Consultants		105.2	105.2		105.2	105.2			
<i>Subtotal other staff</i>	<i>52.0</i>	<i>4,290.9</i>	<i>4,342.9</i>	<i>52.0</i>	<i>4,290.9</i>	<i>4,342.9</i>			
Travel	202.4	2,302.8	2,505.2	182.2	2,072.5	2,254.7	-20.2	-230.3	-250.5
Hospitality	10.0		10.0	10.0		10.0			
Contractual services incl. training	51.2	314.5	365.7	48.6	308.3	356.9	-2.6	-6.2	-8.8
General operating expenses		274.6	274.6		274.6	274.6			
Supplies and materials	53.0	48.0	101.0	53.0	48.0	101.0			
Furniture and equipment		30.0	30.0		30.0	30.0			
<i>Subtotal non-staff</i>	<i>316.6</i>	<i>2,969.9</i>	<i>3,286.5</i>	<i>293.7</i>	<i>2,733.4</i>	<i>3,027.2</i>	<i>-22.9</i>	<i>-236.5</i>	<i>-7.9</i>
Total	5,073.2	22,014.4	27,087.6	5,050.3	21,777.9	26,828.3	-22.9	-236.5	-1.0
Distributed maintenance	133.1	544.7	677.8	133.1	544.7	677.8			

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	32	122	154	32	122	154			
General Service staff	16	48	64	16	48	64			
Total staff	48	170	218	48	170	218			

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.1 Programme 2100 – The Prosecutor

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)			
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	2,063.4	425.7	2,489.1	2,063.4	425.7	2,489.1				
General Service staff	632.0	675.4	1,307.4	632.0	675.4	1,307.4				
<i>Subtotal staff</i>	<i>2,695.4</i>	<i>1,101.1</i>	<i>3,796.5</i>	<i>2,695.4</i>	<i>1,101.1</i>	<i>3,796.5</i>				
General temporary assistance	37.0	1,533.8	1,570.8	37.0	1,533.8	1,570.8				
Temporary assistance for meetings										
Overtime	15.0		15.0	15.0		15.0				
Consultants		105.2	105.2		105.2	105.2				
<i>Subtotal other staff</i>	<i>52.0</i>	<i>1,639.0</i>	<i>1,691.0</i>	<i>52.0</i>	<i>1,639.0</i>	<i>1,691.0</i>				
Travel	107.6	446.7	554.3	96.8	402.0	498.9	-10.8	-44.7	-55.4	-10.0
Hospitality	10.0		10.0	10.0		10.0				
Contractual services incl. training	51.2	254.5	305.7	48.6	248.3	296.9	-2.6	-6.2	-8.8	-2.9
General operating expenses		10.0	10.0		10.0	10.0				
Supplies and materials	53.0	28.0	81.0	53.0	28.0	81.0				
Furniture and equipment		30.0	30.0		30.0	30.0				
<i>Subtotal non-staff</i>	<i>221.8</i>	<i>769.2</i>	<i>991.0</i>	<i>208.4</i>	<i>718.3</i>	<i>926.8</i>	<i>-13.4</i>	<i>-50.9</i>	<i>-64.3</i>	<i>-6.5</i>
Total	2,969.2	3,509.3	6,478.5	2,955.8	3,458.4	6,414.3	-13.4	-50.9	-64.3	-1.0
Distributed maintenance	80.4	51.3	131.7	80.4	51.3	131.7				

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)			
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	19	5	24	19	5	24				
General Service staff	10	11	21	10	11	21				
Total staff	29	16	45	29	16	45				

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.2 Programme 2200 – Jurisdiction, Complementarity and Cooperation Division

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	729.2	902.4	1,631.6	729.2	902.4	1,631.6			
General Service staff	122.8		122.8	122.8		122.8			
<i>Subtotal staff</i>	<i>852.0</i>	<i>902.4</i>	<i>1,754.4</i>	<i>852.0</i>	<i>902.4</i>	<i>1,754.4</i>			
General temporary assistance		70.3	70.3		70.3	70.3			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		<i>70.3</i>	<i>70.3</i>		<i>70.3</i>	<i>70.3</i>			
Travel	56.3	376.4	432.7	50.7	338.8	389.4	-5.6	-37.6	-43.3
Hospitality									
Contractual services incl. training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>56.3</i>	<i>376.4</i>	<i>432.7</i>	<i>50.7</i>	<i>338.8</i>	<i>389.4</i>	<i>-5.6</i>	<i>-37.6</i>	<i>-10.0</i>
Total	908.3	1,349.1	2,257.4	902.7	1,311.5	2,214.1	-5.6	-37.6	-1.9
Distributed maintenance	22.2	28.8	51.0	22.2	28.8	51.0			

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	6	9	15	6	9	15			
General Service staff	2		2	2		2			
Total staff	8	9	17	8	9	17			

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.3 Programme 2300 – Investigation Division

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	285.9	7,515.4	7,801.3	285.9	7,515.4	7,801.3	
General Service staff	122.8	1,842.0	1,964.8	122.8	1,842.0	1,964.8	
<i>Subtotal staff</i>	<i>408.7</i>	<i>9,357.4</i>	<i>9,766.1</i>	<i>408.7</i>	<i>9,357.4</i>	<i>9,766.1</i>	
General temporary assistance		1,822.7	1,822.7		1,822.7	1,822.7	
Temporary assistance for meetings							
Overtime							
Consultants							
<i>Subtotal other staff</i>	<i>1.5</i>	<i>1,822.7</i>	<i>1,822.7</i>	<i>1.4</i>	<i>1,151.0</i>	<i>1,152.4</i>	-10.0
Travel		1,278.9	1,280.4				
Hospitality							
Contractual services incl. training		60.0	60.0		60.0	60.0	
General operating expenses		264.6	264.6		264.6	264.6	
Supplies and materials		20.0	20.0		20.0	20.0	
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>1.5</i>	<i>1,623.5</i>	<i>1,625.0</i>	<i>1.4</i>	<i>1,495.6</i>	<i>1,497.0</i>	-7.9
Total	410.2	12,803.6	13,213.8	410.1	12,675.7	13,085.8	-1.0
Distributed maintenance	13.9	349.2	363.1	13.9	349.2	363.1	

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	3	79	82	3	79	82	
General Service staff	2	30	32	2	30	32	
Total staff	5	109	114	5	109	114	

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

2.4 Programme 2400 – Prosecution Division

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	625.7	2,962.9	3,588.6	625.7	2,962.9	3,588.6			
General Service staff	122.8	429.8	552.6	122.8	429.8	552.6			
<i>Subtotal staff</i>	748.5	3,392.7	4,141.2	748.5	3,392.7	4,141.2			
General temporary assistance		758.9	758.9		758.9	758.9			
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>		758.9	758.9		758.9	758.9			
Travel	37.0	200.8	237.8	33.3	180.7	214.0	-3.7	-20.1	-23.8
Hospitality									
Contractual services incl. training									
General operating expenses									
Supplies and materials									
Furniture and equipment									
<i>Subtotal non-staff</i>	37.0	200.8	237.8	33.3	180.7	214.0	-3.7	-20.1	-23.8
Total	785.5	4,352.4	5,137.9	781.8	4,332.3	5,114.1	-3.7	-20.1	-0.5
Distributed maintenance	16.6	115.4	132.0	16.6	115.4	132.0			

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	4	29	33	4	29	33			
General Service staff	2	7	9	2	7	9			
Total staff	6	36	42	6	36	42			

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3. Major Programme III – Registry

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	11,145.8	9,023.2	20,169.0	11,107.8	8,432.1	19,539.9	-3.1
General Service staff	8,421.6	6,346.6	14,768.2	8,361.6	6,236.6	14,598.2	-1.2
<i>Subtotal staff</i>	<i>19,567.4</i>	<i>15,369.8</i>	<i>34,937.2</i>	<i>19,469.4</i>	<i>14,668.7</i>	<i>34,138.1</i>	<i>-2.3</i>
General temporary assistance	1,413.2	767.3	2,180.5	1,568.7	1,237.6	2,806.3	28.7
Temporary assistance for meetings	305.7	71.1	376.8	305.7	71.1	376.8	
Overtime	217.4	137.2	354.6	234.0	137.2	371.2	4.7
Consultants	39.0	253.6	292.6	39.0	203.6	242.6	-17.1
<i>Subtotal other staff</i>	<i>1,975.3</i>	<i>1,229.2</i>	<i>3,204.5</i>	<i>2,147.4</i>	<i>1,649.5</i>	<i>3,796.9</i>	<i>18.5</i>
Travel	230.7	1,909.6	2,140.3	206.7	1,802.7	2,009.4	-6.1
Hospitality	10.0	10.0	10.0	10.0	10.0	10.0	
Contractual services incl. training	2,008.0	4,663.6	6,671.6	1,961.0	4,293.4	6,254.4	-6.3
General operating expenses	5,925.3	5,621.7	11,547.0	5,925.3	5,621.7	11,547.0	
Supplies and materials	665.5	403.8	1,069.3	665.5	403.8	1,069.3	
Furniture and equipment	406.5	236.2	642.7	406.5	236.2	642.7	
<i>Subtotal non-staff</i>	<i>9,246.0</i>	<i>12,834.9</i>	<i>22,080.9</i>	<i>9,175.0</i>	<i>12,357.8</i>	<i>21,532.8</i>	<i>-2.5</i>
Total	30,788.7	29,433.9	60,222.6	30,791.8	28,676.0	59,467.8	-1.3

Distributed maintenance	-296.7	-589.5	-886.2	-296.7	-589.5	-886.2	
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Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	105	97	202	104	90	194	-4.0
General Service staff	139	149	288	137	148	285	-1.0
Total staff	244	246	490	241	238	479	-2.2

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.1 Programme 3100 – Office of the Registrar

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	2,547.9	1,469.2	4,017.1	2,606.7	1,372.3	3,979.0	-0.9
General Service staff	2,375.4	1,874.6	4,250.0	2,375.4	1,874.6	4,250.0	
<i>Subtotal staff</i>	4,923.3	3,343.8	8,267.1	4,982.1	3,246.9	8,229.0	-0.5
General temporary assistance	1,129.7	93.2	1,222.9	1,129.7	56.2	1,185.9	-3.0
Temporary assistance for meetings							
Overtime	124.4	57.6	182.0	141.0	57.6	198.6	9.1
Consultants							
<i>Subtotal other staff</i>	1,254.1	150.8	1,404.9	1,270.7	113.8	1,384.5	-1.5
Travel	61.1	503.3	564.4	55.0	453.0	508.0	-10.0
Hospitality	10.0	10.0	10.0	10.0	10.0	10.0	
Contractual services incl. training	409.3	404.6	813.9	394.9	390.0	784.9	-3.6
General operating expenses	121.5	647.2	768.7	121.5	647.2	768.7	
Supplies and materials	70.5	272.8	343.3	70.5	272.8	343.3	
Furniture and equipment	10.0	27.1	37.1	10.0	27.1	37.1	
<i>Subtotal non-staff</i>	682.4	1,855.0	2,537.4	661.9	1,790.0	2,451.9	-3.4
Total	6,859.8	5,349.6	12,209.4	6,914.7	5,150.7	12,065.4	-1.2
Distributed maintenance	174.7	201.9	376.6	174.7	201.9	376.6	

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	23	13	36	23	13	36	
General Service staff	40	50	90	39	50	89	-1.1
Total staff	63	63	126	62	63	125	-0.8

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.2 Programme 3200 – Common Administrative Services Division

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	3,495.7	525.6	4,021.3	3,478.8	525.6	4,004.4	-16.9	-16.9	-0.4
General Service staff	4,726.2	1,864.6	6,590.8	4,666.2	1,744.6	6,410.8	-60.0	-120.0	-2.7
<i>Subtotal staff</i>	<i>8,221.9</i>	<i>2,390.2</i>	<i>10,612.1</i>	<i>8,145.0</i>	<i>2,270.2</i>	<i>10,415.2</i>	<i>-76.9</i>	<i>-120.0</i>	<i>-1.9</i>
General temporary assistance	283.5		283.5	350.2	133.4	483.6	66.7	133.4	200.1
Temporary assistance for meetings	20.0		20.0	20.0		20.0			70.6
Overtime	93.0		93.0	93.0		93.0			
Consultants	20.0		20.0	20.0		20.0			
<i>Subtotal other staff</i>	<i>416.5</i>		<i>416.5</i>	<i>483.2</i>	<i>133.4</i>	<i>616.6</i>	<i>66.7</i>	<i>133.4</i>	<i>200.1</i>
Travel	83.5	80.4	163.9	74.2	71.9	146.1	-9.3	-8.5	-17.8
Hospitality									
Contractual services incl. training	1,080.0	277.1	1,357.1	1,050.8	257.4	1,308.2	-29.2	-19.7	-48.9
General operating expenses	4,393.3	2,914.2	7,307.5	4,393.3	2,914.2	7,307.5			
Supplies and materials	434.5	10.0	444.5	434.5	10.0	444.5			
Furniture and equipment	365.0	181.1	546.1	365.0	181.1	546.1			
<i>Subtotal non-staff</i>	<i>6,336.3</i>	<i>3,462.8</i>	<i>9,819.1</i>	<i>6,317.8</i>	<i>3,434.6</i>	<i>9,752.4</i>	<i>-38.5</i>	<i>-28.2</i>	<i>-0.7</i>
Total	14,994.7	5,853.0	20,847.7	14,946.0	5,838.2	20,784.2	-48.7	-14.8	-0.3
Distributed maintenance	-665.5	-1,256.1	-1,921.6	-665.5	-1,256.1	-1,921.6			

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	34	5	39	34	5	39			
General Service staff	77	33	110	76	31	107	-1	-2	-2.7
Total staff	111	38	149	110	36	146	-1	-2	-2.0

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.3 Programme 3300 – Division of Court Services

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	2,947.1	4,941.1	7,888.2	2,947.1	4,604.6	7,551.7	-336.5	-336.5	-4.3
General Service staff	480.0	2,178.1	2,658.1	480.0	2,128.1	2,608.1	-50.0	-50.0	-1.9
<i>Subtotal staff</i>	<i>3,427.1</i>	<i>7,119.2</i>	<i>10,546.3</i>	<i>3,427.1</i>	<i>6,732.7</i>	<i>10,159.8</i>	<i>-386.5</i>	<i>-386.5</i>	<i>-3.7</i>
General temporary assistance	618.3	618.3	618.3	992.2	992.2	992.2	373.9	373.9	60.5
Temporary assistance for meetings	285.7	71.1	356.8	285.7	71.1	356.8			
Overtime	79.6	79.6	79.6	79.6	79.6	79.6			
Consultants	11.0	203.6	214.6	11.0	203.6	214.6			
<i>Subtotal other staff</i>	<i>296.7</i>	<i>972.6</i>	<i>1,269.3</i>	<i>296.7</i>	<i>1,346.5</i>	<i>1,643.2</i>	<i>373.9</i>	<i>373.9</i>	<i>29.5</i>
Travel	33.9	1,083.6	1,117.5	33.1	1,075.7	1,108.8	-0.8	-7.9	-0.8
Hospitality									
Contractual services incl. training	296.0	220.9	516.9	293.7	211.3	505.0	-2.4	-9.6	-2.3
General operating expenses	1,332.5	2,033.3	3,365.8	1,332.5	2,033.3	3,365.8			
Supplies and materials	30.5	121.0	151.5	30.5	121.0	151.5			
Furniture and equipment	31.5	28.0	59.5	31.5	28.0	59.5			
<i>Subtotal non-staff</i>	<i>1,724.4</i>	<i>3,486.8</i>	<i>5,211.2</i>	<i>1,721.3</i>	<i>3,469.4</i>	<i>5,190.6</i>	<i>-3.2</i>	<i>-17.4</i>	<i>-0.4</i>
Total	5,448.2	11,578.6	17,026.8	5,445.1	11,548.6	16,993.6	-3.1	-30.0	-0.2
Distributed maintenance	97.1	336.4	433.5	97.1	336.4	433.5			

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	27	55	82	27	51	78	-4	-4	-4.9
General Service staff	8	50	58	8	49	57	-1	-1	-1.7
Total staff	35	105	140	35	100	135	-5	-5	-3.6

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.4 Programme 3400 – Public Information and Communications Section

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	908.6	520.4	1,429.0	828.7	520.4	1,349.1	-79.9	-79.9	-5.6
General Service staff	480.0	196.9	676.9	480.0	196.9	676.9			
<i>Subtotal staff</i>	<i>1,388.6</i>	<i>717.3</i>	<i>2,105.9</i>	<i>1,308.7</i>	<i>717.3</i>	<i>2,026.0</i>	<i>-79.9</i>	<i>-79.9</i>	<i>-3.8</i>
General temporary assistance	33.4	33.4	33.4	88.8	33.4	122.2	88.8	88.8	265.9
Temporary assistance for meetings									
Overtime									
Consultants									
<i>Subtotal other staff</i>	<i>33.4</i>	<i>33.4</i>	<i>33.4</i>	<i>88.8</i>	<i>33.4</i>	<i>122.2</i>	<i>88.8</i>	<i>88.8</i>	<i>265.9</i>
Travel	32.0	66.8	98.8	28.8	60.1	88.9	-3.2	-6.7	-10.0
Hospitality									
Contractual services incl. training	210.5	619.8	830.3	210.3	619.8	830.1	-0.2	-0.2	0.0
General operating expenses	78.0	78.0	78.0	78.0	78.0	78.0			
Supplies and materials	130.0	130.0	130.0	130.0	130.0	130.0			
Furniture and equipment									
<i>Subtotal non-staff</i>	<i>450.5</i>	<i>686.6</i>	<i>1,137.1</i>	<i>447.1</i>	<i>679.9</i>	<i>1,127.0</i>	<i>-3.4</i>	<i>-6.7</i>	<i>-0.9</i>
Total	1,839.1	1,437.3	3,276.4	1,844.6	1,430.6	3,275.2	5.5	-6.7	0.0
Distributed maintenance	47.1	54.5	101.6	47.1	54.5	101.6			

Item	Proposed budget 2010 (thousands of euros)			CBF – Proposed budget 2010 (thousands of euros)			CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Percent
Professional staff	9	6	15	8	6	14	-1	-1	-6.7
General Service staff	8	11	19	8	11	19			
Total staff	17	17	34	16	17	33	-1	-1	-2.9

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

3.5 Programme 3500 – Division of Victims and Counsel

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	1,246.5	1,566.9	2,813.4	1,246.5	1,409.2	2,655.7	-5.6
General Service staff	360.0	232.4	592.4	360.0	292.4	652.4	10.1
<i>Subtotal staff</i>	<i>1,606.5</i>	<i>1,799.3</i>	<i>3,405.8</i>	<i>1,606.5</i>	<i>1,701.6</i>	<i>3,308.1</i>	<i>-2.9</i>
General temporary assistance		22.4	22.4		22.4	22.4	
Temporary assistance for meetings							
Overtime	8.0	50.0	58.0	8.0		8.0	-86.2
Consultants	8.0	72.4	80.4	8.0	22.4	30.4	-62.2
<i>Subtotal other staff</i>	<i>20.2</i>	<i>175.5</i>	<i>195.7</i>	<i>15.6</i>	<i>141.9</i>	<i>157.6</i>	<i>-19.5</i>
Travel							
Hospitality							
Contractual services incl. training	12.2	3,141.2	3,153.4	11.3	2,814.9	2,826.3	-10.4
General operating expenses		27.0	27.0		27.0	27.0	
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>32.4</i>	<i>3,343.7</i>	<i>3,376.1</i>	<i>27.0</i>	<i>2,983.9</i>	<i>3,010.8</i>	<i>-10.8</i>
Total	1,646.9	5,215.4	6,862.3	1,641.5	4,707.9	6,349.3	-7.5
Distributed maintenance	49.9	73.8	123.7	49.9	73.8	123.7	

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	12	17	29	12	15	27	-6.9
General Service staff	6	6	12	6	7	13	8.3
Total staff	18	23	41	18	22	40	-2.4

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

4. Major Programme IV – Secretariat of the Assembly of States Parties

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related	Percent
Professional staff	611.7	611.7	611.7	611.7			
General Service staff	275.4	275.4	275.4	275.4			
<i>Subtotal staff</i>	<i>887.1</i>	<i>887.1</i>	<i>887.1</i>	<i>887.1</i>			
General temporary assistance	424.3	424.3	424.3	424.3			
Temporary assistance for meetings	774.0	774.0	774.0	774.0			
Overtime	20.0	20.0	20.0	20.0			
Consultants							
<i>Subtotal other staff</i>	<i>1,218.3</i>	<i>1,218.3</i>	<i>1,218.3</i>	<i>1,218.3</i>			
Travel	374.3	374.3	246.9	246.9	-127.4	-127.4	-34.0
Hospitality	10.0	10.0	10.0	10.0			
Contractual services incl. training	581.5	581.5	580.5	580.5	-1.0	-1.0	-0.2
General operating expenses	29.0	29.0	1,128.3	1,128.3	1,099.3	1,099.3	3,790.7
Supplies and materials	30.0	30.0	30.0	30.0			
Furniture and equipment	20.0	20.0	20.0	20.0			
<i>Subtotal non-staff</i>	<i>1,044.8</i>	<i>1,044.8</i>	<i>2,015.7</i>	<i>2,015.7</i>	<i>970.9</i>	<i>970.9</i>	<i>92.9</i>
Total	3,150.2	3,150.2	4,121.1	4,121.1	970.9	970.9	30.8

Distributed maintenance	25.0	25.0	25.0	25.0			
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Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related	Percent
Professional staff	5	5	5	5			
General Service staff	4	4	4	4			
Total staff	9	9	9	9			

Comparison of proposed budget and the recommendations of the Committee on Budget and Finance
(Changes are indicated in grey)

6. Major Programme VII – Project Office Permanent Premises

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related	Percent
Professional staff	279.7	279.7	279.7	279.7			
General Service staff	60.0	60.0	60.0	60.0			
<i>Subtotal staff</i>	<i>339.7</i>	<i>339.7</i>	<i>339.7</i>	<i>339.7</i>			
General temporary assistance	22.2	22.2	22.2	22.2			
Temporary assistance for meetings							
Overtime							
Consultants							
<i>Subtotal other staff</i>	<i>22.2</i>	<i>22.2</i>	<i>22.2</i>	<i>22.2</i>			
Travel	20.8	20.8	18.7	18.7	-2.1	-2.1	-10.0
Hospitality	5.0	5.0	5.0	5.0			
Contractual services incl. training	81.0	81.0	81.0	81.0			
General operating expenses	106.6	106.6	106.6	106.6			
Supplies and materials	1.0	1.0	1.0	1.0			
Furniture and equipment	10.0	10.0	10.0	10.0			
<i>Subtotal non-staff</i>	<i>224.4</i>	<i>224.4</i>	<i>222.3</i>	<i>222.3</i>	<i>-2.1</i>	<i>-2.1</i>	<i>-0.9</i>
Total	586.3	586.3	584.2	584.2	-2.1	-2.1	-0.4
Distributed maintenance	8.3	8.3	8.3	8.3			

Item	Proposed budget 2010 (thousands of euros)		CBF – Proposed budget 2010 (thousands of euros)		CBF changes (thousands of euros)		
	Basic	Situation-related	Basic	Situation-related	Basic	Situation-related	Percent
Professional staff	2	2	2	2			
General Service staff	1	1	1	1			
Total staff	3	3	3	3			