

## B. Reports of the Committee on Budget and Finance

### 1. Report of the Committee on Budget and Finance on the work of its tenth session, April 2008\*

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## I. Introduction

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

1. The tenth 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 sixth session on 14 December 2007. The Committee held its tenth session, comprising eight meetings, at the seat of the Court in The Hague, from 21 to 25 April 2008. The President of the Court, Mr. Philippe Kirsch, delivered welcoming remarks at the opening of the session.

2. For the tenth session, the Committee elected by consensus Mr. David Dutton (Australia) as Chairperson and Mr. Santiago Wins (Uruguay) as Vice-Chairperson.

3. 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.

4. At its 1st meeting, the Committee adopted the following agenda (ICC-ASP/7/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 2007 budget
7. Programme performance of the 2008 budget: first quarter
8. Audit matters
9. Distribution of costs in the proposed programme budget
10. Human resources
11. Translation costs
12. Legal aid: financial investigator
13. Premises of the Court
14. Contingency fund
15. Other matters

5. The following members attended the tenth session of the Committee:

1. David Banyanka (Burundi)
2. Lambert Dah Kindji (Benin)
3. David Dutton (Australia)
4. Carolina María Fernández Opazo (Mexico)
5. Gilles Finkelstein (France)
6. Fawzi A. Gharaibeh (Jordan)
7. Myung-jae Hahn (Republic of Korea)
8. Gerd Saupe (Germany)
9. Ugo Sessi (Italy)
10. Elena Sopková (Slovakia)

11. Santiago Wins (Uruguay)

6. 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**

7. 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 meeting. Furthermore, the Committee decided to designate Mr. Gerd Saupe (Germany) as its contact point for non-governmental organizations.

**C. Statement by a representative of the host State**

8. At the 6th meeting, on 23 April 2008, Ambassador Paul Wilke, Permanent Representative of the Netherlands to the International Criminal Court, made a statement on behalf of the host State on the issue of permanent premises.

**D. Timeliness of documentation**

9. The Committee expressed concern that its recommendations to the Court, contained in the reports on the work of its sixth, seventh, eighth and ninth sessions,<sup>1</sup> had by and large not been heeded. It wished to convey once more to the Court the importance the Committee attached to the timely and orderly submission of the Court's reports and other documents to the Secretariat of the Assembly, so as to ensure that they were distributed to the Committee at least three weeks in advance of its sessions. This would enable members of the Committee to examine the documentation in a thorough and detailed manner prior to their arrival at the session and to perform their function of providing advice to the Assembly in the most effective way.

10. The Committee recommended that the Court adhere to the guidelines set out in the Manual of Procedures adopted by the Bureau of the Assembly of States Parties on 31 August 2006 and noted in particular the content of paragraph 4 thereof.<sup>2</sup>

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November - 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part II.D.6(a), para.72 and part II.D.6(b), para. 133.

<sup>2</sup> "4. The present Manual of Procedures contains guidelines which have been developed to facilitate the preparation and submission of official documentation to the Secretariat by the organs of the Court, and to streamline all procedures related to conference services provided by the Secretariat to the Assembly and its subsidiary bodies. The main guidelines regarding submission of documents are:

(a) The Court should submit documentation to the Secretariat of the Assembly in a staggered and orderly manner, in accordance with an annual timetable to be prepared by the Secretariat, so as to ensure that documentation is submitted to the Assembly or its subsidiary bodies at least three weeks in advance of the respective session.

(b) If a report is submitted late to the Secretariat, the reasons for the delay should be included in a footnote to the document.

(c) The substantive office that submits documentation to the Secretariat should include, where appropriate, the following elements in the reports:

(i) A summary of the report, which should quantify any programme budget implications;

(ii) Consolidated conclusions, recommendations and other proposed actions;

(iii) Relevant background information.

(d) All documents submitted to legislative organs for consideration and action should mark conclusions and recommendations in bold print."

## **II. Consideration of issues on the agenda of the Committee at its tenth session**

### **A. Review of financial issues**

#### **1. Status of contributions**

11. The Committee reviewed the status of contributions as at 24 April 2008 (annex I). It noted that a total of €2.56 million was outstanding from the previous financial periods. The Committee welcomed the improvement in the rate of payment as compared to previous years. So far, 70 per cent of 2008 contributions had been paid, compared to 62 per cent in 2007. The Committee expressed concern that only 43 States had fully paid all their contributions, leaving a total of €29.9 million outstanding for all financial periods.

#### **2. Cash holdings**

12. The Committee was informed that at 31 March 2008 the Court held approximately €94.9 million. This included cash for the working capital fund (€7.4 million), contingency fund (€9.2 million), accruals for judges' costs (€9.7 million), the 2006 surplus (€22.8 million), the 2007 provisional surplus (€7.3 million) and contributions for the 2008 financial period.

13. The Committee noted that States had only recently been advised that the 2006 surplus was available to be returned to States in accordance with regulation 4.7 of the Financial Regulations and Rules. The Committee noted that regulation 4.7 required any cash surplus in the budget to be surrendered to each State Party at 1 January of the year following the year in which the audit of the accounts of the financial period was completed. The Committee observed that States would have been able to offset their share of the 2006 surplus against their 2008 assessments if the Court had surrendered the surplus on 1 January in accordance with regulation 4.7. The Committee encouraged the Court to seek to ensure that, as a general policy, the cash surplus was made available to States in a timely manner in January each year, in accordance with regulation 4.7, and, accordingly, that the 2007 surplus was available to States on 1 January 2009.

14. The Committee was informed that the Court's cash was held in three banks, at interest rates between 4.4 and 4.5 per cent. The Committee agreed to seek a further explanation of the Court's treasury function and policy at its next session.

### **B. Audit matters**

15. The Committee had before it an interim report on governance arrangements submitted by the Court.<sup>3</sup> The Court informed the Committee that though it recognized the importance of having an effective and efficient audit and governance system, the Court was still in the process of developing the overall governance structure. The Court had been in consultation with external advisers on a model that could be developed for the Court, bearing in mind that the Court's functions were unique. Such a model should therefore be specific and tailor-made, catering for the independence of the judiciary and the Office of the Prosecutor.

#### *Risk management*

16. In order to update the risk assessment conducted in 2006, the Court had identified external consultants to perform the assessment. The project would be presented to the Audit Committee. The Court expected the results of the project before the seventh session of the Assembly of States Parties.

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<sup>3</sup> Interim report on governance arrangements (ICC-ASP/7/CBF.1/3).

*Internal and External Audit*

17. The Court informed the Committee that the relationship between the External Auditor and the Office of the Internal Auditor had been strengthened and that the external peer review team had reported that the Court was in compliance with international best practices. The Committee was further informed that the Office of the Internal Auditor would soon be fully staffed and the new Director of the Office would be appointed soon. The post had been vacant since August 2007. The Committee recognized the importance of the work of the Office of Internal Audit, took note of its work programme for 2008 and encouraged the Court to expedite the Office's work.

18. The Committee requested the Court to consider the possibility of having the annual financial statements finalized earlier in the year, if possible prior to the first annual session of the Committee.

*Audit Committee*

19. The Committee was informed that external members of the Audit Committee had not yet been appointed due to the undefined terms of reference of the Committee, which had prevented the Court from identifying suitable candidates. The absence of any financial remuneration for external members had also made it difficult to attract suitable candidates. To overcome this, consultations with external advisers had been conducted and the structures of other organizations analysed. Revised terms of reference of the Audit Committee had subsequently been drafted. According to the revised terms of reference, the Audit Committee would be composed of the three Court principals plus two external members appointed by the principals. Payment would be provided to external members to ensure that the Court could attract highly-qualified candidates. In this connection, the Committee recalled the recommendation of the External Auditor and the Committee that the Audit Committee be composed of a majority of external members and be chaired by one of the external members.<sup>4</sup> The Committee again called on the Court to work towards this objective and urged the Court to appoint external members to the Audit Committee as soon as possible.

20. The Audit Committee had met once in January 2008 and had scheduled a second meeting for May 2008.

*Statement of Internal Control*

21. The Committee was informed that the External Auditor had recommended that the Registrar, in conformity with the Financial Regulations and Rules and best governance practices, should provide an annual statement of internal control. The draft wording of the statement had been circulated to the Audit Committee and Registry's Legal Advisory Section for review.

22. The Committee noted that it had expected that the interim report would contain more detail on each of the matters requested by the Committee at its previous sessions. Therefore it decided to return to the question of governance arrangements at its eleventh session and requested the Court to ensure that the Committee was provided in advance with the approved terms of reference of the Audit Committee, the revised Charter for Internal Oversight and any other relevant documents.

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<sup>4</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November – 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part II.D.6(b), para. 22.

## C. Budgetary matters

### 1. Programme performance of the 2007 budget

23. The Committee considered the report on programme performance of the International Criminal Court for the year 2007.<sup>5</sup> The Committee noted that the overall implementation rate had been 90.5 per cent, compared to 79.7 per cent in 2006, 83.4 per cent in 2005 and 81.4 per cent in 2004. Furthermore, the basic budget had an implementation rate of 97.7 per cent, while the situation-related budget had an implementation rate of 82 per cent. The Committee also noted that key factors that had influenced the Court's ability to implement the situation-related elements of the 2007 programme budget had included the delay in the commencement of a trial, travel restrictions due to security risks, and recruitment difficulties. Similar factors had influenced the Court's ability to fully implement the 2006 programme budget.

24. The Court advised the Committee that it had also incurred €3,491,000 of unforeseen expenditures, including judges (€720,000), staff (€47,000), field operations (€1,087,000) and the expansion of a computer room (€950,000), necessary as a result of space limitations in the interim premises of the Court. The Committee requested that detailed information on the unforeseen expenditures be submitted prior to its eleventh session.

25. The Committee welcomed the improved implementation of the 2007 programme budget. However, it noted that higher implementation in some parts of the Court had not been the result of full realization of the stated assumptions of the budget, and that overspending had occurred on general temporary assistance, consultants, contractual services, and furniture and equipment. The Committee observed that experience in 2007 still showed that there was a substantial gap between planning the budget and the Court's actual activities. While this remained understandable given that the Court was still developing rapidly and had to adapt to external factors, the Committee felt that it was important for the Court to continue to work towards more accurate budgetary planning. The Committee acknowledged that the nature of the Court's operations would probably never allow completely accurate and consistent budgeting such as might be possible in some other international organizations. Nevertheless, it was important for the governance of the Court and for the qualitative analysis of performance each year to explain and differentiate the reasons for variations from the budget. The Committee was concerned that the information provided did not equip it to assess where variations had resulted from external factors and where problems had arisen in either budgeting or implementation.

26. The Committee noted that major programme I had spent 97.69 per cent of its budget, although there had been no significant variations in the assumptions. The Committee was informed that the high implementation rate was the result of the need to accrue the unexpected costs of a disability pension, costed at €1,407,170, due to the disability pension payable to a judge of the Court. No provision had been made in the 2007 budget for such a situation and therefore a total of €1,170,448 from the underspend of major programme I had been utilized to cover the disability pension accrual. The Court was considering the means of covering the additional €236,722. The Committee observed that the authority of the Assembly might be required for the Court to overspend in major programme I, transfer funds from another major programme in the budget, or appropriate specific funds. In that regard, the Committee suggested that the Court might wish to submit a request to the resumed sixth session of the Assembly for authorization to overspend major programme I or transfer the sum of €236,722 from another major programme to major programme I.

27. The Committee noted that the Office of the Prosecutor had spent 79.27 per cent of its budget, despite the fact that the assumptions applicable to the Office had been almost entirely realized. The Court advised that the underspend had been due to lower staff costs and recruitment

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<sup>5</sup> Report on programme performance of the International Criminal Court for the year 2007 (ICC-ASP/7/8).

delays, and that the staffing gap had been covered by staff working excessive hours for sustained periods of time. During discussions with the Court on expenditure by the Office, the Committee noted that, while it agreed that some reasonable limits of confidentiality should apply to avoid divulging critical or confidential information on the Office's activities, it was important that the Court submit to the Committee as detailed information as possible on expenditure to ensure proper oversight and allow the Committee to perform its role effectively.

28. The Committee noted that the Secretariat of the Assembly of States Parties had spent 67.04 per cent of its budget, which was attributed to the variations in conference servicing costs resulting from the different venues at which the Assembly had held its sessions and the duration of the sessions, and from greater efficiency in documentation and the use of interpretation services. The Committee recommended that the Secretariat review its budgetary requirements closely in the light of the continuing underspend and noted that it expected a reduction of the budget to be possible in 2009.

## **2. Performance of the 2008 budget (first quarter)**

29. The Committee considered the report on budget performance of the International Criminal Court as at 31 March 2008.<sup>6</sup> The Court made a presentation on the budget performance for the first quarter of 2008. The total level of implementation stood at 23.7 per cent. The Committee noted that 40.8 per cent of the basic budget for general temporary assistance (GTA) and 45.9 per cent of the basic budget for general operating expenses had already been committed. As regards the latter, the Committee expressed its expectation that the figures to be presented to the Committee at its eleventh session would substantiate the Court's assertion that the high expenditure for general operating expenses had been caused by annual contracts for utilities and maintenance being obligated at the beginning of the year, and that consequently no overspend was foreseen for 2008.

30. With respect to the status of situations under investigation by the Court, the Office of the Prosecutor advised the Committee that in the Uganda situation the arrest and surrender of the suspects remained a priority, irrespective of the outcome of the peace negotiations. With regard to the situation in the Democratic Republic of the Congo, the Court indicated that the trial in the case against Thomas Lubanga was scheduled to commence on 23 June 2008. The confirmation of charges hearing in the case against Germain Katanga and Mathieu Ngudjolo Chui was scheduled for May 2008. In accordance with its strategy and as announced in previous years, the Office of the Prosecutor was in the process of selecting a third investigation, which was to commence in the course of 2008. Arrest warrants remained outstanding in the situation in Darfur and cooperation by the Government of Sudan was pending. Nonetheless, the Office of the Prosecutor had launched two additional investigations, for which an application for arrest warrants or summons to appear were expected to be issued in the course of 2008. As regards the situation in the Central African Republic, progress was being made in the investigations and an application for arrest warrants was planned for 2008.

31. The Committee noted that the Court was considering drawing from the contingency fund to meet the costs in 2008 related to a second trial, including pre-trial activities. It noted that the Registrar would write to the Chair of the Committee, and that the Committee would provide comments to the Court in accordance with the Financial Regulations and Rules.

32. The Committee received a briefing by the Court on the issue of family visits for detainees. It was informed that the Court was continuing to fund family visits from the budget on an interim basis pending the Assembly's decision on the policy issue. The Committee noted that the implications of a policy decision on the matter could go beyond the ambit of the Court itself and that the issue was under consideration by the Bureau of the Assembly, through one of its working

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<sup>6</sup> Report on budget performance of the International Criminal Court as at 31 March 2008 (ICC-ASP/7/7).



groups. The Committee requested the Court to indicate the programme budget implications of the matter in its forthcoming proposed programme budget for 2009.

### **3. Programme structure and budget presentation for 2009**

#### **(a) Budget terminology and outlook for 2009**

33. The Court informed the Committee in an informal oral report that substantial additional resources would be proposed in the 2009 budget. These would probably include approximately €4.8 million to restore the vacancy rate to the normal level of 10 per cent following the one-off adjustment made in 2008, approximately €1 million to fully cost new posts that were half-costed in 2008, approximately €1.3 million in common system costs and approximately €9.1 million for a second trial. The Court also advised that additional resources might be required for victims and witnesses. The Committee noted that there might also be additional requirements for the permanent premises project, subject to the Assembly's decisions on financing the project.

34. The Committee recalled its previous comments on the desirability of measuring growth between the actual level of expenditure in one financial period (the baseline) and the proposed level of expenditure in the next. The Committee recognized that it would not be possible to make a meaningful comparison on this basis in the proposed programme budget, since the latter would be finalized before July. As such, the Committee recalled the description of the baseline in the report on the work of its eighth session, which had been agreed by the Committee and the Court.<sup>7</sup> Accordingly, the Court should prepare the proposed programme budget for 2009 so as to include comparisons between the level of actual expenditure in 2007, the approved 2008 budget and the proposed 2009 budget. In addition, the Court should present an addendum to the budget comparing the proposed budget for 2009 with a forecast for current year (2008) actuals, and a qualitative analysis of variants for 2008. This should be based on expenditure at the latest convenient date prior to the Committee's eleventh session. The Committee agreed that it would begin its analysis of the proposed 2009 programme budget by reviewing expenditure in 2007 and 2008 and requested the Court to ensure it was ready to provide qualitative information on recent budget performance.

35. The Committee requested that the Court utilize in the proposed 2009 budget the terminology recommended by the Committee in the report on the work of its ninth session.<sup>8</sup> Accordingly, the term 'zero growth in real terms' should reflect the fact that the budget had increased only due to inflation or other price increases, the underlying factors having remained constant. The Committee recognized that the additional funding required to restore the vacancy rate to a normal level should be considered as 'previous commitments'.

36. The Committee noted that the vacancy rate should be set at a realistic level for 2009 and decided to look closely at this question at its eleventh session in the light of the rate of recruitment up to that point. The Committee noted that the restoration of the vacancy rate to a normal level, following the one-off adjustment in 2008, would not create any additional capacity in the Court. In that sense, the Committee recognized that, while not strictly falling within the definition of 'zero growth in real terms', the restoration of the vacancy rate did not represent any growth in staff resources.

37. The Committee noted that the Court had indicated in its presentation on the 2009 outlook that it would propose price adjustments for some non-staff resources, including contracts, utilities and travel. The Committee noted that the Court had not applied any systematic price adjustment for non-staff costs in the 2008 budget, other than for travel.<sup>9</sup> The Committee agreed that it would

<sup>7</sup> *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.II.B.3(b), para. 26 (i).

<sup>8</sup> *Ibid.*, part B.2, II.C.2(c), para. 39.

<sup>9</sup> *Ibid.*, para. 45.

examine any proposals for price adjustments for additional non-staff costs on their merits. However, the Committee emphasized that the budget proposal should provide a full explanation of the methodology employed for adjusting prices and the additional resources requested. It also emphasized the need for continual efforts by the Court to absorb budgetary increases due to inflation by finding efficiencies and prioritizing expenditure. It requested the Court to also explain its efforts to absorb any additional price adjustments within the existing budgetary provisions.

38. Finally, the Committee recognized that there would be significant additional requirements for 2009. This situation required the Court to make more strenuous efforts to find savings and efficiencies across its work programme. The Committee requested in particular that the Court should also examine any possibilities for reductions in GTA due to the increased staffing level in established posts and reductions in equipment, given that most of the Court's infrastructure was now in place. The Committee expected that the Court would provide detailed information on its efforts to find savings and efficiencies in the proposed budget for 2009.

**(b) Distribution of costs**

39. The Committee was informed that the Court intended to make adjustments to the presentation of distributed costs in its 2009 budget proposal. Previous budget presentations had shown costs distributed from administrative sections to receiving sections as a separate line item in proposed budgets and as part of the approved appropriation. Experience had shown that this practice created operational challenges with the potential risk of a need for redeployments between major programmes. The Court informed the Committee that it now intends to follow standard practice and to distinguish between managerial and financial accounting by detaching cost distributions from the budget appropriation. This measure is intended to support the further development of the system of cost distributions by allowing the addition of new line items. The Court further informed the Committee that the proposed change would not have any influence on the information presented, as both information lines would still be presented in each major programme, programme and sub-programme summary table.

The Committee took note of this information, supported the approach indicated by the Court and decided to consider the issue further at its eleventh session in the context of its consideration of the proposed programme budget for 2009.

**(c) Translation costs**

40. The Court presented a report on translation costs<sup>10</sup> as requested by the Committee at its last session. The Committee was unable to discuss the report in detail due to limitations on its time, and therefore decided to revert to the report in the context of the proposed programme budget for 2009. It requested that the Court provide additional information in that context of further options for outsourcing translation work (given savings made by other organizations and the need to locate potential providers of good quality services) and further information on its systems of managerial control of translation costs within the Court.

**D. Human resources**

41. The Committee welcomed the progress report of the Court on recruitment<sup>11</sup> as well as on the development of a human resources strategy,<sup>12</sup> and supported the focus on the specific human resources objectives which were part of the Court's implementation of its Strategic Plan. The Committee noted that some of the measures would be implemented by the Court and that other proposals would subsequently be refined further and submitted for consideration by the Assembly,

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<sup>10</sup> Report of the Court on options for outsourcing translation work (ICC-ASP/7/5).

<sup>11</sup> Report of the Court on recruitment (ICC-ASP/7/CBF.1/2).

<sup>12</sup> Report of the Court on Human Resources - Development of a Human Resources Strategy: Progress Report (ICC-ASP/7/6).

through the Committee, with a clear indication of any programme budget implications. In this connection, while recognizing the specific needs of the Court, the Committee stressed the desirability of remaining within the framework of the common system. Therefore, the Committee supported a gradual implementation of the objectives, which must be realistic and compatible with the resources and needs of the Court. The Committee requested that a further comprehensive report be provided at its twelfth session and that any proposals with programme budget implications for the 2009 budget be identified for consideration at its eleventh session.

#### *Recruitment*

42. With respect to specific human resources objective 14 (recruitment), the Committee welcomed the Court's policy to seek to recruit staff of the highest standards of efficiency, competency and integrity, having regard to equitable geographical representation, a fair representation of female and male personnel, and representation of the principal legal systems of the world, in accordance with the Rome Statute.

43. The Committee noted that there had been an improvement in the geographical representation and gender balance in the recruitment of staff of the Court,<sup>13</sup> and encouraged the Court to continue its efforts in this regard. Further, the Committee invited the Court to consider further ways to improve geographical representation, such as through national competitive examinations or through advertising vacancies in national newspapers of underrepresented or non-represented countries.

44. The Committee welcomed the progress made by the Court to increase the rate of recruitment as recommended at its ninth session.<sup>14</sup> It advised, however, that the Court should ensure that the recruitment process did not result in the filling of posts that might not be needed, nor should the principles of competence and high-quality of staff be sacrificed in the quest to comply with the recommendation of the Committee on increasing the rate of recruitment.

45. The Committee noted that the current net recruitment rate of 11 staff members per month<sup>15</sup> would result in the filling of 88 of the 126 vacant posts by the end of 2008, which would mean that all posts, except for new posts approved in the 2008 budget, would have been filled. The Committee decided to keep this issue under review at its eleventh session.

46. The Committee was informed that the Court would soon launch an electronic recruitment system by implementing a module of Systems, Applications and Products (SAP).

#### *Strategic objective 16: Cultivate a caring environment which values the diversity of staff*

47. The Committee welcomed the specific objectives relating to conditions of service and compensation systems, staff well-being and the internal justice system. It stressed the importance of engaging all staff in the development of the Court's objectives, and welcomed the focus on career development. The Committee requested the Court to present its proposals in due course, including their programme budget implications.

48. The Committee stressed the importance of an ethics regime in an international institution of a judicial nature. The Court informed the Committee that a code of conduct for investigators had been developed, and that a draft code of conduct for the Court as a whole was being developed and would be made available to staff shortly. The Committee requested that the Court present an update on the draft code of conduct in its report on human resources at its twelfth session, for consideration

<sup>13</sup> Annex II, tables 1, 2 and 4.

<sup>14</sup> *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.II.C.2(e), para. 51.

<sup>15</sup> ICC-ASP/7/CBF.1/2, para. 25.

in the context of an overview of the Court's internal justice system. The Committee questioned the desirability of the proposed post of ombudsman, since appeals procedures were already in place to deal with issues of concern to staff.

49. The Committee underlined the importance of security of staff, in particular, of field staff. The Court informed the Committee that its security standards complied with the United Nations Security Management System, and that the conditions and levels of security established by the United Nations were implemented at all its field offices.

50. On the issue of ensuring attractive conditions of service and compensation systems for all staff at headquarters and field locations, the Committee was informed of the efforts of the Court to attract and retain qualified personnel, including a proposal to introduce the field service category for field staff. The Committee noted that the Court was comparing the Mission Subsistence Allowance (MSA) system used by the United Nations Department of Peacekeeping Operations with the Special Operations Living Allowance (SOLA) used by some funds and programmes within the United Nations system for staff working at non-family duty stations, as a possible means to attract and retain staff at these duty stations.

51. The Committee noted that the implementation of the SOLA regime would have programme budget implications. In this connection, the Committee requested the Court to indicate the number of staff that would be affected by such a change and the respective programme budget implications, so that the Committee and the Assembly could make an informed decision.

*Employment advancement for well-performing staff*

52. The Committee welcomed the key areas identified by the Court as priorities for the implementation of this objective. It noted that the Court was putting measures in place to this end, and welcomed the focus on performance management, training and career development. With respect to training, it encouraged the Court to continue to provide language courses, in particular, through its training programmes.

53. The Court stressed the importance of establishing an effective performance appraisal regime in order to ensure the advancement of staff. The Committee supported the thrust towards staff development and in this regard requested the Court to report at its eleventh session on the programme budget implications of its training programme in the context of the budget.

*Resource-sharing*

54. The Committee considered the possibility of the pooling of staff where possible, in order to reduce costs and to provide the opportunity for staff to diversify their professional expertise.

55. The Committee suggested the possibility of a pooling of staff resources with respect to legal officers having similar competence within the Registry. At its ninth session, the Committee had noted that the revised structure for Chambers' legal support would maintain support for individual judges and Chambers, while providing additional staff for each Chamber as a whole rather than assigning staff to individual judges.<sup>16</sup>

56. The Committee therefore recommended that the Court examine the possibility of a pooling of resources for judicial support between the Chambers and the Registry. This step would allow for flexibility in the deployment of staff according to need. The Committee noted that the movement of legal staff from the Office of the Prosecutor to the Chambers and vice versa would not be feasible for reasons of confidentiality and to protect the independence of the organs.

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<sup>16</sup>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.C.2(h), para. 56.

57. The Committee recalled in this regard, that it had, at its eighth session, approved<sup>17</sup> the reclassification of 16 posts of Associate Legal Officer within Chambers from the P-2 level to P-3, and requested that any further changes in the structure of the staffing of Chambers should be presented to the Committee as part of a clear strategy for the Chambers.

#### **E. Legal aid: financial investigator**

58. The Court presented a report on appropriate resources for financial investigations under the Court's legal aid programme. The Committee was unable to discuss the report in detail due to limitations on its time, and therefore decided to revert at its eleventh session to the report in the context of a full report on legal aid<sup>18</sup> and the proposed 2009 budget. The Committee also noted that any reclassifications of posts should be proposed in the context of the 2009 budget. The Committee also noted the proposal to consider using gratis personnel and expected that any such use would comply with the relevant rules.

#### **F. Premises of the Court**

##### **1. Permanent premises**

59. The Committee welcomed the presentation by the Chairperson of the Oversight Committee, H.E. Mr. Jorge Lomonaco (Mexico), in which he provided information on the activities of and progress made by the Oversight Committee on issues pertaining to the recruitment of the Project Director and the financing of the project. With regard to the latter, the Oversight Committee had submitted for the consideration of the Committee on Budget and Finance a series of questions focusing on financing options and, in the event of the Assembly deciding to accept the host State loan, repayment modalities.

60. The Committee noted that the questions posed by the Oversight Committee focused only on financing options and did not address the question of which costs should be financed as part of the premises project and which might be included in the regular programme budget of the Court. The Committee agreed to consider this matter at its eleventh session on the basis of the work of the Oversight Committee.

61. The Committee considered the questions posed by the Oversight Committee and agreed on the following advice.

##### **(a) Host State loan and/or other financing options**

*a. Is it recommendable to finance the project through the host State loan? Are there additional options to consider, such as financing the project directly through States Parties?*

62. The Committee observed that there were two broad options which States should consider:

- i) Direct financing over the life of the project. This could be done on an annual basis according to cash-flow needs or funds could also be accumulated in advance of the project by assessment of States;
- ii) Use of the host State loan;
- iii) A combination of direct financing and the use of the host State loan.

<sup>17</sup> Ibid., vol. II, part B.1.II.E, para. 72.

<sup>18</sup> *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. I, part III, resolution ICC-ASP/6/Res.2, para. 13.

63. The Committee agreed that it would not be possible, at present market rates, to obtain private financing of the project at a lower rate than the 2.5 per cent offered by the host State.

64. The Committee noted that the question of which option was to be preferred would depend on the particular circumstances of States. The 2.5 per cent offer was likely to be lower than domestic interest rates in most States and the loan might therefore be attractive since it would reduce the overall cost of the project for those States. Some States might also wish to spread out the cost of the project over a long term to reduce the annual impact on their assessments; that might be an important consideration for States which had difficulty paying their annual assessments to the Court.

65. Alternately, the Committee observed that some States might prefer to pay for the project through direct financing if that would be less costly or more convenient within their national budgetary systems. There might be potential to utilize as well the value of the host State loan in that option, to reduce the total costs to States. Direct financing would have the advantage of avoiding any payment of interest. It had the disadvantage of requiring larger assessments on States until the project was completed.

**(b) Repayment of the loan**

*a. What would be the advantages and disadvantages of commencing repayment of the host State loan and the accrued interest in the financial period following the one when the disbursement is made?*

66. The Committee observed that commencing repayment in the financial period following the first utilization of the loan would be less costly for States than if repayments were commenced at a later date. It would, however, require assessments to commence at an earlier point.

*b. What would be the advantages and disadvantages of commencing repayment of the host State loan and the accrued interest after the project has been finalized?*

67. An advantage of delaying the start of repayments until after the project had been finalized would be to allow States to defer being assessed for the project for as long as possible. Another advantage would be that the final cost of the project would be known, and a precise repayment schedule could be set out. However, this option would increase the total interest payable over the loan.

*c. What would be the advantages and disadvantages of repaying the loan and the accrued interest through any of the following three options?*

- i) Including the repayment obligation in the proposed programme budget of the Court;*
- ii) Establishing a trust fund; or*
- iii) Combining options i) and ii).*

*d. Are there any disadvantages to ensuring that the assessed contributions of States Parties consist of the following three categories?*

- i) Working Capital Fund;*
- ii) Proposed programme budget; and*
- iii) Permanent premises project.*

e. *Are there any disadvantages to ensuring that the assessed contributions of States Parties consist of the following two categories?*

i) *Working Capital Fund; and*

ii) *Proposed programme budget, which would include all costs related to the permanent premises project (under major programme VII).<sup>19</sup>*

68. As regards the method for repayment, the Committee noted that the project could be funded either by:

i) incorporating the costs for the project in the budget of the Court, either as major programme VII or an additional major programme; or

ii) creating a separate budget for the project.

69. The Committee noted that, in either case, there would be no possibility to transfer funds between the project and other funds or budgets of the Court. Transfers would not be permitted between major programme VII and other major programmes, or between the project budget and the regular budget. Full transparency of the costs of the project should be ensured.

70. The Committee considered that if the Assembly were to decide to incorporate the costs of the project in the budget, then the cost of the project would be assessed to States through existing mechanisms. Accordingly, there would be no need to address the question of how to assess States and how to treat arrears, since there would be no change to the current practice.

71. The Committee considered further that if the Assembly were to decide to create a separate budget for the project, there would be greater flexibility to design a specific system of appropriations, assessment and cash flow. This would require the Assembly to decide whether to assess States for the cost of the project in the annual assessment notice for the budget of the Court and the working capital fund, or to do so separately.

72. If the Assembly were to decide to assess States separately from their annual assessment notice, there would be a need to maintain a separate system for issuing assessments, keeping track of payments and handling arrears. This would also create the possibility of adopting different timelines for the issuance of assessments if that were desirable for the cash flow of the project. The Committee also noted that if the host State loan was to be utilized, a decision would have to be taken on how to address the additional interest that arrears might generate. There would also be a need to decide on how to handle a situation in which late payments by States of their contributions for the project resulted in the Court being unable to meet the cash-flow requirements of the project.

f. *What would be the advantages and disadvantages of transferring the annual surplus to a trust fund?*

73. The Committee observed that any surplus from the regular budget of the Court was required to be returned to States in accordance with the Financial Regulations and Rules, unless the Assembly otherwise decided. It would be possible to accumulate surpluses prior to commencement of the project as a means of accumulating funding for the project and reducing costs later. However, this could create advantages and disadvantages for particular States according to whether they had fully paid their contributions for the period of the surplus and depending on whether there had been any changes to the scale of assessments between the period of the surplus and the period in which the funds were utilized.

<sup>19</sup> The Registry of the Court would be requested to inform States Parties, via its regular communications on the assessed contributions, of the amount of such contributions which would correspond to major programme VII.

74. The Committee further observed that once payment of the project had commenced, there would not be any advantage in transferring surpluses to the project, as the surpluses would in any case be returned to States.

- g. What would be the advantages and disadvantages of providing States Parties with the opportunity to pay their contribution to the permanent premises project in full upfront, as is the case with the United Nations Capital Master Plan?*

75. The Committee considered that this option would have the advantage of providing greater flexibility to States and reducing the total cost of interest if the host State loan was to be used. The disadvantages of this option would be that it would require the scale of assessments for the project to be fixed, at least for any State exercising the option of paying up front, and it would most likely be more expensive for the State concerned. Given that the final cost of the project would not be known at the beginning of the project, it would not be possible for a State to be fully discharged of its obligations to the project in advance. The Committee thought it important to note that the United Nations Capital Master Plan allowed up-front payments as an alternative to assessments over five years, whereas the project might run over 30 years, if the loan were to be utilized.

**(c) Arrears of States Parties**

- a. Should article 112, paragraph 8, of the Rome Statute, concerning the loss of voting rights, apply to contributions to the permanent premises project?*

76. The Committee agreed that the question of whether the provision ‘should’ apply was a matter for the Assembly rather than the Committee.

77. If the Assembly were to decide to incorporate the costs of the project in the budget of the Court, or to assess the cost of a separate budget in the annual assessment issued to States, then article 112, paragraph 8, would apply to the costs of the project in the same way as it presently applied to the budget and working capital fund.

78. If the Assembly were to decide to assess the costs of the project separately from other contributions, there might be a need to obtain legal advice on whether article 112, paragraph 8, would apply to assessments issued for the project.

- b. Should the Assembly address the issues of non-payment and partial payment, as they may have an effect on the cash flow for the project and generate additional interest?*

79. The Committee observed that if the Assembly were to decide to incorporate the costs of the project in the budget of the Court, there would be no need to address those issues since the existing rules for the budget of the Court would apply.

80. If the Assembly were to decide to create a separate budget for the project, there might be a need to address those issues given the possibility of a situation in which late payments by States of their contributions for the project resulted in the Court being unable to meet the cash-flow requirements of the project.

- c. Would it be advisable to charge interest to the amount due from States Parties in relation to the permanent premises project?*

81. The Committee noted that if the Assembly were to decide to incorporate the costs of the project in the budget of the Court, interest could not be applied with respect to costs for the premises without also applying interest to budgetary contributions of States. At present, no such system existed.



82. If the Assembly were to create a separate budget for the project, it would be possible to charge interest for late payments, should the Assembly so decide. Doing so would have advantages for some States and disadvantages for other States, depending on their payment record. Whether that would be advisable was a matter for the Assembly to consider.

**(d) Financial Regulations and Rules**

*a. Would it be necessary to modify the Financial Regulations and Rules?*

83. The Committee agreed that substantial modifications might be required if the Assembly were to decide to create a separate budget for the project. Modifications might not be required if the Assembly were to decide to incorporate the costs of the project in the budget of the Court. That question should be considered carefully when the options under consideration by the Assembly were more clearly defined.

**G. Other matters**

**1. Dates for the eleventh session**

84. The Committee agreed that its eleventh session would be held in The Hague, from 8 to 16 September 2008.

## Annex I

## Status of contributions as at 24 April 2008

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
1 Afghanistan	10,068	6,973	3,095	1,346	-	1,346	4,441
2 Albania	31,050	31,050	-	8,074	8,074	-	-
3 Andorra	35,694	35,694	-	10,765	10,765	-	-
4 Antigua and Barbuda	16,680	16,680	-	2,691	2,691	-	-
5 Argentina	5,049,815	3,417,049	1,632,766	437,316	-	437,316	2,070,082
6 Australia	10,366,473	10,366,473	-	2,404,564	2,404,564	-	-
7 Austria	5,512,389	5,512,389	-	1,193,535	1,193,535	-	-
8 Barbados	58,667	52,510	6,157	12,110	-	12,110	18,267
9 Belgium	6,826,501	6,826,501	-	1,482,837	762,425	720,412	720,412
10 Belize	6,300	6,300	-	1,346	1,346	-	-
11 Benin	10,998	10,998	-	1,346	1,346	-	-
12 Bolivia	51,276	10,233	41,043	8,074	-	8,074	49,117
13 Bosnia & Herzegovina	24,328	24,328	-	8,074	8,074	-	-
14 Botswana	77,576	77,576	-	18,838	7,215	11,623	11,623
15 Brazil	9,046,956	8,605,704	441,252	1,178,735	-	1,178,735	1,619,987
16 Bulgaria	109,443	109,443	-	26,912	26,912	-	-
17 Burkina Faso	10,267	10,267	-	2,691	1,422	1,269	1,269
18 Burundi	4,677	694	3,983	1,346	-	1,346	5,329
19 Cambodia	10,998	10,538	460	1,346	-	1,346	1,806
20 Canada	17,831,635	17,831,635	-	4,005,814	4,005,814	-	-
21 Central African Republic	6,300	2,318	3,982	1,346	-	1,346	5,328
22 Chad	1,603	-	1,603	1,346	-	1,346	2,949
23 Colombia	906,528	906,528	-	141,287	141,287	-	-
24 Comoros	1,870	-	1,870	1,346	-	1,346	3,216
25 Congo	5,043	5,043	-	1,346	454	892	892
26 Costa Rica	186,039	178,759	7,280	43,059	-	43,059	50,339
27 Croatia	255,188	255,188	-	67,279	67,279	-	-
28 Cyprus	253,111	253,111	-	59,206	28,287	30,919	30,919
29 Democratic Republic of the Congo	19,519	4,349	15,170	4,037	-	4,037	19,207
30 Denmark	4,577,440	4,577,440	-	994,389	994,389	-	-
31 Djibouti	6,104	3,699	2,405	1,346	-	1,346	3,751
32 Dominica	6,300	3,781	2,519	1,346	-	1,346	3,865
33 Dominican Republic	114,610	15,792	98,818	32,294	-	32,294	131,112
34 Ecuador	126,621	126,621	-	28,257	11,446	16,811	16,811
35 Estonia	80,782	80,782	-	21,529	21,529	-	-
36 Fiji	23,599	21,303	2,296	4,037	-	4,037	6,333
37 Finland	3,401,632	3,401,632	-	758,912	758,912	-	-
38 France	38,703,006	38,703,006	-	8,478,548	8,478,548	-	-
39 Gabon	58,188	46,134	12,054	10,765	-	10,765	22,819
40 Gambia	6,300	6,300	-	1,346	916	430	430
41 Georgia	17,238	17,238	-	4,037	4,037	-	-
42 Germany	55,133,637	55,133,637	-	11,541,106	11,541,106	-	-
43 Ghana	25,819	25,819	-	5,382	5,382	-	-
44 Greece	3,451,193	3,451,193	-	801,970	314,878	487,092	487,092
45 Guinea	14,989	2,390	12,599	1,346	-	1,346	13,945

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions	
46	Guyana	4,677	4,677	-	1,346	371	975	975
47	Honduras	31,344	12,741	18,603	6,728	-	6,728	25,331
48	Hungary	979,453	979,453	-	328,323	328,323	-	-
49	Iceland	218,404	218,404	-	49,787	49,787	-	-
50	Ireland	2,323,292	2,323,292	-	598,787	598,787	-	-
51	Italy	31,205,613	31,205,613	-	6,834,240	6,834,240	-	-
52	Japan	4,887,949	4,887,949	-	19,884,061	-	19,884,061	19,884,061
53	Jordan	69,054	69,054	-	16,147	6,510	9,637	9,637
54	Kenya	37,682	37,682	-	13,456	7,274	6,182	6,182
55	Latvia	96,226	96,226	-	24,221	24,221	-	-
56	Lesotho	6,300	6,300	-	1,346	720	626	626
57	Liberia	4,677	4,677	-	1,346	454	892	892
58	Liechtenstein	40,135	40,135	-	13,456	13,456	-	-
59	Lithuania	150,856	150,856	-	41,713	41,713	-	-
60	Luxembourg	499,807	499,807	-	114,375	114,375	-	-
61	Malawi	6,681	6,681	-	1,346	454	892	892
62	Mali	10,998	10,998	-	1,346	1,346	-	-
63	Malta	90,681	90,681	-	22,875	22,875	-	-
64	Marshall Islands	6,300	2,207	4,093	1,346	-	1,346	5,439
65	Mauritius	69,304	69,304	-	14,801	7,802	6,999	6,999
66	Mexico	6,629,300	6,629,300	-	3,036,991	3,036,991	-	-
67	Mongolia	6,300	6,300	-	1,346	709	637	637
68	Montenegro	2,536	2,536	-	1,346	1,346	-	-
69	Namibia	38,420	38,420	-	8,074	3,486	4,588	4,588
70	Nauru	6,300	2,507	3,793	1,346	-	1,346	5,139
71	Netherlands	10,972,705	10,972,705	-	2,520,285	2,520,285	-	-
72	New Zealand	1,461,163	1,461,163	-	344,470	344,470	-	-
73	Niger	6,300	724	5,576	1,346	-	1,346	6,922
74	Nigeria	288,396	288,396	-	64,588	24,203	40,385	40,385
75	Norway	4,423,627	4,423,627	-	1,052,250	1,052,250	-	-
76	Panama	125,502	124,916	586	30,949	-	30,949	31,535
77	Paraguay	66,855	66,855	-	6,728	3,350	3,378	3,378
78	Peru	573,416	345,633	227,783	104,956	-	104,956	332,739
79	Poland	2,907,964	2,907,964	-	674,140	674,140	-	-
80	Portugal	3,048,240	3,048,240	-	709,125	709,125	-	-
81	Republic of Korea	11,589,622	11,589,622	-	2,923,961	2,923,961	-	-
82	Romania	392,976	392,976	-	94,191	43,806	50,385	50,385
83	Saint Kitts and Nevis	1,870	1,870	-	1,346	200	1,146	1,146
84	Saint Vincent and the Grenadines	6,104	2,012	4,092	1,346	-	1,346	5,438
85	Samoa	6,182	6,182	-	1,346	700	646	646
86	San Marino	18,282	18,282	-	4,037	4,037	-	-
87	Senegal	29,899	29,899	-	5,382	2,861	2,521	2,521
88	Serbia	123,532	123,532	-	28,257	11,279	16,978	16,978
89	Sierra Leone	6,300	2,739	3,561	1,346	-	1,346	4,907
90	Slovakia	335,612	335,612	-	84,772	84,772	-	-
91	Slovenia	538,455	538,455	-	129,176	49,348	79,828	79,828
92	South Africa	1,908,652	1,908,652	-	390,220	390,220	-	-
93	Spain	16,597,534	16,597,534	-	3,993,704	1,144,643	2,849,061	2,849,061
94	Sweden	6,423,867	6,423,867	-	1,441,124	717,036	724,088	724,088
95	Switzerland	7,619,586	7,619,586	-	1,636,234	1,636,234	-	-
96	Tajikistan	6,300	4,247	2,053	1,346	-	1,346	3,399
97	The former Yugoslav Rep. of Macedonia	36,199	36,199	-	6,728	2,725	4,003	4,003
98	Timor-Leste	6,182	6,182	-	1,346	580	766	766
99	Trinidad and Tobago	142,916	142,916	-	36,331	16,229	20,102	20,102

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
100 Uganda	32,375	31,545	830	4,037	-	4,037	4,867
101 United Kingdom	39,069,632	39,069,632	-	8,937,393	8,937,393	-	-
102 United Republic of Tanzania	36,250	36,250	-	8,074	4,375	3,699	3,699
103 Uruguay	288,685	288,685	-	36,331	36,331	-	-
104 Venezuela	1,147,029	1,147,029	-	269,118	125,074	144,044	144,044
105 Zambia	10,604	7,931	2,673	1,346	-	1,346	4,019
Total	320,145,546	317,582,551	2,562,995	90,382,100	63,357,500	27,024,600	29,587,595

## Annex II

### Human resources tables

**Table 1: Geographical representation of Professional staff**

Status as at 31 March 2008

Total number of professionals: 248\*

Total number of nationalities: 65

Distribution per region

<b>African</b>		
	Benin	1
	Burkina Faso	1
	Democratic Republic of the Congo	2
	Egypt	2
	Gambia	3
	Ghana	1
	Kenya	2
	Lesotho	1
	Mali	2
	Mauritania	1
	Niger	1
	Nigeria	8
	Senegal	3
	Sierra Leone	5
	South Africa	5
	Sudan	1
	Uganda	1
	United Republic of Tanzania	1
	Zambia	1
<b>African total</b>		<b>42</b>

<b>Asian</b>		
	Iran (Islamic Republic of)	3
	Jordan	3
	Lebanon	1
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	1
	Republic of Korea	3
	Singapore	1
<b>Asian total</b>		<b>14</b>

\* Excluding language staff.

<b>Eastern European</b>		
	Albania	1
	Belarus	1
	Bulgaria	1
	Croatia	4
	Estonia	1
	Georgia	1
	Romania	4
	Serbia	3
	Ukraine	1
<b>Eastern European total</b>		<b>17</b>

<b>GRULAC<sup>1</sup></b>		
	Argentina	3
	Brazil	4
	Chile	1
	Colombia	7
	Costa Rica	2
	Ecuador	2
	Mexico	1
	Peru	2
	Saint Vincent and the Grenadines	1
	Trinidad and Tobago	4
	Venezuela	1
<b>GRULAC total</b>		<b>28</b>

<b>WEOG<sup>2</sup></b>		
	Australia	11
	Austria	2
	Belgium	8
	Canada	11
	Denmark	1
	Finland	4
	France	25
	Germany	21
	Ireland	4
	Italy	9
	Netherlands	9
	New Zealand	4
	Portugal	1
	Spain	10
	Sweden	1
	Switzerland	3
	United Kingdom	18
	United States of America	5
<b>WEOG total</b>		<b>147</b>

<sup>1</sup> Group of Latin American and Caribbean States.

<sup>2</sup> Western European and other States Group.

**Table 2: Geographical representation of Professional staff per post, per region\***  
Status as at 1 April 2008

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

\* Excluding language staff.

<sup>1</sup> Group of Latin American and Caribbean States.

<sup>2</sup> Western European and other States Group.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-4	African	Democratic Republic of the Congo	1
		Nigeria	2
		Sierra Leone	1
		<b>African total</b>	<b>4</b>
	Asian	Iran (Islamic Republic of)	1
		Jordan	1
		<b>Asian total</b>	<b>2</b>
	Eastern European	Croatia	1
		Serbia	1
		<b>Eastern European total</b>	<b>2</b>
	GRULAC	Argentina	1
		Colombia	1
		Ecuador	1
		Peru	1
		Trinidad and Tobago	3
		<b>GRULAC total</b>	<b>7</b>
	WEOG	Australia	1
		Belgium	1
		Canada	2
		Denmark	1
Finland		1	
France		4	
Germany		1	
Italy		2	
Netherlands		4	
Spain		3	
Sweden		1	
United Kingdom		7	
United States of America		2	
<b>WEOG total</b>	<b>30</b>		
<b>P-4 total</b>		<b>45</b>	



<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-3	African	Benin	1
		Congo, Democratic Republic of the	1
		Kenya	1
		Mali	1
		Niger	1
		Nigeria	2
		Sierra Leone	1
		South Africa	4
		Zambia	1
		<b>African total</b>	<b>13</b>
	Asian	Iran (Islamic Republic of)	1
		Jordan	2
		<b>Asian total</b>	<b>3</b>
	Eastern European	Romania	2
		Albania	1
		<b>Eastern European total</b>	<b>3</b>
	GRULAC	Brazil	3
		Colombia	3
		Costa Rica	1
Trinidad and Tobago		1	
Venezuela		1	
	<b>GRULAC total</b>	<b>9</b>	
WEOG	Australia	4	
	Austria	1	
	Canada	3	
	Finland	3	
	France	9	
	Germany	9	
	Ireland	2	
	Italy	5	
	New Zealand	1	
	Spain	3	
	Switzerland	1	
	United Kingdom	7	
	United States of America	1	
	<b>WEOG total</b>	<b>49</b>	
<b>P-3 total</b>		<b>77</b>	

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-2	African	Burkina Faso	1
		Egypt	2
		Gambia	1
		Ghana	1
		Mauritania	1
		Nigeria	3
		Sierra Leone	3
		Sudan	1
		United Republic of Tanzania	1
		<b>African total</b>	
	Asian	Iran (Islamic Republic of)	1
		Lebanon	1
		Mongolia	1
		Palestinian Territory, Occupied	1
		Republic of Korea	3
		Singapore	1
		<b>Asian total</b>	
	Eastern European	Belarus	1
		Bulgaria	1
		Croatia	1
		Georgia	1
		Romania	2
		Serbia	2
		Ukraine	1
	<b>Eastern European total</b>		<b>9</b>
	GRULAC	Colombia	3
		Costa Rica	1
	<b>GRULAC total</b>		<b>4</b>
	WEOG	Australia	4
Austria		1	
Belgium		5	
Canada		5	
France		7	
Germany		4	
Italy		1	
Netherlands		4	
New Zealand		3	
Portugal		1	
Spain		2	
Switzerland		1	
United Kingdom		2	
United States of America		1	
<b>WEOG total</b>		<b>41</b>	
<b>P-2 total</b>		<b>76</b>	

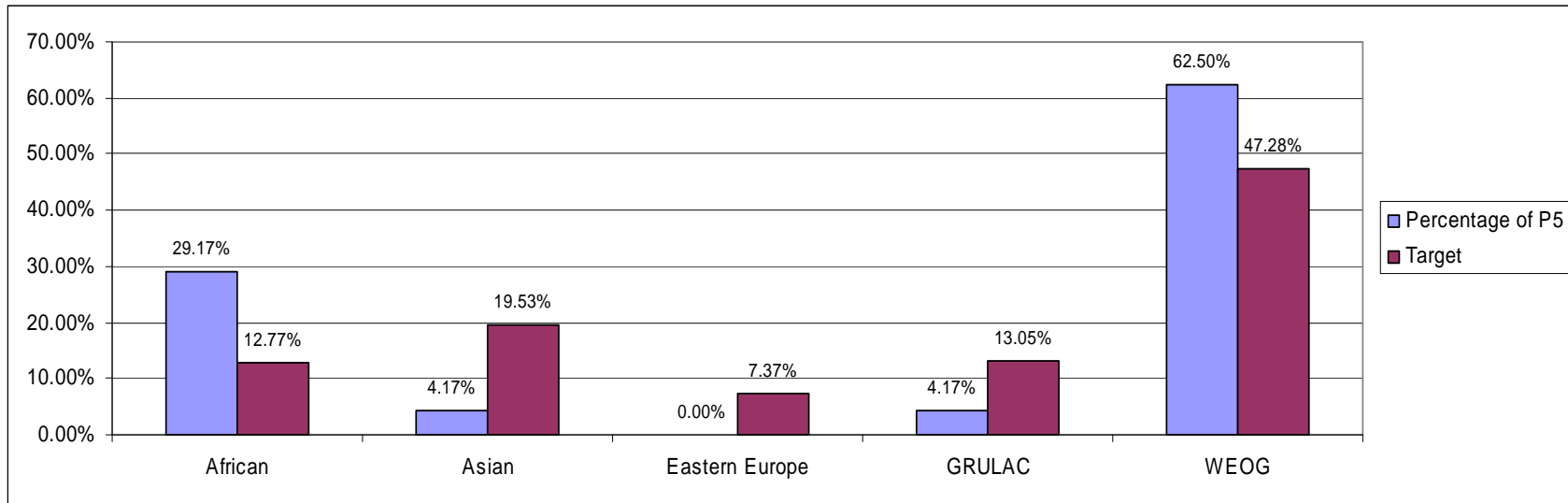
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-1	African	Gambia	1
		Nigeria	1
		Senegal	1
		Uganda	1
		<b>African total</b>	<b>4</b>
	Eastern European	Croatia	2
		Estonia	1
		<b>Eastern European total</b>	<b>3</b>
	GRULAC	Argentina	1
		Brazil	1
		Chile	1
		Mexico	1
		Peru	1
		Saint Vincent and the Grenadines	1
	<b>GRULAC total</b>	<b>6</b>	
WEOG	Australia	1	
	France	2	
	Ireland	1	
	Netherlands	1	
	Spain	2	
	<b>WEOG total</b>	<b>7</b>	
<b>P-1 total</b>		<b>20</b>	
<b>Grand total</b>			<b>248</b>

**Percentage of staff per post, per region**

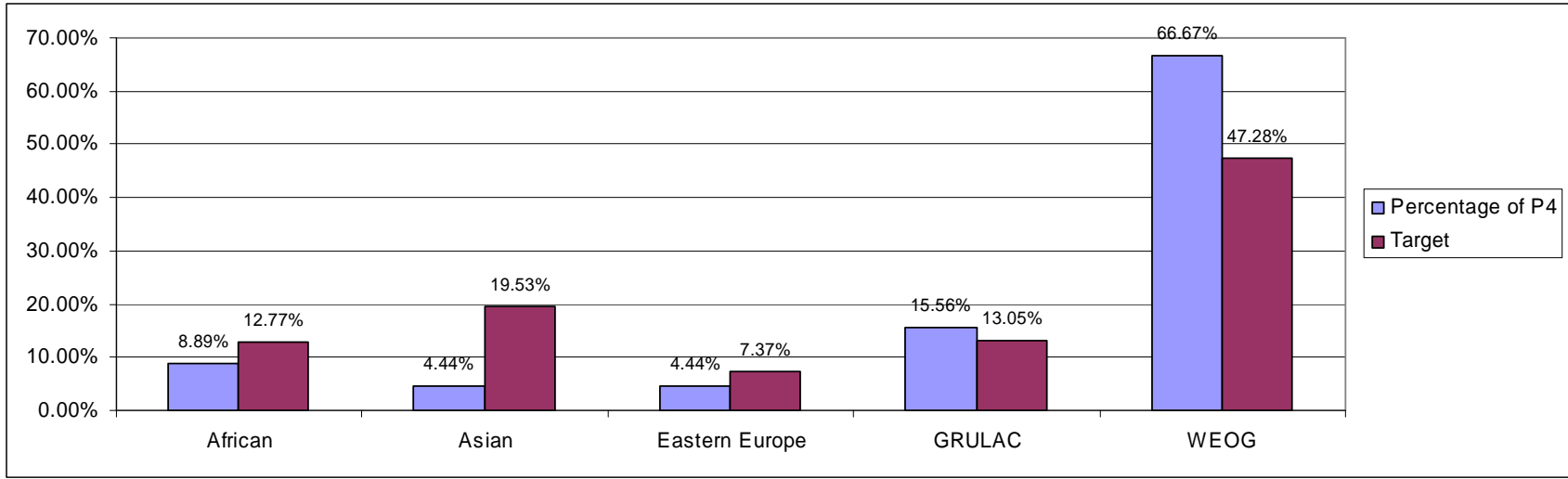
**Percentage – D-1 posts**

Due to the limited number of only 6 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

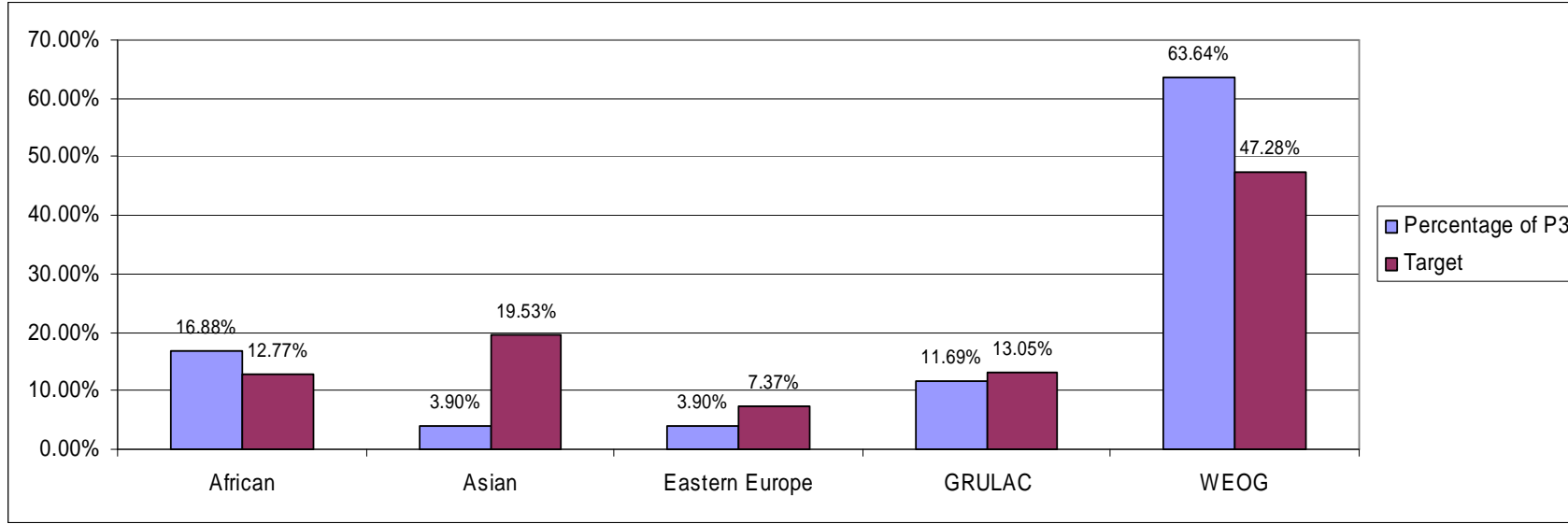
**Percentage - P-5 posts**



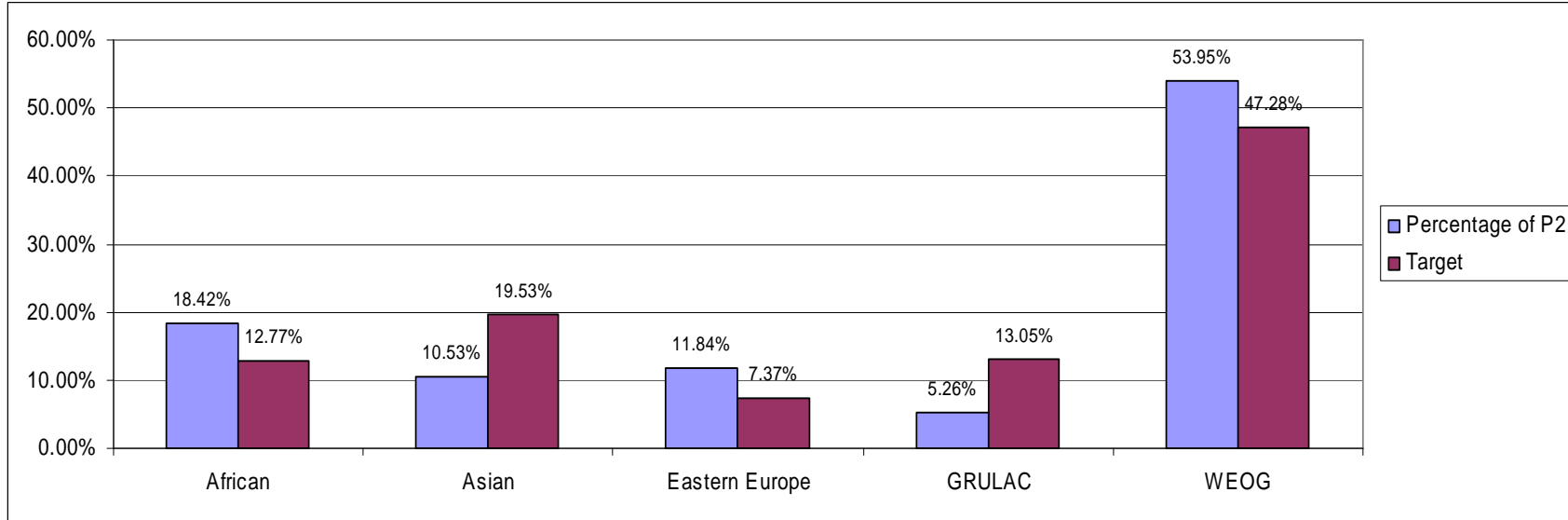
**Percentage – P-4 posts**



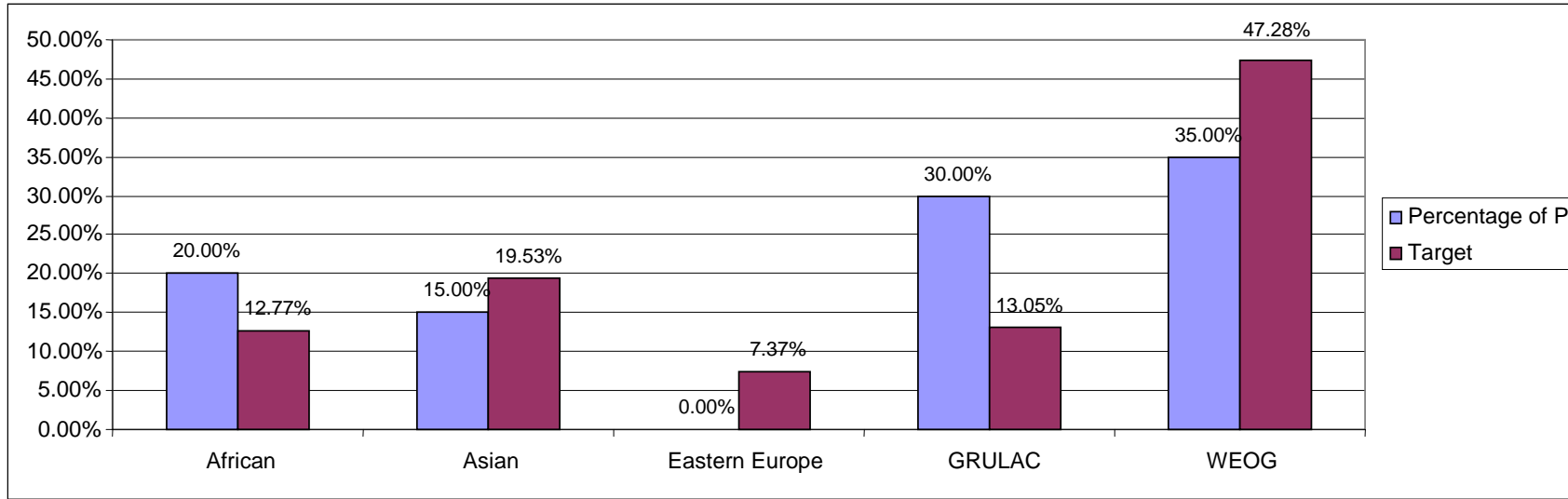
Percentage – P-3 posts



Percentage – P-2 posts



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 2008)

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
<b>AFRICAN</b>					
	Benin	0.00149%	1.06 - 1.43	1.24	1
	Botswana	0.02084%	1.03 - 1.40	1.22	
	Burkina Faso	0.00298%	1.10 - 1.49	1.29	1
	Burundi	0.00149%	1.05 - 1.43	1.24	
	Central African Republic	0.00149%	1.02 - 1.39	1.20	
	Chad	0.00149%	1.07 - 1.45	1.26	
	Comoros	0.00149%	1.00 - 1.35	1.18	
	Congo	0.00149%	1.02 - 1.38	1.20	
	Djibouti	0.00149%	1.00 - 1.35	1.18	
	Democratic Republic of the Congo	0.00447%	1.44 - 1.95	1.70	2
	Gabon	0.01191%	1.02 - 1.38	1.20	
	Gambia	0.00149%	1.01 - 1.36	1.18	3
	Ghana	0.00596%	1.17 - 1.58	1.37	1
	Guinea	0.00149%	1.06 - 1.43	1.25	
	Kenya	0.01489%	1.01 - 1.37	1.19	2
	Lesotho	0.00149%	1.01 - 1.36	1.19	1
	Liberia	0.00149%	1.02 - 1.38	1.20	
	Malawi	0.00149%	1.09 - 1.48	1.29	
	Mali	0.00149%	1.08 - 1.46	1.27	2
	Mauritius	0.01638%	1.02 - 1.38	1.20	
	Namibia	0.00893%	1.02 - 1.38	1.20	
	Niger	0.00149%	1.09 - 1.48	1.29	1
	Nigeria	0.07146%	2.15 - 2.91	2.53	8
	Senegal	0.00596%	1.09 - 1.47	1.28	3
	Sierra Leone	0.00149%	1.03 - 1.40	1.22	5
	South Africa	0.43175%	1.95 - 2.64	2.30	5
	Uganda	0.00447%	1.22 - 1.65	1.43	1
	United Republic of Tanzania	0.00893%	1.29 - 1.75	1.52	1
	Zambia	0.00149%	1.08 - 1.46	1.27	1

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
<b>ASIAN</b>					
	Afghanistan	0.00149%	1.19 - 1.61	1.40	
	Cambodia	0.00149%	1.10 - 1.48	1.29	
	Cyprus	0.06551%	1.09 - 1.48	1.28	
	Fiji	0.00447%	1.00 - 1.36	1.18	
	Japan	22.00000%	33.38 - 45.16	39.27	
	Jordan	0.01787%	1.06 - 1.43	1.25	3
	Marshall Islands	0.00149%	0.99 - 1.34	1.17	
	Mongolia	0.00149%	1.01 - 1.37	1.19	1
	Nauru	0.00149%	0.99 - 1.34	1.17	
	Republic of Korea	3.23511%	5.96 - 8.07	7.01	3
	Samoa	0.00149%	0.99 - 1.35	1.17	
	Tajikistan	0.00149%	1.04 - 1.41	1.22	
	Timor-Leste	0.00149%	1.00 - 1.35	1.18	
<b>EASTERN EUROPEAN</b>					
	Albania	0.00893%	1.03 - 1.39	1.21	1
	Bosnia & Herzegovina	0.00893%	1.03 - 1.40	1.21	
	Bulgaria	0.02978%	1.09 - 1.47	1.28	1
	Croatia	0.07444%	1.13 - 1.53	1.33	4
	Estonia	0.02382%	1.03 - 1.40	1.22	1
	Georgia	0.00447%	1.03 - 1.39	1.21	1
	Hungary	0.36326%	1.58 - 2.14	1.86	
	Latvia	0.02680%	1.05 - 1.41	1.23	
	Lithuania	0.04615%	1.08 - 1.46	1.27	
	Montenegro	0.00149%	1.00 - 1.35	1.17	
	Poland	0.74588%	2.33 - 3.15	2.74	
	Romania	0.10421%	1.29 - 1.75	1.52	4
	Serbia	0.03126%	1.11 - 1.50	1.30	3
	Slovakia	0.09379%	1.16 - 1.57	1.37	
	Slovenia	0.14292%	1.21 - 1.64	1.42	
	The former Yugoslav Republic of Macedonia	0.00744%	1.02 - 1.37	1.20	

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
<b>GRULAC<sup>1</sup></b>					
	Antigua and Barbuda	0.00298%	1.00 - 1.35	1.17	
	Argentina	0.48385%	1.96 - 2.66	2.31	3
	Barbados	0.01340%	1.01 - 1.37	1.19	
	Belize	0.00149%	0.99 - 1.35	1.17	
	Bolivia	0.00893%	1.07 - 1.45	1.26	
	Brazil	1.30417%	4.22 - 5.72	4.97	4
	Colombia	0.15632%	1.54 - 2.09	1.82	7
	Costa Rica	0.04764%	1.09 - 1.48	1.28	2
	Dominica	0.00149%	0.99 - 1.34	1.17	
	Dominican Republic	0.03573%	1.11 - 1.50	1.30	
	Ecuador	0.03126%	1.13 - 1.53	1.33	2
	Guyana	0.00149%	1.00 - 1.35	1.17	
	Honduras	0.00744%	1.05 - 1.42	1.24	
	Mexico	3.36017%	6.56 - 8.87	7.71	1
	Panama	0.03424%	1.06 - 1.44	1.25	
	Paraguay	0.00744%	1.05 - 1.41	1.23	
	Peru	0.11612%	1.36 - 1.83	1.60	2
	Saint Kitts & Nevis	0.00149%	0.99 - 1.34	1.17	
	St. Vincent and the Grenadines	0.00149%	0.99 - 1.34	1.17	1
	Trinidad and Tobago	0.04020%	1.06 - 1.43	1.24	4
	Uruguay	0.04020%	1.07 - 1.45	1.26	
	Venezuela	0.29776%	1.61 - 2.18	1.90	1

<sup>1</sup> Group of Latin American and Caribbean States.

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
<b>WEOG<sup>2</sup></b>					
	Andorra	0.01191%	1.01 - 1.36	1.19	
	Australia	2.66044%	4.97 - 6.72	5.85	11
	Austria	1.32055%	2.94 - 3.98	3.46	2
	Belgium	1.64063%	3.41 - 4.62	4.01	8
	Canada	4.43209%	7.57 - 10.24	8.90	11
	Denmark	1.10021%	2.64 - 3.57	3.10	1
	Finland	0.83967%	2.23 - 3.02	2.62	4
	France	9.38078%	14.85 - 20.09	17.47	25
	Germany	12.76924%	19.85 - 26.85	23.35	21
	Greece	0.88731%	2.34 - 3.17	2.75	
	Iceland	0.05508%	1.07 - 1.45	1.26	
	Ireland	0.66251%	1.97 - 2.66	2.32	4
	Italy	7.56150%	12.23 - 16.54	14.39	9
	Liechtenstein	0.01489%	1.01 - 1.37	1.19	
	Luxembourg	0.12655%	1.18 - 1.59	1.38	
	Malta	0.02531%	1.03 - 1.39	1.21	
	Netherlands	2.78848%	5.10 - 6.90	6.00	9
	New Zealand	0.38113%	1.57 - 2.12	1.84	4
	Norway	1.16422%	2.69 - 3.64	3.16	
	Portugal	0.78459%	2.19 - 2.96	2.58	1
	San Marino	0.00447%	1.00 - 1.35	1.17	
	Spain	4.41869%	7.62 - 10.31	8.96	10
	Sweden	1.59448%	3.34 - 4.51	3.93	1
	Switzerland	1.81035%	3.63 - 4.92	4.28	3
	United Kingdom	9.88846%	15.57 - 21.07	18.32	18
	<b>Total*</b>	<b>100.00%</b>		<b>306.00</b>	<b>229</b>

<sup>2</sup> Western European and Other States Group.

\* 19 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 2008

**Judiciary**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1	2	3

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

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	8	6	14

<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	6	8

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	6	14	20

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	8	23	31

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	21	20	41

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1	11	5	16

\* 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	2	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	4	9	13

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	17	12	29

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	23	28	51

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	22	14	36

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1	5	3	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		2

**Secretariat of the Trust Fund for Victims**

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

**Grand total**

<i>F</i>	<i>M</i>	<i>Total</i>
<b>138</b>	<b>150</b>	<b>288</b>

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\* At the time of preparation of this report, Mr. Bruno Cathala was still assigned as Registrar. The current situation would reflect a total of one female ASG.

**Table 5: Staff count, actual**

As at April 2008, the actual situation regarding the Court's staff count is as follows:

---

<b>Staff count</b>	
Established posts	553
Approved GTA	198
Interns	59
Visiting professionals	3
Consultants	29
Elected officials	21
<b>Total</b>	<b>863</b>

---

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

Based on the approved budget for 2008, and on averages of interns, visiting professionals and consultants in the previous years, the Court's headcount at the end of 2008 will be as follows:

<b>Staff count</b>	
Established posts	675
Approved GTA	166
Interns <sup>1</sup>	90
Visiting professionals	12
Consultants	40
Elected officials	21
<b>Total</b>	<b>1004</b>

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<sup>1</sup> 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 2008

Major programme (MP)	Programme	Sub-programme	Post level	Post title	Total	Occupied by GTA
MPI	Chambers	Chambers	GS-OL	Research Assistant	1	Yes
			P-4	Legal Adviser	1	Yes
MPII	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor	P-4	Public Information Adviser	1	
MPIII	Office of the Registrar	Immediate Office of the Registrar	P-3	Writer/Editor	1	
		Immediate Office of the Registrar	P-5	Special Advisor to the Registrar on External Relations	1	
	Common Administrative Services Division	Information Technology and Communications Section	GS-PL	Senior Application Integration Assistant	1	
			GS-OL	Field ICT Technician	1	
			GS-OL	Field Administrative Assistant/Language Assistant	1	
	Division of Court Services	Court Interpretation and Translation Section	GS-OL	Court Reporter (French)	1	
			GS-OL	Court Reporter (English)	1	
			GS-OL	Text Processing Assistant (French)	1	Yes
			GS-OL	Text Processing Assistant (English)	1	
			GS-PL	Senior Court Reporter (English)	1	
			P-2	Associate Operations Officer	1	
			GS-OL	Field Protection/Operations Assistant	1	
	Public Information and Documentation Section	Outreach Unit	GS-OL	Field Outreach Assistant	1	
GS-PL			Field Senior Outreach Assistant	1	Yes	
Division of Victims and Counsel	Defence Support Section	GS-OL	Administrative Assistant (Database)	1		
		Office of the Public Counsel for the Defence	P-2	Associate Counsel	1	Yes

Major programme (MP)	Programme	Sub-programme	Post level	Post title	Total	Occupied by GTA
		Victims Participation and Reparations Section	GS-OL	Field Administrative Assistant	1	
MPIV	Secretariat of the Assembly of States Parties	Secretariat of the Assembly of States Parties	GS-OL	Administrative Assistant	2	
			GS-OL	Meetings and Administrative Assistant	1	Yes
			P-3	Legal Officer	1	Yes
MPVI	Secretariat of the Trust Fund for Victims	Secretariat of the Trust Fund for Victims	P-3	Field Programme Officer	1	Yes
			GS-OL	Communications Assistant	1	Yes
MPVII	Project Office for Permanent Premises	Project Office for Permanent Premises	D-1	Project Director	1	
			P-4	Deputy Project Director and Financial Controller	1	
			GS-OL	Administrative Assistant	1	
<b>Grand Total*</b>					<b>29</b>	<b>9</b>

\* 93 other posts are currently under recruitment or advertised.

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## Annex III

### List of documents

#### Committee on Budget and Finance

ICC-ASP/7/CBF.1/L.1	Provisional agenda
ICC-ASP/7/CBF.1/L.2/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/7/CBF.1/1	Report on appropriate resources for financial investigations under the Court's legal aid programme
ICC-ASP/7/CBF.1/2	Report of the Court on recruitment
ICC-ASP/7/CBF.1/3	Interim report on governance arrangements
ICC-ASP/7/CBF.1/4	Report of the Court on options for outsourcing translation work
ICC-ASP/7/CBF.1/4/Add.1	Report of the Court on options for outsourcing translation work - Addendum
ICC-ASP/7/CBF.1/5	Report of the Court on Human Resources Development of a Human Resources Strategy: Progress Report
ICC-ASP/7/CBF.1/6	Report on budget performance of the International Criminal Court as at 31 March 2008
ICC-ASP/7/CBF.1/7	Report on programme performance of the International Criminal Court for the year 2007

## 2. Report of the Committee on Budget and Finance on the work of its eleventh session, September 2008\*

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## I. Introduction

### A. Opening of the session and adoption of the agenda

1. The eleventh 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 sixth session, on 14 December 2007. The session, comprising 14 meetings, was held from 4 to 12 September 2008. The President of the International Criminal Court (the “Court”), Mr. Philippe Kirsch, 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. At its 1st meeting, the Committee adopted the following agenda:<sup>1</sup>

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 2008 budget.
7. Consideration of the proposed programme budget for 2009.
8. Audit matters:
  - (a) Audit reports
    - (i) Financial statements of the International Criminal Court for the period 1 January to 31 December 2007;
    - (ii) Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2007;
    - (iii) Report of the Office of Internal Audit;
    - (iv) Report of the Audit Committee.
  - (b) Governance arrangements
9. Premises of the Court.
10. Legal aid.
11. Contingency Fund.
12. Other matters.

4. The following members attended the eleventh session of the Committee:

1. David Banyanka (Burundi)
2. Lambert Dah Kindji (Benin)
3. David Dutton (Australia)
4. Carolina María Fernández Opazo (Mexico)
5. Gilles Finkelstein (France)
6. Fawzi A. Gharaibeh (Jordan)
7. Myung-jae Hahn (Republic of Korea)
8. Juhani Lemmik (Estonia)

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<sup>1</sup> ICC-ASP/7/CBF.2/L.1.

9. Gerd Saupe (Germany)
10. Ugo Sessi (Italy)
11. Elena Sopková (Slovakia)
12. Santiago Wins (Uruguay)

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. The Committee invited the Coalition to make a similar presentation at its next session.

## **II. Consideration of issues on the agenda of the Committee at its eleventh session**

### **A. Review of financial issues**

#### **1. Status of contributions**

7. The Committee reviewed the status of contributions as at 10 September 2008 (annex II). It noted that a total of €88,322,581 had been received for the 2008 financial period while €1,958,625 was outstanding from previous financial periods. It noted that 65 States were fully paid up for all their contributions. The overall situation represented an improvement since the Committee's previous session and a lower level of outstanding contributions than at the same time in 2007.

#### **2. States in arrears**

8. The Committee noted that on 16 July 2008 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 eight States were ineligible to vote as at 4 September 2008: Bolivia, the Central African Republic, the Dominican Republic, Guinea, the Marshall Islands, Nauru, Niger and Sierra Leone.

9. The Committee recalled that at its fifth session the Assembly had adopted recommendations setting out a specific procedure for requesting exemptions from the loss of voting rights<sup>2</sup> and that paragraph 44 of resolution ICC-ASP/4/Res.4 stipulated that the Committee should advise the Assembly before the latter decided on any requests for exemption under article 112, paragraph 8, of the Rome Statute.

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<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November – 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32) part III, resolution ICC-ASP/5/Res.3, annex III, recommendations 5 to 7.

See also *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, paragraph 42.

10. The Committee noted that no requests for exemption had been received for the seventh session and that a further 16 States would become ineligible to vote on 1 January 2009 should they not make additional payments to avoid the application of article 112, paragraph 8, of the Statute.<sup>3</sup>

11. **The Committee requested the Secretariat to again advise States in arrears of the minimum payment required before the seventh session of the Assembly.**

### **3. Surpluses**

12. 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 2009 amounts to €9.9 million, and comprises the provisional cash surplus for 2007 and assessed contributions in respect of prior periods that were received from States Parties in 2008. The Committee recalled the comments made in the report on the work of its tenth session<sup>4</sup> recommending that the Court ensure that the surplus to be surrendered to States on 1 January 2009 in accordance with regulation 4.7 of the Financial Regulations and Rules should be made available to States Parties in time to allow them to offset credits against their assessed contributions for 2009.

## **B. Audit matters**

### **1. Audit reports**

(a) **Financial statements of the Court for the period 1 January to 31 December 2007**

(b) **Financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2007**

13. Introducing his reports on the financial statements of the Court<sup>5</sup> and of the Trust Fund for Victims<sup>6</sup>, 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 2007 amounted to €77,464,000 compared to the approved budget of €88,872,000, representing a budget implementation rate of 87 per cent.

14. The Committee noted with concern that in the year 2007, 350 budget transfers amounting to approximately €9.2 million (10.3 per cent of the total budget) had taken place. While observing that the Court had indeed been granted a certain degree of flexibility with respect to the transfer of funds, the Committee concurred with the view of the External Auditor that the volume of budget transfers could undermine the reliability of in-year financial management information. The Committee noted the Court's advice that many of the transfers were technical transfers related to allocating funds for general temporary assistance (GTA) within SAP enterprise resource planning (ERP) and that these had no effect on the presentation of the 2007 performance report.

15. The Committee also noted the comments and recommendations<sup>7</sup> made by the External Auditor concerning the peak in procurement towards the end of the year resulting in unliquidated obligations with a total value of €10.9 million. The Committee was concerned that €3 million of

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<sup>3</sup> In addition to the two notes verbales sent by the Secretariat to States in arrears and the note verbale sent to those States which may become ineligible to vote on 1 January of the following year, the Registry provides States Parties, on a quarterly basis, with an updated information note on the contributions received from States Parties.

<sup>4</sup> Report of the Committee on Budget and Finance on the work of its tenth session, (ICC-ASP/7/3, paragraph 13).

<sup>5</sup> ICC-ASP/7/10 and Corr.1.

<sup>6</sup> ICC-ASP/7/11.

<sup>7</sup> Financial statements for the period 1 January to 31 December 2007 (ICC-ASP/7/10 and Corr.1).



purchase orders had been raised in December 2007, which did not meet the criteria in the Financial Regulations and Rules for expenditure recognition at year end. Whereas the Committee had been reassured by the External Auditor's advice on the 2006 accounts that there had not been a surge in year-end spending, the experience in 2007 was of concern. It appeared the Court may have tried to bring forward expenditures for 2008 into the 2007 accounts in order to increase the implementation rate for 2007 and increase the resources available to the Court in 2008. The Committee welcomed the cancellation of these unliquidated obligations in the 2007 accounts and supported the External Auditor's recommendation that procurement activities should be spread out more evenly throughout the year and should be in accordance with the Court's Financial Regulations and Rules.

16. The Committee was concerned about the high level of unliquidated obligations at the end of 2007, especially relating to travel, and requested the Court to seek to ensure that such obligations were minimized in future, consistent with the Financial Regulations and Rules.

17. The Committee further noted the recommendation of the External Auditor that the Court should decide to adopt the International Public Sector Accounting Standards (IPSAS) and develop a strategy for implementation. In the proposed programme budget for 2009<sup>8</sup> (paragraphs 66-68) the Court stated that it had decided to implement IPSAS in accordance with the recommendations of the Internal and External Auditors and in line with decisions in the United Nations and other international organizations. The Court was therefore seeking approval of the Assembly for implementation of IPSAS and funding in the 2009 budget for a project plan and related training.

18. The Committee recommended that the Assembly decide that the Court should work towards implementation of IPSAS in the medium term. It recommended approval of funding for a project plan in 2009 (€20,000) as a first step. It further recommended that the Court report to the Assembly at its eighth session, through the Committee, on the project plan and next steps towards implementing IPSAS, including the financial implications and necessary amendments to the Financial Regulations and Rules. The Committee agreed that, given the Court's continuing rapid evolution, it was advisable to move steadily rather than rapidly towards implementation of IPSAS. This would also allow the Court to take advantage of the lessons learned during implementation of IPSAS in other international organizations and to prepare the Court's SAP-ERP system for the change in accounting standards. The Committee suggested that implementation in 2011 or 2012 might be targets for the Court, and asked the Court to recommend an implementation date in its report next year.

19. The Committee expressed appreciation for the quality of the reports and welcomed a further unqualified audit opinion. The Committee recommended that the Assembly should approve the recommendations contained in the external audit reports and that the Court should ensure their full implementation.

**(c) Report of the Office of Internal Audit**

20. The Committee considered the report of the Office of Internal Audit.<sup>9</sup> It discussed the specific findings and recommendations with the Director of the Office and Court officials.

21. The Committee welcomed the fact that the post of Director of the Office of Internal Audit had been filled in June 2008. It was however concerned that the Office had not been fully staffed for more than a year and that the post of Director had been vacant for about ten months. It urged the Court to make stronger efforts to ensure that the Office was fully staffed. While recognizing that the capacities of the Office had been compromised by the staffing situation, the Committee welcomed the report. There were no specific issues that the Committee wished to bring to the attention of the Assembly in accordance with rule 110.1 of the Financial Regulations and Rules. The Committee

<sup>8</sup> Proposed programme budget for 2009 of the International Criminal Court, (ICC-ASP/7/9, Corr.1 and Corr.2 (English only)).

<sup>9</sup> ICC-ASP/7/CBF.2/6\* and ICC-ASP/7/CBF.2/6/Corr.1.

looked forward to receiving further reports from the Office of Internal Audit, through the Audit Committee, including details of the recommendations made in important audit reports and the action taken to implement them.

## **2. Governance**

22. The Committee considered the Report on governance arrangements,<sup>10</sup> as requested at its tenth session.<sup>11</sup> The Court informed the Committee of progress in its risk assessment project, plans for the introduction of a statement of internal control in the 2008 financial statements, the revision of the terms of reference for the Court's Audit Committee, and revision of the Charter for Internal Audit.

23. The Committee welcomed the progress made in risk management and the Court's plans to introduce a statement of internal control in the 2008 financial statements. The Committee requested that the Court update the Committee on developments on these matters at its thirteenth session.

### **(a) Audit Committee**

24. The Committee noted that the Court had amended the terms of reference of the Audit Committee,<sup>12</sup> effective 4 August 2008.<sup>13</sup> The Committee noted that the revised terms of reference established a model for the Audit Committee that differed from the one recommended previously by the External Auditor and the Committee on Budget and Finance. The model that had been envisaged by the Committee was of an audit committee with a majority of external members and an external chair. Such an audit committee would not have managerial authority to decide on the implementation of audit recommendations, which was necessarily a responsibility of management. Rather, a committee with a majority of external members would strengthen the overall effectiveness of the audit function in the Court by ensuring that there was rigorous and independent challenge of audit plans, performance and results. The specialist advice of such a committee would be a valuable input for the management of the Court and provide additional assurance to the Assembly.

25. The model established by the Court, however, consisted of the three heads of organ, sitting with two external members. Whereas the model advocated by the Committee would be a source of advice to management and would add independent oversight to the audit function, the Audit Committee established by the Court was a management committee with some external members. The fact that the decision-making procedures for the Audit Committee included vetoes for the President and Prosecutor underscored this fact.

26. The Committee on Budget and Finance agreed that the Audit Committee as established by the Court would bring additional specialist advice to the management and could improve management's consideration of audit matters. Nonetheless, the Committee adhered to its view that the model it had advocated would be a superior one, since it would give management an additional source of independent, specialist advice and give the Assembly greater assurances of the rigour and independence of the audit function within the Court. It noted that such an audit committee would not be empowered to take management decisions. The Audit Committee would be able to perform a mediating role between the Court and the External Auditor should any differences arise (as the Court envisaged in paragraph 4 (e) of the terms of reference of the Audit Committee, which empowered the Committee to resolve disagreements between the Court and the External Auditor).

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<sup>10</sup> ICC-ASP/7/CBF.2/4.

<sup>11</sup> Report of the Committee on Budget and Finance on the work of its tenth session (ICC-ASP/7/3, paragraph 22).

<sup>12</sup> Report on governance arrangements (ICC-ASP/7/CBF.2/4, annex I).

<sup>13</sup> Ibid.

27. The Committee therefore recommended that the Court reconsider this aspect of the revised terms of reference of the Audit Committee, while also moving to appoint external members as soon as possible.

28. The Committee agreed that the other aspects of the terms of reference of the Audit Committee were appropriate, including the authority and responsibilities contained therein and the relationship between the Office of Internal Audit and the Audit Committee. The Committee also expected that the Audit Committee would perform its functions in conformity with the responsibilities of the Registrar in the Financial Regulations and Rules.

**(b) Role of the Internal Auditor**

29. The Committee was informed that the Audit Committee had adopted a revised Charter for Internal Audit on 29 August 2008. The Committee was satisfied with the revised Charter, including the provisions for the operational independence of the Office of Internal Audit and for development and approval of the Office's workplan. The Committee, however, noted that there appeared to be a lack of clarity in the reporting lines from the Office of the Internal Auditor to the Assembly.

30. The Committee recalled that, at its sixth session, the Assembly had requested the Registrar to submit annually to the Assembly a report summarizing the main activities undertaken by the Office of the Internal Auditor, including the most relevant conclusions of its report and such guidance and recommendations as had been adopted. In addition, the Assembly agreed that the Registrar should take appropriate steps, as necessary, to ensure access at the Court to the information contained in any particular report prepared by the Office of the Internal Auditor to any State Party if so requested, and in so doing, take appropriate measures to safeguard confidential or personal information.<sup>14</sup>

31. The Committee observed that this decision appeared not to be consistent with the decision of the Assembly<sup>15</sup> to also amend rule 110.1 of the Financial Regulations and Rules to read:

(...)

- (b) The Internal Auditor shall report annually, and on an ad hoc basis where appropriate, to the Committee on Budget and Finance through the Chair of the Audit Committee. The Committee on Budget and Finance shall refer any matters to the Assembly of States Parties which require the attention of the Assembly.

32. The Committee recalled that its recommendations at its ninth session<sup>16</sup> had been aimed at ensuring that the role of the Internal Auditor would be focused on providing independent assurance and advice to the Registrar, as accounting officer, on the effectiveness of the Court's control and management systems. It had been concerned, in particular, to strengthen the contribution of the Internal Auditor to the efficient management of the Court and to avoid a situation in which the Internal Auditor undertook a hybrid of internal and external audit roles.

33. The Committee therefore recommended that it should be the responsibility of the Committee on Budget and Finance to refer any matters to the Assembly which would require its attention in accordance with rule 110.1 as amended by the Assembly. It cautioned against a

<sup>14</sup> *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. I, part II.C, paragraph 4.

<sup>15</sup> *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. I, part III, resolution ICC-ASP/6/Res.5.

<sup>16</sup> *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, paragraph 22.

requirement for the detail of internal audit recommendations and their implementation to be made available in public documents and reviewed in the Assembly. The effect of such a requirement would likely be to diminish confidence within the Court in the internal audit function.

34. The Committee recommended that the Assembly consider these matters again with a view to ensuring clarity in the reporting lines.

**(c) Oversight mechanism**

35. The Committee was informed of recent informal discussions involving the Court and the New York Working Group on the question of an 'independent oversight mechanism'. The Committee noted that the discussions appeared to have been wide-ranging, traversing misconduct by staff and disciplinary procedures within the Court, misconduct by elected officials of the Court, accountability for criminal conduct and sexual exploitation, and evaluation of the managerial performance of the Court. The Committee was not aware of any clear objective for a new oversight mechanism, nor was it aware of any definite problem which needed to be addressed.

36. The Committee observed that discussions might be advanced by reviewing the existing mechanisms for investigating and addressing misconduct and the existing governance structure for ensuring managerial accountability. On that basis it should be possible to identify any gaps or inadequacies that should be addressed.

37. With respect to the misconduct of staff, the Committee noted that several investigations into allegations of misconduct and fraud had been undertaken by the Court in the year up to 30 June 2007. The Office of Internal Audit, the Security Section and the Legal Advisory Services Section had cooperated in these ad hoc investigations, and disciplinary proceedings had taken place in some instances, in accordance with the Staff Regulations and Rules. The Committee agreed that there could be value in developing a protocol for the conduct of investigations and assigning lead responsibility for such investigations to a single point in the Court. However, the Committee recommended that careful consideration be given to the merits and disadvantages of assigning this responsibility to the Office of Internal Audit. While there could be some advantages, an investigatory function would likely require different skills from those possessed by individuals employed primarily as auditors. It might be worth also considering the merits of the function being led from the Human Resources Section or the Legal Advisory Services Section, since these areas would inevitably be involved in misconduct and disciplinary matters.

38. Moreover, the Committee expected that any decision to establish or re-direct resources for investigations would be based in a clearly identified need, and the frequency of allegations of misconduct thus far did not appear to suggest that a dedicated investigatory function would be justified by the volume of work. The Committee therefore suggested that the Court should also consider the possibility of entering into a memorandum of understanding with the United Nations Office of Internal Oversight Services, which provided professional investigatory services across a number of international organizations. An arrangement by which the Court could refer serious allegations to the United Nations Office of Internal Oversight Services would allow the Court to use professional and independent investigators at a much lower cost than attempting to create that capacity in-house.

39. With respect to any allegations against the judges, Prosecutor, Deputy Prosecutors, Registrar or Deputy Registrar, the Committee's attention was drawn to chapter 8 of the Regulations of the Court and rules 24 and 25 of the Rules of Procedure and Evidence.

40. Finally, the Committee agreed that the existing governance structure already provided adequate independent oversight of the management performance of the Court. The External Auditor provided independent auditing services including evaluating the Court's financial statements and systems and selectively assessing managerial performance. The Office of Internal Audit had an

appropriate level of operational independence, which had been attested recently by a peer review of the Office as well as the opinion of the External Auditor. While the Committee saw some potential to improve the model of the Audit Committee (see above), the Committee did not see a rationale for creating additional mechanisms for assessing managerial performance. If problems were identified with the current governance structure, they might best be addressed in the first instance by considering carefully the scope of external audit and the Court's internal audit plans. The Committee indicated its willingness to provide further advice to the Assembly on this subject.

## **C. Budgetary matters**

### **1. Programme performance of the Court for the year 2007**

#### **Financial performance data of the 2007 budget**

41. In response to the request made at its tenth session, the Committee had received a further analysis of variances in the implementation of the 2007 budget.<sup>17</sup> Given that the External Auditor had removed unliquidated obligations valued at €3 million from the accounts for 2007,<sup>18</sup> the Committee requested that the Court provide updated tables on 2007 performance. The revised implementation rate for 2007 was 87.2 per cent, including 100 per cent in major programme I, 78.9 per cent in major programme II and 91.8 per cent in major programme III. The Committee requested the Court to provide the revised performance information as an addendum to the report on programme performance for 2007.

### **2. Financial performance data of the 2008 budget as at 31 August 2008**

42. The Committee had before it the report of the Court on budget performance as at 31 August 2008.<sup>19</sup> It noted that the implementation rate for 2008 as at 31 August was 60.3 per cent, representing an expenditure of €54.5 million. The implementation rate was 10 per cent higher than for the corresponding period in 2007. The projected implementation rate to 31 December 2008 was 94.7 per cent, representing actual expenditure of €5.602 million. This would represent under-expenditure of €4.8 million, due mostly to the lack of forecast trial activity.

43. The under-expenditure would, however, be offset by projected expenses of €2.4 million charged to the Contingency Fund. These costs did not appear in the expenditure report since they were authorized under the Contingency Fund rather than the 2008 budget. Assuming that the costs would ultimately be charged to the regular budget (and not drawn from the Contingency Fund), the implementation rate for 2008 would be approximately 97.3 per cent.

44. With regard to staffing, the Committee noted that the overall recruitment position of the Court had improved markedly over the same point in 2007. Of the 675 posts approved for 2008, 565 were occupied as at 31 August, a difference of 110 posts. Of the vacant posts, 79 were under recruitment, while a further 16 had been advertised, and 15 posts had not been advertised. The Court forecast that a total of 604 posts would be filled as at 31 December 2008. The Committee noted that the vacancy rate for 2008 had closely corresponded to the rate projected by the Committee for 2008, which should lead to a much higher rate of implementation of staffing costs in 2008 than in any previous year.

45. The Committee also noted that the Court was continuing to utilize GTA at a rate well above the level approved in the budget. The Court forecast expenditure of €10.3 million, which was 136 per cent of the approved level. The Committee observed that the level of over-expenditure of GTA could not be explained by the number of cases where GTA was being used on a temporary basis to

<sup>17</sup> Report of the Committee on Budget and Finance on the work of its tenth session, (ICC-ASP/7/3, paragraphs 24 and 25).

<sup>18</sup> See paragraph 15 of the present report.

<sup>19</sup> ICC-ASP/7/14.

fill established posts. Rather, the Court was employing a large number of unapproved GTA staff, most notably 34 positions in Registry and positions equal to 32 full-time staff in the Office of the Prosecutor. While supporting the principle that GTA could be used flexibly to meet unexpected needs, the Committee agreed that the Court should seek to regularize the use of GTA in accordance with the approved budget to the extent possible. It therefore recommended that all unapproved GTA should cease before 31 December, and that any unapproved GTA created in 2009 should require the authorization of the Registrar.

### **3. Consideration of the proposed programme budget for 2009<sup>20</sup>**

#### **(a) Presentation**

46. The Committee welcomed the fact that, in its presentation of the budget, the Court had continued to follow the structure agreed upon at the eighth session of the Committee.<sup>21</sup> It agreed that there had been further improvement in the presentation of the budget, notwithstanding several corrigenda to make minor corrections. The Committee also decided to discuss the budget format with the Court at its next session with a view to making any further incremental refinements.

#### **(b) Assumptions and activities for 2009**

47. The Court informed the Committee that the proposed programme budget for 2009 was based on the assumption of two consecutive trials throughout the year, involving a total of three accused. There was, nevertheless, the possibility of overlap between the two trials. The Committee recognized that the possibility of additional trials was dependent on the arrest and surrender of individuals subject to arrest warrants, which required the effective cooperation of States. The Committee recalled its comments on the 2008 budget urging the Court to maximize the efficiency of proceedings and to schedule trials so as to avoid additional costs wherever possible.<sup>22</sup> The Committee agreed that while this was a reasonable assumption for budgetary purposes, the Court should aim to complete the trials expeditiously, and this would result in savings for the budget.

48. The Committee was informed that the Prosecutor did not intend to commence any new investigations in 2009, unless a new situation arose or the Security Council referred a situation to the Court.

#### **(c) Macroanalysis**

49. The Court informed the Committee that it had proposed a budget of €102.6 million for 2009, representing an increase of €12.24 million or 13.5 per cent over the approved budget level for 2008. Subsequently, the Court had also proposed a supplementary budget<sup>23</sup> of €2.5 million for pre-trial and possible trial activities arising from the surrender of Jean-Pierre Bemba Gombo on 3 July 2008. This had brought the total proposed budget for 2009 to €105.142 million, which would be an increase of 16.33 per cent over the 2008 level. The Court identified the major causes of additional costs in 2009 as the change to the vacancy rate, a second and third trial, witness protection and interim premises.

50. The Committee agreed that the proposed budget was generally reasonable given, in particular, the improved recruitment situation and the additional costs associated with the second

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<sup>20</sup> Proposed programme for 2009 of the International Criminal Court (ICC/ASP/7/9, Corr.1 and Corr.2, (English only)).

<sup>21</sup> *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, paragraphs 22 and 26.

<sup>22</sup> *Ibid.*, part B.1, paragraph 35.

<sup>23</sup> Proposed supplementary budget-preparatory trial activities, *The Prosecutor v. Jean-Pierre Bemba Gombo* (ICC-ASP/7/17).

and third trials. Nonetheless, the Committee scrutinized the budget closely and made several recommendations for savings in 2009 (see recommendations under each major programme below).

51. At a more strategic level, the Committee agreed that it was an appropriate point in the life of the Court to take stock of progress so far, to examine the factors likely to drive further growth in the Court, and to improve the productivity of administrative processes. The Committee observed that the Court had largely completed its establishment phase and would soon be in full operation with the commencement of trials. The Court already had considerable resources at its disposal. While policies and circumstances might require some further strengthening of specific functions, the Committee agreed that the Court would increasingly need to live within the means available to it. The Committee therefore recommended action to consider cost drivers in the Court and to manage workload and reform administrative processes.

52. With respect to cost drivers, the Committee observed that there was decreasing room to contain costs through the rigorous analysis of each year's estimates. Rather, costs were being driven by underlying judicial and policy decisions, many of which were not visible to the Committee or the Assembly. In this sense, the Committee felt that there would be risks if decisions within the Court continued to push costs up without a corresponding understanding and acceptance in the Assembly of the need to fund those costs.

53. The Committee identified the length of proceedings, legal aid for the accused, legal aid for victims, protection of witnesses and victims, and participation of victims as areas where there were significant pressures on the budget and where policy and jurisprudence were continuing to evolve. Decisions on these matters would have significant, long-term budgetary implications, and of course were absolutely vital to the successful implementation of the Statute and the mission of the Court. The Committee noted that the Assembly was already undertaking policy dialogues on several of these matters with the Court, and encouraged the Court and the Assembly to ensure that considerations of efficiency and cost figured appropriately.

54. In addition, the Committee was concerned about the lack of visibility of the costs of judicial decisions. In several instances the Committee was advised of judicial decisions which had both short- and long-term impacts on the budget, and of pending appeals that would overturn decisions or policies of the Registrar. In order to improve transparency, the Committee recommended that the Registrar should provide a statement of financial implications to Chambers on matters under consideration, preferably prior to decisions being taken. The Committee also recommended that the Presidency should advise Chambers of the need to take appropriate account of costs in their deliberations. Further, the Committee recommended that the Registrar should report to the Committee and the Assembly, in the context of performance reports and annual budget proposals, on all judicial decisions which had significant impacts on the budget (with due regard for confidentiality).

55. With respect to managing workload and reforming administrative processes, the Committee welcomed the Court's priority objective for 2009 of reducing bureaucratic processes. The Committee was concerned with the tendency for some areas of the Court to seek additional resources each year without addressing the underlying administrative processes and policies that generated workload. The Committee was strongly of the view that managers throughout the Court should be responsible for managing workload and reforming procedures, so as to maximize results for the Court while keeping working hours under control.

56. The Committee felt that a rigorous examination of possibilities to increase productivity would yield significant cost savings given that many inefficient bureaucratic policies had been adopted in the early years of the Court. It therefore recommended that the Court undertake a review of administrative procedures with the aim of eliminating red tape. Moreover, the Committee challenged the Court to produce a budget for 2010 which funded new investments and cost

increases entirely from savings to administrative processes. The Committee requested the Court to report on its efforts at its twelfth and thirteenth sessions.

**(d) Common staff costs / inflation**

57. The Committee was informed that the Court had reduced its estimates for staffing costs in 2009 by calculating costs on the basis of the Court's experience instead of using salary grades prepared in New York. The Committee endorsed this approach and welcomed the decrease to the 2009 budget thereby achieved.

58. The Committee examined the proposed increase for energy costs in 2009 and agreed that it was reasonable.

**(e) Recruitment delays and vacancy rates**

59. The Committee recalled its recommendations on adjusting the vacancy rate for 2008 to a level commensurate with the likely rate of recruitment of staff<sup>24</sup> and carefully reviewed progress over the past year up to 31 August 2008. The Court had increased total occupied posts by 92 between 30 July 2007 and 31 August 2008, with some 67 of those posts being filled in 2007 and the remaining 25 in 2008. The Committee noted therefore that the overall rate had been a net monthly increase of about seven persons, but that the rate had fallen in 2008 to just over three persons per month.

60. The Committee was concerned that the rate of recruitment had fallen and noted advice from the Court that there might have been an increase in the rate of staff leaving the Court and that the Court was considering reversing some of the procedural improvements made to the recruitment process following the Committee's report in 2007. The Committee recommended that the Court consider what additional steps could be taken to reduce the turnover of staff, including on contract length and predictability, and to report to the Committee in the context of the comprehensive report on human resources due at the Committee's twelfth session. The Committee also urged the Court not to reverse changes to the recruitment process and instead to seek further procedural efficiencies to reduce administrative workload. The Committee agreed that recruitment, like other human resources processes, was fertile ground to make efficiency and productivity gains given the administrative intensity of many processes presently employed by the Court.

61. The Committee agreed that the same principles should apply to the vacancy rate in 2009 as were applied in 2008 and that different rates should be calculated for each major programme given that the vacancy levels in each were no longer comparable. Accordingly, the Committee recommended that the following vacancy rates be applied for 2009:

- Major programme I: 10 per cent
- Major programme II: 10 per cent
- Major programme III: 12 per cent
- Major programme IV: 15 per cent
- Major programme VI: 15 per cent

62. The Committee agreed that these levels were realistic for 2009, given the likely rate of recruitment and departures.

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<sup>24</sup> *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, paragraph 51.



**(f) Reclassifications**

63. The Committee was informed that the Court proposed to reclassify 14 generic posts applicable to 19 individual staff. The Committee did not have sufficient time to review thoroughly the methodology for the reclassifications and the individual merits of the proposals. Accordingly, the Committee decided that a sub-group consisting of the Chair, the Vice-Chair and one other member would meet in the margins of the seventh session of the Assembly to consider the issue fully, in consultation with other members. The Committee authorized the sub-group to report to the Assembly during its budget deliberations so as to enable the Assembly to take a decision that would be implemented in the 2009 budget. The Committee, however, recommended that no additional financial provisions should be made in the 2009 budget for the reclassifications since the costs of any reclassifications approved by the Assembly could be readily absorbed within overall staff costs.

**(g) Use of GTA and established posts**

64. The Committee noted that the proposed programme budget for 2009 contained a number of proposals to convert posts, previously funded through GTA, to established posts. The Committee observed that there were no clear and consistent criteria for determining which posts should be funded through GTA and which through established posts. The Court had grown rapidly over several years, and had in some cases sought GTA posts since it was not clear that there would be ongoing requirements for a post. Given that the Court's structures were more settled, the Committee agreed that it was worth reviewing the whole question.

65. The Committee therefore agreed to further consider this matter at its next session, in the context of its consideration of human resources. It requested the Court to present a report containing general principles for determining the funding basis for posts, addressing specifically staffing in the field, and any differentiation between basic and situation-related costs. In addition, the Committee expected that the Court would present sufficient information on its policy on contract type and length to enable the Committee to consider the relationship between the funding basis and contract length. The Committee wished to examine the implications for recruitment and retention of these questions.

**(h) Family visits of indigent detainees**

66. The Committee recalled that the Court had been invited by the Assembly at its sixth session<sup>25</sup> to present to the Assembly at its next session an updated report on family visits, taking into account the comments of the Committee on Budget and Finance, to assess, inter alia, the legal and policy aspects, as well as the human rights dimension and budgetary impact of family visits. The Committee was therefore disappointed that the Court had not provided the report in time for the Committee to consider it at its eleventh session.

67. The Committee 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. 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 that would be set.

68. The Committee was, however, advised that the Court had revised its criteria for family visits, and that this would reduce the costs in 2009 from €84,300 to €40,500. The Committee recommended that the provision in the budget be reduced accordingly, pending the policy decision of the Assembly. The Committee also recommended that, pending the policy decision of the Assembly, it would be advisable for the Court to seek to fund any visits from voluntary contributions. The Committee noted that the Assembly might in fact wish to exclude such costs for

<sup>25</sup> *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. I, part III, resolution ICC-ASP/6/Res.2, paragraph 14.

2009 from the budget if its deliberations on this subject extended beyond the timeframe for approval of the budget and instead to ask the Court to fund family visits from voluntary contributions until the Assembly adopted a decision.

69. The Committee indicated its willingness to consider this issue further on the basis of the report of the Court should the Assembly so decide at its seventh session.

**(i) Working Capital Fund**

70. The Committee noted that the Court had proposed<sup>26</sup> that the Working Capital Fund should remain frozen for 2009 at the 2007 level until an appropriate policy had been determined. The Committee noted that the Working Capital Fund remained an essential mechanism for ensuring that the Court could meet cash flow needs in situations where the regular contributions of States Parties might be late. The Committee agreed that the principle that the Fund should be set at one-twelfth of the annual budget level was reasonable, but it saw no reason to unfreeze the Fund at this stage since the Court had a strong cash position. The Committee recommended that the Assembly maintain the Working Capital Fund at its present level and reconsider the question in 2010.

**(j) Major programme I: Judiciary**

71. The Committee noted that the amendment to the pension scheme for judges approved by the Assembly at its sixth session<sup>27</sup> had led to a reduction of €595,000 for the costs of judges' pensions in 2009. This reduction had enabled major programme I to propose a budget with minimal nominal growth over the 2008 level. The Committee welcomed the efforts made to offset additional costs in major programme I through reductions to other budget lines.

72. The Committee recalled that at 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 submit a revised staffing structure. It also agreed that its approval to reclassify the Assistant Legal Officer posts would constitute a key factor in considering any further proposals to increase the staffing level of the Chambers in future budget programmes.<sup>28</sup> In addition, at its tenth session, the Committee had requested that any future changes in the structure of the staffing of Chambers be presented to the Committee as part of a clear strategy for the Chambers.<sup>29</sup>

73. In light of the Committee's comments on the use of GTA in paragraph 65 above, and its wish to see more information on the overall staffing structure for Chambers, the Committee recommended that in programme 1200 (Chambers) the conversion from GTA into established posts of the P-2 Associate Legal Officer in Pre-Trial Chambers and two P-3 Associate Legal Officers and one P-2 Associate Legal Officer in Trial Chambers should not be approved at this stage.

74. The Committee further recommended that the provision of funds for a GTA legal support staff member at the P-2 level for 12 months should not be approved. The Committee was of the view that in case of a possible constitution of an additional trial chamber, an increase in workload could be absorbed within existing resources.

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<sup>26</sup> Proposed programme budget for 2009 of the International Criminal Court (ICC-ASP/7/9, Corr.1 and Corr.2, (English only), paragraph 62).

<sup>27</sup> *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. I, part III, resolution ICC-ASP/6/Res.6.

<sup>28</sup> *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, paragraph 73.

<sup>29</sup> ICC-ASP/7/3, paragraph 57.

75. The Committee requested the Court to submit in the proposed budget for 2010 a revised staffing structure for Chambers.<sup>30</sup>

**(k) Major programme II: Office of the Prosecutor**

76. The Committee welcomed the continued efforts of the Office of the Prosecutor to rotate resources between the situations and cases. In this context, it agreed that the additional resources requested for trial work in 2009 were justified. However, the Committee also observed that major programme II had reached a substantial size, which should allow it to fulfil its mandate over the coming years without further increases of resources. Consequently, the Committee recommended that the Office of the Prosecutor continue to rotate staff and resources as its activities changed, and to identify additional savings where possible, with the aim of remaining within the budget level set for 2009 into 2010 and the following years.

**(l) Major programme III: Registry**

77. The Committee noted that the Court had proposed an increase of €700,000 for the cost of interim premises in 2009. It encouraged the Court to ensure that these costs were consistent with the host State's commitment for interim premises and the Headquarters Agreement and, if not, to draw this to the attention of the Assembly.

78. The Committee noted the need for the increased resources for travel in major programme III, in connection with the expected increase in activities of the Registry relating to, for example, witness protection and interpretation in the field, but was of the view that the resources requested were excessive. The Committee recommended that the Assembly should not approve the full budget of €2,418,400 requested for travel in major programme III, and that the sum be reduced by 10 per cent or €241,000. The Committee recommended that the Registrar redistribute travel resources within major programme III in line with priorities.

79. While recognizing the need for resources to cover the payment of overtime to eligible staff, the Committee was of the view that there was an excessive use of overtime within the Registry and recommended that the resources allocated for overtime remain at the level approved for 2008. The Committee recommended that overtime should be used on an exceptional basis, and should not be the rule.

80. The Committee noted the need for recourse to consultants for specific purposes, but was of the view that, in light of the increased budget for GTA staff, some of the functions could be performed by such staff. The Committee recommended that the use of consultants should be minimized and that the Court should limit its use of consultancy to key areas where external expertise was essential.

81. In programme 3100 (Office of the Registrar), the Committee welcomed advice that the post of External Relations Adviser in the Immediate Office of the Registrar would soon be filled. It hoped that this post would be utilized so as to increase the Court's capacity to service the Assembly and its subsidiary bodies, including by producing good quality and timely reports as requested by the Assembly.

82. In sub-programme 3220 (Human Resources Section), the Committee recommended that the two posts of Human Resources Assistant should not be approved, since the need should be met within existing resources by improving efficiency and reducing workload. Further, the Committee recommended that the Court consider conducting recruitment missions to unrepresented countries in all regions. The Committee also noted that the Court had deferred a request for an additional €750,000 for training, given the overall level of the budget. The Committee recommended that the

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<sup>30</sup> Ibid., paragraph 57.

Court seek to find savings equal to this amount through administrative efficiencies in order to allow the training initiative to proceed in 2010.

83. In sub-programme 3240 (Budget and Finance Section), the Committee welcomed the merger of the Office of the Controller (formerly sub-programme 3150) with the Budget and Finance Section, to form a single unit. This structure provided a more efficient and sound basis for the Court's budgetary, financial and control procedures and reduced costs. However, it noted that the Section now had two P-5 level posts, which was anomalous and unnecessary. In light of the request by the Secretariat of the Trust Fund for Victims for a finance officer at the P-5 level, the Committee recommended that one of the P-5 posts be redeployed to the Secretariat of the Trust Fund for Victims for the 2009 budget.<sup>31</sup> However, the Committee also wished to review the need for the existence of finance posts in major programme I, major programme II and the Secretariat of the Trust Fund for Victims. The Committee therefore requested the Court to consider how financial functions could be centralized in the Budget and Finance Section and to prepare the 2010 proposed budget accordingly.

84. In sub-programme 3250 (General Services Section), the Committee was of the view that the expected increase in the workload of the Victims and Witnesses Unit did not warrant two additional drivers at headquarters.<sup>32</sup> The Committee recommended that one post of driver at the GS-OL level be approved and that the situation be reviewed at the Committee's thirteenth session.

85. The Committee noted that the field offices of the Court had grown rapidly over the past two years, mostly in an unplanned manner as the Court responded to immediate pressures. With the field offices now becoming a semi-permanent part of the Court's structure, the Committee welcomed the Court's intention to review the operations of field offices and to put in place a more strategic policy direction.

86. In sub-programme 3280 (Field Operations Section), the Committee noted the evolving nature of the Court's activities in the field, but was of the view that the expected increase in these activities did not warrant the appointment of seven additional drivers.<sup>33</sup> The Committee therefore recommended the approval of resources for three posts for drivers at the GS-OL level and requested the Court to meet its needs through improved use of existing resources including better coordination among the different organs/sections whose staff travelled to the field and required such services.

87. In sub-programme 3310 (Office of the Director/Court Management Section), the Committee noted that the Court had projected the use of 200 court days in 2009,<sup>34</sup> the same number as were budgeted in the 2008 budget. The Committee was informed that up to 9 September, 53 court days had been utilized in 2008, consisting of 97 sessions. The Committee again emphasized the importance of utilizing this capacity as efficiently as possible, including through efficient and coordinated scheduling of proceedings. Given the existing level of resources in the section, the Committee was not convinced that the post of Associate Legal Officer at the P-2 level<sup>35</sup> was justified and recommended that it should not be approved. With respect to the two posts of Court Reporter at the P-2 level (English),<sup>36</sup> the Committee recommended that GTA be provided for this function at this stage since the Committee had not yet reviewed the reclassification of other Court Reporter posts to the P-2 level.

88. The Committee recalled that, at its ninth session, it had expressed concern at the translation rates applied by the Court and the increasing burden of translation costs on the budget of the Court,

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<sup>31</sup> See paragraph 103 of the present report.

<sup>32</sup> Proposed programme budget for 2009 of the International Criminal Court (ICC-ASP/7/9, Corr.1 and Corr.2, (English only), paragraph 236).

<sup>33</sup> *Ibid.*, paragraph 263.

<sup>34</sup> *Ibid.*, annex III.

<sup>35</sup> *Ibid.*, paragraph 277.

<sup>36</sup> *Ibid.*, paragraph 280.

and had recommended that options for outsourcing translation work be explored with the aim of finding lower-cost providers, particularly for less sensitive work.<sup>37</sup> The Committee noted the efforts undertaken by the Court as well as the Court's view on the effectiveness/efficiency of outsourcing translation work. The Committee did not draw any conclusions at this stage, but encouraged the Court both to manage its translation and interpretation workload and to keep the most cost-effective options under review.

89. Notwithstanding that eight posts were vacant as at 31 August, representing considerable additional capacity, the Committee had no objection to the additional resources proposed for 2009. However, the Committee agreed that this increase would now provide the Court with sufficient translation and interpretation capacity for the next few years. It therefore expected the Court to manage its workload and use funds efficiently so as to continue to meet its needs within this level of resources.

90. In sub-programme 3350 (Victims and Witnesses Unit), the Committee recognized the importance of the activities of the Court in relation to witnesses and victims, including facilitating the participation of witnesses in the proceedings of the Court. The Committee noted the increase in the Court's protection work and agreed that the increases to the budget for 2009 were warranted. It also noted, however, advice from the Court that appeals were pending that might overturn policies of the Registrar for witness protection and that this might have significant financial implications for the Court's future budget and work. Given that witness protection would continue to be a driver of increased costs in the budget, the Committee requested the Court to explain its policies and principles for the protection of witnesses and suggested that the Assembly might wish to keep itself informed on developments in this area. With respect to the post of psychologist at the P-3 level,<sup>38</sup> the Committee recommended that this be funded from GTA funds for the period of one year, and decided to review the situation at its thirteenth session.

91. In sub-programme 3400 (Public Information and Documentation Section), the Committee noted that there were ten vacant posts at 31 August and that the Section already had 31 established posts and a substantial budget. Given the existing level of unutilized capacity in the Section, the Committee recommended that no additional posts be approved and that the level of GTA funds remain at the 2008 level. The Committee recommended that the capacities of the Section be redistributed as necessary to meet changing public information needs.

92. In sub-programme 3500 (Division of Victims and Counsel), the Committee noted that the Court had prepared its budget for legal aid for 2009 by calculating the maximum amount of funds that might be required for the year. The budget for 2009 contained provisions for legal aid for defence consisting of three legal aid teams for a full year (€1.75 million), for duty counsel (€250,030) and ad hoc counsel (€318,070). For victims the budget contained provisions for six legal teams (€1.46 million) and ad hoc counsel (€34,696). The Committee noted an error in the calculation of the costs of legal teams for defence, which had been over-budgeted by about €219,000.

93. The Committee did not agree that a maximalist approach of preparing the legal aid budget was appropriate since it was highly unlikely that the full amount proposed would be required by the Court in 2009. In particular, the Committee observed that costs would be dependent on the length of proceedings and it appeared unlikely that the two trials would take place throughout 2009. The amounts budgeted for ad hoc and duty counsel for defence were also at the high end of possibilities and did not take account of the proposed P-4 post in the Office of Public Counsel for the Defence

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<sup>37</sup> *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, paragraph 70.

<sup>38</sup> Proposed programme budget for 2009 of the International Criminal Court (ICC-ASP/7/9, Corr.1 and Corr.2, (English only), paragraph 323).

(OPCD)<sup>39</sup> which had been proposed for the same function. The Committee noted that the number of victims' legal teams proposed for funding was larger than the number that presently existed, since only one team was being funded by the Court for the Lubanga case and three teams for the second trial. For these reasons, the Committee recommended that the total provisions for legal aid be reduced by €700,000. The Committee felt that this would still provide an adequate level of resources for 2009 within an acceptable level of risk. It emphasized the need for the Court to use legal aid funds as efficiently as possible.

94. In sub-programme 3540 (Office of Public Counsel for the Defence), the Committee recommended that the post of Legal Adviser/Counsel at the P-4 level<sup>40</sup> be provided on a GTA basis for one year only. The need for this post beyond 2009 should be assessed following the Assembly's consideration of the relationship between the legal aid scheme and OPCD and the most cost-effective means of providing ad hoc and duty counsel.

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

95. The Committee welcomed the fact that the budget proposal for this major programme was once more lower than in the prior financial period, and expected that there would be further efforts to estimate costs more accurately so as to avoid high levels of under-expenditure each year. The proposed reduction for 2009 took account of additional costs for the two resumed sessions to be held in 2009 at United Nations Headquarters, in addition to the eighth session of the Assembly, and the expected increase in the number of documents to be edited, translated and revised.

96. The Committee was of the view that efficiencies and cost savings could be attained in the area of documentation. In this connection, the Committee recommended that the Assembly consider amending its Rules of Procedure, as well as those of the Committee, so that documentation would be published in the official languages of the United Nations which were also official languages of at least one State Party to the Rome Statute, unless otherwise decided by the President of the Assembly or by the Chair of the Committee on Budget and Finance, respectively. The Committee expected that this would lead to substantial savings by avoiding unnecessary translations of documents of a transitory nature, including the budget and other administrative papers considered by the Committee. It expected, however, that documents of enduring legal importance, including for instance those concerning the crime of aggression, would continue to be published in all six languages of the United Nations. The Committee recommended that provisions for translation be reduced by €254,000 accordingly.

97. Furthermore, the Committee recommended that the Assembly consider limiting the length of reports submitted for its consideration by the Court, along the lines of the limit set for reports of the United Nations Secretariat to the General Assembly.<sup>41</sup>

98. The Committee further agreed that additional savings could be achieved in the area of travel and, in this connection, recommended that the introductory meeting for newly elected members of the Committee on Budget and Finance be held immediately in advance of the Committee's twelfth session, so as to reduce travel expenditures by €21,000.

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

99. The Committee welcomed the progress made in developing the activities of the Trust Fund for Victims. It took note of the overall increase in the Trust Fund balance from €2,450,708 in 2006 to €3,051,711 in 2007 and advice from the Director of the Trust Fund that further fund-raising appeals would be launched shortly.

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<sup>39</sup> Ibid., paragraph 366.

<sup>40</sup> Ibid.

<sup>41</sup> United Nations doc. A/RES/52/214, section B, operative paragraph 4, set a limit of 16 pages.

100. The Committee noted that the costs for the Secretariat were high compared to the funds raised in the past year. While this was reasonable at an early stage of the Trust Fund's operations, the Committee agreed that this situation should be closely reviewed again next year. The Committee agreed that, with further increases to the budget in 2009, the Secretariat would have a substantial level of resources which fully enabled it to advance the mission and work of the Trust Fund. It expected that no further requests for increased funding from the regular budget would be made until the Trust Fund was raising annual cash donations in a proportion of eight to ten times the costs drawn from the regular budget. It therefore also expected that overhead costs would be kept to a minimum.

101. The Committee was concerned that the pattern of expenditure for the Secretariat in 2008 did not correspond adequately to the approved budget, in particular due to a different allocation of posts to that which was approved by the Assembly. The Committee noted that only two budgeted posts in the Secretariat had been filled by permanent staff members, while 70 per cent of the posts had been filled by GTA. The Committee recommended that this situation be rectified by 31 December and that any exceptions should be approved by the Registrar (in line with the Committee's recommendation on unauthorized GTA in paragraph 45 above). In this regard, the Committee welcomed the information from the Director that he planned to regularize employment in 2009.

102. The Committee was advised that there had been some internal discussions about the relationship of the Secretariat to the Registrar for the purposes of administration. The Committee recalled that resolution ICC-ASP/3/Res.7<sup>42</sup> provided that, "pending further consideration by the Assembly, the Secretariat should operate under the full authority of the Board of Directors in matters concerning its activities," and that, "for administrative purposes, the Secretariat and its staff should be attached to the Registry of the Court." Thus, the Committee understood that the Registrar would, under the Financial Regulations and Rules, remain accountable for the administration of the Trust Fund in the same manner as she was accountable for the administration of the Secretariat of the Assembly of States Parties and the Permanent Premises Project Office. The Committee noted that an internal administrative audit was being conducted and expected that it would help clarify arrangements within the Court. The Committee expected that the Registry would provide financial, human resources, administrative and IT services to the Secretariat just as it did for other areas of the Court and that the Registrar would be responsible for the budget, internal control and expenditures. In this regard, the Committee noted that there appeared to have been some functions created in the Secretariat which ought to be performed by the Registry and it requested the Court to review these arrangements.

103. With respect to the resources requested for 2009, the Committee recommended approval of the proposed budget with the following exceptions. It recommended that one surplus P-5 financial post from section 3240 should be redeployed, as recommended in paragraph 83 of the present report. In light of this redeployment, the Committee recommended that the proposed GTA funds for a Senior Adviser Finance and Administration at the P- 5 level<sup>43</sup> and an Monitoring and Evaluation Officer<sup>44</sup> should not be approved.

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<sup>42</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.7.

<sup>43</sup> Proposed programme budget for 2009 of the International Criminal Court (ICC-ASP/7/9, Corr.1 and Corr.2, (English only), paragraph 400).

<sup>44</sup> *Ibid.*, paragraph 401.

(o) **Supplementary budget for preparatory trial activities in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo***

104. The Committee considered the proposed supplementary budget<sup>45</sup> of €2,516,300 for preparatory trial activities in 2009 in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, which were expected to arise following the surrender of the accused to the Court on 3 July 2008.

105. The Committee recommended that the supplementary budget be incorporated into the 2009 programme budget. The Committee however recommended that the provisions outlined in paragraph 106 below should not be approved.

106. Given the Registrar's decision of 25 August 2008 that Mr. Bemba was not indigent, the Committee recommended that provisions for legal aid and family visits for this case should not be included in the 2009 budget. Further, the Committee recommended that additional posts for the Division of Court Services (programme 3300) should not be approved except where they related to field work, since the increases for this programme in the main budget proposal should provide sufficient resources for 2009. Finally, the Committee noted that the post of Counsel at the P-4 level<sup>46</sup> in the Division of Victims and Counsel (programme 3500) had been included in error and recommended that the corresponding resources also be excluded from the supplementary budget.

(p) **Estimated income for 2009**

107. The Committee noted that the Court had projected income in 2009 of €88,100 in depreciation from the Special Court for Sierra Leone<sup>47</sup> and €3.7 million from interest.<sup>48</sup>

**D. Premises of the Court**

108. The Committee had before it a progress report on the activities of the Oversight Committee<sup>49</sup> and welcomed the presentation by the Chairperson of the Oversight Committee, H.E. Mr. Jorge Lomonaco (Mexico), in which he provided information on issues pertaining to the recruitment of the Project Director and the financing of the project. The Committee observed that considerable progress has been made since its previous session.

109. The Committee noted with satisfaction that the Oversight Committee had conducted a successful recruitment process for the position of Project Director, who would take up his functions on 1 October 2008 but had already provided expert advice to the Oversight Committee and the Court.

110. With respect to the financing of the project, the Committee observed that the Oversight Committee and the host State had developed a flexible financing scheme which would guarantee funding for the project by securing a line of credit of up to €200 million, through the acceptance of the host State loan at 2.5 per cent interest, while not excluding alternative sources of financing, such as direct contributions or private donations. In addition, the scheme would allow States Parties to make a one-time payment of their full assessed share if they chose, which would in turn reduce the total interest that would be payable on the loan. The Committee noted that the Oversight Committee was continuing to refine the scheme in the context of a draft resolution which would be submitted to the seventh session of the Assembly.

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<sup>45</sup> Proposed supplementary budget – preparatory trial activities *The Prosecutor v. Jean-Pierre Bemba Gombo* (ICC-ASP/7/17).

<sup>46</sup> *Ibid.*, paragraph 15.

<sup>47</sup> Proposed programme budget for 2009 of the International Criminal Court (ICC-ASP/7/9), annex X(a).

<sup>48</sup> *Ibid.*, annex IX.

<sup>49</sup> ICC-ASP/7/CBF.2/7.



111. The Committee commended the Oversight Committee for the financial scheme it had developed, which combined flexibility for States Parties with a flexible cash flow arrangement that would meet the needs of the project.

112. The Committee agreed on the responses outlined below to four questions asked by the Oversight Committee, and offered additional comments on the question of audit arrangements for the premises project. The Committee noted that in doing so it was providing advice within its competence as an expert committee on budget and finance, and that the Oversight Committee and the Court would need to continue to obtain legal advice on some of the detailed technical aspects of the scheme.

(a) *Repayment of interest and principal of the host State loan*<sup>50</sup>

113. The Committee agreed that it would be appropriate to continue to fund the costs of the Project Director's Office from major programme VII.

114. The Committee agreed that repayment of the loan as envisaged in the scheme could be made either by creating an additional major programme (major programme VIII) or a separate account which would form part of the annual assessed contributions of States Parties. In either case, the costs would need to be assessed according to a modified scale of assessments which would exclude those States Parties which opted for a one-time payment of their assessed share.

115. If a new major programme were to be established, the contribution to the permanent premises project would be part of the annual assessment States Parties received in January for the budget of the Court. The difference in scales would need to be reflected in the annual resolution of the Assembly which approved the budget and decided to assess States Parties.

116. If a separate fund were to be created, assessments for the premises project could still be issued to States Parties as part of their annual assessed contributions under regulation 5 of the Financial Regulations and Rules. There would however be a need to consider how arrears in the separate account would be handled, especially if this could lead to a failure to meet payments due to the host State. The Committee also recalled its previous observations concerning the applicability of article 112, paragraph 8, of the Rome Statute to arrears in a separate account.<sup>51</sup> Moreover, if this option were chosen, it would be advisable to conduct a careful review of the Financial Regulations and Rules and amendments might be required.

(b) *Trust fund for holding and managing one-time payments*<sup>52</sup>

117. The Committee agreed that a separate account would need to be established for holding one-time payments. Interest would be earned if one-time payments were to be received at an early stage of the project, and this should be capitalized in the account. The Assembly should define the purpose of such an account in accordance with regulation 6.5 of the Financial Regulations and Rules.

(c) *Holding funds disbursed by the host State*<sup>53</sup>

118. The Committee noted the intention of the host State to make funds available to the Court on a yearly or half-yearly basis and that interest would accrue as of the date that the funds were transferred to the Court's account. The Committee agreed that this did not represent a problem for the Court or States Parties since it was likely that interest could be earned by the Court on the funds held. Since the interest rate to be charged by the host State was to be at a lower rate than was likely

<sup>50</sup> Progress report on the activities of the Oversight Committee (ICC-ASP/7/CBF.2/7, paragraph 17).

<sup>51</sup> ICC-ASP/7/3, paragraphs 76-78.

<sup>52</sup> Progress report on the activities of the Oversight Committee (ICC-ASP/7/CBF.2/7, paragraph 20).

<sup>53</sup> *Ibid.*, paragraphs 21 – 22.

to be available to the Court for its cash holdings over the period of construction, this arrangement could earn additional income for the project. The Committee agreed that such interest should either be capitalized into the project funds or offset as income against the assessed contributions for repayments of interest (in either major programme VIII or a separate account).

(d) *Establishment of a system for the authorization of expenditure and contracts*<sup>54</sup>

119. The Committee was informed of the current status of discussions in the Oversight Committee and within the Court on designing an appropriate system for authorization of expenditure. It also recalled the observation of the External Auditor about the need to consider carefully the relationship between the Oversight Committee, Project Board and Project Director as set out in the resolution of the Assembly and the responsibilities of the Registrar as contained in the Financial Regulations and Rules.

120. The Committee agreed that the arrangements under consideration appeared to be appropriate and in line with delegated authority held by the Oversight Committee in accordance with annex II of resolution ICC-ASP/6/Res.1. It also agreed that contracts or expenditures which exceeded the total project budget would require the approval of the Assembly, and that any such proposals should be forwarded by the Oversight Committee to the Assembly through the Committee on Budget and Finance.

121. The Committee agreed that it would be appropriate for the purposes of the project for the Registrar to sign contracts and authorize expenditures on the basis of the recommendation of the Project Board and/or Oversight Committee. The Committee expected that such a system would be implemented in accordance with regulation 10.1 of the Financial Regulations and Rules which set out the Registrar's responsibility for internal control. Hence, the Committee expected that the Registrar and the Project Board would put in place procedures allowing the Registrar to fulfil her responsibilities under the Financial Regulations and Rules quickly and without undue delay. The Committee recommended that such an arrangement, if approved by the Assembly, should be reviewed after one year. Should the arrangement lead to undue delays, the Assembly might wish to consider amending the Financial Regulations and Rules.

(e) *Audit arrangements*

122. Finally, the Committee agreed that it would be advisable to specify in any resolution that the project would be subject to internal and external audit, consistent with all other parts of the Court's operations. The Committee noted that this might increase the fees payable to the External Auditor and recommended that the Court discuss audit arrangements with the External Auditor at an early stage.

## **E. Legal aid**

123. The Committee had before it the Court's interim report on different legal aid mechanisms before international criminal jurisdictions.<sup>55</sup> The Committee was informed that the Court's legal aid regime had its legal basis in articles 55 and 57 of the Rome Statute, rules 20 and 21 of the Rules of Procedure and Evidence, regulation 83 of the Regulations of the Court, and rules 131 and 132 of the Regulations of the Registry. The Court had sought to strike the correct balance between effective legal aid and the limited resources of the Registry.

124. The Committee was informed that the composition of defence teams was similar to other international tribunals. The Court stated that, of the international tribunals whose legal aid regimes the Court had used for comparison, the fee structure used by the Court was the second least costly.

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<sup>54</sup> Ibid., paragraph 23.

<sup>55</sup> ICC-ASP/7/12.

The Committee was further informed that, in all jurisdictions, the cost of the trial was an important factor in determining indigence.

125. The Committee was informed that the OPCD had a supporting role in relation to the Division of Victims and Counsel. The Pre-Trial Chamber, by an August 2007 decision, had assigned to that office the role of providing assistance to defence teams. The Committee was informed that the role of the OPCD did not impinge upon the legal aid function of the Division of Victims and Counsel. While both offices fell under the Registry for administrative purposes, they were functionally independent.

126. The Committee recalled comments in the report on the work of its ninth session<sup>56</sup> on the escalating costs of the Court's legal aid scheme and the financial and reputational risks to the Court entailed in legal aid. Since that time the Court had sought considerable increases to the legal aid budget through the Contingency Fund and the 2009 proposed budget. The Committee therefore welcomed the report and presentation by the Court and advice that The Hague Working Group would be looking closely at the Court's system of legal aid. The Committee decided to offer a few observations and suggestions with the aim of contributing to discussions in The Hague Working Group. It also made specific recommendations on legal aid resources for 2009 in the context of its review of the budget proposal.

127. The Committee reaffirmed its view that the Court should look for any efficiencies and savings that could be achieved in its legal aid scheme, including by ensuring that the provision of legal aid was commensurate with the level of activity at each stage of proceedings (especially when long delays were experienced), and by evaluating the relationship between OPCD and defence teams.

128. The Committee expressed concern at the system for determining indigence for defendants insofar as the Court had given examples showing that individuals with extensive assets could be determined to be indigent. In hypothetical case 3 in the report,<sup>57</sup> an individual with several million euros in property and assets was considered partially indigent. While the Committee agreed it was appropriate for the indigence test to take account of the high costs of an adequate defence, the Committee did not believe it was reasonable for an individual with such assets to receive legal assistance from the budget of the Court. The problem appeared to be the result of the method of calculating a figure for 'monthly disposable means' from an individual's property and assets. The Committee suggested that alternatives to the method be considered and discussed, and that it might also be desirable to establish absolute thresholds of asset holdings above which legal aid would not be provided. In the opinion of the Committee it was not unreasonable for an individual holding property and assets worth several million euros to be required to liquidate some assets to fund their defence.

129. With respect to legal assistance for victims, the Committee welcomed advice on recent jurisprudence that was beginning to define the nature of victims' participation in proceedings and thus make possible an evaluation of the likely costs of supporting victims' legal representation. In this regard, the Committee felt that the report focused almost entirely on the question of legal aid for the defence and it would be useful for the Court to explain separately its plans to fund legal aid for victims. The Committee observed that decisions being taken by Chambers and the Registrar on victims participation had long-term financial implications. For instance, the Registry's intention to fund two legal teams for victims per defendant appeared likely to be costly. The Committee recommended that the Court and the Assembly consider the possibility of having one legal team for victims per case. The Committee was also informed about several instances in which judicial orders

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<sup>56</sup> *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, paragraph 72.

<sup>57</sup> Interim report on different legal aid mechanisms before international criminal jurisdictions, (ICC-ASP/7/12, annex V).

had long-term financial implications which the Assembly would be expected to meet. The Committee recognized that these questions involved important legal principles and practical considerations. However, given the likelihood that legal aid for victims' participation would be a long-term and significant cost driver for the Court, the Committee strongly recommended that the Assembly enter into a detailed dialogue with the Court on the legal and financial aspects of victims' participation. The Committee indicated its willingness to continue to assist the Assembly on the financial aspects of the full range of legal aid matters.

## **F. Contingency Fund**

130. The Committee considered a report on the Court's use of the Contingency Fund<sup>58</sup> which provided information on the Court's use of the Fund in 2008 and proposed that the Contingency Fund be continued beyond 2008 and replenished as necessary.

### **1. Use of the Contingency Fund in 2008**

131. At its tenth session, the Committee had noted that the Court was considering drawing from the Contingency Fund to meet the costs in 2008 relating to a second trial, including pre-trial activities.<sup>59</sup> Subsequently, by a letter dated 15 May 2008, the Registrar submitted, pursuant to regulation 6.7 of the Financial Regulations and Rules, a supplementary budget notification in the amount of €3,652,000 to the Chair of the Committee, with a view to obtaining any financial comments of the Committee before entering into commitments engaging the Contingency Fund. The Registrar asserted that the Court needed to access the Fund to meet unavoidable costs arising from the arrest and surrender of Mr. Germain Katanga and Mr. Mathieu Ngudjolo Chui that had not been foreseen in the 2008 budget.

132. The Chair of the Committee conveyed the comments of the Committee in a letter dated 2 June 2008.<sup>60</sup> The Committee agreed that the rationale for drawing on the Contingency Fund met the criteria for access to the Fund set out in regulation 6.6 (b) of the Financial Regulations and Rules. The Committee also encouraged the Court to seek to absorb the expenses where possible.

133. The Court informed the Committee that by the end of 2008 about €2.4 million would have been spent on costs relating to a second trial and that this amount would be drawn from the Contingency Fund only if the costs could not be offset from savings to the regular budget of the respective major programmes. The Committee endorsed this approach, which would avoid drawing from the Fund unless the costs associated with the unforeseen activities exceeded the remaining appropriations available in the relevant major programmes. The Committee further recommended that the Assembly should authorize the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed by one major programme while surpluses existed in other major programmes. This procedure would ensure that the Fund was drawn upon only when all 2008 appropriations were exhausted.

### **2. Future of the Contingency Fund**

134. The Committee recalled that in 2004 the Assembly had established a Contingency Fund in the amount of €10,000,000<sup>61</sup> and had decided further that the Fund would be limited to a period of four years. Accordingly, the provisional agenda for the seventh session of the Assembly included a

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<sup>58</sup> ICC-ASP/7/16.

<sup>59</sup> Report of the Committee on Budget and Finance on the work of its tenth session (ICC-ASP/7/3), paragraph 31.

<sup>60</sup> ICC-ASP/7/16, annex B.

<sup>61</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.4, paragraph 1.

decision on the extension or possible discontinuation of the Fund and on any other question relating to the Fund that it deemed necessary in the light of experience.<sup>62</sup>

135. The Court proposed in its report that the Contingency Fund should continue to be available to the Court and that it should be replenished as necessary in order to ensure that a facility existed for the Court to meet unforeseen costs as defined in the Financial Regulations and Rules. The Court emphasized that it viewed the Fund as an essential component of the budgetary system for the Court, without which it would require higher levels of contingency to be built in to the budget on an annual basis.

136. Recalling its long-standing support for the Contingency Fund, the Committee recommended that the Assembly decide to continue the Fund indefinitely. The Committee agreed with the view of the Court that the existence of the Fund enabled the Court to respond to major, unexpected developments in the Court's work without building contingencies across the budget. The Committee did not however agree with the reference<sup>63</sup> to a possible increased need to draw on the Fund due to a decline in the rate of contributions. This statement appeared to have been made in error, since a cash shortfall would not constitute grounds to access the Fund.

137. The Committee identified three options for replenishment of the Fund.

138. First, the Assembly could replenish the Fund from time to time as was necessary. Since it was unlikely that any substantial amount would be drawn from the Fund in 2008 no action would be required at this stage.

139. Second, the Assembly could decide to replenish the Fund automatically by amendment to the last sentence of regulation 6.6 of the Financial Regulations and Rules. Any amount drawn from the Fund would be added to the assessment of States Parties for the following year.

140. Third, the Assembly could decide no longer to hold funds in a Contingency Fund and instead continue to provide the commitment authority provided for in 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. In this situation, the Financial Regulations and Rules would need to be modified to specify a maximum level of commitments that the Court could make, and to provide that any expenditure under the commitment authority which exceeded the level of the approved budget for a given year would be assessed on States Parties in the financial year following the one to which the commitments related. Such a facility would provide the Court with the same ability to meet unforeseen costs as presently existed without keeping €10 million tied up. Sufficient cash reserves were likely to remain in place to support such a facility, and this would allow the Assembly to divert the €10 million presently in the Fund to a different purpose or to return it to States Parties in accordance with the scale on which it was originally assessed.

141. The Committee considered that all three options would provide a sound structure for continuing to provide flexibility to the Court to meet unforeseen costs in the situations described in regulation 6.6 of the Financial Regulations and Rules.

## **G. Other matters**

### **1. Timeliness of documentation**

142. The Committee expressed its concern that some documents had been submitted late by the Court, which, in turn, had a negative impact on the functioning of the Committee and other subsidiary bodies of the Assembly. It recognized, however, that the budget and other major

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<sup>62</sup> ICC-ASP/7/1.

<sup>63</sup> Report on the Court's use of the Contingency Fund, (ICC-ASP/7/16, paragraph 9).

documents had been provided on time, notwithstanding the Committee's early meeting date. Given the importance of timely provision of documents, the Committee recalled anew its recommendations to the Court.<sup>64</sup> It wished to reiterate the importance the Committee attached to the timely and orderly submission of the Court's reports and other documents to the Secretariat of the Assembly, so as to ensure that they were distributed to the Committee at least three weeks in advance of its sessions. This would enable members of the Committee to examine the documentation in a thorough and detailed manner prior to their arrival at the session and to perform their function of providing advice to the Assembly in the most effective way.

143. The Committee recommended that the Court adhere to the guidelines set out in the Manual of Procedures adopted by the Bureau of the Assembly of States Parties on 31 August 2006 and noted in particular the content of paragraph 4 thereof.<sup>65</sup>

## **2. Future meetings**

144. The Committee decided, tentatively, to hold its twelfth session in The Hague from 20 to 24 April 2009, and its thirteenth session from 14 to 22 September 2009 in The Hague.

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<sup>64</sup> *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, paragraph 106, and ICC-ASP/7/3, paragraphs 9 and 10.

<sup>65</sup> "The present Manual of Procedures contains guidelines which have been developed to facilitate the preparation and submission of official documentation to the Secretariat by the organs of the Court, and to streamline all procedures related to conference services provided by the Secretariat to the Assembly and its subsidiary bodies. The main guidelines regarding submission of documents are:

(a) The Court should submit documentation to the Secretariat of the Assembly in a staggered and orderly manner, in accordance with an annual timetable to be prepared by the Secretariat, so as to ensure that documentation is submitted to the Assembly or its subsidiary bodies at least three weeks in advance of the respective session.

(b) If a report is submitted late to the Secretariat, the reasons for the delay should be included in a footnote to the document.

(c) The substantive office that submits documentation to the Secretariat should include, where appropriate, the following elements in the reports:

(i) A summary of the report, which should quantify any programme budget implications;

(ii) Consolidated conclusions, recommendations and other proposed actions;

(iii) Relevant background information.

(d) All documents submitted to legislative organs for consideration and action should mark conclusions and recommendations in bold print."

## Annex I

### List of documents

#### Committee on Budget and Finance

ICC-ASP/7/1	Provisional agenda
ICC-ASP/7/1/Add.1	Annotated list of items included in the provisional agenda
ICC-ASP/7/2	Provisional agenda
ICC-ASP/7/3	Report of the Committee on Budget and Finance on the work of its tenth session
ICC-ASP/7/4	Report on appropriate resources for financial investigations under the Court's legal aid programme
ICC-ASP/7/5	Report of the Court on options for outsourcing translation work
ICC-ASP/7/6	Report of the Court on Human Resources, Development of a Human Resources Strategy: Progress Report
ICC-ASP/7/7	Report on budget performance of the International Criminal Court as at 31 March 2008
ICC-ASP/7/8	Report on programme performance of the International Criminal Court for the year 2007
ICC-ASP/7/8/Add.1	Report on programme performance of the International Criminal Court for the year 2007 – Addendum
ICC-ASP/7/9	Proposed Programme Budget for 2009 of the International Criminal Court
ICC-ASP/7/9/Corr.1	Proposed Programme Budget for 2009 of the International Criminal Court - Corrigendum
ICC-ASP/7/9/Corr.2	Proposed Programme Budget for 2009 of the International Criminal Court - Corrigendum
ICC-ASP/7/10	Financial statements for the period 1 January to 31 December 2007
ICC-ASP/7/10/Corr.1	Financial statements for the period 1 January to 31 December 2007 - Corrigendum
ICC-ASP/7/11	Trust Fund for Victims financial statements for the period 1 January to 31 December 2007

ICC-ASP/7/12	Interim report on different legal aid mechanisms before international criminal jurisdictions
ICC-ASP/7/13	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 2007 to 30 June 2008
ICC-ASP/7/14	Report on budget performance of the International Criminal Court as at 31 August 2008
ICC-ASP/7/CBF.2/L.1	Provisional agenda
ICC-ASP/7/CBF.2/L.2/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/7/CBF.2/1	Report of the Court on recruitment
ICC-ASP/7/CBF.2/1/Corr.1	Report of the Court on recruitment - Corrigendum
ICC-ASP/7/CBF.2/2	Report on the job evaluation study of established posts - Review of previously classified positions at the professional level
ICC-ASP/7/CBF.2/3	Report on the Court's use of the Contingency Fund
ICC-ASP/7/CBF.2/4	Report on governance arrangements
ICC-ASP/7/CBF.2/5	Proposed supplementary budget – preparatory trial activities, The Prosecutor v. Jean-Pierre Bemba Gombo
ICC-ASP/7/CBF.2/6*	Report of the Office of Internal Audit
ICC-ASP/7/CBF.2/6/Corr.1	Report of the Office of Internal Audit - Corrigendum
ICC-ASP/7/CBF.2/7	Progress report on the activities of the Oversight Committee



## Annex II

## Status of contributions as at 10 September 2008

	States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
1	Afghanistan	10,068	6,987	3,081	1,346	-	1,346	4,427
2	Albania	31,050	31,050	-	8,073	8,073	-	-
3	Andorra	35,694	35,694	-	10,764	10,764	-	-
4	Antigua and Barbuda	16,680	16,680	-	2,691	2,691	-	-
5	Argentina	5,049,815	3,424,207	1,625,609	437,306	2	437,304	2,062,913
6	Australia	10,366,473	10,366,473	-	2,404,511	2,404,511	-	-
7	Austria	5,512,389	5,512,389	-	1,193,509	1,193,509	-	-
8	Barbados	58,667	52,585	6,082	12,110	-	12,110	18,192
9	Belgium	6,826,501	6,826,501	-	1,482,804	1,482,804	-	-
10	Belize	6,300	6,300	-	1,346	1,346	-	-
11	Benin	10,998	10,998	-	1,346	1,346	-	-
12	Bolivia	51,276	18,161	33,115	8,073	-	8,073	41,188
13	Bosnia & Herzegovina	24,328	24,328	-	8,073	8,073	-	-
14	Botswana	77,576	77,576	-	18,838	18,838	-	-
15	Brazil	9,046,956	9,046,955	-	1,178,709	7,937	1,170,772	1,170,772
16	Bulgaria	109,443	109,443	-	26,911	26,911	-	-
17	Burkina Faso	10,267	10,267	-	2,691	1,436	1,255	1,255
18	Burundi	4,677	1,490	3,187	1,346	-	1,346	4,533
19	Cambodia	10,998	10,998	-	1,346	886	460	460
20	Canada	17,831,635	17,831,635	-	4,005,725	4,005,725	-	-
21	Central African Republic	6,300	2,325	3,975	1,346	-	1,346	5,321
22	Chad	1,603	-	1,603	1,346	-	1,346	2,949
23	Colombia	906,528	906,528	-	141,284	141,284	-	-
24	Comoros	1,870	-	1,870	1,346	-	1,346	3,216
25	Congo	5,043	5,043	-	1,346	462	884	884
26	Costa Rica	186,039	186,039	-	43,058	43,058	-	-
27	Croatia	255,188	255,188	-	67,278	67,278	-	-
28	Cyprus	253,111	253,111	-	59,205	59,205	-	-
29	Dem. Republic of the Congo	19,519	19,519	-	4,037	4,037	-	-
30	Denmark	4,577,440	4,577,440	-	994,367	994,367	-	-
31	Djibouti	6,104	3,707	2,397	1,346	-	1,346	3,743
32	Dominica	6,300	3,789	2,511	1,346	-	1,346	3,857

States Parties		Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
33	Dominican Republic	114,610	16,054	98,556	32,293	-	32,293	130,849
34	Ecuador	126,621	126,621	-	28,257	11,588	16,669	16,669
35	Estonia	80,782	80,782	-	21,529	21,529	-	-
36	Fiji	23,599	21,333	2,266	4,037	-	4,037	6,303
37	Finland	3,401,632	3,401,632	-	758,895	758,895	-	-
38	France	38,703,006	38,703,006	-	8,478,359	8,478,359	-	-
39	Gabon	58,188	46,201	11,987	10,764	-	10,764	22,751
40	Gambia	6,300	6,300	-	1,346	924	422	422
41	Georgia	17,238	17,238	-	4,037	4,037	-	-
42	Germany	55,133,637	55,133,637	-	11,540,849	11,540,849	-	-
43	Ghana	25,819	25,819	-	5,382	5,382	-	-
44	Greece	3,451,193	3,451,193	-	801,952	801,952	-	-
45	Guinea	14,989	3,758	11,231	1,346	-	1,346	12,577
46	Guyana	4,677	4,677	-	1,346	1,346	-	-
47	Honduras	31,344	19,981	11,363	6,728	-	6,728	18,091
48	Hungary	979,453	979,453	-	328,316	328,316	-	-
49	Iceland	218,404	218,404	-	49,786	49,786	-	-
50	Ireland	2,323,292	2,323,292	-	598,773	598,773	-	-
51	Italy	31,205,613	31,205,613	-	6,834,087	6,834,087	-	-
52	Japan	4,887,949	4,887,949	-	19,884,061	19,884,061	-	-
53	Jordan	69,054	69,054	-	16,147	6,593	9,554	9,554
54	Kenya	37,682	37,682	-	13,456	13,456	-	-
55	Latvia	96,226	96,226	-	24,220	24,220	-	-
56	Lesotho	6,300	6,300	-	1,346	728	618	618
57	Liberia	4,677	4,677	-	1,346	462	884	884
58	Liechtenstein	40,135	40,135	-	13,456	13,456	-	-
59	Lithuania	150,856	150,856	-	41,712	41,712	-	-
60	Luxembourg	499,807	499,807	-	114,372	114,372	-	-
61	Madagascar	-	-	-	1,570	-	1,570	1,570
62	Malawi	6,681	6,681	-	1,346	462	884	884
63	Mali	10,998	10,998	-	1,346	1,346	-	-
64	Malta	90,681	90,681	-	22,874	22,874	-	-
65	Marshall Islands	6,300	2,215	4,085	1,346	-	1,346	5,431
66	Mauritius	69,304	69,304	-	14,801	14,801	-	-
67	Mexico	6,629,300	6,629,300	-	3,036,923	3,036,923	-	-
68	Mongolia	6,300	6,300	-	1,346	1,346	-	-
69	Montenegro	2,536	2,536	-	1,346	1,346	-	-
70	Namibia	38,420	38,420	-	8,073	8,073	-	-
71	Nauru	6,300	2,515	3,785	1,346	-	1,346	5,131
72	Netherlands	10,972,705	10,972,705	-	2,520,229	2,520,229	-	-

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
73 New Zealand	1,461,163	1,461,163	-	344,463	344,463	-	-
74 Niger	6,300	732	5,568	1,346	-	1,346	6,914
75 Nigeria	288,396	288,396	-	64,587	24,518	40,069	40,069
76 Norway	4,423,627	4,423,627	-	1,052,226	1,052,226	-	-
77 Panama	125,502	125,058	444	30,948	-	30,948	31,392
78 Paraguay	66,855	66,855	0	6,728	3,440	3,288	3,288
79 Peru	573,416	454,441	118,974	104,954	1	104,953	223,927
80 Poland	2,907,964	2,907,964	-	674,124	674,124	-	-
81 Portugal	3,048,240	3,048,240	-	709,109	709,109	-	-
82 Republic of Korea	11,589,622	11,589,622	-	2,923,896	2,923,896	-	-
83 Romania	392,976	392,976	-	94,189	94,189	-	-
84 Saint Kitts and Nevis	1,870	1,870	-	1,346	1,346	-	-
85 Saint Vincent and the Grenadines	6,104	6,081	23	1,346	452	894	917
86 Samoa	6,182	6,182	-	1,346	1,344	2	2
87 San Marino	18,282	18,282	-	4,037	4,037	-	-
88 Senegal	29,899	29,899	-	5,382	2,899	2,483	2,483
89 Serbia	123,532	123,532	-	28,257	28,257	-	-
90 Sierra Leone	6,300	2,747	3,553	1,346	-	1,346	4,899
91 Slovakia	335,612	335,612	-	84,770	84,770	-	-
92 Slovenia	538,455	538,455	-	129,174	129,174	-	-
93 South Africa	1,908,652	1,908,652	-	390,212	390,212	-	-
94 Spain	16,597,534	16,597,534	-	3,993,615	3,993,615	-	0
95 Sweden	6,423,867	6,423,867	-	1,441,092	1,441,092	-	-
96 Switzerland	7,619,586	7,619,586	-	1,636,197	1,636,197	-	-
97 Tajikistan	6,300	5,601	699	1,346	-	1,346	2,045
98 The Former Yugoslav Rep. of Macedonia	36,199	36,199	-	6,728	6,728	-	-
99 Timor-Leste	6,182	6,182	-	1,346	1,346	-	-
100 Trinidad and Tobago	142,916	142,916	-	36,330	36,330	-	-
101 Uganda	32,375	32,375	-	4,037	4,037	-	-
102 United Kingdom	39,069,632	39,069,632	-	8,937,195	8,937,195	-	-
103 United Republic of Tanzania	36,250	36,250	-	8,073	8,073	-	-
104 Uruguay	288,685	288,685	-	36,330	36,330	-	-
105 Venezuela	1,147,029	1,147,029	-	269,112	126,355	142,757	142,757
106 Zambia	10,604	7,945	2,659	1,346	-	1,346	4,005
Totals	320,145,546	318,186,921	1,958,625	90,382,100	88,322,581	2,059,519	4,018,143

## 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

Total ICC	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Judges	5,812.0		5,812.0		5,812.0	5,812.0		5,812.0		
Professional staff	18,010.1	19,746.3	37,756.4	128.3	37,884.7	17,233.6	18,924.1	36,157.7	-1,727.0	-4.6
General Service staff	10,614.8	8,981.9	19,596.7	131.2	19,727.9	10,259.2	8,774.0	19,033.2	-694.7	-3.5
<i>Subtotal staff</i>	<i>28,624.9</i>	<i>28,728.2</i>	<i>57,353.1</i>	<i>259.5</i>	<i>57,612.6</i>	<i>27,492.8</i>	<i>27,698.1</i>	<i>55,190.9</i>	<i>-2,421.7</i>	<i>-4.2</i>
General Temporary assistance	2,539.9	4,614.9	7,154.8	1,167.1	8,321.9	2,419.0	5,902.5	8,321.5	-0.4	0.0
Temporary assistance for meetings	1,166.3	71.1	1,237.4		1,237.4	1,166.3	71.1	1,237.4		
Overtime	268.6	126.5	395.1		395.1	216.5	126.5	343.0	-52.1	-13.2
Consultants	101.3	417.4	518.7	33.8	552.5	101.3	451.2	552.5		
<i>Subtotal other staff</i>	<i>4,076.1</i>	<i>5,229.9</i>	<i>9,306.0</i>	<i>1,200.9</i>	<i>10,506.9</i>	<i>3,903.1</i>	<i>6,551.3</i>	<i>10,454.4</i>	<i>-52.5</i>	<i>-0.5</i>
Travel	1,101.4	4,108.7	5,210.1	146.0	5,356.1	1,053.3	3,999.4	5,052.7	-303.4	-5.7
Hospitality	69.5		69.5		69.5	69.5		69.5		
Contractual services incl. training	3,125.4	6,257.2	9,382.6	738.2	10,120.8	3,125.4	5,860.6	8,986.0	-1,134.8	-11.2
General operating expenses	6,405.2	6,630.4	13,035.6	171.7	13,207.3	6,405.2	6,802.1	13,207.3		
Supplies and materials	851.3	427.1	1,278.4		1,278.4	851.3	427.1	1,278.4		
Furniture and equipment	643.5	535.2	1,178.7		1,178.7	643.5	535.2	1,178.7		
<i>Subtotal non-staff</i>	<i>12,196.3</i>	<i>17,958.6</i>	<i>30,154.9</i>	<i>1,055.9</i>	<i>31,210.8</i>	<i>12,148.2</i>	<i>17,624.4</i>	<i>29,772.6</i>	<i>-1,438.2</i>	<i>-4.6</i>
<b>Total</b>	<b>50,709.3</b>	<b>51,916.7</b>	<b>102,626.0</b>	<b>2,516.3</b>	<b>105,142.3</b>	<b>49,356.1</b>	<b>51,873.8</b>	<b>101,229.9</b>	<b>-3,912.4</b>	<b>-3.7</b>

\* Previously issued as ICC-ASP/7/15/Add.1

<i>Item</i>	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	172	217	389	168	211	379	-4	-6	-10	-2.6
General Service staff	177	196	373	174	191	365	-3	-5	-8	-2.1
<b>Total staff</b>	<b>349</b>	<b>413</b>	<b>762</b>	<b>342</b>	<b>402</b>	<b>744</b>	<b>-7</b>	<b>-11</b>	<b>-18</b>	<b>-2.4</b>

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

**1. Major Programme I – Judiciary**

Major Programme I	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Judges	5,812.0		5,812.0		5,812.0	5,812.0		5,812.0		
Professional staff	2,637.2	366.3	3,003.5		3,003.5	2,274.4	366.3	2,640.7	-362.8	-12.1
General Service staff	774.7	177.0	951.7		951.7	774.7	177.0	951.7		
<i>Subtotal staff</i>	<i>3,411.9</i>	<i>543.3</i>	<i>3,955.2</i>		<i>3,955.2</i>	<i>3,049.1</i>	<i>543.3</i>	<i>3,592.4</i>	<i>-362.8</i>	<i>-9.2</i>
General Temporary assistance	201.8	85.6	287.4		287.4	494.8	85.6	580.4	293.0	101.9
Temporary assistance for meetings										
Overtime										
Consultants	16.2		16.2		16.2	16.2		16.2		
<i>Subtotal other staff</i>	<i>218.0</i>	<i>85.6</i>	<i>303.6</i>		<i>303.6</i>	<i>511.0</i>	<i>85.6</i>	<i>596.6</i>	<i>293.0</i>	<i>96.5</i>
Travel	191.8	31.5	223.3		223.3	191.8	31.5	223.3		
Hospitality	17.0		17.0		17.0	17.0		17.0		
Contractual services incl. training	30.0		30.0		30.0	30.0		30.0		
General operating expenses	55.8		55.8		55.8	55.8		55.8		
Supplies and materials	5.0		5.0		5.0	5.0		5.0		
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>299.6</i>	<i>31.5</i>	<i>331.1</i>		<i>331.1</i>	<i>299.6</i>	<i>31.5</i>	<i>331.1</i>		
<b>Total</b>	<b>9,741.5</b>	<b>660.4</b>	<b>10,401.9</b>		<b>10,401.9</b>	<b>9,671.7</b>	<b>660.4</b>	<b>10,332.1</b>	<b>-69.8</b>	<b>-0.7</b>

Distributed maintenance	155.9	12.8	168.7		168.7	155.9	12.8	168.7		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	28	3	31	24	3	27	-4		-4	-12.9
General Service staff	13	3	16	13	3	16				
<b>Total staff</b>	<b>41</b>	<b>6</b>	<b>47</b>	<b>37</b>	<b>6</b>	<b>43</b>	<b>-4</b>		<b>-4</b>	<b>-8.5</b>

**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**

<i>The Presidency &amp; NY Liaison Office</i>	<i>Proposed Budget 2009 (thousands of euros)</i>			<i>Supplementary Bemba Trial (thousands of euros)</i>	<i>Total Proposed Budget 2009 (thousands of euros)</i>	<i>CBF Proposed Budget 2009 (thousands of euros)</i>			<i>CBF Proposed Changes (thousands of euros)</i>	
	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Total</i>	<i>Total</i>	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Total</i>	<i>Percent</i>
Judges	1,002.0		1,002.0		1,002.0	1,002.0		1,002.0		
Professional staff	803.8		803.8		803.8	781.6		781.6	-22.2	-2.8
General Service staff	302.7		302.7		302.7	302.7		302.7		
<i>Subtotal staff</i>	<i>1,106.5</i>		<i>1,106.5</i>		<i>1,106.5</i>	<i>1,084.3</i>		<i>1,084.3</i>	<i>-22.2</i>	<i>-2.0</i>
General Temporary assistance	66.3		66.3		66.3	66.3		66.3		
Temporary assistance for meetings										
Overtime										
Consultants	16.2		16.2		16.2	16.2		16.2		
<i>Subtotal other staff</i>	<i>82.5</i>		<i>82.5</i>		<i>82.5</i>	<i>82.5</i>		<i>82.5</i>		
Travel	94.5		94.5		94.5	94.5		94.5		
Hospitality	16.0		16.0		16.0	16.0		16.0		
Contractual services incl. training	15.0		15.0		15.0	15.0		15.0		
General operating expenses	55.8		55.8		55.8	55.8		55.8		
Supplies and materials	5.0		5.0		5.0	5.0		5.0		
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>186.3</i>		<i>186.3</i>		<i>186.3</i>	<i>186.3</i>		<i>186.3</i>		
<b>Total</b>	<b>2,377.3</b>		<b>2,377.3</b>		<b>2,377.3</b>	<b>2,355.1</b>		<b>2,355.1</b>	<b>-22.2</b>	<b>-0.9</b>

Distributed maintenance	49.4		49.4			49.4		49.4		
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<i>Item</i>	<i>Proposed budget 2009</i>			<i>CBF – Proposed budget 2009</i>			<i>CBF changes</i>			
	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Percent</i>
Professional staff	8		8	8		8				
General Service staff	5		5	5		5				
<b>Total staff</b>	<b>13</b>		<b>13</b>	<b>13</b>		<b>13</b>				

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

**1.2 Programme 1200 – Chambers**

Chambers	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Judges	4,810.0		4,810.0		4,810.0	4,810.0		4,810.0		
Professional staff	1,833.4	366.3	2,199.7		2,199.7	1,492.8	366.3	1,859.1	-340.6	-15.5
General Service staff	472.0	177.0	649.0		649.0	472.0	177.0	649.0		
<i>Subtotal staff</i>	<i>2,305.4</i>	<i>543.3</i>	<i>2,848.7</i>		<i>2,848.7</i>	<i>1,964.8</i>	<i>543.3</i>	<i>2,508.1</i>	<i>-340.6</i>	<i>-12.0</i>
General Temporary assistance	135.5	85.6	221.1		221.1	428.5	85.6	514.1	293.0	132.5
Temporary assistance for meetings										
Overtime										
Consultants										
<i>Subtotal other staff</i>	<i>135.5</i>	<i>85.6</i>	<i>221.1</i>		<i>221.1</i>	<i>428.5</i>	<i>85.6</i>	<i>514.1</i>	<i>293.0</i>	<i>132.5</i>
Travel	97.3	31.5	128.8		128.8	97.3	31.5	128.8		
Hospitality	1.0		1.0		1.0	1.0		1.0		
Contractual services incl. training	15.0		15.0		15.0	15.0		15.0		
General operating expenses										
Supplies and materials										
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>113.3</i>	<i>31.5</i>	<i>144.8</i>		<i>144.8</i>	<i>113.3</i>	<i>31.5</i>	<i>144.8</i>		
<b>Total</b>	<b>7,364.2</b>	<b>660.4</b>	<b>8,024.6</b>		<b>8,024.6</b>	<b>7,316.6</b>	<b>660.4</b>	<b>7,977.0</b>	<b>-47.6</b>	<b>-0.6</b>

Distributed maintenance	106.5	12.8	119.3		119.3	106.5	12.8	119.3		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	20	3	23	16	3	19	-4		-4	-17.4
General Service staff	8	3	11	8	3	11				
<b>Total staff</b>	<b>28</b>	<b>6</b>	<b>34</b>	<b>24</b>	<b>6</b>	<b>30</b>	<b>-4</b>		<b>-4</b>	<b>-11.8</b>



**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**

Major Programme II	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	3,454.2	11,164.7	14,618.9		14,618.9	3,414.0	11,130.4	14,544.4	-74.5	-0.5
General Service staff	961.3	2,773.0	3,734.3	65.6	3,799.9	961.3	2,838.6	3,799.9		
<i>Subtotal staff</i>	<i>4,415.5</i>	<i>13,937.7</i>	<i>18,353.2</i>	<i>65.6</i>	<i>18,418.8</i>	<i>4,375.3</i>	<i>13,969.0</i>	<i>18,344.3</i>	<i>-74.5</i>	<i>-0.4</i>
General temporary assistance	35.7	3,303.1	3,338.8	779.1	4,117.9	35.7	4,082.2	4,117.9		
Temporary assistance for meetings										
Overtime	15.0		15.0		15.0	15.0		15.0		
Consultants		71.4	71.4	33.8	105.2		105.2	105.2		
<i>Subtotal other staff</i>	<i>50.7</i>	<i>3,374.5</i>	<i>3,425.2</i>	<i>812.9</i>	<i>4,238.1</i>	<i>50.7</i>	<i>4,187.4</i>	<i>4,238.1</i>		
Travel	185.0	1,851.8	2,036.8	128.4	2,165.2	185.0	1,980.2	2,165.2		
Hospitality	10.0		10.0		10.0	10.0		10.0		
Contractual services incl. training	51.2	309.5	360.7	5.0	365.7	51.2	314.5	365.7		
General operating expenses		274.6	274.6		274.6		274.6	274.6		
Supplies and materials	53.0	48.0	101.0		101.0	53.0	48.0	101.0		
Furniture and equipment		30.0	30.0		30.0		30.0	30.0		
<i>Subtotal non-staff</i>	<i>299.2</i>	<i>2,513.9</i>	<i>2,813.1</i>	<i>133.4</i>	<i>2,946.5</i>	<i>299.2</i>	<i>2,647.3</i>	<i>2,946.5</i>		
<b>Total</b>	<b>4,765.4</b>	<b>19,826.1</b>	<b>24,591.5</b>	<b>1,011.9</b>	<b>25,603.4</b>	<b>4,725.2</b>	<b>20,803.7</b>	<b>25,528.9</b>	<b>-74.5</b>	<b>-0.3</b>

Distributed maintenance	182.5	559.7	742.2		742.2	182.5	559.7	742.2		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	32	122	154	32	122	154				
General Service staff	16	47	63	16	48	64		1	1	1.6
<b>Total staff</b>	<b>48</b>	<b>169</b>	<b>217</b>	<b>48</b>	<b>170</b>	<b>218</b>		<b>1</b>	<b>1</b>	<b>0.5</b>

**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**

<i>The Prosecutor</i>	<i>Proposed Budget 2009</i> (thousands of euros)			<i>Supplementary</i> <i>Bemba Trial</i> (thousands of euros)	<i>Total Proposed</i> <i>Budget 2009</i> (thousands of euros)	<i>CBF Proposed Budget 2009</i> (thousands of euros)			<i>CBF Proposed Changes</i> (thousands of euros)	
	<i>Basic</i>	<i>Situation-</i> <i>related</i>	<i>Total</i>	<i>Total</i>	<i>Total</i>	<i>Basic</i>	<i>Situation-</i> <i>related</i>	<i>Total</i>	<i>Total</i>	<i>Percent</i>
Professional staff	2,030.7	401.3	2,432.0		2,432.0	1,990.5	383.3	2,373.8	-58.2	-2.4
General Service staff	607.3	590.0	1,197.3	65.6	1,262.9	607.3	655.6	1,262.9		
<i>Subtotal staff</i>	<i>2,638.0</i>	<i>991.3</i>	<i>3,629.3</i>	<i>65.6</i>	<i>3,694.9</i>	<i>2,597.8</i>	<i>1,038.9</i>	<i>3,636.7</i>	<i>-58.2</i>	<i>-1.6</i>
General temporary assistance	35.7	1,400.5	1,436.2	88.7	1,524.9	35.7	1,489.2	1,524.9		
Temporary assistance for meetings										
Overtime	15.0		15.0		15.0	15.0		15.0		
Consultants		71.4	71.4	33.8	105.2		105.2	105.2		
<i>Subtotal other staff</i>	<i>50.7</i>	<i>1,471.9</i>	<i>1,522.6</i>	<i>122.5</i>	<i>1,645.1</i>	<i>50.7</i>	<i>1,594.4</i>	<i>1,645.1</i>		
Travel	98.3	349.2	447.5	34.7	482.2	98.3	383.9	482.2		
Hospitality	10.0		10.0		10.0	10.0		10.0		
Contractual services incl. training	51.2	249.5	300.7	5.0	305.7	51.2	254.5	305.7		
General operating expenses		10.0	10.0		10.0		10.0	10.0		
Supplies and materials	53.0	28.0	81.0		81.0	53.0	28.0	81.0		
Furniture and equipment		30.0	30.0		30.0		30.0	30.0		
<i>Subtotal non-staff</i>	<i>212.5</i>	<i>666.7</i>	<i>879.2</i>	<i>39.7</i>	<i>918.9</i>	<i>212.5</i>	<i>706.4</i>	<i>918.9</i>		
<b>Total</b>	<b>2,901.2</b>	<b>3,129.9</b>	<b>6,031.1</b>	<b>227.8</b>	<b>6,258.9</b>	<b>2,861.0</b>	<b>3,339.7</b>	<b>6,200.7</b>	<b>-58.2</b>	<b>-0.9</b>
Distributed maintenance	114.1	49.7	163.8		163.8	114.1	49.7	163.8		

<i>Item</i>	<i>Proposed budget 2009</i>			<i>CBF – Proposed budget 2009</i>			<i>CBF changes</i>			
	<i>Basic</i>	<i>Situation-</i> <i>related</i>	<i>Total</i>	<i>Basic</i>	<i>Situation-</i> <i>related</i>	<i>Total</i>	<i>Basic</i>	<i>Situation-</i> <i>related</i>	<i>Total</i>	<i>Percent</i>
Professional staff	20	5	25	20	5	25				
General Service staff	10	10	20	10	11	21		1	1	5.0
<b>Total staff</b>	<b>30</b>	<b>15</b>	<b>45</b>	<b>30</b>	<b>16</b>	<b>46</b>		<b>1</b>	<b>1</b>	<b>2.2</b>

**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**

Jurisdiction, Complementarity & Cooperation Division	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	694.5	857.4	1,551.9		1,551.9	694.5	857.4	1,551.9		
General Service staff	118.0		118.0		118.0	118.0		118.0		
<i>Subtotal staff</i>	<i>812.5</i>	<i>857.4</i>	<i>1,669.9</i>		<i>1,669.9</i>	<i>812.5</i>	<i>857.4</i>	<i>1,669.9</i>		
General temporary assistance				67.8	67.8		67.8	67.8		
Temporary assistance for meetings										
Overtime										
Consultants										
<i>Subtotal other staff</i>				<i>67.8</i>	<i>67.8</i>		<i>67.8</i>	<i>67.8</i>		
Travel	51.2	297.0	348.2	34.6	382.8	51.2	331.6	382.8		
Hospitality										
Contractual services incl. training										
General operating expenses										
Supplies and materials										
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>51.2</i>	<i>297.0</i>	<i>348.2</i>	<i>34.6</i>	<i>382.8</i>	<i>51.2</i>	<i>331.6</i>	<i>382.8</i>		
<b>Total</b>	<b>863.7</b>	<b>1,154.4</b>	<b>2,018.1</b>	<b>102.4</b>	<b>2,120.5</b>	<b>863.7</b>	<b>1,256.8</b>	<b>2,120.5</b>		

Distributed maintenance	30.4	29.8	60.2		60.2	30.4	29.8	60.2		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	6	9	15	6	9	15				
General Service staff	2		2	2		2				
<b>Total staff</b>	<b>8</b>	<b>9</b>	<b>17</b>	<b>8</b>	<b>9</b>	<b>17</b>				

**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**

Investigation Division	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	273.4	6,976.8	7,250.2		7,250.2	273.4	6,976.8	7,250.2		
General Service staff	118.0	1,770.0	1,888.0		1,888.0	118.0	1,770.0	1,888.0		
<i>Subtotal staff</i>	<i>391.4</i>	<i>8,746.8</i>	<i>9,138.2</i>		<i>9,138.2</i>	<i>391.4</i>	<i>8,746.8</i>	<i>9,138.2</i>		
General temporary assistance		1,684.0	1,684.0	107.4	1,791.4		1,791.4	1,791.4		
Temporary assistance for meetings										
Overtime										
Consultants										
<i>Subtotal other staff</i>		<i>1,684.0</i>	<i>1,684.0</i>	<i>107.4</i>	<i>1,791.4</i>		<i>1,791.4</i>	<i>1,791.4</i>		
Travel	1.4	1,040.3	1,041.7	46.1	1,087.8	1.4	1,086.4	1,087.8		
Hospitality										
Contractual services incl. training		60.0	60.0		60.0		60.0	60.0		
General operating expenses		264.6	264.6		264.6		264.6	264.6		
Supplies and materials		20.0	20.0		20.0		20.0	20.0		
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>1.4</i>	<i>1,384.9</i>	<i>1,386.3</i>	<i>46.1</i>	<i>1,432.4</i>	<i>1.4</i>	<i>1,431.0</i>	<i>1,432.4</i>		
<b>Total</b>	<b>392.8</b>	<b>11,815.7</b>	<b>12,208.5</b>	<b>153.5</b>	<b>12,362.0</b>	<b>392.8</b>	<b>11,969.2</b>	<b>12,362.0</b>		
Distributed maintenance	19.0	357.7	376.7		376.7	19.0	357.7	376.7		

Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	3	78	81	3	78	81				
General Service staff	2	30	32	2	30	32				
<b>Total staff</b>	<b>5</b>	<b>108</b>	<b>113</b>	<b>5</b>	<b>108</b>	<b>113</b>				

**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**

Prosecution Division	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	455.6	2,929.2	3,384.8		3,384.8	455.6	2,912.9	3,368.5	-16.3	-0.5
General Service staff	118.0	413.0	531.0		531.0	118.0	413.0	531.0		
<i>Subtotal staff</i>	<i>573.6</i>	<i>3,342.2</i>	<i>3,915.8</i>		<i>3,915.8</i>	<i>573.6</i>	<i>3,325.9</i>	<i>3,899.5</i>	<i>-16.3</i>	<i>-0.4</i>
General temporary assistance		218.6	218.6	515.2	733.8		733.8	733.8		
Temporary assistance for meetings										
Overtime										
Consultants										
<i>Subtotal other staff</i>		<i>218.6</i>	<i>218.6</i>	<i>515.2</i>	<i>733.8</i>		<i>733.8</i>	<i>733.8</i>		
Travel	34.1	165.3	199.4	13.0	212.4	34.1	178.3	212.4		
Hospitality										
Contractual services incl. training										
General operating expenses										
Supplies and materials										
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>34.1</i>	<i>165.3</i>	<i>199.4</i>	<i>13.0</i>	<i>212.4</i>	<i>34.1</i>	<i>178.3</i>	<i>212.4</i>		
<b>Total</b>	<b>607.7</b>	<b>3,726.1</b>	<b>4,333.8</b>	<b>528.2</b>	<b>4,862.0</b>	<b>607.7</b>	<b>4,238.0</b>	<b>4,845.7</b>	<b>-16.3</b>	<b>-0.3</b>

Distributed maintenance	19.0	122.5	141.5		141.5	19.0	122.5	141.5		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	3	30	33	3	30	33				
General Service staff	2	7	9	2	7	9				
<b>Total staff</b>	<b>5</b>	<b>37</b>	<b>42</b>	<b>5</b>	<b>37</b>	<b>42</b>				

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

**3. Major Programme III – Registry**

Major Programme III	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	10,702.5	8,063.4	18,765.9	128.3	18,894.2	10,269.4	7,280.7	17,550.1	-1,344.1	-7.1
General Service staff	8,431.2	6,031.9	14,463.1	65.6	14,528.7	8,097.0	5,758.4	13,855.4	-673.3	-4.6
<i>Subtotal staff</i>	<i>19,133.7</i>	<i>14,095.3</i>	<i>33,229.0</i>	<i>193.9</i>	<i>33,422.9</i>	<i>18,366.4</i>	<i>13,039.1</i>	<i>31,405.5</i>	<i>-2,017.4</i>	<i>-6.0</i>
General temporary assistance	1,551.3	1,201.8	2,753.1	388.0	3,141.1	1,518.5	1,710.3	3,228.8	87.7	2.8
Temporary assistance for meetings	305.7	71.1	376.8		376.8	305.7	71.1	376.8		
Overtime	223.6	126.5	350.1		350.1	171.5	126.5	298.0	-52.1	-14.9
Consultants	44.0	319.0	363.0		363.0	44.0	319.0	363.0		
<i>Subtotal other staff</i>	<i>2,124.6</i>	<i>1,718.4</i>	<i>3,843.0</i>	<i>388.0</i>	<i>4,231.0</i>	<i>2,039.7</i>	<i>2,226.9</i>	<i>4,266.6</i>	<i>35.6</i>	<i>0.8</i>
Travel	268.1	2,150.3	2,418.4	17.6	2,436.0	241.0	1,912.6	2,153.6	-282.4	-11.6
Hospitality	10.0		10.0		10.0	10.0		10.0		
Contractual services incl. training	1,943.4	5,850.6	7,794.0	733.2	8,527.2	1,943.4	5,449.0	7,392.4	-1,134.8	-13.3
General operating expenses	6,266.4	6,337.8	12,604.2	171.7	12,775.9	6,266.4	6,509.5	12,775.9		
Supplies and materials	732.3	379.1	1,111.4		1,111.4	732.3	379.1	1,111.4		
Furniture and equipment	613.5	493.8	1,107.3		1,107.3	613.5	493.8	1,107.3		
<i>Subtotal non-staff</i>	<i>9,833.7</i>	<i>15,211.6</i>	<i>25,045.3</i>	<i>922.5</i>	<i>25,967.8</i>	<i>9,806.6</i>	<i>14,744.0</i>	<i>24,550.6</i>	<i>-1,417.2</i>	<i>-5.5</i>
<b>Total</b>	<b>31,092.0</b>	<b>31,025.3</b>	<b>62,117.3</b>	<b>1,504.4</b>	<b>63,621.7</b>	<b>30,212.7</b>	<b>30,010.0</b>	<b>60,222.7</b>	<b>-3,399.0</b>	<b>-5.3</b>
Distributed maintenance	-403.1	-576.7	-979.8		-979.8	-403.1	-576.7	-979.8		

Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	102	90	192	101	84	185	-1	-6	-7	-3.6
General Service staff	141	146	287	138	140	278	-3	-6	-9	-3.1
<b>Total staff</b>	<b>243</b>	<b>236</b>	<b>479</b>	<b>239</b>	<b>224</b>	<b>463</b>	<b>-4</b>	<b>-12</b>	<b>-16</b>	<b>-3.3</b>

**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**

Office of the Registrar	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	2,416.2	472.4	2,888.6		2,888.6	2,319.4	440.5	2,759.9	-128.7	-4.5
General Service staff	2,512.6	1,260.0	3,772.6		3,772.6	2,457.0	1,240.5	3,697.5	-75.1	-2.0
<i>Subtotal staff</i>	<i>4,928.8</i>	<i>1,732.4</i>	<i>6,661.2</i>		<i>6,661.2</i>	<i>4,776.4</i>	<i>1,681.0</i>	<i>6,457.4</i>	<i>-203.8</i>	<i>-3.1</i>
General temporary assistance	1,114.0		1,114.0		1,114.0	1,114.0		1,114.0		
Temporary assistance for meetings										
Overtime	130.6	91.5	222.1		222.1	78.5	91.5	170.0	-52.1	-23.5
Consultants										
<i>Subtotal other staff</i>	<i>1,244.6</i>	<i>91.5</i>	<i>1,336.1</i>		<i>1,336.1</i>	<i>1,192.5</i>	<i>91.5</i>	<i>1,284.0</i>	<i>-52.1</i>	<i>-3.9</i>
Travel	81.5	505.3	586.8		586.8	73.3	454.8	528.1	-58.7	-10.0
Hospitality	10.0		10.0		10.0	10.0		10.0		
Contractual services incl. training	442.5	299.7	742.2		742.2	442.5	299.7	742.2		
General operating expenses	149.0	52.5	201.5		201.5	149.0	52.5	201.5		
Supplies and materials	74.3	31.2	105.5		105.5	74.3	31.2	105.5		
Furniture and equipment	15.3		15.3		15.3	15.3		15.3		
<i>Subtotal non-staff</i>	<i>772.6</i>	<i>888.7</i>	<i>1,661.3</i>		<i>1,661.3</i>	<i>764.4</i>	<i>838.2</i>	<i>1,602.6</i>	<i>-58.7</i>	<i>-3.5</i>
<b>Total</b>	<b>6,946.0</b>	<b>2,712.6</b>	<b>9,658.6</b>		<b>9,658.6</b>	<b>6,733.3</b>	<b>2,610.7</b>	<b>9,344.0</b>	<b>-314.6</b>	<b>-3.3</b>
Distributed maintenance	239.6	42.6	282.1		282.1	239.6	42.6	282.1		

Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	21	5	26	21	5	26				
General Service staff	42	15	57	42	15	57				
<b>Total staff</b>	<b>63</b>	<b>20</b>	<b>83</b>	<b>63</b>	<b>20</b>	<b>83</b>				

**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**

Common Administrative and Services Division	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	3,504.4	1,147.0	4,651.4		4,651.4	3,295.3	1,121.7	4,417.0	-234.4	-5.0
General Service staff	4,646.8	2,233.9	6,880.7		6,880.7	4,428.3	2,093.0	6,521.3	-359.4	-5.2
<i>Subtotal staff</i>	<i>8,151.2</i>	<i>3,380.9</i>	<i>11,532.1</i>		<i>11,532.1</i>	<i>7,723.6</i>	<i>3,214.7</i>	<i>10,938.3</i>	<i>-593.8</i>	<i>-5.1</i>
General temporary assistance	371.7	203.0	574.7		574.7	371.7	203.0	574.7		
Temporary assistance for meetings	20.0		20.0		20.0	20.0		20.0		
Overtime	93.0		93.0		93.0	93.0		93.0		
Consultants	25.0		25.0		25.0	25.0		25.0		
<i>Subtotal other staff</i>	<i>509.7</i>	<i>203.0</i>	<i>712.7</i>		<i>712.7</i>	<i>509.7</i>	<i>203.0</i>	<i>712.7</i>		
Travel	102.8	232.1	334.9		334.9	92.5	209.0	301.5	-33.4	-10.0
Hospitality										
Contractual services incl. training	1,011.6	605.3	1,616.9		1,616.9	1,011.6	605.3	1,616.9		
General operating expenses	4,700.5	3,400.9	8,101.4		8,101.4	4,700.5	3,400.9	8,101.4		
Supplies and materials	477.5	226.9	704.4		704.4	477.5	226.9	704.4		
Furniture and equipment	552.4	448.4	1,000.8		1,000.8	552.4	448.4	1,000.8		
<i>Subtotal non-staff</i>	<i>6,844.8</i>	<i>4,913.6</i>	<i>11,758.4</i>		<i>11,758.4</i>	<i>6,834.5</i>	<i>4,890.5</i>	<i>11,725.0</i>	<i>-33.4</i>	<i>-0.3</i>
<b>Total</b>	<b>15,505.7</b>	<b>8,497.5</b>	<b>24,003.2</b>		<b>24,003.2</b>	<b>15,067.8</b>	<b>8,308.2</b>	<b>23,376.0</b>	<b>-627.2</b>	<b>-2.6</b>
Distributed maintenance	-901.3	-915.1	-1,816.4		-1,816.4	-901.3	-915.1	-1,816.4		

Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	35	11	46	34	11	45	-1		-1	-2.2
General Service staff	77	66	143	75	61	136	-2	-5	-7	-4.9
<b>Total staff</b>	<b>112</b>	<b>77</b>	<b>189</b>	<b>109</b>	<b>72</b>	<b>181</b>	<b>-3</b>	<b>-5</b>	<b>-8</b>	<b>-4.2</b>



**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**

Division of Court Services	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	2,844.3	4,577.6	7,421.9		7,421.9	2,760.0	4,106.6	6,866.6	-555.3	-7.5
General Service staff	472.0	2,015.1	2,487.1	65.6	2,552.7	461.6	1,971.6	2,433.2	-119.5	-4.7
<i>Subtotal staff</i>	<i>3,316.3</i>	<i>6,592.7</i>	<i>9,909.0</i>	<i>65.6</i>	<i>9,974.6</i>	<i>3,221.6</i>	<i>6,078.2</i>	<i>9,299.8</i>	<i>-674.8</i>	<i>-6.8</i>
General temporary assistance		781.7	781.7	388.0	1,169.7		1,161.9	1,161.9	-7.8	-0.7
Temporary assistance for meetings	285.7	71.1	356.8		356.8	285.7	71.1	356.8		
Overtime		35.0	35.0		35.0		35.0	35.0		
Consultants	11.0	261.0	272.0		272.0	11.0	261.0	272.0		
<i>Subtotal other staff</i>	<i>296.7</i>	<i>1,148.8</i>	<i>1,445.5</i>	<i>388.0</i>	<i>1,833.5</i>	<i>296.7</i>	<i>1,529.0</i>	<i>1,825.7</i>	<i>-7.8</i>	<i>-0.4</i>
Travel	40.6	1,193.0	1,233.6	17.6	1,251.2	36.4	1,051.1	1,087.5	-163.7	-13.1
Hospitality										
Contractual services incl. training	352.2	329.4	681.6		681.6	352.2	329.4	681.6		
General operating expenses	1,323.9	2,858.4	4,182.3	171.7	4,354.0	1,323.9	3,030.1	4,354.0		
Supplies and materials	30.5	121.0	151.5		151.5	30.5	121.0	151.5		
Furniture and equipment	45.8	45.4	91.2		91.2	45.8	45.4	91.2		
<i>Subtotal non-staff</i>	<i>1,793.0</i>	<i>4,547.2</i>	<i>6,340.2</i>	<i>189.3</i>	<i>6,529.5</i>	<i>1,788.8</i>	<i>4,577.0</i>	<i>6,365.8</i>	<i>-163.7</i>	<i>-2.5</i>
<b>Total</b>	<b>5,406.0</b>	<b>12,288.7</b>	<b>17,694.7</b>	<b>642.9</b>	<b>18,337.6</b>	<b>5,307.1</b>	<b>12,184.2</b>	<b>17,491.3</b>	<b>-846.3</b>	<b>-4.6</b>

Distributed maintenance	133.1	210.7	343.8		343.8	133.1	210.7	343.8		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	27	53	80	27	49	76		-4	-4	-5.0
General Service staff	8	46	54	8	46	54				
<b>Total staff</b>	<b>35</b>	<b>99</b>	<b>134</b>	<b>35</b>	<b>95</b>	<b>130</b>		<b>-4</b>	<b>-4</b>	<b>-3.0</b>

**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**

Public Information and Documentation Section	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	806.1	589.5	1,395.6		1,395.6	788.2	497.8	1,286.0	-109.6	-7.9
General Service staff	445.8	242.9	688.7		688.7	403.9	179.6	583.5	-105.2	-15.3
<i>Subtotal staff</i>	<i>1,251.9</i>	<i>832.4</i>	<i>2,084.3</i>		<i>2,084.3</i>	<i>1,192.1</i>	<i>677.4</i>	<i>1,869.5</i>	<i>-214.8</i>	<i>-10.3</i>
General temporary assistance	32.8	98.4	131.2		131.2		98.4	98.4	-32.8	-25.0
Temporary assistance for meetings										
Overtime										
Consultants										
<i>Subtotal other staff</i>	<i>32.8</i>	<i>98.4</i>	<i>131.2</i>		<i>131.2</i>		<i>98.4</i>	<i>98.4</i>	<i>-32.8</i>	<i>-25.0</i>
Travel	14.5	90.5	105.0		105.0	13.1	81.4	94.5	-10.5	-10.0
Hospitality										
Contractual services incl. training	112.3	654.6	766.9		766.9	112.3	654.6	766.9		
General operating expenses	93.0		93.0		93.0	93.0		93.0		
Supplies and materials	150.0		150.0		150.0	150.0		150.0		
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>369.8</i>	<i>745.1</i>	<i>1,114.9</i>		<i>1,114.9</i>	<i>368.4</i>	<i>736.0</i>	<i>1,104.4</i>	<i>-10.5</i>	<i>-0.9</i>
<b>Total</b>	<b>1,654.5</b>	<b>1,675.9</b>	<b>3,330.4</b>		<b>3,330.4</b>	<b>1,560.5</b>	<b>1,511.8</b>	<b>3,072.3</b>	<b>-258.1</b>	<b>-7.7</b>

Distributed maintenance	60.8	40.4	101.3		101.3	60.8	40.4	101.3		
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Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	8	7	15	8	6	14		-1	-1	-6.7
General Service staff	8	12	20	7	11	18	-1	-1	-2	-10.0
<b>Total staff</b>	<b>16</b>	<b>19</b>	<b>35</b>	<b>15</b>	<b>17</b>	<b>32</b>	<b>-1</b>	<b>-2</b>	<b>-3</b>	<b>-8.6</b>

**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**

Division of Victims and Counsel	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	1,131.5	1,276.9	2,408.4	128.3	2,536.7	1,106.5	1,114.1	2,220.6	-316.1	-12.5
General Service staff	354.0	280.0	634.0		634.0	346.2	273.7	619.9	-14.1	-2.2
<i>Subtotal staff</i>	<i>1,485.5</i>	<i>1,556.9</i>	<i>3,042.4</i>	<i>128.3</i>	<i>3,170.7</i>	<i>1,452.7</i>	<i>1,387.8</i>	<i>2,840.5</i>	<i>-330.2</i>	<i>-10.4</i>
General temporary assistance	32.8	118.7	151.5		151.5	32.8	247.0	279.8	128.3	84.7
Temporary assistance for meetings										
Overtime										
Consultants	8.0	58.0	66.0		66.0	8.0	58.0	66.0		
<i>Subtotal other staff</i>	<i>40.8</i>	<i>176.7</i>	<i>217.5</i>		<i>217.5</i>	<i>40.8</i>	<i>305.0</i>	<i>345.8</i>	<i>128.3</i>	<i>59.0</i>
Travel	28.7	129.4	158.1		158.1	25.7	116.3	142.0	-16.1	-10.2
Hospitality										
Contractual services incl. training	24.8	3,961.6	3,986.4	733.2	4,719.6	24.8	3,560.0	3,584.8	-1,134.8	-24.0
General operating expenses		26.0	26.0		26.0		26.0	26.0		
Supplies and materials										
Furniture and equipment										
<i>Subtotal non-staff</i>	<i>53.5</i>	<i>4,117.0</i>	<i>4,170.5</i>	<i>733.2</i>	<i>4,903.7</i>	<i>50.5</i>	<i>3,702.3</i>	<i>3,752.8</i>	<i>-1,150.9</i>	<i>-23.5</i>
<b>Total</b>	<b>1,579.8</b>	<b>5,850.6</b>	<b>7,430.4</b>	<b>861.5</b>	<b>8,291.9</b>	<b>1,544.0</b>	<b>5,395.1</b>	<b>6,939.1</b>	<b>-1,352.8</b>	<b>-16.3</b>
Distributed maintenance	64.6	44.7	109.3		109.3	64.6	44.7	109.3		

Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	11	14	25	11	13	24		-1	-1	-4.0
General Service staff	6	7	13	6	7	13				
<b>Total staff</b>	<b>17</b>	<b>21</b>	<b>38</b>	<b>17</b>	<b>20</b>	<b>37</b>		<b>-1</b>	<b>-1</b>	<b>-2.6</b>

**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**

Secretariat of the ASP	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	597.7		597.7		597.7	564.5		564.5	-33.2	-5.6
General Service staff	270.6		270.6		270.6	255.6		255.6	-15.0	-5.5
<i>Subtotal staff</i>	<i>868.3</i>		<i>868.3</i>		<i>868.3</i>	<i>820.1</i>		<i>820.1</i>	<i>-48.2</i>	<i>-5.6</i>
General temporary assistance	569.3		569.3		569.3	315.3		315.3	-254.0	-44.6
Temporary assistance for meetings	860.6		860.6		860.6	860.6		860.6		
Overtime	20.0		20.0		20.0	20.0		20.0		
Consultants										
<i>Subtotal other staff</i>	<i>1,449.9</i>		<i>1,449.9</i>		<i>1,449.9</i>	<i>1,195.9</i>		<i>1,195.9</i>	<i>-254.0</i>	<i>-17.5</i>
Travel	339.1		339.1		339.1	318.1		318.1	-21.0	-6.2
Hospitality	10.0		10.0		10.0	10.0		10.0		
Contractual services incl. training	894.7		894.7		894.7	894.7		894.7		
General operating expenses	54.0		54.0		54.0	54.0		54.0		
Supplies and materials	30.0		30.0		30.0	30.0		30.0		
Furniture and equipment	20.0		20.0		20.0	20.0		20.0		
<i>Subtotal non-staff</i>	<i>1,347.8</i>		<i>1,347.8</i>		<i>1,347.8</i>	<i>1,326.8</i>		<i>1,326.8</i>	<i>-21.0</i>	<i>-1.6</i>
<b>Total</b>	<b>3,666.0</b>		<b>3,666.0</b>		<b>3,666.0</b>	<b>3,342.8</b>		<b>3,342.8</b>	<b>-323.2</b>	<b>-8.8</b>
Distributed maintenance	34.2		34.2		34.2	34.2		34.2		

Item	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation- related	Total	Basic	Situation- related	Total	Basic	Situation- related	Total	Percent
Professional staff	5		5	5		5				
General Service staff	4		4	4		4				
<b>Total staff</b>	<b>9</b>		<b>9</b>	<b>9</b>		<b>9</b>				

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

**5. Major Programme VI – Secretariat of the Trust Fund for Victims**

<i>Secretariat for the TFV</i>	<i>Proposed Budget 2009 (thousands of euros)</i>			<i>Supplementary Bemba Trial (thousands of euros)</i>	<i>Total Proposed Budget 2009 (thousands of euros)</i>	<i>CBF Proposed Budget 2009 (thousands of euros)</i>			<i>CBF Proposed Changes (thousands of euros)</i>	
	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Total</i>	<i>Total</i>	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Total</i>	<i>Percent</i>
Professional staff	345.1	151.9	497.0		497.0	437.9	146.7	584.6	87.6	17.6
General Service staff	118.0		118.0		118.0	111.6		111.6	-6.4	-5.4
<i>Subtotal staff</i>	<i>463.1</i>	<i>151.9</i>	<i>615.0</i>		<i>615.0</i>	<i>549.5</i>	<i>146.7</i>	<i>696.2</i>	<i>81.2</i>	<i>13.2</i>
General temporary assistance	138.0	24.4	162.4		162.4	10.9	24.4	35.3	-127.1	-78.3
Temporary assistance for meetings										
Overtime	10.0		10.0		10.0	10.0		10.0		
Consultants	41.1	27.0	68.1		68.1	41.1	27.0	68.1		
<i>Subtotal other staff</i>	<i>189.1</i>	<i>51.4</i>	<i>240.5</i>		<i>240.5</i>	<i>62.0</i>	<i>51.4</i>	<i>113.4</i>	<i>-127.1</i>	<i>-52.8</i>
Travel	99.6	75.1	174.7		174.7	99.6	75.1	174.7		
Hospitality	17.5		17.5		17.5	17.5		17.5		
Contractual services incl. training	118.1	97.1	215.2		215.2	118.1	97.1	215.2		
General operating expenses	25.0	18.0	43.0		43.0	25.0	18.0	43.0		
Supplies and materials	30.0		30.0		30.0	30.0		30.0		
Furniture and equipment		11.4	11.4		11.4		11.4	11.4		
<i>Subtotal non-staff</i>	<i>290.2</i>	<i>201.6</i>	<i>491.8</i>		<i>491.8</i>	<i>290.2</i>	<i>201.6</i>	<i>491.8</i>		
<b>Total</b>	<b>942.4</b>	<b>404.9</b>	<b>1,347.3</b>		<b>1,347.3</b>	<b>901.7</b>	<b>399.7</b>	<b>1,301.4</b>	<b>-45.9</b>	<b>-3.4</b>

Distributed maintenance	19.0	4.3	23.3		23.3	19.0	4.3	23.3		
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<i>Item</i>	<i>Proposed budget 2009</i>			<i>CBF – Proposed budget 2009</i>			<i>CBF changes</i>			
	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Basic</i>	<i>Situation- related</i>	<i>Total</i>	<i>Percent</i>
Professional staff	3	2	5	4	2	6	1		1	20.0
General Service staff	2		2	2		2				
<b>Total staff</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>1</b>		<b>1</b>	<b>14.3</b>

**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**

Project Office for the Permanent Premises	Proposed Budget 2009 (thousands of euros)			Supplementary Bemba Trial (thousands of euros)	Total Proposed Budget 2009 (thousands of euros)	CBF Proposed Budget 2009 (thousands of euros)			CBF Proposed Changes (thousands of euros)	
	Basic	Situation- related	Total	Total	Total	Basic	Situation- related	Total	Total	Percent
Professional staff	273.4		273.4		273.4	273.4		273.4		
General Service staff	59.0		59.0		59.0	59.0		59.0		
<i>Subtotal staff</i>	<i>332.4</i>		<i>332.4</i>		<i>332.4</i>	<i>332.4</i>		<i>332.4</i>		
General temporary assistance	43.8		43.8		43.8	43.8		43.8		
Temporary assistance for meetings										
Overtime										
Consultants										
<i>Subtotal other staff</i>	<i>43.8</i>		<i>43.8</i>		<i>43.8</i>	<i>43.8</i>		<i>43.8</i>		
Travel	17.8		17.8		17.8	17.8		17.8		
Hospitality	5.0		5.0		5.0	5.0		5.0		
Contractual services incl. training	88.0		88.0		88.0	88.0		88.0		
General operating expenses	4.0		4.0		4.0	4.0		4.0		
Supplies and materials	1.0		1.0		1.0	1.0		1.0		
Furniture and equipment	10.0		10.0		10.0	10.0		10.0		
<i>Subtotal non-staff</i>	<i>125.8</i>		<i>125.8</i>		<i>125.8</i>	<i>125.8</i>		<i>125.8</i>		
<b>Total</b>	<b>502.0</b>		<b>502.0</b>		<b>502.0</b>	<b>502.0</b>		<b>502.0</b>		
Distributed maintenance	11.4		11.4		11.4	11.4		11.4		

<i>Item</i>	Proposed budget 2009			CBF – Proposed budget 2009			CBF changes			
	Basic	Situation-related	Total	Basic	Situation-related	Total	Basic	Situation-related	Total	Percent
Professional staff	2		2	2		2				
General Service staff	1		1	1		1				
<b>Total staff</b>	<b>3</b>		<b>3</b>	<b>3</b>		<b>3</b>				

## Annex IV

### **Report of the sub-group of the Committee on Budget and Finance on reclassifications\***

1. In accordance with paragraph 63 of the report on the work of its eleventh session, a sub-group of the Committee on Budget and Finance met in The Hague on 18 and 19 November 2008 to advise the Assembly of States Parties on reclassifications contained in the proposed 2009 budget. The sub-group was composed of Mr. David Dutton, Chair of the Committee, Mr. Santiago Wins, Vice Chair, and Mr. Juhani Lemmik.
2. The sub-group noted that the Court had proposed to reclassify 14 generic posts applicable to 19 individual staff (see appendix). The sub-group reviewed the procedures followed by the Court in proposing the posts for reclassification, and had the benefit of the presence of the Court's expert consultant.
3. The sub-group agreed that appropriate procedures had been followed for the proposed reclassification of 13 of the 14 generic posts in accordance with Staff Regulation 2.1 and in conformity with the methodology laid down by the International Civil Service Commission (ICSC). (The proposed reclassification of the generic post of Court reporter, applicable to six individual positions, was based on a different rationale, and is discussed below). The sub-group therefore recommended that the Assembly approve the reclassification of the 13 generic posts.
4. The sub-group expressed its support for the ability of the Court to reclassify posts, in accordance with the applicable rules and standards, in order to adapt its staffing profile to significant changes in its work. However, the sub-group also noted that there would be a gradual inflation of staff grades if a similar number of reclassifications were to be proposed each year. This would have an impact on the budget, given that the Court had estimated that the costs of reclassifications in 2009 would be approximately €300,900 and had been approximately €483,000 for reclassifications approved by the Committee during 2007.
5. The sub-group therefore recommended that the Court should continue to adhere to the recommendations contained in paragraphs 67 to 69 in the report of the Committee on the work of its eighth session.<sup>1</sup> The Committee had recommended that the Court should propose reclassifications only where there had been substantial change to the nature or arrangement of work in a particular area and where new requirements could not be met through the reallocation of duties. Such reclassifications should be proposed in the annual proposed programme budget, together with all supporting information, and be submitted in time for consideration by the Committee at its September session. The sub-group expected the Court to consider alternatives for distributing work and arranging work processes before proposing reclassifications. The sub-group also expected that there would continue to be proposals for downward reclassifications, redeployments and the abolition of posts, since these would be as likely to result from changes to the nature and arrangement of work as the need for upward reclassification of posts. The sub-group agreed that the Court should seek generally to maintain the overall balance of grades within the Court.

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\* Previously issued as ICC-ASP/7/15/Add.2

<sup>1</sup> *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, paras. 67-69.



6. The sub-group also recalled the concern of the Committee in paragraph 71 of the report on the work of its eighth session that the Court should take steps to ensure that reclassification was not used as a promotion tool. The sub-group further noted that the Court would be reporting to the Committee at its twelfth session on human resources matters, and it looked forward to receiving advice of the Court's plans for improving options for career development in that context. The sub-group invited the Court to develop proposals for career development and promotion, including with respect to promotion from general service to professional grades.

7. With respect to the 13 generic posts that were recommended for reclassification in accordance with the applicable rules and standards, the sub-group noted that three had been submitted for classification only in 2007 and had been confirmed at their current levels. It noted the Court's advice that these had been based on the merits of each case and that the Court would not develop a practice of frequently submitting the same posts for reclassification or in order to achieve a desired outcome.

8. The sub-group noted that the Court's expert consultant had recommended that the Special Assistant to the President be reclassified at P-3, rather than P-2 as initially proposed by the Court. Accordingly, the sub-group recommended that the Assembly approve reclassification of the post at the P-3 level. It noted, however, that there could be a further revision to the staffing structure of the Immediate Office of the President in 2009, given that the current President of the Court would retire from his position in early 2009. The sub-group asked the Court to refrain from making any significant changes to the structure and organisation of the Immediate Office prior to the transition, so as to minimise the possibility of any further need for reclassifications in the Office. In addition, the sub-group recalled the interest of the Committee in being kept informed of plans for the staffing structure for legal support in Chambers. It therefore requested the Court to submit in the context of the proposed 2010 budget an overview of its plans for the staffing of the Presidency and Chambers.

9. The sub-group noted that the structure for managing the Court's security operations had undergone significant change in the past two years and that several posts had been upgraded, including from general service to professional level. The sub-group requested the Court to present further information to the Committee on the development of the structure for managing the security of the Court at future sessions.

10. The sub-group recalled comments of the Committee on the need for the Court to have an effective capacity for evaluating claims of indigence by accused in the context of the Court's system of legal aid. It hoped that the post of financial investigator would be filled expeditiously and expressed interest in discussing this further when the Committee next considered the question of legal aid.

11. The sub-group noted that the post of Partnerships Officer in the Secretariat of the Trust Fund for Victims had been classified at P-4 level in 2007. Reclassification at P-5 level would result in there being two P-5 officers in the Secretariat in 2009 if the Committee's recommendation to redeploy temporarily a P-5 financial officer were also approved by the Assembly. The Committee noted that this would result in a top-heavy structure that might be anomalous with the usual practice in the Court. Given that there had been significant changes in the activities and organisation of the Secretariat, the sub-group recommended that the Court present an overall plan for the staffing profile of the Secretariat in the context of the 2010 budget, through the Board of Directors of the Trust Fund for Victims, in order to enable the Committee to review the structure holistically on its merits.

12. Finally, the sub-group noted that the proposed reclassification of the generic position of Court reporter, applicable to six individual positions, was based on the Court's assessment

of the level and salary required to attract well-qualified applicants and was not consistent with the grading standards of the ICSC. The Court advised the sub-group that it had been unable to obtain good applicants while the posts were classified at GS level, and that it had not identified any practical or cost-effective alternative, since outsourcing would be more costly. In these circumstances, the sub-group accepted the Court's argument that classification at P-2 level for the posts would be the best short-term option, and recommended that the Assembly approve the reclassification. However, the sub-group also recommended that this should not be considered as a precedent that would allow the grading of posts at levels higher than required under the applicable rules and standards where there might be difficulty in attracting well-qualified applicants. The sub-group therefore requested the Court to provide further advice to the Committee at its twelfth session on practices within the common system to deal with similar scenarios.

13. The sub-group noted that the Committee had recommended that the costs of the reclassifications be absorbed by the Court in 2009.

## Appendix

### Results of the job evaluation study of established posts – August 2008

<i>Number of posts</i>	<i>Current level</i>	<i>Major programme/Section</i>	<i>Current functional title</i>	<i>Proposed functional title</i>	<i>Initial classification</i>	<i>Recommended level by external classifier 03/09/2008</i>
<b>Judiciary</b>						
1	P-3	Presidency	Legal Officer	Legal Adviser	February 2007	P-4
1	P-1	Presidency	Special Assistant to the President	Special Assistant to the President	February 2007	P-3 <sup>1</sup>
<b>Office of the Prosecutor</b>						
1	P-3	Services Section	Knowledge Base Manager	Knowledge Base Manager	March 2005	P-4
1	G-5	Services Section	Knowledge Base Assistant	Assistant Information Officer	March 2005	P-1
1	G-6	Services Section	Senior Evidence Assistant	Assistant Information and Evidence Officer	December 2007	P-1
1	P-1	Planning and Operations Section	Assistant Operations Officer	Data Processing Manager	March 2005	P-2
1	P-2	Prosecution Section	Appeals Counsel	Appeals Counsel	August 2008	P-3

<b>Registry</b>						
1	P-3	Security and Safety Section	Security Operations Officer	Security Operations Officer	March 2005	P-4
1	P-3	Security and Safety Section	Field Security Operations Officer	Field Security Officer	April 2006	P-4
1	P-3	Security and Safety Section	Protective Security Officer	Protective Security Officer	October 2004	P-3 <sup>2</sup>
6	G-7 G-6 G-4	Court Management Section	Senior Court Reporter Court Reporter Text Processing Assistant	Court Reporter	July 2007	P-2 <sup>3</sup>
1	P-3	Court Interpretation and Translation Section	Translator	Head, Translation Unit	February 2005	P-4
1	P-3	Office of the Head/DVC	Financial Investigator	Financial Investigator	March 2006	P-4
<b>Secretariat of the Trust Fund for Victims</b>						
1	P-4	Secretariat of the Trust Fund for Victims	Partnership Officer	Senior Programme Officer	March 2007	P-5

<sup>1</sup> Post submitted at the P-2 level in the proposed budget.

<sup>2</sup> Post submitted at the P-4 level in the proposed budget.

<sup>3</sup> Post not submitted to external classifier. See paragraph 279 of the proposed programme budget for 2009 of the International Criminal Court.