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**Report of the Committee on Budget and Finance
on the work of its forty-fourth session**

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Executive Summary

1. The Committee held its forty-fourth session in The Hague from 15 to 19 April 2024. Over the course of the session, the Committee considered a range of issues including, but not limited to, human resources, financial and budgetary matters. The traditional workshop with the Court during the spring session covered measures on how to make budgeting for the regular budget and financing for unforeseen developments more predictable, transparent, and sustainable.

2. With regard to the Court's **security** issues, the Committee was informed about the cyber incident and the plan to upgrade its cybersecurity infrastructure. The direct financial costs for the Court to mitigate the cyber incident in the fall of 2023 amounted to approximately €1.0 million, which was absorbed by the 2023 regular budget. The Court is in the final stages of developing a comprehensive plan, termed as the ("Blueprint") based on a comprehensive threat assessment and cybersecurity review. The key priority components of the Blueprint for 2024 total approximately €4.5 million, focusing resources on the most critical elements to effectively mitigate risks. A special fund was established by the Registrar to mitigate and enhance the security profile of the Court, some €2.0 million had been received up to now. The costs for 2024 can for the moment not be entirely covered by the Fund. In kind contributions and secondment of expertise would alleviate the burden for the Court. The rest will have to be covered by further pledges to the Special Fund and the regular budget. The Special Fund will operate for a period of two years, with possible extension for one additional year.

The cost estimate to implement the Blueprint in full is between €11,410.0 thousand and €16,575.0 thousand in one-time non-recurring investments, and between €1,070.0 thousand and €1,370.0 thousand for future recurring running costs. The Committee was informed that the Court is intending to request a budget for cybersecurity enhancement investments in the 2025 and probably also in the 2026 proposed programme budget. These investments will inevitably also have an impact on the Court's IT lights-on or running costs after the investments are made.

3. With regard to the Court's **premises**, the Committee took note of the Court's suggestion to follow the recommendations of the consultancy report. The independent and risk-based assessment of the building and the development of a medium and long-term capital replacement plan (over 20 years), as suggested by the pro-bono expert, was drawn up by the external property assessment firm Brink and presented to the Court in August 2023.

Given the urgency of a series of short-term capital replacements related to health and safety, legal compliance, and direct business continuity risks of €1.6 million, the Court suggested beginning the medium- and long-term replacement plan in 2025. The key for the effective and efficient upkeep of the premises will be a strong Facilities Management Unit capable of professionally monitoring the proper implementation of a main contract covering maintenance and capital replacement.

4. Concerning the **OTP Trust Fund**, the Committee noted that 27 States Parties and the European Commission had pledged and partially paid contributions in an amount of approximately €32.3 million. This amount represents more than double the originally envisaged total of €15.0 million for the Fund. Therefore, the Court intends to extend the Trust Fund beyond the year 2025.

5. The Committee took note of the fact that the OTP is improving its **forensic capability** by building a new hub of forensic science expertise to align with the OTP strategic goals. The OTP has not provided the Committee with financial or budgetary implications for the regular budget when moving to the new skeleton structure.

6. With regard to the Court's **human resources**, the Committee considered the annual report on Human Resources Management and recommended that the Court continue its efforts towards redressing the gender and geographical imbalances, including conducting specific outreach to improve gender parity in leadership positions. The Committee was informed about the results of the Staff Survey and recommended that the Court, especially the Heads of Organs, remains attentive to the findings of the Staff Pulse Engagement Survey and works collaboratively across all organs to improve the work culture, development and wellbeing of staff.

7. With regard to **budget performance**, as at 31 December 2023, the Committee noted that in 2023 the Court's total expenditure, including the Contingency Fund, amounted to €173.96 million, representing an implementation rate of 100.4 per cent of the approved 2023 budget of €173.23 million, with the need to access the CF for an amount of €725.3 thousand. With regard to budget performance as at 31 March 2024, the Committee noted that the Court had reached an implementation rate of 27.2 per cent, or a total of €49.88 million, against the approved budget of €183.50 million.
8. The Committee discussed the automatic replenishment mechanism of the Contingency Fund with the Court as tasked by the Assembly. The Committee acknowledged the four per cent calculation based on historical data but emphasized on the need for further analysis and information at its next session.
9. The Committee was briefed on the main findings of the nineteenth session of the Audit Committee. The Committee supported the Audit Committee's recommendation that the Assembly approve the renewal of the contract of the current **External Auditor** for another four years.
10. The Committee welcomed the presentation of the first report on the **Key Performance Indicators** for 2023, with qualitative and quantitative indicators, as part of the ICC Strategic Plan 2023-2025 to demonstrate the Court's performance management.
11. Given the challenges the Court is facing, the Committee recommended that the Court keep the budget under control, and focus next year's budget requests primarily on cybersecurity, capital replacement, and on unavoidable non-discretionary costs.

I. Opening of the forty-fourth session

1. The forty-fourth session of the Committee on Budget and Finance (“the Committee”) was held in The Hague from 15 to 19 April 2024, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its twenty-second session.¹ The agenda of the session is detailed in Annex I and attendance and participation by observers are detailed under “Organisational matters”.

2. The newly elected Presidency of the International Criminal Court (“the Court”), Judge Tomoko Akane (Japan), President; Judge Rosario Salvatore Aitala (Italy), First Vice-President; and Judge Reine Alapini-Gansou (Benin), Second Vice-President, welcomed the Committee at the opening of the session.

II. Financial, Budgetary and Administrative matters

1. Programme performance of the 2023 budget

General observations

3. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2023”,² which was based on preliminarily unaudited figures (see table 1 below). The Committee noted that the Court’s total expenditure in 2023, including the Contingency Fund (“CF”), amounted to €173,959.6 thousand, representing an implementation rate of 100.4 per cent of the approved 2023 budget of €173,234.3 thousand, with the need to access the CF for an amount of €725.3 thousand.

4. In 2023, the Court submitted one CF notification to meet unforeseen and unavoidable expenditure associated with the situation in Ukraine, for which €1,941.9 thousand was needed. An amount of €1,216.6 thousand was absorbed within the approved budget for 2023 and €693.9 thousand was covered by the CF resources, which reduced the remaining balance of the CF to €1,535.9 thousand at the end of the year (see paragraphs 41-45 for more details).

Table 1: Consolidated budget performance of the Court in 2023, by item of expenditure
(amounts in thousands of euros)³

Items	Approved Budget 2023	Total Contingency Fund (CF) 2023	Total Consolidated Budget and CF 2023	Actual Expenditure 2023*	Actual Expenditure CF 2023*	Total Actual Expenditure Incl. CF 2023	Total Actual incl. CF Implementation Rate 2023 against Approved Budget in %
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]
Judges Salary	5,662.2	-	5,662.2	5,633.1	-	5,633.1	99.5
Professional staff	75,341.3	-	75,341.3		-		
General Service staff	26,144.0	-	26,144.0		-		
Subtotal staff	101,485.3	-	101,485.3	103,916.5	-	103,916.5	102.4
General temporary assistance	26,167.8	49.2	26,217.0	20,508.9	10.7	20,519.6	78.4
Individual Contractors	730.6	96.5	827.1	1,258.5	28.6	1,287.1	176.2
Temporary assistance for meetings	1,644.0	32.2	1,676.2	682.2	7.4	689.7	42.0
Overtime	354.7	-	354.7	554.4	15.5	569.9	160.7
Subtotal other staff	28,897.1	177.9	29,075.0	23,004.1	62.2	23,066.3	79.8
Travel	4,432.4	194.9	4,627.3	4,626.8	136.7	4,763.4	107.5
Hospitality	33.0	-	33.0	18.3	-	18.3	55.5
Contractual services	3,031.9	687.5	3,719.4	3,991.9	866.9	4,858.8	160.3
Training	637.9	7.2	645.1	539.0	6.6	545.6	85.5
Consultants	712.3	29.5	741.8	1,222.6	5.9	1,228.5	172.5
Counsel for defence	4,722.9	-	4,722.9	5,476.5	-	5,476.5	116.0
Counsel for victims	2,218.0	-	2,218.0	1,820.8	-	1,820.8	82.1
General operating expenses	15,814.4	712.8	16,527.2	15,687.3	620.8	16,308.2	103.1

1 Resolution ICC-ASP/22/Res.3, annex I, para. 19 (a).

2 CBF/44/16.

3 CBF/41/14: Report on activities and programme performance of the International Criminal Court for the year 2022, Table 7: Consolidated budget performance of the Court in 2023, by item of expenditure (amounts in thousands of euros).

Items	Approved Budget 2023	Total Contingency Fund (CF) 2023	Total Consolidated Budget and CF 2023	Actual Expenditure 2023*	Actual Expenditure CF 2023*	Total Actual Expenditure Incl. CF 2023	Total Actual incl. CF Implementation Rate 2023 against Approved Budget in %
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]
Supplies and materials	1,043.2	98.7	1,141.9	1,016.3	51.6	1,067.9	102.4
Furniture and equipment	958.6	353.0	1,311.6	1,479.6	191.1	1,670.7	174.3
<i>Subtotal non-staff</i>	33,604.6	2,083.6	35,688.2	35,878.9	1,879.6	37,758.6	112.4
Total	169,649.2	2,261.5	171,910.7	168,432.6	1,941.9	170,374.5	100.4
Host State Loan	3,585.1	-	3,585.1	3,585.1	-	3,585.1	100.0
Total Including Host State Loan	173,234.3	2,261.5	175,495.8	172,017.7	1,941.9	173,959.6	100.4

* Expenditure for 2023 is based on preliminary and unaudited figures, which are subject to change.

5. The Committee noted that the full utilisation of the 2023 approved budget was due to non-budgeted increases in staff costs, the impact of the cyberattack in September, additional office space reorganisation, and a higher number of OTP missions, consultancy costs and the partial absorption of one CF notification into the approved budget envelope. The application of the revised United Nations Common System (“UNCS”) salary scales had resulted in an increase in salaries for the General Service staff of 4.6 per cent⁴ effective as of March 2023, and an increase of 6.3 per cent for the post adjustment for the Professional staff level⁵ where the duty station is The Hague in February 2023.

Staff Costs

6. The Committee observed that the costs for established posts exceeded the approved budget by €2,431.2 thousand (€103,916.5 thousand against the approved budget of €101,485.3 thousand). To mitigate the impact of the revised UNCS salary scale, the Court had put in place various measures including rescheduling recruitment activities. Furthermore, the Committee observed that expenditure of €5.52 million⁶ (4.4 per cent of staff costs) was spent on short-term appointment (“STA”) contracts as an interim response to fill vacant posts when there were urgent operational needs, and to ensure business continuity while standard recruitment processes were finalised.

7. General Temporary Assistance (“GTA”), including the cost of individual contractors, was underspent by €5,131.0 thousand (€21,806.7 thousand, against the approved budget of €26,898.4 thousand). The low implementation rate was the result of delayed recruitment and the reprioritisation of activities, which made it possible to fund staff costs for established posts and overtime.

8. The implementation rate for Temporary Assistance for Meetings (“TAM”) was 42.0 per cent (€689.7 thousand approved budget against €1,644.0 thousand actual expenditure including CF expenditure). This under-implementation was directly linked to the cancellation of hearing days (assumption 400 days against 126 actual hearing days), and the subsequent reduced need for freelance interpreters.

9. The overtime budget was implemented at a rate of 160.7 per cent (€569.9 thousand against the approved budget of €354.7 thousand). The high implementation of this budget line was due to an increased need for security services for the Court’s elected officials and staff, and a lower use of GTA.

10. The Committee observed that the Court was able to carry out budgeted and unforeseen activities using a lower number of established posts and GTA positions.

RECOMMENDATION

11. The Committee reiterated its recommendation that a rigorous evaluation of the need for all existing posts and positions (filled and vacant in 2023) should be conducted when preparing the 2025 proposed programme budget.

⁴ CBF/44/16, para. 311.

⁵ *Ibid.*

⁶ The 2023 STA expenditure has been funded from established posts (€2.20 million) and GTAs (€3.32 million). *Ibid.*, para. 310.

Non-staff costs

12. The Committee noted that the total non-staff costs were overspent by €4,154.0 thousand, *i.e.*, implemented at a rate of 112.4 per cent (€37,758.6 thousand against €33,604.6 thousand). A significant overspend was noted for contractual services, consultants, and furniture and equipment.

(a) Travel

13. The travel budget was overspent by €331.0 thousand, *i.e.*, implemented at a rate of 107.5 per cent (€4,763.4 thousand against the approved budget of €4,432.4 thousand) due to the need for the staff of the OTP to carry out a higher number of missions.

(b) Contractual services

14. The contractual services budget line was overspent by €1,826.9 thousand, *i.e.*, implemented at 160.3 per cent (€4,858.8 thousand against the approved budget of €3,031.9 thousand) and was justified by the need to fund the outsourcing of transcription and translation services in the OTP, and costs relating to the IT/IM strategy in the Registry.

(c) Consultants

15. The budget for Consultants was overspent by €516.2 thousand, *i.e.*, implemented at a rate of 172.5 per cent (€1,228.5 thousand against the approved budget of €712.3 thousand); this represented an increase of 76.6 per cent when compared to expenditure in 2022. The OTP implemented this budget line at a rate of 384.4 per cent due to the need for specific technical capacity, and the Registry did so at a rate of 182.1 per cent due to the need to respond to the cyberattack in September 2023.

(d) Supplies and materials

16. The Supplies and materials budget was overspent by €24.7 thousand, *i.e.*, implemented at a rate of 102.4 per cent (€1,067.9 thousand against the approved budget of €1,043.2 thousand). The higher implementation rate was attributable to the Court's requirements to address the cyberattack in 2023.

(e) Furniture and equipment

17. The furniture and equipment budget was overspent by €712.1 thousand, *i.e.*, implemented at a rate of 174.3 per cent (€1,670.7 thousand against the approved budget of €958.6 thousand). The higher implementation rate was attributable to the Court's requirements to address the cyberattack in 2023.

(f) Legal aid

18. The total legal aid budgets for both Defence and Victims were overspent by €356.4 thousand, *i.e.*, implemented at a rate of 105 per cent (actual expenditure of €7,297.3 thousand against the approved budget of €6,940.9 thousand). The budget for Counsel for the defence was implemented at a rate of 116.0 per cent due to the judicial developments in the *Al Hassan* case and the additional resources needed for the *Ngaissona* case, while the budget for Counsel for victims was implemented at 82.1 per cent.

19. The difference between the budgeted costs and the lower actual use of resources for legal aid for victims in the amount of €397.2 thousand was explained by the deviation between the assumption at the time the budget was submitted and actual expenditure, mainly in the *Banda* case, in which no resources for legal aid for victims were needed.

20. The Committee noted with concern that the *Katanga* case, which was supposed to be concluded in early 2023, was postponed until April 2024 and that legal aid for victims continued to be disbursed throughout 2023 (€148.6 thousand).⁷ The Committee will continue to monitor expenditure on legal aid.

(g) General operating expenses

21. The General operating expenses budget was overspent by €493.8 thousand, *i.e.*, implemented at a rate of 103.1 per cent (€16,308.2 thousand against the approved budget of €15,814.4 thousand). An overspend on this budget line was justified by ongoing operational support and witness-related activities.

⁷ CBF/44/10, "Report on the performance of the Court's legal aid system in 2023".

(h) Hospitality and Training

22. Savings on hospitality and training were the result of the measures taken by the Court to cover the overspend on other budget lines.

RECOMMENDATION

23. The Committee recommended that the Court conduct a thorough assessment of its non-staff expenditure when preparing the 2025 proposed budget; adopting a realistic approach and considering factors such as flexibility, efficiency, and the implementation of innovative work methodologies.

Transfer of funds

24. The Committee observed that in 2023 two Major Programmes had exceeded the approved budget envelope (Secretariat of the Assembly by €85.0 thousand or 103.0 per cent, and Office of Internal Audit by €20.0 thousand or 102.4 per cent). The Committee noted that the Assembly had approved the transfer of funds to these Major Programs because they were unable to absorb the additional costs, primarily related to salary adjustments notified by the International Civil Service Commission (“ICSC”). Meanwhile, it underscored the underspend for other major programmes.

25. The Committee observed that there had been three transfers of funds greater than €200.0 thousand during 2023 within the same major programme:

- i. In Major Programme III, an amount of €221,628.0 was transferred from general temporary assistance to individual contractors within the Court Management Section to cover costs for Special Service Agreement contracts.
- ii. In Major Programme III, an amount of €310,642.0 was transferred from GTA to staff costs within the Language Service Section to cover the payroll run for the month of August.
- iii. In Major Programme III, an amount of €300.0 thousand was transferred from travel, contractual services and consultants within the Victims and Witnesses Section to the Counsel for defence within the Counsel Support Section to cover the setting aside of professional charges.

2. Programme performance of the 2024 budget first quarter*General observations*

26. The Committee considered the “Report on budget performance of the International Criminal Court as at 31 March 2024” and noted that at the end of the first quarter of 2024, the Court had reached an implementation rate of 27.2 per cent, *i.e.*, a total of €49.88 million against the approved budget of €183.5 million, excluding interest and capital repayments on the premises, of €3.59 million. Including interest and capital repayments, the implementation rate was 28.6 per cent, *i.e.*, a total of €53.46 million against the approved budget of €187.08 million.

Judges

27. The Committee observed that the implementation rate for judges’ costs in the first quarter of 2024 was 25.5 per cent, against an implementation rate for the same period in 2023 of 27.0 per cent.

28. Furthermore, the Committee noted that at the time of its forty-fourth session the Court was operating with 16 judges (12 with a continuing mandate, four with an extended mandate, one of whom was not included in the approved budget) and that none of the newly elected judges had been called to full-time service. In this context the Committee was informed of the decision taken by the Presidency on the implementation of a so-called “sequenced approach” whereby all six newly elected judges would be called in 2024 for full-time service gradually: two of the six judges in mid-May, two of the six judges in mid-June and two of the six judges in August. Estimated additional costs resulting from such an approach stand at €167.9 thousand over this budget line approved by the Assembly for 2024.

29. The Committee recalled that at its forty-second session in September 2023, “it recommended that the Assembly approve the requested judges’ costs for 18 full-time judges (12 serving, three extended and three newly elected) and for three newly elected non-full-time judges in the amount of €6,134.9 thousand...”.

30. In response to a query from the Committee, the Court stated that it is anticipated that the total number of judges at the end of 2024 who will also continue to be in full-time service as of 1 January 2025, including the three extended judges in 2024 (*Yekatom and Ngaiissona* case), will be 21 judges. This will have significant financial implications for the 2025 PPB as well.

31. The Committee reiterated that, in accordance with Article 35(3) of the Rome Statute, the Presidency may, on the basis of the workload of the Court and in consultation with its members, decide from time to time to what extent the remaining judges shall be required to serve on a full-time basis.

Staff costs

32. The Committee observed that the implementation rate for Court-wide overall staff costs, as at 31 March 2024, was 22.9 per cent. The Committee was informed of the Court’s high vacancy rate at the beginning of the first quarter of 2024. The Court is actively addressing these challenges by prioritising ongoing recruitment efforts, as a consequence of the measures taken in 2023 to delay recruitment.

Non-staff costs

33. The Committee noted the high implementation rate for non-staff costs of 43.7 per cent. The Court justified this high implementation rate as being primarily due to the number of obligations incurred at the beginning of the year to cover annual contracts and services to support the Court’s judicial activities. These included outsourced security services at country offices, maintenance and service contracts related to the premises, ICT services and subscriptions, and the rental of detention cells.

RECOMMENDATION

34. Bearing in mind the pressure the Court may have to absorb any inflation in prices, the Committee recommended that the Court take a careful approach towards the use of resources for non-staff costs adopting a realistic approach and considering efficiencies, in order to remain within the approved budget envelope.

Contingency fund notifications

35. The Committee noted that no CF notification had been submitted during the first quarter of 2024. However, a letter was submitted to inform the Committee that the Court may have to resort to the CF in 2024 to meet unforeseen and unavoidable expenditure in the situation in Uganda.

3. Status of contributions, States in arrears, and liquidity

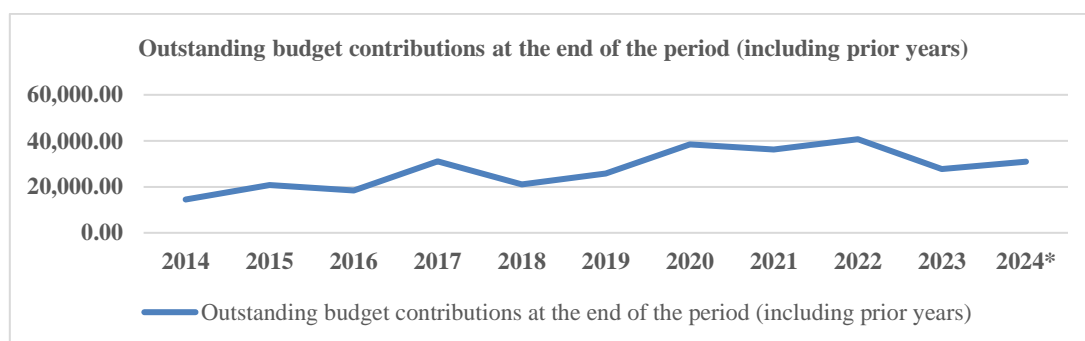
Status of contributions

36. The Committee reviewed the status of contributions as at 31 March 2024 (see Annex II for details). The Committee noted that regular budget contributions of €68,928,179.0 (37.0 per cent) were outstanding for the assessed contributions of the 2024 approved budget of €187,084,300.0 (including the host State loan of €3,585,100.0). The Committee observed that only 45 out of the 124 States Parties had paid their contributions in full as at 31 March 2024.

37. The outstanding contributions from prior years and the current year stood at €89,302,991.0, including the host State loan (€1,262,110.0). Table 2 and Figure 1 below show the trend for outstanding contributions over the last ten years.

Table 2: Analysis of the trend in outstanding contributions over the past ten years

	Programme budget incl. HSL	End of period - Outstanding budget contributions incl. HSL (incl. prior years)	Outstanding contributions (in per cent)
2014	121,656.20	14,489.30	11.91%
2015	130,665.60	20,785.70	15.91%
2016	139,590.60	18,405.00	13.18%
2017	144,587.30	31,047.90	21.47%
2018	147,431.50	21,121.90	14.33%
2019	148,135.10	25,771.70	17.40%
2020	149,205.60	38,401.70	25.74%
2021	148,259.00	36,266.70	24.46%
2022	154,855.00	40,707.50	26.29%
2023	173,234.30	27,693.80	15.99%
2024*	187,084.30	30,997.80	16.57%

Figure 1: Outstanding contributions over the past ten years (in thousands of euros)

* The forecast for 2024 is based on 2023 trends of contributions received. As at 31 March 2024, total outstanding contributions were €89,302,991.0.

States in arrears

38. The Committee noted that a total of €20,364,550.0 remains outstanding from prior years: 34 States were in arrears of which 14 were ineligible to vote; and 45 were still outstanding for 2024. The States Parties, which are still in arrears have not made use of the possibility of arranging a payment plan with the Court.

RECOMMENDATION

39. **The Committee continued to encourage all States Parties to pay their contributions to the Court in full and on time. Furthermore, the Committee continued to urge that the States Parties with outstanding contributions settle their dues with the Court as soon as possible and, if need be, arrange a payment plan with the Court.**

Liquidity

40. Based on the information provided in the monthly financial situation report as at 31 December 2023, the Committee noted that the Court had not encountered a liquidity shortfall, thereby making it unnecessary to access the Working Capital Fund (“WCF”) by the end of 2023. It was also noted that some States Parties had paid their contributions for the 2024 assessments, in an amount of approximately €10.1 million, during 2023, which had helped to avoid a liquidity shortfall. (See Table 3 for the cash flow forecast as at 31 December 2023).

Table 3: Cash flow forecast as at 31 December 2023 (€m)*

General Fund	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Total 2023
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	
Opening cash balance	1.0	45.2	70.1	73.7	68.6	73.2	62.0	66.2	51.6	38.3	24.3	9.4	
Total cash inflow	61.7	38.7	13.9	5.1	21.8	2.2	18.3	0.3	0.1	0.5	0.2	18.00	180.8
Total disbursement	-17.5	-13.9	-13.3	-10.3	-17.1	-13.4	-14.1	-14.9	-13.5	-14.5	-15.1	-12.8	-170.2
Transfer (to)/from WCF for liquidity										-	-	-	
Transfer (to)/from CF			3.0										
Closing cash balance	45.2	70.1	73.7	68.6	73.2	62.0	66.2	51.6	38.3	24.3	9.4	14.6	

* There may be rounding differences in these tables.

4. Precautionary reserves - Contingency Fund

41. At its twenty-second session, in its resolution the Assembly:

- decided to maintain the CF at the notional level of €7.0 million for 2024;
- decided that the anticipated cash surplus from 2022 would exceptionally be used to replenish the CF; and
- requested that the Court consider practices in place in other international organisations to (i) automatically determine the level of operational reserves similar to the CF; and (ii) identify mechanisms for its replenishment to provide more sustainability to the Fund, and further requested that the Court submit a report including proposals to the Committee at its forty-fourth session.

42. The Committee observed that at the time of its session, the remaining balance of the CF had decreased to €1.5 million, which left the Court little room to manage unforeseen developments in new or existing situations. The Committee welcomed the Assembly's decision to replenish the CF exceptionally by using the anticipated cash surplus from 2022 of €4.04 million. Similarly, the Committee was of the view that this is not a sustainable solution and that clear and transparent mechanisms for replenishment of the CF should be identified and used to provide more sustainability and stability.

43. The Committee was updated during the workshop on this matter.⁸ The Court proposed an automatic mechanism to link the level of the fund to a certain percentage of the total budget, as is the case with the WCF, and to have it replenished by assessed contributions. The envisaged CF amount was four per cent of the previous year's approved budget. It should be replenished through assessed contributions or/and cash surpluses.⁹

44. The Committee noted that the calculation of four per cent was based on historical data over a period of 14 years, from 2010 to 2023.¹⁰ However, as was discussed at the workshop, more in-depth analysis and additional information would be needed at its forty-fifth session to support the Court's proposal for automatic replenishment of the CF.

RECOMMENDATION

45. The Committee took note of the proposal made by the Court to develop a mechanism allowing the automatic replenishment of the Contingency Fund. It recommended that the Court provide the Committee with further information, at its forty-fifth session on this issue.

⁸ "Report on the practices of other international organizations regarding contingency funds and their replenishment".

⁹ For 2024 the level of the CF would be approximately €7.0 million (four per cent of €173.23 million).

¹⁰ Four per cent was reached by dividing CF notifications by the approved budget every year of 2010-2023, and then taking the average of the sum of the 14 percentages (2010-2023).

5. *Review of travel budgeting and ticketing*¹¹

46. The Assembly, at its twenty-second session, considered the need to have a more effective and efficient utilization of resources for air travel and daily subsistence allowance, and requested the Court (a) to examine its budgeting projections and assumptions with regard to travel expenditures; (b) to undertake a review in order to achieve, in principle, the most competitive rates reflecting market prices; and (c) to examine its ticketing practices with a view to improve cost effectiveness.¹²

47. The Court engaged Sage Travel Consulting (“Sage”), to perform the review, as it had already conducted a review of the Court’s travel processes in 2020.

48. The travel consultant issued three recommendations focused on different areas:

- i. **Budgeting projections:** Implement a new airfare forecasting process for budgeting projections based upon actual average airfare costs from the previous year, plus two years of market/inflationary factors. (According to the report by Sage: The Court’s current budgeting process is thorough and tends to reflect a conservative approach for airfares. However, it is time-consuming, and, on average, the actual airfares booked were typically less than those in the budget forecast).
- ii. **Review of booking system:** The consultant stated that the ICC Travel Unit is fully equipped with the correct booking tools to deliver the best airfares, and continued use of existing systems was recommended. However, the current combination of Travelport and increased use of New Distribution Capability (“NDC”) airfares via the e-Click provide the widest range of cost-effective airfares for the Travel Unit across all airlines.
- iii. **Processes and Ticketing Practices:** The Consultant stated that the Court should continue its progress in the use of more cost-effective airfares, also drive behavioural change to increase such usage; and use enhanced data to drive behaviour towards increased compliance with the principles of the Standard Operating Procedure (“SOP”).

49. While the first and second recommendations focused more on the Travel Unit within the Registry, the third was also aimed at the general practice and behaviour of the Court’s travellers in general, in that they are currently not always aligned with the SOP.

50. Sage observed that despite the clear wording of the SOP on Travel, the Travel Unit KPI Dashboard demonstrated that in 2023 only 31 per cent of “Staff cost Travel” was booked 30+ days before the travel departure date, and only 25 per cent of Mission Travel was booked 15+ days before the travel departure date. According to the Court the operational requirements of core activities of the Court may warrant the delay in submitting the requests to Travel/finalising the bookings. Such delay may have budgetary implications on travel expenditure. The Committee believed that proper planning and advance purchasing of travel tickets will result in a reduction in travel expenditure.

51. The Committee noted the Court’s commitment to implementing all of the above-mentioned recommendations to ensure that its budgeting and ticketing practices are sound, efficient and cost-effective.

6. *Reallocation of resources from country offices to the Headquarters*

52. The Committee took note of the Report on the Implications of Reallocation of Resources from Country Offices to Headquarters¹³ provided by the Registrar as requested by the Committee at its forty-second session. The request was made in view of potential medium- and long-term financial implications, as well as implications for field function and the structure of the organisation.

53. The submitted report reiterated that the re-allocation of resources from country offices to Headquarters is budget neutral for 2024, and that the scope of this re-allocation of resources is limited to certain sections (Security and Safety Section, Victims Participation and Reparations Section, Public Information and

¹¹ Resolution ICC-ASP/22/Res.4, Section Q, para. 3.

¹² *Ibid.*, second preambular paragraph and para. 3.

¹³ CBF/44/8.

Outreach Section and Victims and Witnesses Section). The report stated that the financial implications in the medium and long term are expected to be positive. Although it avoids alluding to savings, it highlights increased flexibility and better prioritisation of resources.

54. The Committee noted that the Registry tasked the OIA with assessing whether the process was conducted in the most appropriate, effective, and timely manner and embedded all stakeholders.

7. Workshop

55. As is traditionally the case during the Spring session, the Committee held a workshop which allows for a more in-depth discussion with the Court. The workshop covered measures on how to make budgeting for the regular budget and financing for unforeseen developments more predictable, transparent, and sustainable.

Contingency Fund

56. For details on the Contingency Fund, see paragraphs 41 to 45 above.

Financial risks deriving from UNCS increases

57. The Committee considered the Report on financial risks deriving from UNCS increases.¹⁴ Future salary increases are unknown when the budget is submitted and, therefore, not budgeted for by the Court. To mitigate the financial implications of unknown future salary increases, the Court suggested a two-tier approach; i) add to the known personnel expenditure a certain amount, which is calculated based on the European Central Bank inflation index. This amount will be ringfenced in the budget to ensure transparency and, ii) in addition, establish an Employee Benefits Liability Fund financed through a portion of the unspent resources of the regular budget (for example: one per cent of the approved budget), and the portion of the staff cost indexation provision not used during the year.

RECOMMENDATION

58. The Committee took note of the proposal of the Court and requested to be provided at its forty-fifth session with further information on the implementation of ring-fenced line item(s) in the budget for unknown salary increases including any potential amendments to the Financial Regulations and Rules.

Continuous Improvement of budgetary predictability¹⁵ and transparency

59. The Committee and the Court discussed the challenges related to forecasting within the Court, its judicial nature and the budgetary assumptions underpinning its resource requirements. The Court reiterated that it constructs its budget by allocating resources to foreseeable activities, excluding uncertain elements. While this approach ensures reliable projections, it limits flexibility when it comes to addressing unforeseen developments. Unknown variations in judicial or prosecutorial matters can have an impact on available resources.

Report on the Court's Key Performance Indicators

60. The Committee welcomed the presentation of the first report on the Key Performance Indicators for 2023, with qualitative and quantitative indicators, as part of the ICC Strategic Plan 2023-2025 to demonstrate the Court's performance management. The Committee acknowledged the efforts to identify the performance indicator targets, emphasising that a review of them, along with activities already identified, should be performed on future reports.

61. The Committee acknowledged with concern that certain indicators, in particular some under the organisational performance goals, reflect a low percentage of positive results about the working culture in the Court. The Committee also noted that internal administrative processes take a long time, resulting in reduced efficiency. While acknowledging the various phases and overall lifecycle of the Court's cases, the Committee

¹⁴ CBF/44/6.

¹⁵ "Report of the Committee on Budget and Finance on the work of its forty-first session", ICC-ASP/22/15, para. 11; Resolution ICC-ASP/22/Res 4, Section L, para. 10.

noted that the length of time to conclude the case phases can affect the expeditiousness and fairness of the proceedings.

III. Human resources' matters

1. Geographical Representation and Gender Balance

62. The Court submitted a report on Human Resources Management dated 29 February 2024, along with summary discussions and findings from a two-day workshop on Geographical Representation and Gender Balance ("GRGB"), an addendum to address the issue of non-States Parties, a non-paper on concurrent amendments to the Staff Regulations and Rules in relation to GRGB, and the Court's reply to the Bureau's request for the latter¹⁶. The Court continued its efforts to redress imbalances in GRGB and pursue a more diverse approach to the recruitment and selection of its staff by announcing all vacancies for international positions on various social media and sharing them with international networks such as embassies and UN networks.

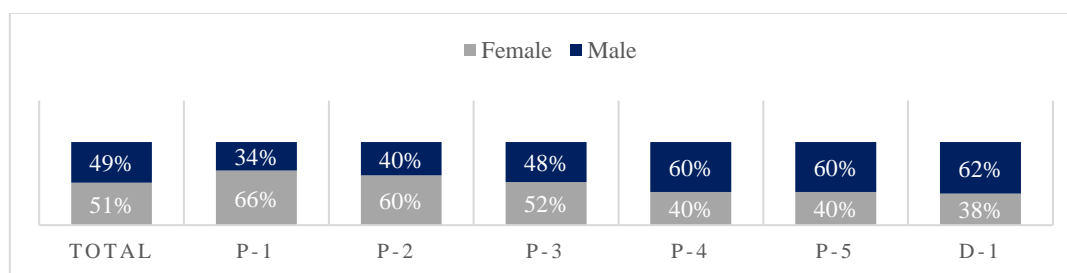
63. With regard to geographical representation, there was a decline in the number of imbalanced States during the five-year period from 2018 to 2023. Specifically, the over-represented group decreased by six, while the under-represented group saw a significant increase of 12. The non-represented category remained stagnant, while the number of non-ratified States increased by two. Regarding the last group, several States have been advocating for the hiring of nationals from this category to be suspended.

64. The Court showed awareness of initiatives by other international organisations to further GRGB efforts, such as the Organization for the Prohibition of Chemical Weapons, which created an action plan on geographical representation listing possible actions to be taken towards ensuring a more equitable and diverse geographical distribution.

65. In 2023, the Court hosted 194 new interns and visiting professionals ("IVPs"), 16 of whom are funded from the Trust Fund for IVPs.

66. As for gender distribution in the Professional and higher levels as of 31 December 2023, figures reveal that the gap between males and females persisted during the period 2018-2023; females far outnumber males in the lower levels (P-1, P-2 and P-3), whereas males dominate the higher levels, *i.e.*, P-4, P-5 and D-1.

Figure 2: Gender distribution in the Professional and higher categories as at 31 December 2023



67. The Court stated that it would continue to strive to achieve better GRGB and report on progress made in the 2025 report on Human Resources Management.

68. The Court's first strategy on gender equality and workplace culture, which was introduced at the end of 2022, was implemented throughout 2023. Stakeholders were regularly informed about the mission and activities of the Gender Equality Focal Point who took up the post in late July 2023.

RECOMMENDATION

69. The Committee recommended that the Court continue its efforts towards redressing the gender and geographical imbalances, including conducting specific outreach to improve gender parity in leadership positions. The Committee recommended an update on this as part of the Human Resources

¹⁶ Part of the supporting documents submitted to States Parties during the first round of consultations on the implementation of IER recommendation R105 (Tenure), in the framework of the Review Mechanism facilitation in the last trimester of 2023.

Management report in 2025, including gender disaggregated data on recruitment, appointments and resignations for P-4 level and above at its forty-seventh session.

2. Update on National Professional Officer, Junior Professional Officer and United Nations Volunteers Programmes¹⁷

70. At its forty-first session,¹⁸ the Committee reiterated the request for information on all arrangements, including the National Professional Officer ("NPO") category and United Nations Voluntary ("UNV") Programme as part of the Human Resource Management annual report.

71. The Committee asked the Court to develop guidelines for the introduction of the NPO category. The Court submitted its report on the guidelines in September 2023, noting that this is a living document, and it will be updated regularly based on best practice and the Court's experience of implementation.

72. The Court reported that as at December 2023, seven States Parties were participants in the Court's Junior Professional Officer ("JPO") Programme: Japan, the Republic of Korea, Switzerland, Germany, France, Finland, and Australia. Spain will join the Programme in early 2024. The Court has hosted a total of 18 JPOs since 2017, when the JPO Programme was first established. The Court will continue to explore avenues for funding JPOs from developing countries and will report to the Committee at its future session.

73. The Court continued its assessment of the UNV Programme to determine whether it could provide capacity support to the Court. The Court stated that it was still uncertain whether and how its operations can benefit from this category of personnel. The Court intends to continue its discussions on the merits of this Programme and to submit a proposal if it concludes that the UNV represents a viable and beneficial opportunity.

3. The use of unapproved General Temporary Assistance

74. The Committee re-examined the matter of using unapproved GTA as at 31 March 2024 and noted an overall decrease in the number of unapproved positions compared to the same period in 2022 from ten to six. The reduction in the use of unapproved GTA was mainly in the Registry (from five to one) while in the OTP the number remained unchanged (five).

75. The Committee reiterated its previous recommendations on the discontinuation of the use of unapproved GTA, in line with the recommendation made by the External Auditor. The Committee will continue to monitor the use of unapproved GTA.

4. The Staff Pulse Engagement Survey

76. The Committee received the result of the 2023 Staff Pulse Engagement Survey.

RECOMMENDATION

77. The Committee recommended that the Court, especially the Heads of Organs, remain attentive to the findings of the staff Pulse Engagement Survey and work collaboratively across all organs to improve the work culture, development, and wellbeing of staff at the Court.

IV. OTP Trust Funds, Secondees,¹⁹ and Forensic Science Section

78. The Committee considered the Report on OTP Trust Funds and Secondees,²⁰ which covers the Trust Fund for Advanced Technology and Specialised Capacity, the Trust Fund for Geographical Diversity and the OTP Secondee Programme. The Trust Fund on Complementarity and Cooperation is still in the process of being established.

¹⁷ ICC-ASP/22/15, para. 72.

¹⁸ *Ibid.*

¹⁹ ICC-ASP/22/25, para. 268.

²⁰ CBF/44/15.

1. OTP Trust Fund for Advanced Technology and Specialised Capacity²¹

79. The Committee noted that 27 States Parties and the European Commission have pledged and partially paid to the OTP Trust Fund for Advanced Technology and Specialised Capacity contributions amounting to approximately €32.3 million. This amount represents more than double the originally envisaged total of €15.0 million for the Fund. Therefore, the Court intended extending the Trust Fund beyond the year 2025. Table 4 shows the status of contributions to the OTP Trust Fund as at 31 December 2023.

Table 4: OTP Trust Fund as at 31 December 2023

OTP Trust Fund	Amount (€'000)
Total amount pledged (a)	32,272.0
Total amount received at the end of Q4 2023 (b)	28,423.0
Amount available for allotment (c)	28,323.0
Total amount allotted in SAP at the end of Q4 2023 (d)	14,542.0
Amount obligated and spent at the end of Q4 2023	6,989.0

(a) The total amount pledged includes the €7.2 million pledged by the European Union.

(b) Funds received from donors into the Court's bank account for the OTP Trust Fund.

(c) Funds confirmed as available for spending via official correspondence between the donors and the OTP.

(d) Funds allotted (made available) to budget lines in the furtherance of Cost Plans shared with the Budget Section.

80. The allocation of the funds to the three priority areas²² has basically not changed percentage wise: 59 per cent for priority area (i), 16 per cent for priority area (ii) and 25 per cent for priority area (iii). The programme support costs of 6.5 per cent still must be deducted and will be used by the OTP only. Approximately €10.39 million is earmarked so far for specific priority areas, approximately €21.88 million had been distributed in accordance with the approved spending plan.

81. The Committee observed that the OTP Trust Fund for Advanced Technology and Specialised Capacity and the secondment programme have enabled the OTP to address many challenges, modernise the Office through technological enhancements and improve the working methods, thus strengthening the work of the OTP. Many of these improvements were achieved in priority area (i): Use of new advanced technological tools and equipment for the collection, analysis and language-processing of evidence. The main bulk of the disbursements and commitments are in this area. Fewer resources have also been allocated to the activities in the other two priority areas so far because they are significantly less costly.

82. The Committee also observed that the OTP endeavours to sustain the modernisation of the Office by swiftly completing the technological change, shifting the focus of secondment to specialised expertise and knowledge transfer, and establishing and safeguarding permanently needed expertise inside the OTP.

2. Secondment of Personnel

83. In response to the invitation from the Prosecutor, States Parties provided national experts to assist quickly in managing the surge in workload. The Committee was informed that since the commencement of the secondment programme in March 2022, 94 secondees had supported the work of the OTP (with a further 10 secondees being confirmed for the coming months). The majority of the secondees was provided by WEOG, followed by the East European States and by the Asian-Pacific States Group. By the end of the first quarter of 2024, 59 seconded experts were contributing to the work of the Office, and 35 secondees had offboarded upon completion of their assignment. The secondees mainly included investigators, legal experts, and analysts from various fields of expertise but also many forensic and cyber experts, as well as experts on gender and child-based crimes. Furthermore, the Committee was informed that based on their specific

²¹ The OTP Trust Fund was established on 24 March 2022 with an estimated amount of €15.0 million and an anticipated duration of three years. The contributions are used to support the work of the Office in the following priority areas: (i) Use of new advanced technological tools and equipment for the collection, analysis and language-processing of evidence; (ii) Provision of enhanced psycho-social support to witnesses and survivors, as well as broader additional witness protection and support measures; and (iii) Enhancement of dedicated and specialised capacity with respect to investigations into crimes of sexual and gender-based violence and crimes against children.

²² *Ibid.*

expertise and the operational necessity, the secondees were assigned to 27 teams, both unified teams and thematic/specific technical teams.

84. As already indicated in the PPB 2024, the Prosecutor had transitioned his requests for secondments to more specialised and/or technical fields. The Prosecutor outlined these new requirements in a new Note Verbale dated 6 March 2024 to the States Parties. In order to ensure the sustainability of the enhancement and modernisation of the Office, the requirements focus on four aspects:

- (a) support the upcoming “Project Foresight”;²³
- (b) increase knowledge transfer;
- (c) ensure a clear distinction between core investigative and analytical functions carried out by the Office and more specialised technical areas covered by secondees; and
- (d) enable the OTP to transition to a more targeted and specialised approach for the secondment of national experts.

85. The Committee also observed the establishment of a feedback process, which invites releasing entities to provide feedback and suggestions regarding the secondment process from their perspective. Regular surveys are conducted to gather feedback from secondees, encompassing the entire process from onboarding, training, providing their service, to off boarding. Additionally, secondees are automatically enrolled in the OTP and Court-wide onboarding sessions.

3. OTP Trust Fund on Geographical Diversity

86. On 1 December 2023, the Prosecutor announced in a Note Verbale the establishment of the Trust Fund for Geographical Diversity and invited States Parties to voluntarily contribute to this fund, which is currently envisaged to be closed on 30 September 2025. This fund is supposed to support States Parties qualifying as developing economies and economies in transition to provide secondees to the OTP. As at 31 December 2023, two contributions had been made totalling approximately €0.7 million. To support necessary administrative functions in the OTP and the Registry, a levy of 13.0 per cent of the programme expenditure is charged. So far, no secondees have onboarded through this Fund. The Committee was informed that the Court is in contact with eligible States Parties about the advantages of participating in the programme.

RECOMMENDATION

87. The Committee requested that the OTP update the Committee on all its Trust Funds and on Secondees at its forty-seventh session in spring 2025.

4. OTP Forensic Science Section

88. The Committee took note of the fact that the OTP is improving its forensic investigation capability by building a new hub of forensic science expertise to align with the OTP strategic goals. There are several investigation disciplines included in this Forensic Science Section (“FSC”) and the changes are impacting all of them and the processes in the Section.

89. The capacity was strengthened after the approval of new temporary and established posts in the 2024 programme budget. In total there are six approved posts in the FSC. At the same time external support from rotations and secondments contributed 11 additional experts to the Section. According to the report, this posture describes a new skeleton structure for the Section where there are at least two experts per investigation type.

90. The injection of additional resources and modernisation of the methods and tools offered by such new technologies have helped the Section to keep up with changing requirements regarding forensic investigations. The OTP is convinced that this strategy will limit the risks and costs of the investigation

²³ Project Foresight is an Information Fusion Centre (“IFC”) to provide United Teams, for example, with information at their request, which is either available in a database held by the IFC or which will be collected by the IFC from various sources, for example, open-source intelligence, geospatial/satellite imaging, military analysis, and then processed for the needs of the user before being passed on.

process and is compatible with the principle of complementarity and the coordination of activities involving forensic partnerships and external forensic networks.

91. As the forensic investigation capacity is increased, additional non-staff resources are required, such as hosting meetings, training programmes and modern methods and tools. In addition, efficiencies are also expected when relying less on witness testimony during trials so that the number of witnesses at trials may be reduced. The OTP has not provided details to the Committee about the financial or budgetary implications for the regular budget when moving to the new skeleton structure.

RECOMMENDATION

92. The Committee requested that the OTP provide details on the Forensic Science Section in terms of its structure, number of staff and levels, and total budget at its forty-fifth session.

V. Audit matters

1. Update on the work of the nineteenth session of the Audit Committee²⁴

93. The Committee was briefed on the main findings of the nineteenth session of the Audit Committee ("AC") regarding ethics, governance, oversight of internal and external audit matters and the follow-up on the implementation of recommendations.

94. The AC acknowledged the heightened risk profile encountered by the Court and recommended that the Court's security initiatives receive prompt and adequate funding and resources. This would facilitate the timely implementation of necessary measures to mitigate both current and potential future risks.

95. The Committee in particular took note of the benefits contract of the current External Auditor, the Board of Audit and Inspection of the Republic of Korea ("BAI") being extended for a further period of four years and the recommendation by the AC that the Assembly approve the renewal of the External Auditor's contract for the financial years 2025-2028. It is the Committee's understanding that constructive discussions will take place between the External Auditor, the Court, and the AC on the ways in which their cooperation can be improved.

96. The Committee supported the recommendation of the Audit Committee that the Assembly approve the renewal of the contract of the current External Auditor for another four years from 2025-2028.

2. Implementation of recommendations made in the performance audit on Legal Aid²⁵

97. The Committee received an update on the status of the Court's progress on the implementation of the External Auditor's recommendations made in the 2023 Performance Audit on Legal Aid. The performance audit highlighted a range of areas the Court needed to address. The Court reported that it had made progress on implementing these recommendations. The Committee observed that the adoption of the new legal aid policy would assist with implementation.

RECOMMENDATION

98. The Committee will continue to monitor the implementation status of these recommendations and recommended that the Court update it on the progress made with implementing the recommendations of the External Auditor on legal aid at its forty-seventh session.

²⁴ Report of the Audit Committee on the work of its nineteenth session, AC/19/5/AV.

²⁵ ICC-ASP/22/25, para. 305; Resolution ICC-ASP/22/Res.4, Section I, para. 2.

3. Update on the action plan for the implementation of the External Auditor's recommendations on temporary personnel²⁶

99. The Committee considered the updated action plan concerning the recommendations arising from the performance audit of temporary personnel carried out by the External Auditor in 2022.

100. The External Auditor issued nine recommendations (see Annex V). The Committee observed that, as per the update in February 2024, two recommendations had been fully implemented (Recommendations 3 and 5); one recommendation had been partially implemented (Recommendation 9); and six recommendations were in progress. Furthermore, the Committee noted that the non-implementation of two recommendations in progress was justified by the need to align these recommendations with the introduction of the tenure policy as of 1 January 2025.

RECOMMENDATION

101. The Committee expressed its concern about the timescale needed for some recommendations made by the External Auditor on temporary personnel that had not been implemented and recommended that all recommendations should be implemented by the end of 2024. In the event that implementation requires an in-depth analysis (see recommendations 2 and 4(a)), a new deadline may be considered. The Committee recommended that it be updated on the status of implementation at its forty-seventh session.

VI. IT and security matters

1. Update on IT and cybersecurity

102. The Court presented three documents to the Committee for consideration:

- Background paper on the 15 September cyberattack;
- Special Fund for Security – Priority components for 2024; and
- Terms of reference of the Special Fund for Security (including as Annex: Preliminary Blueprint of the Implementation of the Special Fund's Two Pillars and Estimated Costs).

103. These documents were previously also made available to the States Parties. The Registrar and the head of IMSS gave further updates during the session.

104. From the information provided in the documents and during the oral presentations the Committee learned that:

- i. The direct financial cost for the Court to mitigate the cyber incident in the autumn of 2023 amounted to approximately €1,000.0 thousand, which was absorbed by the 2023 regular budget.
- ii. The key priority components of the Blueprint for 2024 total approximately €4.5 million, focusing resources on the most critical elements to mitigate risks effectively. In addition to financial allocations (currently about €2.0 million), in-kind voluntary contributions and expertise secondments would contribute significantly, amounting to around €2.2 million. The rest will have to be covered by further pledges to the Trust Fund and by the regular budget.
- iii. The Court is upgrading its cybersecurity infrastructure, incorporating various measures such as extended monitoring and detection tools. Additionally, a Cloud Security Operations Centre will be established to enable round-the-clock monitoring. Efforts also involve maintaining up-to-date systems and patches, decommissioning outdated systems, and intensifying cybersecurity training for all personnel.
- iv. The Court is finalizing a detailed plan ("Blueprint") based on a comprehensive threat assessment and cybersecurity review. This Blueprint for a Cybersecure Future has been prepared based on a Cyber

²⁶ ICC-ASP/22/15, para. 103.

Security Review (prepared by the host State recommended cybersecurity company in January 2024) and has been consulted with seven leading cybersecurity agencies of States Parties.

- v. The Blueprint delineates essential investments aimed at strengthening an ICT architecture capable of withstanding future cyberthreats. Estimated costs for full implementation range between €11,410.0 thousand and €16,575.0 thousand for one-time non-recurring investments, with recurring running costs projected as amounting to between €1,070.0 thousand and €1,370.0 thousand. These figures will be further specified and adjusted in accordance with the detailed preparation of the Blueprint.

Pillar I of the Blueprint focuses on Information Security Investments, which involve non-current exceptional investments aimed at redesigning, strengthening, and upgrading the Court's information security tools, infrastructure, and capabilities. Pillar II then addresses physical security enhancements and encompasses one-off exceptional security investments.

105. The Committee commended the Court for its swift response to the cyberattack and the immediate actions taken, as well as for preparing plans against future cyberattacks.

106. The Court's operations rely entirely on a secure IT Infrastructure. Any breach of this security not only has an impact on the Court's operations but also directly jeopardises the lives and well-being of victims, witnesses, and Court staff. Recent incidents have underscored the reality of cyber threats, with the risk level remaining very high in the future.

107. The Committee also reiterated the AC's recommendation that the Court's security initiatives receive expeditious and adequate funding and resources, thus enabling the timely execution of necessary measures to mitigate both current and potential future risks.

2. Trust Fund for Security

108. The Trust Fund for Security was launched at the end of 2023, and its Terms of Reference have been circulated. This time-bound Fund was designed to furnish the Court with dedicated resources for the Blueprint, particularly in the context of the heightened threat environment.

109. Due to the inflow of donations to the Fund falling significantly short of what is required for a rapid response and improvements to the Court's cybersecurity defence, the Court has proposed a prioritisation plan for 2024 (see above).

110. In situations where time is of the essence, additional funds would enable the Court to expedite the process of enhancing the cybersecurity architecture and defence capacity as swiftly as possible. The Special Fund will operate for a period of two years, with possible extension for one additional year.

3. The way forward

111. The Security Fund is a time-bound fund set up under exceptional circumstances. Given the central importance of the Court's information and communication technology, the Court's IT and cybersecurity systems need to be constantly upgraded. Such key investments, therefore, should in principle be covered by the regular budget.

112. The Committee was briefed on the Court's intention to include a request for cybersecurity enhancement investments in the 2025 PPB, with a high likelihood of a similar request being made in the 2026 PPB as well. These investments will also have an impact on the Court's ongoing IT operational or running costs once they are implemented. As the outlook for the 2025 PPB and 2026 PPB is being prepared, no specific numerical budgetary indications were presented to the Committee at this time. Based on the current version of the Blueprint and considering the level of resources in the Special Fund, a substantial request can be expected.

113. The Court also updated the Committee on its plans to continue with the adjusted IT capital replacement plan, alongside the implementation of an amended IT strategy for the period 2023-2025, in addition to the ongoing cybersecurity rebuilding efforts. The updated budgetary impact will be presented along with the 2025 PPB. Both the IT capital replacement and IT strategy will necessitate substantial additional investment.

RECOMMENDATIONS

114. The Committee requested that the Court keep the different IT investment items, as well as funding scenarios, clearly separate in its budget requests to better identify security-related items.

115. The Committee also requested that the Court finalise the final version of the Blueprint along with the 2025 proposed programme budget.

4. Report on security changes to grant delegates access to the staff cafeteria.

116. The Committee received the delayed report of the Court on the possibility of granting access to the staff cafeteria to delegates of States Parties.²⁷ It will revisit this matter at its forty-fifth session once budgetary details for the project have been provided.

VII. Premises

1. Capital replacement: future contract setup and the multi-year financing plan

117. The Committee considered the “Report of the Court on the independent assessment of the Headquarters premises and the review of its capital replacement plans”²⁸ presented on 11 April 2024.

118. The independent and risk-based assessment of the building and the elaboration of a medium and long-term capital replacement plan, as suggested by the pro-bono expert, was drawn up by the external property assessment firm Brink and presented to the Court in August 2023.

119. It concluded that the premises and their assets are generally in good condition, but that, however, capital expenditure is required to maintain business continuity. It presented its findings, drew up a short-, medium- and long-term capital replacement plan and recommended the main contractor model as the most suitable solution for the Court’s maintenance and capital replacement, made recommendations concerning the contractual and organisational design and proposed the reinforcement of the Facilities Management Unit to improve the internal technical asset management and policy/quality management.

120. Furthermore, Brink emphasised an essential aspect to ensure effective and efficient upkeep of the premises will be the establishment of a robust Facilities Management Unit (“FMU”) capable of professionally overseeing the proper implementation of a main contract covering maintenance and capital replacement. Additionally, periodic impartial building surveys and legally required safety surveys may further assist in this regard.

121. The Court concurred with Brink’s findings and recommendations, proposing a multi-year roll-out plan over the next twenty years. Due to the urgency of several short-term capital replacements related to health and safety, legal compliance, and direct business continuity risks totalling approximately €1.6 million, the Court suggested initiating the medium- and long-term replacement plan in 2025. Investments in the medium term (years two to five) and long-term (years six to 20) are forecast to amount to €3.0 million and €2.3 million per year respectively.

122. The Court proposed a timeline for the implementation of the recommended capital replacement model for the years 2024 to 2027. The new maintenance contract comprising preventive and corrective maintenance, as well as capital replacement, would commence in 2028.

123. The current maintenance contract expiring at the end of 2024 will have to be prolonged for another three years, the time needed, *inter alia*, to strengthen the FMU and allow for the tender process for the new contract. The current maintenance contract will also have to be adapted in light of the identified capital replacement requirements for these years.

124. Throughout both the interim and long-term periods, the need for the capital replacement to be fully justified and limited only to those elements, whose replacement are absolutely necessary will have to remain the overarching principle.

²⁷ CBF/44/20.

²⁸ CBF/44/18.

RECOMMENDATION

125. The Committee took note of the Court's suggestion to follow the recommendations of the consultancy report and recommended that the Court assure the appropriate in-house capacity for the implementation of the main contract and the passage towards the required mid- and long-term capital replacement programme.

VIII. Other matters**1. Update on the ICSC²⁹**

126. The Committee was briefed by the Acting Executive Director of the Secretariat of the ICSC office in New York on the progress made towards the inclusion of the Court as a full member in the ICSC system. The pending issue until full membership remains the Court's acceptance in writing of the ICSC statute and formal notification of such acceptance to the Secretary-General of the United Nations (with a copy to the ICSC). In this regard, the Court will be proposing draft language to be included in the budget resolution for 2025 for consideration of the Assembly. Information on the mandates and functions of the ICSC, and of the international organisations and agencies that are part of it, was also received.

127. The Committee was provided with pertinent information regarding the benefits of the Court becoming a full member of the ICSC, highlighting the opportunity to actively participate in the ICSC's decision-making process.

2. Feasibility of regional representations of the Court

128. The Court submitted a report examining the feasibility establishing regional representations of the Court in the Asia-Pacific region, Latin America and Caribbean, Africa and Eastern Europe, as requested by the Assembly.³⁰

129. The Court submitted the report to the Bureau and decided to share it with the Committee. The Assembly specifically asked the Registrar to also report on the budgetary implications, and ways of maximising the use of existing resources.

130. The Committee noted that the report did not include sufficient information on budgetary implications related to the regional representations.

3. Briefing by the Staff Union Council

131. The President of the ICC Staff Union Council briefed the Committee on staff-related matters such as working culture, wellbeing, recruitment practices, restructuring processes and the findings of the 2023 Staff Pulse Engagement Survey.

4. Update from the Ombuds

132. The Committee received an update from the Ombuds, who explained that the first year at the Court had been intensive. The services provided by the Ombuds were effectively communicated across the Court, and the uptake from staff had been satisfactory thus far.

133. In response, the Committee welcomed the presence of the Ombuds and expressed appreciation for the Court's commitment to its function. Additionally, the Committee was informed by the Ombuds that the activity report for 2023 would be circulated.

5. Briefing by the Coalition for the ICC

134. The Committee welcomed the Coalition for the ICC and expressed appreciation for their continued commitment to the Court.

²⁹ Resolution ICC-ASP/22/Res.4, Section M, para. 5.

³⁰ Assembly Resolution ICC-ASP/22/Res.3, para. 59.

IX. Other organisational matters

1. Attendance and services for the forty-fourth session

135. The following members attended the forty-fourth session of the Committee:

1. Ms. Sanyu Awori (Kenya);
2. Ms. Jasleen Chaona Chirembo (Malawi);
3. Mr. Werner Druml (Austria);
4. Mr. Fawzi A. Gharaibeh (Jordan);
5. Mr. Urmet Lee (Estonia);
6. Mr. Daniel McDonnell (United Kingdom);
7. Ms. Mónica Sánchez Izquierdo (Ecuador);
8. Ms. Elena Sopková (Slovakia);
9. Mr. Klaus Stein (Germany);
10. Mr. Pascual Tomás Hernández (Spain);
11. Ms. Ana Patricia Villalobos Arrieta (Costa Rica); and
12. Mr. Jun Yamada (Japan).

136. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and with his team assisted in providing the necessary substantive and logistical support to the Committee.

2. Participation of observers

137. Representatives from the Presidency, the OTP, the Registry, the Staff Union Council, the Coalition for the International Criminal Court, and the Ombuds addressed the Committee and participated in the session. The Committee wished to thank the observers for their input to the discussions.

Annex I: Agenda of the forty-fourth session

1. Opening of the session

- (a) Adoption of the agenda and organization of work
- (b) Participation of observers
- (c) Welcoming remarks by the President of the Court

2. Workshop

- (a) Practices for replenishment of Contingency Funds³¹
- (b) New precautionary fund:³² financial risks deriving from UNCS increases and the reserve fund proposal
- (c) Improvement of budgetary predictability³³
- (d) Transparent budget presentation proposals³⁴ (Budgetary process;³⁵ Annual Court/ Programme-wide efficiency targets³⁶)

3. Financial and budgetary matters

- (a) Programme performance of the 2023 budget and 2024 first quarter
- (b) Status of contributions
- (c) States in arrears
- (d) Performance of the Court's legal aid system in 2023
- (e) Review of travel budgeting and ticketing³⁷
- (f) Report on the Court's Key Performance Indicators³⁸

4. Human resources' matters

- (a) Annual report on Human Resources Management
 - 1. Update on National Professional Officer and United Nations Volunteers³⁹
 - 2. Update on geographical distribution and gender balance⁴⁰
- (b) Implications of Reallocation of resources from country office to the Headquarters⁴¹
- (c) Update on the ICSC⁴²
 - 1. Presentation by the ICSC representative
- (d) Update on the discontinuation of the unapproved General Temporary Assistance⁴³

³¹ Resolution ICC-ASP/22/Res.4, Section D, para. 4.

³² ICC-ASP/22/25, paras. 243.

³³ Resolution ICC-ASP/22/Res.4, Section L, para. 10.

³⁴ ICC-ASP/22/15, para. 11; Resolution ICC-ASP/22/Res.4, Section K, para. 7.

³⁵ *Ibid.*, Section L, para. 7.

³⁶ *Ibid.*, Section K, para. 6.

³⁷ *Ibid.*, Section Q, para. 3.

³⁸ Pursuant to the change in the approach to KPI's of the ICC Strategic plan, the Court proposes to submit a report for the first time on this matter.

³⁹ ICC-ASP/22/15, para. 72.

⁴⁰ *Ibid.*, para. 78.

⁴¹ ICC-ASP/22/25, para. 100.

⁴² Resolution ICC-ASP/22/Res.4, Section M, para. 5.

⁴³ ICC-ASP/22/15, para. 90.

5. OTP Trust Fund

- (a) Update on the OTP Trust Fund and the secondees⁴⁴
- (b) OTP Forensic Science Section - changing requirements and organisational structure⁴⁵

6. Audit matters

- (a) Update on the work of the nineteenth session of the Audit Committee⁴⁶
- (b) Implementation of recommendations of the performance audit on Legal Aid,⁴⁷ and update on the Legal Aid System
- (c) Update on the action plan for the implementation of the External Auditor's recommendations on temporary personnel⁴⁸

7. IT and security matters

- (a) IT Security report
- (b) Update on IT and cybersecurity⁴⁹

8. Premises

- (a) Capital replacement: future contract setup and the multi-year financing plan⁵⁰
- (b) Report on security changes to grant Delegates access to the cafeteria⁵¹

9. Other matters

- (a) Briefing by the Registrar
- (b) Special fund on security
- (c) Briefing by the Staff Union Council
- (d) Update from the Ombuds⁵²
- (e) Briefing by the CICC
- (f) Feasibility report on establishing Regional Representations

⁴⁴ ICC-ASP/22/25, para. 269.

⁴⁵ *Ibid.*, para. 63.

⁴⁶ Report of the Audit Committee nineteenth session, AC/19/5/AV.

⁴⁷ ICC-ASP/22/25, para. 305; Resolution ICC-ASP/22/Res.4, Section I, para. 2.

⁴⁸ ICC-ASP/22/15, para. 103.

⁴⁹ ICC-ASP/22/25, para. 171.

⁵⁰ *Ibid.*, para. 190; Resolution ICC-ASP/22/Res.4, Section G, para. 5.

⁵¹ *Ibid.*, Section G, para. 7.

⁵² ICC-ASP/22/25, para. 314.

Annex II: Status of outstanding assessed contributions as at 31 March 2024⁵³

		Outstanding contributions ¹							
	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2024				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
1	Afghanistan	-	2,117	46,559	706	18,350	-	67,732	2021-2024
2	Albania	-	-	-	-	28,075	-	28,075	2024
3	Andorra	-	-	-	-	17,616	-	17,616	2024
4	Antigua and Barbuda	-	1,116	44,845	186	6,973	-	53,120	2015-2024
5	Argentina	-	-	4,420,461	-	2,527,334	-	6,947,795	2022-2024
6	Armenia	1,930	-	-	-	22,570	2,863	27,363	2024
7	Australia	-	-	-	-	-	-	-	-
8	Austria	-	-	-	-	-	-	-	-
9	Bangladesh	-	-	-	-	-	-	-	-
10	Barbados	-	-	25,956	-	28,075	-	54,031	2023-2024
11	Belgium	-	-	-	-	-	-	-	-
12	Belize	-	-	-	-	-	-	-	-
13	Benin	-	-	-	430	17,616	-	18,046	2024
14	Bolivia (Plurinational State of)	-	-	61,752	-	66,794	-	128,546	2023-2024
15	Bosnia and Herzegovina	-	-	-	-	-	-	-	-
16	Botswana	-	-	-	-	-	-	-	-
17	Brazil	-	-	69,463	416,882	7,075,729	-	7,562,074	2023-2024
18	Bulgaria	-	-	-	6,679	196,895	-	203,574	2024
19	Burkina Faso	-	-	7,508	165	14,129	-	21,802	2023-2024
20	Cabo Verde	-	-	-	143	3,486	-	3,629	2024
21	Cambodia	-	-	-	441	18,350	-	18,791	2024
22	Canada	-	-	-	-	-	-	-	-
23	Central African Republic	8	1,058	21,885	143	3,486	-	26,580	2015-2024
24	Chad	-	462	28,853	154	10,459	-	39,928	2021-2024
25	Chile	-	-	-	-	1,476,251	-	1,476,251	2024
26	Colombia	-	-	-	-	-	-	-	-
27	Comoros	8	1,086	35,500	143	3,486	46	40,269	2007-2024
28	Congo	335	5,362	154,524	706	17,616	73	178,616	2012-2024
29	Cook Islands	-	-	-	141	3,486	-	3,627	2024
30	Costa Rica	-	-	-	-	-	-	-	-
31	Côte d'Ivoire	-	-	-	-	5,831	-	5,831	2024
32	Croatia	-	-	-	-	-	-	-	-
33	Cyprus	-	-	-	-	-	-	-	-
34	Czechia	-	-	-	-	-	-	-	-
35	Democratic Republic of the Congo	-	96	46,559	32	18,350	-	65,037	2021-2024
36	Denmark	-	-	-	-	1,943,807	-	1,943,807	2024
37	Djibouti	-	-	-	143	3,486	-	3,629	2024
38	Dominica	-	429	8,701	143	3,486	-	12,759	2021-2024
39	Dominican Republic	-	-	3,905	6,392	235,429	-	245,726	2023-2024
40	Ecuador	-	-	261,992	-	270,661	-	532,653	2022-2024
41	El Salvador	-	-	42,243	-	45,691	10,168	98,102	2023-2024
42	Estonia	-	-	-	-	-	-	-	-
43	Fiji	-	-	-	262	14,129	-	14,391	2024
44	Finland	-	-	-	-	-	-	-	-
45	France	-	-	-	-	-	-	-	-
46	Gabon	-	7,172	159,608	1,793	45,691	-	214,264	2020-2024
47	Gambia	-	286	6,097	143	3,486	-	10,012	2022-2024
48	Georgia	-	-	-	-	-	-	-	-
49	Germany	-	-	-	-	-	-	-	-
50	Ghana	-	-	70,716	1,986	84,410	-	157,112	2023-2024
51	Greece	-	-	-	-	1,142,466	-	1,142,466	2024
52	Grenada	-	143	3,223	143	3,486	-	6,995	2023-2024
53	Guatemala	-	-	-	3,832	144,047	-	147,879	2024
54	Guinea	134	1,086	66,351	143	10,459	84	78,257	2011-2024
55	Guyana	-	-	-	-	-	-	-	-
56	Honduras	-	-	17,613	1,136	31,562	-	50,311	2023-2024
57	Hungary	-	-	-	-	-	-	-	-
58	Iceland	-	-	-	-	-	-	-	-
59	Ireland	-	-	-	-	-	-	-	-
60	Italy	-	-	-	-	11,209,416	-	11,209,416	2024
61	Japan	-	-	-	-	26,154,384	-	26,154,384	2024
62	Jordan	-	-	71,422	-	77,253	-	148,675	2023-2024
63	Kenya	-	-	-	1,850	105,512	-	107,362	2024
64	Kiribati	-	-	-	-	3,486	385	3,871	2024
65	Latvia	-	-	-	-	175,792	-	175,792	2024

⁵³ As per the Monthly financial situation report prepared by the Court.

		Outstanding contributions ¹							
	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2024				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
66	Lesotho	-	-	143	3,486	-	3,629	2024	
67	Liberia	-	977	18,913	143	3,486	23,519	2016-2024	
68	Liechtenstein	-	-	-	35,232	-	35,232	2024	
69	Lithuania	-	-	-	-	-	-	-	
70	Luxembourg	-	-	-	239,099	-	239,099	2024	
71	Madagascar	-	860	24,711	430	14,129	40,130	2022-2024	
72	Malawi	-	287	6,447	287	6,973	13,994	2023-2024	
73	Maldives	-	-	-	-	-	-	-	
74	Mali	-	1,148	30,808	574	17,616	50,146	2022-2024	
75	Malta	-	-	-	66,794	-	66,794	2024	
76	Marshall Islands	-	-	-	-	-	-	-	
77	Mauritius	-	-	-	66,794	-	66,794	2024	
78	Mexico	-	-	-	4,291,863	-	4,291,863	2024	
79	Mongolia	-	-	-	-	-	-	-	
80	Montenegro	-	-	-	-	-	-	-	
81	Namibia	-	-	-	31,562	-	31,562	2024	
82	Nauru	-	-	3	3,486	-	3,489	2024	
83	Netherlands	-	-	-	240,158	-	240,158	2024	
84	New Zealand	-	-	-	-	-	-	-	
85	Niger	-	-	231	10,459	-	10,690	2024	
86	Nigeria	-	-	114,731	12,785	639,678	767,194	2023-2024	
87	North Macedonia	-	-	1,136	24,589	-	25,725	2024	
88	Norway	-	-	-	-	-	-	-	
89	Panama	-	749	293,067	749	316,353	610,918	2022-2024	
90	Paraguay	-	1,423	86,594	1,423	91,383	180,823	2022-2024	
91	Peru	-	-	-	143,457	-	143,457	2024	
92	Poland	-	-	-	-	-	-	-	
93	Portugal	-	-	-	-	-	-	-	
94	Republic of Korea	-	-	-	-	-	-	-	
95	Republic of Moldova	-	-	-	17,616	-	17,616	2024	
96	Romania	-	-	-	77,275	-	77,275	2024	
97	Saint Kitts and Nevis	-	-	-	-	-	-	-	
98	Saint Lucia	-	-	-	-	-	-	-	
99	Saint Vincent and the Grenadines	-	-	143	3,486	-	3,629	2024	
100	Samoa	-	-	-	3,456	-	3,456	2024	
101	San Marino	-	-	-	-	-	-	-	
102	Senegal	-	-	-	5,419	-	5,419	2024	
103	Serbia	-	-	-	-	-	-	-	
104	Seychelles	-	-	-	-	-	-	-	
105	Sierra Leone	-	-	-	3,258	-	3,258	2024	
106	Slovakia	-	-	-	-	-	-	-	
107	Slovenia	-	-	-	-	-	-	-	
108	South Africa	-	-	-	-	-	-	-	
109	Spain	-	-	-	7,501,080	-	7,501,080	2024	
110	State of Palestine	-	-	706	38,718	-	39,424	2024	
111	Suriname	-	441	9,670	441	10,459	21,011	2023-2024	
112	Sweden	-	-	-	-	-	-	-	
113	Switzerland	-	-	-	-	-	-	-	
114	Tajikistan	-	-	-	-	-	-	-	
115	Timor-Leste	-	-	38	3,486	-	3,524	2023-2024	
116	Trinidad and Tobago	-	-	-	130,101	-	130,101	2024	
117	Tunisia	-	-	5,112	66,794	-	71,906	2024	
118	Uganda	-	-	-	-	-	-	-	
119	United Kingdom	-	-	-	-	-	-	-	
120	United Republic of Tanzania	-	-	553	893	18,350	19,796	2023-2024	
121	Uruguay	-	-	-	323,326	-	323,326	2024	
122	Vanuatu	-	-	143	3,486	-	3,629	2024	
123	Venezuela (Bolivarian Republic of)	-	676,466	13,394,746	89,087	615,089	14,775,388	2014-2024	
124	Zambia	-	-	-	11,741	-	11,741	2024	
	Total	2,415	702,764	19,656,014	559,346	68,368,833	13,619	89,302,991	

Notes:

All amounts are in euros.

1) The amounts of outstanding contributions at the end of the month do not necessarily represent the full amount of contributions assessed for the current or prior years, as partial payments may have been made by States Parties. The amounts are as after 1 February 2024 adjustments following the accession of Armenia to the Rome Statute.

Detailed information is available at <https://iccextranet.sharepoint.com/sites/AssessedContributions>

2) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the Court's permanent premises by new States Parties that joined the Court after 2015.

Annex III: Geographical distribution

(1) Distribution of States Parties at 31 March 2024

	2016 Number		2024 Number		Change			
	States	Staff	States	Staff	Number		(%)	
					States	Staff	States	Staff
Over-represented	19	163	22	201	3	38	15.8	23.3
In-balance	16	38	15	99	-1	61	(6.25)	160.5
Under-represented	29	90	34	72	5	-18	17.24	(158.3)
Non-represented	60	0	53	0	-7	0	(11.66)	0
Non-State Party	21	40	26	58	5	18	23.8	45

Red: Negative trend.

(2) Distribution of established Professional staff by regional group as at 31 March 2024⁵⁴

	2016		2023		Change	
	No. Staff	(%)	No. Staff	(%)	No. Staff	(%)
Africans	56	16.9	70	16.3	14	25
Asians	23	6.9	36	8.4	13	56.5
East Europeans	28	8.5	49	11.3	21	75
GRULAC	26	7.9	35	8.1	9	34.6
WEOG	198	59.8	240	55.9	42	21.2
Total staff numbers	331	100	430	100	99	

(3) Distribution of higher grade level of Professional staff by regional group as at 31 March 2024

	Africans		Asians		Eastern Europeans		GRULAC		WEOG		Total per grade
	No.	%	No.	%	No.	%	No.	%	No.	%	
D-1	0	0	1	14.3	0	0	2	28.6	4	57.14	7
P-5	6	16.6	2	5.5	3	8.3	0	0	25	69.4	36
P-4	12	17.14	6	8.6	6	8.6	5	7.15	41	58.6	70
Total	18		9		9		7		70		

⁵⁴ GRULAC: Latin America and Caribbean Countries; WEOG: Western Europeans and other States.

Annex IV: Gender balance

(1) Distribution of all Professional grades by major programme as at 31 March 2024*

	2016					2023					Difference		Change (%)	
	F	M	Total	F	M	F	M	Total	F	M	F	M	F	M
	No.	No.	No.	%	%	No.	No.	No.	%	%				
Judiciary	16	17	33	48.5	51.5	24	14	38	63.2	36.8	8	-3	50	(18)
Office of the Prosecutor	63	81	144	43.8	56.2	92	103	195	47.2	52.8	29	22	46	27
Registry	89	89	178	50	50	113	99	212	53.3	46.7	24	10	27	11
Other programmes	5	7	12	41.7	58.3	15	7	22	68.2	31.8	10	0	200	0
Grand total	173	194	367	47.1	52.9	244	223	467						

*Excluding elected officials.

(2) Distribution by higher grade level as at 31 March 2023*

	2016 ⁵⁵					2023					Difference		Change (%)	
	F	M	Total	F	M	F	M	Total	F	M	F	M	F	M
	No.	No.	No.	%	%	No.	No.	No.	%	%				
D-1	1	10	11	9.1	90.9	2	5	7	29	71	1	-5	100	(50)
P-5	13	20	33	39.4	60.6	14	21	35	40	60	1	1	7.69	5
P-4	24	47	71	33.8	66.2	32	49	81	40	60	8	2	33.3	104.2
Other grades	135	117	252	53.6	46.4	195	133	328	59	41	60	16	44.4	13.67
Total	173	194	367	47.1	52.9	243	208	451						

*Excluding elected officials.

⁵⁵ Data was as of 31 July 2016.

Annex V: Recommendations of the External Auditor on temporary personnel (Action Plan)

	Recommendations	Initial Deadline	Update February 2024
1	The External Auditor recommends the Court to conduct a study to improve the relevancy and transparency of the GTA budget, which would include reviewing the necessity of long-term vacant GTA positions, without limiting the Court's ability to address fluctuating staffing needs.	July 2024	In progress. Vacant GTAs were reviewed during the 2024 PPB process and the need for continuation of the positions was determined on a post-by-post level, including the work-month. A vacancy rate, which is a global budgetary tool, would not add value to the current detailed review.
2	The External Auditor recommends the Court to determine whether it is necessary to apply standard vacancy rates to GTA positions that have been extended beyond the calendar year, as the CBF recommended in 2014, to ensure that the level of funding for GTA reflects the staffing demands accurately.		
3	The External Auditor recommends the Court to create a separate budget-line for individual contractors.	July 2023	Implemented.
4	The External Auditor recommends the Court to: a) Establish a plan either to include the existing GTA category "B" and "C" positions in the Proposed Programme Budget or to discontinue them after reviewing their operational needs and submit the plan to the CBF and ASP for approval, while providing the CBF and ASP with progress reports every year; and b) Refrain from the practice of creating or continuing "unapproved" GTA positions (category "B" and "C" positions) in the future and use STAs instead to address staffing needs of less than a calendar year that are unexpected or unforeseen when the budget is proposed.	To be determined	In progress. No change in status as the Assembly decided to implement a tenure policy as of 1 January 2025 (Resolution ICC-ASP/22/Res.7).
6	The External Auditor recommends the Court to implement the reform of the GTA policy proposed in 2015 and 2017 and promulgate an Administrative Instruction on duration and extension of fixed-term appointments funded against GTA.		
5	The External Auditor recommends the Court to conduct a holistic review of the existing GTA positions to determine the positions that need to be converted into established posts, which should gradually replace the established posts that are no longer needed and should be abolished.	N/A (implemented)	Implemented.
7	The External Auditor recommends the Court to: a) Report annually the list of vacant positions covered by STA to the CBF, in order to ensure that the STA positions are not maintained longer than the duration needed to fill vacant positions or replace the staff on extended leave; b) Report to the CBF the list of STAs that were exceptionally extended beyond one year; and c) Refrain from the practice of extending short-term appointments beyond one year without justifiable reasons for extension set out in the Administrative Instruction on Short-term Appointments.	a) and b) May 2023 c) N/A (implemented)	In progress. The Court is still in the process of developing a reporting tool on STAs beyond one year. To be determined.
8	The External Auditor recommends the Court to include professional staff in approved GTA positions when setting targets for geographical representation and report to ASP the progress to be made in geographical representation based on the comparison to the targets if GTA positions are operated for the multi-year service period as they are today.	8) March 2024	In progress. As part of the Court-wide GRGB workshop which took place at the end of 2023, the Court has given a preliminarily positive assessment regarding the inclusion of professional staff in approved GTA positions when analysing data and setting objectives for GRGB in the future. In 2024, the Court will look into options and solutions regarding this proposal and report on its feasibility in next year's report on human resources management.
9	The External Auditor recommends the Court to: a) Compose panel striving for diversity of regions, where possible; and b) Strive to achieve meaningful outcomes toward the equitable geographical representation by employing various methods such as establishment of rules to prioritise candidates from non- and under-represented States Parties in the recommendation process by hiring managers in response to requests for candidates to be appointed from rosters.	9a) N/A (implemented) 9b) March 2024	Partially implemented. Regarding a), the Court considers that this recommendation has already been implemented. The Staff Selection AI has been put on hold during 2023 in the light of the discussions on tenure, and the envisaged possible impact of tenure on the draft AI. Clarity on tenure is expected for the summer of 2024 which is when consultations on the Staff Selection AI will be revived.

Annex VI: List of documents

Title
Agenda of the forty-fourth session
Report of the Court on IT and cybersecurity and CONF Annex: Explanatory Note to Terms of Reference for the Special Fund for Security
Report on the Court's development of internal processes for a financial forecast system with a view to improving budgetary predictability
Report on the practices of other international organizations regarding contingency funds and their replenishment
Report on financial risks deriving from UNCS increases
Update on the action plan concerning the recommendations arising from the external performance audit of temporary personnel
Registry's Report on the Implications of Reallocation of Resources from Country Offices to Headquarters
OIA Advisory Service – TOR: Review of the effectiveness of the change management process regarding the strategy of the Registry for field operations - OIA.04.24
Report of the Court on Human Resources Management
Summary of discussions and findings: Workshop on Geographical Representation and Gender Balance (31 October – 1 November 2023)
Report on the performance of the Court's legal aid system in 2023
Report on the changing requirements and organizational structure of the Office of the Prosecutor's Forensic Science Section
Report of the Court on the review of travel budgeting and ticketing. Annex: Review of travel budgeting, booking and ticket issuance; Report by Sage Travel Consulting
Report of the Court on Key Performance Indicators (KPIs) for 2023 and annex
Registry report on implementation of the external audit recommendations regarding legal aid and on reform of the legal aid system
Report on OTP Trust Funds and Seconded
Report on activities and programme performance of the International Criminal Court for the year 2023
Report on the desirability and feasibility of establishing regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute
Report of the Court on the independent assessment of the Headquarters premises and the review of its capital replacement plans; And Annex - Brink independent report
Detailed CaPex report
Risk Register for Security Systems by the Court
Report on budget performance of the International Criminal Court as at 31 March 2024
Report of the Court on the possibility of granting access to the staff cafeteria to delegates of States Parties
Report of the Audit Committee on the work of its nineteenth session – Advance version
