

## Resolution ICC-ASP/23/Res.6

Adopted at the 9th plenary meeting, on 6 December 2024, by consensus

### ICC-ASP/23/Res.6

## Resolution of the Assembly of States Parties on the proposed programme budget for 2025 and related policy and administrative matters

*The Assembly of States Parties,*

*Having considered* the 2025 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its forty-third session,<sup>1</sup> its forty-fourth session,<sup>2</sup> and its forty-fifth session,<sup>3</sup>

### **Part I: Budget matters**

#### **A. Programme budget for 2025**

1. *Approves* appropriations totalling €195,481,500 in the appropriation sections described in the following table:

<i>Appropriation section</i>		<i>Thousands of euros</i>
Major Programme I	Judiciary	16,285.4
Major Programme II	Office of the Prosecutor	62,185.5
Major Programme III	Registry	99,294.3
Major Programme IV	Secretariat of the Assembly of States Parties	3,438.7
Major Programme V	Premises	4,042.2
Major Programme VI	Secretariat of the Trust Fund for Victims	4,603.3
Major Programme VII-5	Independent Oversight Mechanism	1,117.2
Major Programme VII-6	Office of Internal Audit	929.8
Subtotal		191,896.4
Major Programme VII-2	Host State Loan	3,585.1
<b>Total</b>		<b>195,481.5</b>

2. *Decides* that, on a one-time basis, the amount of €928,100 of the total budget appropriations approved by the Assembly for the year 2025, comprising non-recurrent costs, shall be financed using the anticipated 2023 cash surplus arising from the payment of outstanding contributions and shall therefore not be assessed for contributions from States Parties;

3. *Notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

4. *Further notes* that these contributions, as well as the portion of the approved budget to be financed from the anticipated 2023 cash surplus, as exceptionally decided in paragraph 2 above, will bring down the level of the 2025 programme budget appropriations that need

<sup>1</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.1.

<sup>2</sup> *Ibid.*, part B.2.

<sup>3</sup> *Ibid.*, part B.3.

to be assessed for contributions by States Parties from €195,481,500 to €190,968,300, and that this amount will be assessed following the principles described in section B;

5. *Resolves* that, for 2025, assessed contributions for the budget amounting to €190,968,300 of the budget appropriations approved by the Assembly under paragraph 1 will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court; and

6. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat of the Assembly of States Parties</i>	<i>Secretariat of the Trust Fund for Victims</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG	-	1	-	-	-	-	-	1
ASG	-	2	1	-	-	-	-	3
D-2	-	-	-	-	-	-	-	-
D-1	-	3	3	1	1	-	1	9
P-5	2	19	22	1	-	1	-	45
P-4	4	38	45	1	4	2	1	95
P-3	21	99	82	2	2	-	2	208
P-2	12	92	95	1	5	1	-	206
P-1	-	21	6	-	-	-	-	27
<i>Subtotal</i>	<i>39</i>	<i>275</i>	<i>254</i>	<i>6</i>	<i>12</i>	<i>4</i>	<i>4</i>	<i>594</i>
GS-PL	1	2	15	1	-	-	-	19
GS-OL	11	76	275	3	4	1	1	371
<i>Subtotal</i>	<i>12</i>	<i>78</i>	<i>290</i>	<i>4</i>	<i>4</i>	<i>1</i>	<i>1</i>	<i>390</i>
<b>Total</b>	<b>51</b>	<b>353</b>	<b>544</b>	<b>10</b>	<b>16</b>	<b>5</b>	<b>5</b>	<b>984</b>

## B. Scale of assessment for the apportionment of expenses of the Court

*The Assembly of States Parties,*

1. *Decides* that for 2025, the contributions of States Parties should be provisionally assessed, based on the agreed scale of assessment published in the report of the United Nations Committee on Contributions,<sup>4</sup> in the absence of the approved scale for 2025, and adjusted in accordance with the principles on which the scale is based;<sup>5</sup>

2. *Further decides* that the final assessments shall be based on the scale adopted by the United Nations General Assembly at its 79th session for its regular budget, applied for 2025, and adjusted in accordance with the principles on which that scale is based; and

3. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

## C. Transfer of funds between major programmes under the 2024 approved programme budget

*The Assembly of States Parties,*

*Recognizing* that under regulation 4.8 of the Financial Regulations and Rules no

<sup>4</sup> A/79/11.

<sup>5</sup> Rome Statute of the International Criminal Court, article 117.

transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2024 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund; and
2. *Also decides* that the Court may transfer any remaining funds between major programmes at the conclusion of 2024 should some major programmes<sup>6</sup> not be able to absorb the additional costs relating to salary adjustments notified by the International Civil Service Commission whilst a surplus exists in other major programmes.

## **D. Development of budget proposals**

*The Assembly of States Parties,*

1. *Requests* the Court to present a sustainable budget proposal for its 2026 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2025 approved budget should be requested only when demonstrably necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;
2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities, including full costings of such changes, and *emphasizes* that these changes should avoid duplication of functions and positions between the different organs of the Court;
3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;
4. *Welcomes* the recommendation of the External Auditor<sup>7</sup> that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;
5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs<sup>8</sup> and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;
6. *Welcomes* the savings and efficiencies achieved by the Court in 2024 and projected for 2025, as set out in the annex to the proposed programme budget for 2025,<sup>9</sup> as well as the Court's commitment to continue this practice, *takes note* of the fact that instead of setting annual efficiency targets as requested by the Assembly, the Court promotes a culture of continuous improvement in identifying and implementing efficiencies and savings,<sup>10</sup> and *decides* to keep this matter under consideration;
7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its forty-seventh session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties;
8. *Requests* the Court to provide, as an annex to the draft budget proposal, an organigram with the number of full-time equivalent posts by section and office indicated, as a way to increase transparency on the organizational structure of the Court, and *further requests* the Chambers to provide a programme of work with detailed information on workload and

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<sup>6</sup> Excluding Major Programmes I, II and III.

<sup>7</sup> Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

<sup>8</sup> *Ibid.*, para. 213.

<sup>9</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part A, annex XIV.

<sup>10</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part A, para. 111.

calendar projections of all judicial activity based on available data, with due regard to confidentiality and the independence of the Court;

9. *Requests* the Court to provide, as an annex to the proposed programme budget, a table presenting the total costs by field office and a breakdown of costs, for each field office, directly related to the different stages of prosecutorial and judicial activities and workload with a view to increasing transparency, *underlines* that some Independent Expert Review recommendations address the issue of use of resources in the field and were assessed positively in 2022,<sup>11</sup> and *urges* the Court to continue to make full use of resources modulation and flexibility, including related to staff, in order to adapt to changes in activity and workload;

10. *Further requests* the Court and the Committee, in order to pursue cost effective and efficient practices, to consider as inflationary pressures only those costs related to changes in the United Nations Common System (UNCS) salary scales and non-staff inflation costs when there is a contract with a clear indication of price indexation (contractual obligations) and following negotiations with vendors; and

11. *Requests* the Committee, at its forty-seventh session, to discuss with the Court the usage of standard accounting terminology rather than the term “unavoidable costs”, and to report on the outcome of the discussions and any recommendations thereon, including on methodology, for the consideration of States Parties through the Budget Management Oversight topic.

## **E. A strategic approach to an improved budgetary process**

*The Assembly of States Parties,*

*Bearing in mind* the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out their duties,

1. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court, *emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *strongly encourages* the Committee to ensure that its reports are published no more than one month after its session;

2. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;

3. *Welcomes* the Court’s continued efforts to fully implement the “One-Court principle” when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;

4. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations of the External Auditor and to share with States Parties any update on the development of performance indicators;

5. *Welcomes* the continued steps taken by the Board of Directors and the Secretariat of the Trust Fund for Victims to increase the Fund’s efficiency and effectiveness in implementing its mandate, including those in line with relevant recommendations from the Independent Expert Review and the Independent Oversight Mechanism and the resolution on the review of the International Criminal Court and the Rome Statute system;<sup>12</sup>

6. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,<sup>13</sup> and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;

7. *Requests* the Court, in consultation with the Committee, to continue to develop its

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<sup>11</sup> ICC-ASP/21/18, para. 57.

<sup>12</sup> Resolution ICC-ASP/20/Res.3.

<sup>13</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.

budgetary process, guided by the Registry, by:

(a) Further strengthening the “One-Court principle” by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;

(b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;

(c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

(d) Continuing to explore ways to preserve the Court’s long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties; and

(e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability;

8. *Reiterates* its request to the Court, guided by the Registry, to develop an action plan to identify and implement measures to reduce avoidable costs incurred by each major programme, with concrete results to be presented to the twenty-fourth session of the Assembly of States Parties;

9. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

10. *Recalls* the recommendation of the Committee at its thirty-ninth session in relation to budget forecasting,<sup>14</sup> *notes* the progress made by the Court in this regard,<sup>15</sup> and *requests* the Court to continue to enhance its financial forecast system with a view to improving budgetary predictability and to report to the Committee at its forty-seventh session;

11. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

12. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

## **F. Working Capital Fund for 2025**

*The Assembly of States Parties,*

*Recalling* that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,<sup>16</sup>

*Recalling also* its resolution<sup>17</sup> at its twenty-first session that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year,

1. *Notes* that the Working Capital Fund for 2024 was established in the amount of €14.4 million;

2. *Also notes* that the current level of the Working Capital Fund is €11.5 million;

3. *Resolves* that the Working Capital Fund for 2025 shall be established in the amount of €15.6 million, and *authorizes* the Registrar to make advances from the Fund in accordance

<sup>14</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, para. 238.

<sup>15</sup> Report on the Court’s development of internal processes for a financial forecast system with a view to improving budgetary predictability (CBF/44/3).

<sup>16</sup> Financial Regulations and Rules, regulation 6.2.

<sup>17</sup> ICC-ASP/21/Res.1, section B, para. 3.

with the relevant provisions of the Financial Regulations and Rules of the Court; and

4. *Decides* that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

## **G. Contingency Fund**

*The Assembly of States Parties,*

*Recalling* its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

*Recalling also* that the Contingency Fund was established to ensure that the Court can meet: (a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; (b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and (c) costs associated with an unforeseen meeting of the Assembly,<sup>18</sup>

*Taking note* of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

*Recalling* that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,<sup>19</sup> and regulation 6.6 of the Financial Regulations and Rules,

*Noting* the reports of the Court<sup>20</sup> on the practices in place in other international organizations regarding contingency funds and their replenishment, as well as the related observations and recommendations of the Committee,<sup>21</sup>

1. *Notes* that the current level of the Contingency Fund is €1.5 million, and that after resorting to the 2022 cash surplus to replenish the Contingency Fund pursuant to the decision of the Assembly at its twenty-second session,<sup>22</sup> the level of the Contingency Fund will reach €5.6 million;

2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2025;

3. *Also decides* that the anticipated cash surplus from 2023 shall exceptionally be used to replenish the Contingency Fund;

4. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund; and

5. *Requests* the Court, the Judiciary, and the Secretariat of the Assembly of States Parties to absorb within their approved budgets for 2025 the following additional costs which may arise after the adoption of this resolution:

a) for the Court, in the event that financial sanctions are imposed on the Court, its officials or personnel, any additional costs in relation to the financial ramifications of such an event on the business continuity of the Court;

b) for the Judiciary, in the event that a further extension of the mandate of judges is required in 2025, any additional costs related to those extensions which cannot be covered from the anticipated 2023 cash surplus as set out in section A, paragraph 2; and

c) for the Secretariat of the Assembly of States Parties, any additional costs in relation to the review of the amendments on the crime of aggression<sup>23</sup> which cannot

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<sup>18</sup> Financial Regulations and Rules, regulation 6.6.

<sup>19</sup> *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

<sup>20</sup> CBF/44/4 and CBF/45/10.

<sup>21</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.2, paras. 41 to 45, and part B.3, paras. 261 to 272.

<sup>22</sup> Resolution ICC-ASP/22/Res.4, section D, para. 3.

<sup>23</sup> Resolution ICC-ASP/23/Res.1, annex I, para. 16(b).

be covered from the anticipated 2023 cash surplus as set out in section A, paragraph 2;

and *decides* that, after all such efforts have been exhausted, including the exceptional transfer of any funds between major programmes pursuant to relevant Assembly resolutions, the Court may exceptionally resort to the Contingency Fund for such additional resources, with due observance of the provisions set out in regulations 6.7 and 6.8 of the Financial Regulations and Rules.

## H. Outstanding contributions

*The Assembly of States Parties,*

1. *Notes with serious concern* the state of arrears and the report of the Bureau on the arrears of States Parties<sup>24</sup> and *welcomes* that the Court has received 94 per cent of the assessed contributions to the 2024 budget;

2. *Continues to underline* the importance of endowing the Court with the necessary financial resources and the relevant provisions of resolution ICC-ASP/4/Res.4 concerning timely payments of assessed contributions and arrears, *urges* all States Parties to pay their assessed contributions in full and on time in accordance with the Financial Regulations and Rules of the Court, and *decides* to keep the issue under review and continue to consider the relevant recommendations of the report of the Independent Expert Review, the Committee, the External Auditor and other bodies; and

3. *Recalls* the Court's development of guidelines<sup>25</sup> for States Parties which are in arrears and subject to the provisions of article 112, paragraph 8, of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans and to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* the Court to keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget, including via the monthly financial reports provided to States Parties.

## I. Referrals by the Security Council

*The Assembly of States Parties,*

*Recalling* article 115, paragraph (b), of the Rome Statute in relation to the expenses incurred due to referrals by the Security Council, as well as article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, requiring separate arrangements to set out the conditions under which the United Nations may provide the Court with funds subject to the approval of the General Assembly,

1. *Notes with concern* that the amount of €98.1 million, contained in the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,<sup>26</sup> has been borne exclusively by States Parties;

2. *Requests* the Court, guided by the Registry, to continue including this matter in its institutional dialogue with the United Nations and to report on the outcome of the discussions and any recommendations thereon to the twenty-fourth session of the Assembly.

## **Part II: Administrative and policy matters**

## J. Budget Management Oversight

*The Assembly of States Parties,*

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry

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<sup>24</sup> ICC-ASP/23/16.

<sup>25</sup> ICC-ASP/18/6.

<sup>26</sup> ICC-ASP/23/17.

and the Trust Fund for Victims are dynamic and updated on a regular basis;

2. *Recalls* the Strategic Plans (2023-2025) for the Court, the Registry, the Office of the Prosecutor, and the Trust Fund for Victims and *also recalls* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;

3. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;

4. *Invites* the Court, the Office of the Prosecutor, the Registry, and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans in writing, and *invites* the Court to hold annual consultations with the working groups of the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year;

5. *Welcomes* in this regard the report of the Court on Key Performance Indicators (KPIs) for 2023,<sup>27</sup> which presented the annual results of the KPIs as outlined in the International Criminal Court's Strategic Plan 2023-2025;

6. *Recalls* the management oversight responsibility entrusted to the Assembly of States Parties and the mandates of the Audit Committee, the Committee on Budget and Finance, the External Auditor and the Independent Oversight Mechanism as well as the Office of Internal Audit, and *encourages* these bodies to further intensify their coordination in order to optimize oversight capacity and reporting, ensure an effective division of labour and avoid duplication of competence and work;

7. *Welcomes* the continuous efforts of the oversight bodies to streamline their activities and *invites* them to continue their efforts in that regard;

8. *Welcomes* the increased interaction between these bodies and States Parties, and the initiatives to continue to improve such interactions including via informal meetings;

9. *Recalls* relevant decisions of the Assembly of States Parties concerning the Secretariat of the Assembly of States Parties,<sup>28</sup> as well as the respective recommendations of the former External Auditor,<sup>29</sup> *notes* the positive assessment by States Parties of the last part of recommendation 4 of the report of the former External Auditor on International Criminal Court governance oversight,<sup>30</sup> therefore *decides* to suppress the Executive Secretariat/Executive Secretary to the Committee on Budget and Finance and the Audit Committee, and *welcomes* efforts to further improve synergies and flexibility as regards the human resources of the Secretariat of the Assembly; and

10. *Notes* that the Secretariat of the Assembly of States Parties shall continue to provide the Committee on Budget and Finance and the Audit Committee with substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities,<sup>31</sup> taking into account the specificity of the mandate and competencies of the respective committees.

## **K. Audit**

*The Assembly of States Parties,*

*Having regard* to the Charter of the Audit Committee, adopted at its fourteenth session,<sup>32</sup> as amended,

*Noting* the recommendations of the Committee on Budget and Finance concerning

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<sup>27</sup> <https://www.icc-cpi.int/sites/default/files/2024-07/2024-KPI-ENG.pdf>.

<sup>28</sup> ICC-ASP/2/Res.3; *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part 2, footnote 9; and ICC-ASP/18/Res.1, annex, rule 16, para. 1. See also ICC-ASP/18/INF.7, Amendments to the Rules of Procedure of the Committee on Budget and Finance, rule 16, para. 1.

<sup>29</sup> External Auditor: Final report on the International Criminal Court governance oversight (ICC-ASP/20/6).

<sup>30</sup> Report of the focal point for the topic of Budget Management Oversight (ICC-ASP/23/30, annex I), para. 7.

<sup>31</sup> Resolution ICC-ASP/2/Res.3, annex, para. 4.

<sup>32</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, annex IV.



audit matters,<sup>33</sup>

*Recalling* the findings and recommendations in the final report of the Independent Expert Review of the International Criminal Court and the Rome Statute system related to Internal and External Oversight Mechanisms,<sup>34</sup> including the positive assessment given to recommendation R367<sup>35</sup> and the subsequent technical deliberations on the determination of the appropriate international audit standards,

*Recalling also* the External Auditor's final report on International Criminal Court governance oversight,<sup>36</sup>

1. *Welcomes* the reports of the Audit Committee on the work of its nineteenth and twentieth sessions;
2. *Decides* to extend the term of the External Auditor, the Board of Audit and Inspection of the Republic of Korea, so as to include the financial statements of the Court and the Trust Fund for Victims for the financial years 2025 to 2028;
3. *Welcomes* the confidential performance audit report on cybersecurity submitted by the External Auditor;
4. *Decides* to adopt the amended Charter of the Audit Committee as reflected in annex I to this resolution;
5. *Requests* the Secretariat of the Assembly of States Parties to circulate, through the diplomatic channel, any future vacancy announcements for members of the Audit Committee, pursuant to paragraph 12 of the amended Charter of the Audit Committee;
6. *Takes note* of the recommendations made by the selection panel and *decides* to appoint Mr. Mika Tapio (Finland) and Mr. Amiri Abdallah (Uganda) as members of the Audit Committee for a term of three years starting on 1 January 2025; and
7. *Decides* that the amendments to the provisions of the Charter of the Audit Committee concerning the composition of the Audit Committee shall not affect the terms of the current members.

## L. Premises of the Court

*The Assembly of States Parties,*

*Noting* the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,<sup>37</sup>

1. *Approves* capital replacement for the premises of the Court at the level of €1.6 million in 2025, while underlining the need to see maintenance and capital replacement in conjunction;
2. *Welcomes* the report of the Court on the independent assessment of the headquarters premises and the review of its capital replacement plans<sup>38</sup> and *urges* the Court to advance with the implementation of a medium and long-term capital replacement plan, as recommended by the pro-bono expert designated by the Assembly of States Parties;
3. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary and *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives

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<sup>33</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.2, paras. 93 to 101 and *Official Records ... Twenty-third session ... 2024* (ICC-ASP/22/20), vol. II, part B.3, paras. 312 to 318.

<sup>34</sup> ICC-ASP/19/16.

<sup>35</sup> R367. As a work unit located in the Registry, the [Office of Internal Audit (OIA)] would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body's role towards the OIA would be overseeing the adequacy of the framework set up for the Court's internal audit function, rather than oversight of the substance of the OIA's work.

<sup>36</sup> ICC-ASP/20/6.

<sup>37</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.2, paras 117 to 125, and part B.3, paras. 181 to 191.

<sup>38</sup> CBF/44/18.

to capital replacement whenever possible;

4. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process, taking into account the possible need for a multi-year approach, as appropriate;
5. *Invites* the Committee to continue to undertake a detailed analysis and evaluation of the proposed budget for capital replacement each year, taking into account the need for prioritization;
6. *Emphasizes* the importance of availability of adequate space and unimpeded/facilitated/priority access of States Parties to the premises and within the public areas of the Court, including the conference rooms,<sup>39</sup> staff cafeteria and library, *welcomes* the efforts undertaken by the Court to seek and provide appropriate solutions and *encourages* the continuation of discussions in this regard and in that spirit; and
7. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget.

## M. Human Resources

*The Assembly of States Parties,*

1. *Requests* the Court to continue to be guided by the importance of ensuring flexibility in the management of its human resources, notably in reacting to evolving situations, needs and workload, within and between organs, including by, as appropriate, reviewing the relevant administrative instructions related, but not limited, to recruitments and mobility of staff;
2. *Underlines* the inherent value of multilingualism in promoting and preserving the diversity of languages and cultures and its contribution to efficiency, effectiveness and transparency in the activities of the Court, *calls for* greater emphasis to be placed on staff knowledge of the Court's official and working languages, as appropriate, and *recalls* the principles of equitable geographical representation and gender balance in the recruitment of staff;<sup>40</sup>
3. *Invites* the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, *requests* the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose;
4. *Invites* States Parties to positively consider making contributions to the Trust Fund for the Development of Interns and Visiting Professionals in order to allow applicants who are nationals from a country that is a State Party to the Rome Statute and appears on the United Nations Statistics Division's list of developing regions to gain transferable experience in a multicultural, international workplace, and to allow the Court to benefit from the input of interns and professionals;
5. *Urges* the Court to reduce its vacancy rate, which could help to improve workplace conditions;
6. *Requests* the Court to engage in negotiations with the United Nations with the aim of concluding a memorandum of understanding on the establishment of the United Nations Volunteers programme, within existing resources, and to report on its progress to the Committee at its forty-seventh session;
7. *Recalls* the recommendation of the Committee<sup>41</sup> that the Assembly approve the Court

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<sup>39</sup> Cluster 1.

<sup>40</sup> Resolution ICC-ASP/20/Res.5, preambular paragraph 26, para. 88, paras. 122-131.

<sup>41</sup> *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part B.3, para. 295.

joining the International Civil Service Commission of the United Nations with a full membership, and that the Court absorb the related membership costs, and *also recalls* its request for the Court to engage in negotiations with the ICSC on the applicable agreement, with the purpose of presenting a proposal to the Assembly for its consideration and adoption at its twenty-third session;<sup>42</sup>

8. *Notes* that the Committee was updated by the Court on this matter at its forty-fourth session,<sup>43</sup> including receiving a presentation by the International Civil Service Commission;

9. *Accepts* the Statute of the International Civil Service Commission and its amendments adopted by the United Nations General Assembly at its seventy-seventh session on 30 December 2022 in resolution 77/256 and pursuant to article 30 of the Statute of the International Civil Service Commission, and *requests* the Registrar to undertake the necessary steps to complete the acceptance procedure without delay;

10. *Notes* that the Court provided the Committee with the overview of proposed amendments to the Staff Regulations and Rules to, inter alia: (i) establish the new parental leave scheme in conformity with the United Nations Common System standards, and (ii) amend the unaccompanied shipment entitlement following the changes to the United Nations Common System compensation package successfully implemented by the Court in accordance with the timelines approved by the Assembly;<sup>44</sup>

11. *Further notes* that the Committee recommended that the Assembly approve the proposed amendments to the Staff Regulations and Rules;<sup>45</sup> and

12. *Decides* to adopt the amendments to the Staff Regulations set out in annex II to this resolution, *takes note* of the text of the amended provisional Staff Rules submitted by the Court and *considers* that those amendments are consistent with the intent and purpose of the Staff Regulations.

## **N. Security Blueprint**

*The Assembly of States Parties,*

*Recalling* that the Five-Year Information Technology and Information Management Strategy launched in 2017 was completed at the end of 2022,

*Bearing in mind* that the Information Technology and Information Management Strategy for 2023-2025 has been superseded by the Court's Security Blueprint,

*Reiterating* its concern over the major cyber security breach which took place in 2023, and ongoing attempts to undermine the Court's cybersecurity, and *welcoming* the Court's swift response to the cyberattack and the immediate actions taken, as well as the preparation of plans against future cyberattacks,

1. *Decides* that the Court should establish a Security Blueprint ring-fenced investment budget, totaling €8,312.0 thousand for the period 2025-2027, similar to the way the Five-Year Information Technology and Information Management Strategy was financed, whereby any unused amounts can be carried over to the following year, with the maximum utilization period extended by one additional year; and

2. *Requests* the Court to continue to report annually on the use of Information Technology costs across the Court and also to report separately on the implementation of the Security Blueprint.

## **O. Interpretation for Hague Working Group meetings**

*The Assembly of States Parties,*

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<sup>42</sup> Resolution ICC-ASP/22/Res.4, section M, para. 5.

<sup>43</sup> CBF/44/9.

<sup>44</sup> ICC/ASP/15/Res.1, Section N, para 1.

<sup>45</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.1, para. 306.

*Recalling* that, under article 50, paragraph 2, of the Rome Statute, the working languages of the Court shall be English and French,

*Regretting* that, within the working groups of the Assembly of States Parties in The Hague, only the cooperation facilitation and the Review Mechanism have been interpreted into French in recent years,

*Noting* that, after the completion of the Review Mechanism, the cooperation facilitation would be the only working group in The Hague using the French language,

*Observing* that, due to the lack of French interpretation, some French-speaking countries do not participate in Hague Working Group meetings,<sup>46</sup> which is the most cross-cutting working group of interest for many ambassadors,

*Noting* that the use of both working languages would improve the participation of all States Parties in the work of the Assembly of States Parties,

*Further noting* that interpretation into French and English at Hague Working Group meetings might be cost-neutral by using firstly Court interpreters, when available, rather than external interpreters,

1. *Decides* that, as of 1 January 2025, Hague Working Group meetings shall be interpreted into French and English on a cost-neutral basis, within the budget allocated to the Secretariat of the Assembly of States Parties for interpretation; and
2. *Requests* the Secretariat of the Assembly of States Parties to use firstly Court interpreters, when possible, rather than external interpreters.

## **P. Travel**

*The Assembly of States Parties,*

*Emphasizing* the need for effective and efficient utilization of resources for air travel and daily subsistence allowance,

*Recalling* its decision to adopt provisions on standards of accommodation for air travel and daily subsistence allowance applicable as of 1 January 2024 to the officials of the Assembly of States Parties and members of its subsidiary bodies when travelling,<sup>47</sup> and *welcoming* the actions taken by the Court to align its standard operating procedures accordingly,

*Expressing concern* at the Court's high rate of non-compliance with its standard operating procedures on travel as found by the External Auditor, and *noting with appreciation* the recommendations of the External Auditor regarding travel expenses contained in the final audit report on the financial statements of the International Criminal Court for the year ended 31 December 2023,<sup>48</sup>

1. *Urges* the Court to make all efforts to ensure full compliance with its standard operating procedures on travel, *welcomes* in this regard the Committee's request for an update on the implementation of the recommendations of the External Auditor at its forty-seventh session,<sup>49</sup> and *notes* that States Parties will continue to consider the topic in the context of Budget Management Oversight;
2. *Requests* the Court to implement a system of monitoring and control of business travel procedures to increase compliance with operational processes and ensure travel costs reduction; and
3. *Encourages* the Court to utilize available safe and secure communication technologies

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<sup>46</sup> "Hague Working Group meetings" must be understood as the monthly meetings chaired by the Vice-President of the Assembly of States Parties and Coordinator of the Hague Working Group, not all meetings of the facilitations of that working group (complementarity, universality, budget, budget management oversight, premises, etc).

<sup>47</sup> Resolution ICC-ASP/22/Res.4, section Q, para. 1.

<sup>48</sup> Final audit report on the financial statements of the International Criminal Court for the year ended 31 December 2023 (ICC-ASP/23/12), paras. 34 to 60.

<sup>49</sup> *Official Records ... Twenty-third session ... 2024* (ICC-ASP/23/20), vol. II, part B.3, para. 319.

as a substitute for travel and/or to reduce the number of officials traveling on each mission, as well as the duration of such missions, with a view to rationalizing expenditures and reducing costs, without prejudice to its activities.

## **Q. Family visits for indigent detainees**

*The Assembly of States Parties,*

*Recalling* resolutions ICC-ASP/8/Res. 4 and ICC-ASP/9/Res.4 on family visits for indigent detainees and the principle of funding such visits through voluntary donations into the Trust Fund for Family Visits,

1. *Urges* States Parties, other States, non-governmental organizations, civil society and other entities to continue making immediate voluntary contributions to the Trust Fund for Family Visits and *calls on* other potential contributors to positively consider making contributions; and
2. *Notes* that the recurrent inability of the Court to meet the qualifying needs for family visits for indigent detainees can lead to more onerous situations, financially and legally, and *decides* that the Court may, within existing resources, subsidize family visits for indigent detainees using its regular budget in the exceptional and unavoidable situations where the Trust Fund for Family Visits is depleted or its available resources are insufficient to do so, in a manner fully consistent with all applicable administrative and judicial criteria.

## **R. Voluntary contributions**

*The Assembly of States Parties,*

*Having regard* to the Financial Regulations and Rules<sup>50</sup> adopted at its first session on 9 September 2002, as amended,

*Acknowledging* the role of voluntary contributions in supporting the Court's activities,

*Observing* the exponential growth in voluntary contributions to the Court over the years,

*Mindful* of maintaining a sustainable and apolitical source of revenue primarily from the regular budget provided by the Assembly,

1. *Recalls* that regulation 7.2 of the Financial Regulations and Rules provides for the development of criteria, to be adopted by the Assembly, on the subject of voluntary contributions, and *decides* that States Parties will consider the development of further criteria,<sup>51</sup> including on conflict of interest and sourcing of voluntary contributions from entities complicit in human rights abuses, in the context of Budget Management Oversight.

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<sup>50</sup> *Official Records... First session ... 2002* (ICC-ASP/1/3 and Corr.1), part II.D.

<sup>51</sup> See resolution ICC-ASP/1/Res.11.

## **Annex I**

### **Amended Charter of the Audit Committee**

#### **A. Introduction**

1. The Audit Committee plays an important role in providing oversight of the governance, risk management, and internal control practices of the International Criminal Court (“the Court”). This oversight mechanism also serves to provide confidence in the integrity of these practices. The Audit Committee performs its role by providing independent advisory and assurance services to the Assembly of States Parties (“the Assembly”). The mandate of the Audit Committee derives from the Assembly’s approval of the recommendations of the Committee on Budget and Finance (“CBF”).<sup>52</sup>

#### **B. Mandate and purpose**

2. The Audit Committee assists the Assembly by reviewing and providing advice and guidance on the adequacy of the Court’s practices in relation to:

- (a) Governance structure;
- (b) Risk management;
- (c) Ethics;
- (d) Internal control framework;
- (e) Oversight of internal audit;
- (f) Oversight of external audit; and
- (g) Financial statements and public accountability reporting.

3. The list of mandates is non-exhaustive. The Audit Committee is empowered to address issues as needed to achieve its mandate and purpose.

4. The detailed responsibilities of the Audit Committee under this mandate and purpose are set out in Section L.

#### **C. Authority**

5. The authority of the Audit Committee to perform its work is established within the scope of its Charter. In discharging its responsibilities, the Audit Committee shall have unrestricted access to members of Court management and staff, as well as all relevant information it considers necessary to discharge its duties. The Audit Committee also shall have unrestricted access to records, data, and reports.

6. The Audit Committee is entitled to receive all such explanations from the Court’s management and staff that it deems necessary to discharge its responsibilities.

7. The Audit Committee may engage independent counsel and/or other advisers and consult the Committee on Budget and Finance as it deems necessary to carry out its duties on a cost-neutral basis.

#### **D. Composition of the Audit Committee**

8. The Audit Committee shall consist of five external members from States Parties to the Rome Statute. All members of the Audit Committee shall act in accordance with their professional judgement and be independent of States Parties and of the Court.

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<sup>52</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2, para. 134.

9. The members should collectively possess sufficient knowledge of audit, finance, IT, law, risk and control. As the responsibilities of the Audit Committee evolve in response to regulatory, economic and reporting developments, it is important that members' competencies and the overall balance of skills on the Committee be periodically evaluated to respond to emerging needs.

#### **E. Selection of the Audit Committee members through a competitive process**

10. Candidates are selected based on merit with careful consideration being given to geographical representation and gender balance.

11. A Selection Panel will be established comprising of:

- The President of the Assembly or the Vice-President of the Assembly in The Hague/Coordinator of The Hague Working Group;
- The Registrar (or his/her representative)
- The facilitator for the budget (or his/her representative).

12. The Selection Panel shall: approve a vacancy announcement to be circulated to States Parties and posted on the website of the Court and on a professional network such as LinkedIn for a period of two months; review the applications received against the published criteria; approve a short list for closer evaluation, including a possible interview; and recommend candidate(s) for approval by the Assembly.

#### **F. The Chair and the Vice-Chair of the Audit Committee**

13. Each year, at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.

14. The Chairperson and the Vice-Chairperson shall be elected for a term of one year. They shall be eligible for re-election twice.

15. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place.

16. If the Chairperson or the Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the Audit Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

17. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

18. The Chairperson, in the exercise of his/her functions, remains under the authority of the Audit Committee.

19. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson shall declare the opening and closing of each meeting of the Audit Committee, direct the discussions, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Audit Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Audit Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

20. The Chairperson shall represent the Audit Committee at a virtual annual meeting with the Chairperson of the Committee on Budget and Finance, to discuss their respective programmes of work and identify areas for knowledge-exchange, cooperation and synergies. The Chairperson will include a brief report of this meeting in the annual report to the Assembly.

21. The Chairperson shall represent the Audit Committee at relevant meetings.

## **G. Terms of Office**

22. The term of office for an Audit Committee member shall be three years. Members of the Audit Committee may not serve more than two terms.

## **H. Secretariat services to the Audit Committee**

23. The Committee is assisted by the ASP Secretariat.

## **I. Operational principles of the Audit Committee**

### **1. Audit Committee code of ethics**

24. The Audit Committee shall conduct itself in accordance with the code of ethics of the Court, and with international standards.

### **2. Communications**

25. The Audit Committee expects that all communication with management and staff of the Court, as well as with any external assurance providers, will be direct, open, and complete.

### **3. Information requirements**

26. The Audit Committee shall establish and communicate its information requirements. These shall include the nature, extent, and timing of such information requirements. Information shall be provided to the Audit Committee at least six weeks prior to each meeting.

### **4. Access to officials**

27. The Audit Committee shall have such unrestricted access to officials of the Court as may be required to discharge their duties.

### **5. Incompatible activities**

28. Members of the Audit Committee shall have no financial interest in any activity relating to matters upon which the Audit Committee has the responsibility to make recommendations. Members of the Audit Committee shall not be eligible to assume any other functions at the Court.

### **6. Conflict(s) of interest**

29. It is the responsibility of the Audit Committee member to disclose a conflict of interest or the appearance of a conflict of interest to the Audit Committee. If there is any question as to whether Audit Committee member(s) should recuse themselves from a vote, the Audit Committee shall vote to determine whether the member should recuse himself or herself.

### **7. Confidentiality**

30. Members of the Audit Committee shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Audit Committee.



## **J. Operational Procedures**

### **1. Meetings**

31. The Audit Committee shall meet when required and at least two times annually at the seat of the Court.

### **2. Convening of sessions**

32. Sessions of the Audit Committee shall be convened at the request of the majority of the members of the Audit Committee, the Chairperson of the Audit Committee, or at the request of the Assembly.

33. Before the Chairperson makes a request to convene a session of the Audit Committee, he/she shall consult the members of the Audit Committee, including on the date and duration of the session.

34. Any session of the Audit Committee called pursuant to a request of the Assembly shall be convened as soon as possible but no later than 60 days from the date of the request.

### **3. Quorum and decision-making**

35. The quorum for the Audit Committee shall be a majority of the members.

36. As a general rule, decision-making in the Audit Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.

37. Each member of the Audit Committee, including the Chairperson, shall have one vote.

38. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

### **4. Agenda**

39. The provisional agenda for each session of the Audit Committee shall be drawn up by the ASP Secretariat, in consultation with the Chairperson, and shall include:

- (a) All items proposed by the Audit Committee; and
- (b) All items proposed by the CBF and by the Assembly.

40. The provisional agenda for each session of the Audit Committee shall be communicated to its members and the Court as early as possible in advance of the session, but at least 21 days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Audit Committee sufficiently in advance of the session.

41. At the beginning of each session the Audit Committee shall adopt its agenda for the session, on the basis of the provisional agenda. The Audit Committee may, if necessary, amend the agenda.

## **K. Compensation of the Audit Committee members**

42. Members of the Audit Committee shall work on a *pro bono* basis, with the Court being responsible for travel, accommodation and related costs. Travel costs must comply with the Court's travel policy.

## **L. Responsibilities of the Audit Committee**

43. It is the responsibility of the Audit Committee to provide the Assembly with independent, objective advice on the adequacy of Court management's arrangements with respect to the following aspects:

## **1. Governance of the Court**

44. To obtain reasonable assurance with respect to the Court's governance arrangements, the Audit Committee shall review and provide advice on the governance arrangements established and maintained within the Court and the procedures in place to ensure that they are operating as intended.

## **2. Risk management**

45. To obtain reasonable assurance with respect to the Court's risk management arrangements, the Audit Committee shall:

a) Review and provide advice on the risk management arrangements established and maintained by management and the procedures in place to ensure that they are operating as intended;

b) Provide oversight on significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management;

c) Review the Court's corporate risk profile as it is updated; and

d) Obtain from the Internal Auditor an annual report on management's implementation and maintenance of an appropriate integrated risk management process.

## **3. Ethics**

46. To obtain reasonable assurance with respect to the Court's ethics practices, the Audit Committee shall:

(a) Review and assess the policies, procedures, and practices established by the governing body to monitor conformance with its code of conduct and ethical policies by all Court's managers and staff;

(b) Provide oversight of the mechanisms put in place by management to establish and maintain high ethical standards for all Court's managers and staff; and

(c) Review and provide advice on the systems and practices established by management to monitor compliance with laws, regulations, policies, and standards of ethical conduct and identify and deal with any legal or ethical violations.

## **4. Internal control framework**

47. To obtain reasonable assurance with respect to the Court's management control framework, the Audit Committee shall:

(a) Review and provide advice on the Court's overall and management units' internal control arrangements; and

(b) Receive reports on all matters of significance arising from work performed by others who provide financial and internal control assurance to senior management.

## **5. Oversight of internal audit**

48. The Office of Internal Audit shall report to the Principals of the Court.

49. The Audit Committee shall remain responsible for overseeing the adequacy of the Court's internal audit function and its independence in order to obtain reasonable assurance with respect to its internal audit activity:

(a) Review the internal audit charter when amended for its approval by the Principals. The charter should be reviewed to ensure that it is consistent with changes in the Court's financial, risk management, and governance arrangements and reflects

developments in internal audit professional practices;

(b) Review and provide input on internal audit's strategic plan, programme goals, performance measures, and outcomes;

(c) Is consulted/Review the annual plan submitted by the Director of the Office of Internal Audit before its approval by the Principals;

(d) Advise the Court regarding the qualifications and recruitment, retention and release of the Director of the Office of Internal Audit;

(e) Provide input to the Registrar on the performance appraisal of the Director of the Office of Internal Audit;

(f) Review internal audit reports and other communications to management;

(g) Review and track management's action plans to address internal audit recommendations in a timely and substantive manner;

(h) Enquire from the Director of the Office of Internal Audit whether any internal audit engagements or tasks have been carried out that did not result in a report to the Audit Committee. If such activity has taken place, enquire as to the matters of significance, if any, arising therefrom;

(i) Enquire from the Director of the Office of Internal Audit about steps taken to ensure that the audit activity is consistent with the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing Standards; and

(j) Is consulted during the selection of the external assessor every five years to assess the performance of the Office of Internal Audit and receives the external assessor's report for its information.

## **6. Oversight of external audit**

50. To obtain reasonable assurance with respect to the work of the External Auditor, the Audit Committee shall meet with the External Auditor during planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations as required under international standards.

51. The Audit Committee shall review regular reports on the progress of implementing approved management action plans and audit recommendations resulting from completed external audits.

52. The Audit Committee shall examine and monitor of the independence of the External Auditor and of his recommendations, as well as of any other questions raised by the External Auditor.

53. The Audit Committee shall make recommendations to the Assembly concerning the nomination of the External Auditor.

## **7. Financial statements and public accountability reporting**

54. The Audit Committee is responsible for oversight of the independent audit of the Court's financial statements, including but not limited to overseeing the resolution of audit findings in areas such as internal control, legal and statutory compliance, and ethics.

## **8. Other responsibilities**

55. In addition, the Audit Committee shall:

(a) Perform other activities related to this charter as requested by the Assembly including providing input into the terms of reference, selection,

performance of work, review of recommendations and monitoring of implementation of recommendations of external assurance providers; and

- (b) Regularly evaluate its own performance and that of individual members.

## **9. Reporting the work of the Audit Committee to the Assembly**

56. The Chairperson on behalf of the Audit Committee shall:

- (a) Make an annual report to the Assembly summarizing its activities and recommendations;

- (b) The report should include:

- (i) A summary of the work performed by the Audit Committee to fully discharge its responsibilities during the preceding year;

- (ii) A summary of the Court's progress in addressing corrective actions on the findings and recommendations made in internal and external audit reports;

- (iii) An overall assessment of the Court's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes impacting the Court; and

- (iv) Details of meetings, including the number of meetings held during the relevant period and the virtual meeting between the Chairperson and the Chairperson of the Committee on Budget and Finance.

57. The Audit Committee may, at any time, report to the Assembly any other matter it deems of sufficient importance.

## **M. Languages**

58. The working languages of the Committee shall be the official working languages of the Court.

59. All recommendations and other documents of the Audit Committee shall be published in the official languages of the Court, unless otherwise decided by the Chairperson of the Audit Committee.

## **Annex II**

### **Amendments to the Staff Regulations**

Regulation 3.2:

Replace regulation 3.2 with the following text:

“The Registrar, in consultation with the Prosecutor, shall establish the salary scales, pensionable remuneration and conditions of salary increments for staff members of the Court appointed in the General Service category, the National Professional Officers category, and the Professional and higher categories, in conformity with the United Nations common system standards.”

Regulation 6.2:

Replace “maternity leave” with “parental leave”.

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