



Assembly of States Parties to the Rome Statute of the International Criminal Court

**Second session
New York, 8-12 September 2003**

Official Records

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Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Decision”.

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Part I Proceedings

A. Introduction

1. In accordance with the decision taken at its 3rd meeting, on 9 September 2002,¹ the Assembly of States Parties to the Rome Statute of the International Criminal Court held its second session at United Nations Headquarters from 8 to 12 September 2003.
2. Pursuant to General Assembly resolution 57/23 of 19 November 2002 and in accordance with the Rules of Procedure of the Assembly of States Parties,² the Secretary-General of the United Nations invited all States Parties to the Rome Statute to participate in the session. Other States that had signed the Statute or the Final Act were also invited to participate in the session as observers.
3. Pursuant to the same General Assembly resolution and in accordance with rule 92 of the Rules of Procedure of the Assembly of States Parties, also invited as observers to the session were representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly pursuant to its relevant resolutions³ as well as representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly of States Parties.
4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court or in consultative status with the Economic and Social Council of the United Nations whose activities were relevant to the activities of the Court or that had been invited by the Assembly of States Parties attended and participated in the work of the Assembly.
5. In accordance with rule 94 of the Rules of Procedure, the following States were invited to be present during the work of the Assembly of States Parties: Bhutan, Cook Islands, Democratic People's Republic of Korea, Equatorial Guinea, Grenada, Kiribati, Lao People's Democratic Republic, Lebanon, Maldives, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Somalia, Suriname, Swaziland, Tonga, Turkmenistan, Tuvalu and Vanuatu.
6. The list of delegations to the session is contained in document ICC-ASP/2/INF/2.
7. The session was opened by the President of the Assembly of States Parties, H.R.H. Prince Zeid Ra'ad Zeid Al-Husseini (Jordan).

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part I, para. 39.

² *Ibid.*, part II.C.

³ General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31 and 57/32 and Assembly decision 56/475.

8. The Bureau of the Assembly that had been elected at the first session, for a term of three years, continued during the second session, as follows:

President:

H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan)

Vice-Presidents:

Mr. Allieu Ibrahim Kanu (Sierra Leone)

Mr. Felipe Paolillo (Uruguay)

Rapporteur:

Mr. Alexander Marschik (Austria)

Other members of the Bureau:

Austria, Croatia, Cyprus, Democratic Republic of the Congo, Ecuador, Gabon, Malta, Mongolia, Namibia, Netherlands, New Zealand, Nigeria, Norway, Peru, Romania, Serbia and Montenegro, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland

9. At its 1st meeting, on 8 September 2003, in accordance with rule 25 of the Rules of Procedure, the following States were appointed to serve on the Credentials Committee: Benin, Fiji, France, Honduras, Ireland, Paraguay, Serbia and Montenegro, Slovenia and Uganda. The Assembly considered it useful for purposes of continuity to appoint to the Credentials Committee the same States serving in that capacity during the term of office of the current Bureau of the Assembly of States Parties.

10. The Director of the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, Mr. Václav Mikulka, acted as Secretary of the Assembly and Ms. Mahnoush H. Arsanjani acted as Deputy Secretary. The Codification Division provided the substantive servicing for the Assembly.

11. At its 1st meeting, the Assembly observed one minute of silence dedicated to prayer or meditation in accordance with rule 43 of the Rules of Procedure, as well as to the memory of the United Nations staff members killed as a result of the bombing of the Headquarters of the United Nations in Baghdad on 19 August 2003 as well as the many innocent victims of various recent indiscriminate attacks. At its 4th meeting, on 11 September, the Assembly, while recalling the terrible events of 11 September 2001, also observed one minute of silence in honour of the Foreign Minister of Sweden, Ms. Anna Lindh, who died as a result of stab wounds by an assailant.

12. At its 1st meeting, the Assembly adopted the following agenda (ICC-ASP/2/1):

1. Opening of the session by the President.
2. Silent prayer or meditation.
3. Adoption of the agenda.
4. Credentials of representatives of States Parties at the second session:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
5. Organization of work.

6. Report on the activities of the Bureau.
7. Report on the activities of the Court.
8. Establishment of the secretariat of the Assembly of States Parties.
9. Consideration and adoption of the budget for the second financial year.
10. Adoption of the scale of assessments.
11. Consideration of audit reports.
12. Election of the Deputy Prosecutor.
13. Election of members of the Committee on Budget and Finance.
14. Election of members of the Board of Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.
15. Report of the Special Working Group on the Crime of Aggression.
16. Establishment of an international criminal bar.
17. Decisions concerning the next meeting, including dates and venue.
18. Decisions concerning the next meeting of the Committee on Budget and Finance, including dates and venue.
19. Other matters.

13. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (document ICC-ASP/2/1/Add.1).

14. Also at the 1st meeting, the Assembly agreed on a programme of work and decided to meet in plenary session as well as in the working group format. The Special Working Group on the Crime of Aggression, established pursuant to Assembly resolution ICC-ASP/1/Res.1 of 9 September 2002, met in accordance with the arrangements reached by the Assembly at the 8th meeting of its first session, on 7 February 2003.⁴ In accordance with paragraph 2 of the above-mentioned resolution, the Special Working Group is open on an equal footing to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. In addition, the Assembly established a Working Group on the Draft Programme Budget for 2004 and a Working Group on the Draft Staff Regulations of the Court.

15. The President, following consultations with the Bureau, appointed Ambassador Christian Wenaweser (Liechtenstein) to chair the Special Working Group on the Crime of Aggression; Mr. Patricio Ruedas (Spain) to chair the Working Group on the Draft Programme Budget for 2004; and Ms. Gaile Ramoutar (Trinidad and Tobago) to chair the Working Group on the Draft Staff Regulations of the Court.

16. The Assembly also held informal consultations on the establishment of an international criminal bar, coordinated by Mr. Hans Bevers, the focal point of the Bureau on the matter; on the establishment of the Secretariat of the Assembly of

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session (First and second resumptions), New York, 3-7 February and 21-23 April 2003* (United Nations publication, Sales No. E.03.V.8), part I, paras. 38 and 39.

States Parties, coordinated by Mr. Alexander Marschik (Austria); and on the term of office of members of the Committee on Budget and Finance, coordinated by Mr. Sivu Maqungo (South Africa).

B. Consideration of issues on the agenda of the Assembly at its second session

1. Credentials of representatives of States Parties at the second session

17. At its 5th meeting, on 12 September 2003, the Assembly adopted the report of the Credentials Committee (see annex I to the present report).

2. Report on the activities of the Bureau

18. At its 1st meeting, on 8 September 2003, the Assembly took note of the oral report of the President on the activities of the Bureau. In his report, the President noted that during the first year, the Bureau held formal and informal meetings aimed at assisting the Assembly in carrying out its activities under the Statute. Between 3 September 2002 and 8 September 2003, the Bureau held 10 meetings. Typically, the Bureau convened a meeting on the morning of the opening day of a session or resumed session to consider the organization and programme of work, to discuss procedural and substantive issues on the agenda, and to take decisions or make recommendations, as appropriate, for consideration by the Assembly. Such issues included questions concerning the conduct of business, representation and participation in the work of the Assembly and its subsidiary and other bodies and procedures for nomination and election to the relevant organs and bodies of the Court and the Assembly, including fixing dates for nomination and election or extending dates for nomination. The Bureau also dealt with managerial and institutional questions relating to the Court, such as the extension of the period of service of the Advance Team and the nomination and appointment of the Director of Common Services.

19. Moreover, the Bureau held meetings intersessionally to address specific issues requiring consideration and decision as appropriate, such as the status of nominations for the judges and proposals on the establishment of a Secretariat of the Assembly. In addition, the Bureau convened ad hoc meetings to consult on various issues relevant to the work of the Assembly and the Court. During the start-up phase the Bureau, through the Office of the President, was in regular contact with the Director of Common Services on matters concerning the establishment of the Court.

20. Concerning the methods of work of the Bureau, it was noted that in some instances subcommittees of the Bureau were established to carry out certain responsibilities on behalf of the Bureau or the Assembly or individual members of the Bureau were assigned specific tasks or acted as liaison for the Bureau with regional groups. Furthermore, the President was in continuous contact with the Court, the Secretariat as well as the host country on matters that required the input of the Bureau. In this connection, it was also noted that pursuant to the Rules of Procedure and Evidence, the President presided over the taking of the solemn undertaking by the judges during the inaugural meeting on 11 March 2003 and by the Prosecutor on 16 June 2003.

3. Statements by the President and Prosecutor of the Court, and general and other statements

21. At its 1st meeting, on 8 September 2003, the Assembly heard statements from Judge Philippe Kirsch, President of the Court, and Mr. Luis Moreno Ocampo, Prosecutor of the Court. Statements were also made by the Minister of Justice, Administration and Local Self-Government of Croatia, Ms. Ingrid Anticevic Marinovic, and representatives of the host country, the Netherlands and Italy (on behalf of the European Union; the acceding countries (Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia), the associated countries (Bulgaria and Romania), and the European Free Trade Association countries members of the European Economic Area (Iceland and Norway) also aligned themselves with the statement). A statement was also made by the representative of Peru (on behalf of the Rio Group). At the 2nd meeting, on 9 September, the representatives of Nigeria (on behalf of African States), South Africa and the Democratic Republic of the Congo made statements.

4. Report on the activities of the Court

22. At its 1st meeting, on 8 September 2003, the Assembly took note of the report of the International Criminal Court to the Assembly (ICC-ASP/2/5).

5. Deputy Prosecutor of the International Criminal Court

(a) Election

23. In a letter dated 11 August 2003 from the Prosecutor of the International Criminal Court to the President of the Assembly of States Parties (ICC-ASP/2/8, annex), the Prosecutor submitted three nominations for election to the post of Deputy Prosecutor, in accordance with paragraph 4 of article 42 of the Rome Statute. Through a note by the Secretariat dated 3 September 2003 (ICC-ASP/2/8/Add.1), the Assembly was informed that one of the candidates had announced his decision to withdraw his candidature.

24. At its 2nd meeting, on 9 September 2003, the Assembly proceeded to elect the Deputy Prosecutor of the International Criminal Court on the basis of the nominations submitted by the Prosecutor (ICC-ASP/2/8) and the subsequent withdrawal of one candidature (ICC-ASP/2/8/Add.1). Having obtained an absolute majority of the members of the Assembly of States Parties, Mr. Serge Brammertz (Belgium) was elected Deputy Prosecutor of the International Criminal Court.

25. Eighty-seven ballots were cast, of which none were invalid and 87 were valid. The number of States Parties voting was 87; the required absolute majority was 46; and the number of votes obtained by the candidates was as follows: Mr. Serge Brammertz (Belgium), 65, and Mr. Vladimir Tochilovsky (Ukraine), 22.

(b) Term of office and commencement of the term of office

26. Also at the 2nd meeting, prior to the election, the Assembly, upon the recommendation of the Bureau, decided that the term of office of the Deputy Prosecutor of the International Criminal Court should be six years and that it should begin to run from 3 November following the date of election.

6. Committee on Budget and Finance

(a) Election of members

27. At the 10th meeting of its first session, on 21 April 2003, the Assembly, having received no nomination from Eastern European States, decided to defer election of candidates from those States until its second session. The Bureau fixed the period for nomination of candidates to run from 28 April to 21 August 2003 and the Secretariat was requested to issue an official note inviting nominations.

28. At its 1st meeting, on 8 September 2003, the Assembly proceeded to elect the following remaining members of the Committee on Budget and Finance from Eastern European States in accordance with its resolution ICC-ASP/1/Res.5 of 3 September 2002:

Ms. Elena Sopková (Slovakia)
Ms. Inna Steinbuka (Latvia)

29. In accordance with paragraph 11 of resolution ICC-ASP/1/Res.5, the Assembly dispensed with a secret ballot and elected the two members from Eastern European States by acclamation.

30. Consequently, the Committee on Budget and Finance consists of the following members:

Mr. Lambert Dah Kindji (Benin)
Mr. David Dutton (Australia)
Mr. Eduardo Gallardo Aparicio (Bolivia)
Mr. Fawzi Gharaibeh (Jordan)
Mr. Myung-jae Hahn (Republic of Korea)
Mr. Peter Lovell (United Kingdom of Great Britain and Northern Ireland)
Mr. John F. S. Muwanga (Uganda)
Mr. Karl Paschke (Germany)
Ms. Elena Sopková (Slovakia)
Ms. Inna Steinbuka (Latvia)
Mr. Michel-Etienne Tilemans (Belgium)
Mr. Santiago Wins Arnábal (Uruguay)

(b) Term of office of members and drawing of lots pursuant to paragraph 13 of resolution ICC-ASP/1/Res.5

31. At the 10th meeting of its first session, on 21 April 2003, the Assembly decided that the term of office of members shall begin to run on 21 April 2003.

32. At the same 10th meeting, the Assembly, in its resolution ICC-ASP/1/Res.16, decided to defer the drawing of lots in accordance with paragraph 13 of resolution ICC-ASP/1/Res.5 of 3 September 2002 until the election of the remaining members.

33. At its 5th meeting, on 12 September 2003, the Assembly adopted, by consensus, resolution ICC-ASP/2/Res.5, amending the last sentence of paragraph 2 of the annex to resolution ICC-ASP/1/Res.4 of 3 September 2002 concerning the establishment of the Committee on Budget and Finance. By the terms of the amending resolution, of the 12 members who are initially elected, 6 members shall be for a period of two years and the remaining 6 for a period of three years (see part IV of the present report).

34. At the same meeting, the President, pursuant to paragraph 13 of resolution ICC-ASP/1/Res.5 of 3 September 2002, drew lots to select members elected who shall serve two and three years, respectively, in accordance with resolution ICC-ASP/1/Res.4 as amended by resolution ICC-ASP/2/Res.5 of 12 September 2003.

(i) *Members elected to serve two years*

35. The following members, listed in alphabetical order, were selected to serve for a term of two years each:

Mr. Eduardo Gallardo Aparicio (Bolivia)
Mr. Peter Lovell (United Kingdom of Great Britain and Northern Ireland)
Mr. John F. S. Muwanga (Uganda)
Mr. Karl Paschke (Germany)
Ms. Inna Steinbuka (Latvia)
Mr. Michel-Etienne Tilemans (Belgium)

(ii) *Members elected to serve three years*

36. The following members, listed in alphabetical order, were selected to serve for a term of three years each:

Mr. Lambert Dah Kindji (Benin)
Mr. David Dutton (Australia)
Mr. Fawzi Gharaibeh (Jordan)
Mr. Myung-jae Hahn (Republic of Korea)
Ms. Elena Sopková (Slovakia)
Mr. Santiago Wins Arnábal (Uruguay)

(c) **Opening of nomination period for election of six members of the Committee on Budget and Finance**

37. Since the term of office of six members of the Committee on Budget and Finance would expire on 21 April 2005, the Assembly, at its 5th meeting, on 12 September 2003, decided to hold elections for the six members at its third session in 2004, and in accordance with paragraph 2 of resolution ICC-ASP/1/Res.5, the Bureau fixed the nomination period to run from 1 March to 30 June 2004. The permanent secretariat of the Assembly of States Parties was requested to issue an official note inviting nominations.

(d) **Travel and subsistence expenses of members of the Committee on Budget and Finance**

38. At its 5th meeting, on 12 September 2003, the Assembly adopted resolution ICC-ASP/2/Res.4, amending paragraph 15 of resolution ICC-ASP/1/Res.5 of 3 September 2002 on the procedure for the nomination and election of members of the Committee on Budget and Finance. By the terms of the resolution, travel and subsistence expenses of members of the Committee on Budget and Finance while in the performance of the Committee's duties shall be met from the programme budget (see part IV of the present report).

(e) Rules of Procedure of the Committee on Budget and Finance

39. At its 5th meeting, on 12 September 2003, on the recommendation of the Working Group on the Programme Budget, the Assembly, bearing in mind rule 84 of its rules of procedure, approved the rules of procedure of the Committee on Budget and Finance (see annex III to the present report).

7. Election of members of the Board of Directors of the Victims Trust Fund

40. At the 11th meeting of its first session, on 22 April 2003, the Assembly decided to open the period for nomination of members as Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, to run from 28 April to 21 August 2003, and the Secretariat was requested to issue an official note inviting nominations.

41. At the 1st meeting of the Assembly, on 8 September 2003, since an insufficient number of nominations had been received at the close of the nomination period, the Bureau reopened the nomination period to run from 8 to 10 September 2003 and it was agreed that the election would be held on 12 September 2003.

42. At its 5th meeting, on 12 September 2003, the Assembly proceeded to elect the members of the Board of Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and the families of such victims in accordance with its resolution ICC-ASP/1/Res.7 of 9 September 2002:

Her Majesty Queen Rania Al-Abdullah (Jordan)
Óscar Arias Sánchez (Costa Rica)
Tadeusz Mazowiecki (Poland)
Archbishop Desmond Tutu (South Africa)
Simone Veil (France)

43. In accordance with paragraph 10 of resolution ICC-ASP/1/Res.7, the Assembly dispensed with a secret ballot and elected one member each from the African States, the Asian States, the Eastern European States, the Latin American and Caribbean States and the Western European and Other States by acclamation. The term of office of three years began to run for each member of the Board from 12 September 2003.

8. Special Working Group on the Crime of Aggression

44. At its 5th meeting, on 12 September 2003, the Assembly took note of the oral report of the Chairman of the Special Working Group on the Crime of Aggression. On the recommendation of the Chairman of the Special Working Group, the Assembly decided to annex the discussion paper on the definition and elements of the crime of aggression prepared by the Coordinator of the Working Group on the Crime of Aggression during the Preparatory Commission of the International Criminal Court as contained in document PCNICC/2002/2/Add.2 to the report of the Assembly (see annex II to the present report).

9. Establishment of the Secretariat of the Assembly of States Parties

45. At its 1st meeting, on 8 September 2003, the Assembly received Bureau proposals concerning the establishment of the secretariat of the Assembly of States Parties, prepared pursuant to Assembly resolution ICC-ASP/1/Res.9 (see ICC-

ASP/2/3; and ICC-ASP/2/2 section II, Part Two, which is reproduced in part II.A.5 of the present report). Informal consultations were held on the establishment of the secretariat.

46. At its 5th meeting, on 12 September 2003, the Assembly adopted, by consensus, resolution ICC-ASP/2/Res.3, on the establishment of the permanent secretariat of the Assembly (see part IV of the present report).

47. At the 4th meeting, on 11 September 2003, the Assembly was informed of the establishment of a working group of the Bureau to assist in the selection of the Director of the secretariat of the Assembly. The working group consists of the following: Austria, Nigeria, Serbia and Montenegro, and Uruguay. Alexander Marschik (Austria) would serve as Chairman of the working group.

10. Consideration and adoption of the budget for the second financial year

48. The Assembly, through its Working Group, considered the programme budget for 2004 on the basis of the draft proposal submitted by the Registrar, the report of the Committee on Budget and Finance, the initial report of the External Auditor and the preliminary comments made by the Court on the External Auditor's report.

49. At its 5th meeting, on 12 September 2003, the Assembly considered and approved, by consensus, the programme budget for 2004 (see part II.A.1 to 3 and 5 of the present report).

50. Also at the same meeting, the Assembly adopted, by consensus, resolution ICC-ASP/2/Res.1, concerning the programme budget in relation to:

(a) Programme budget for the year 2004, including appropriations totalling 53,071,846 euros for the major programmes; staffing tables for each of the major programmes as well as recommendations on the implementation of the approved programme budget and the preparation of the 2005 draft programme budget;

(b) Working Capital Fund for the year 2004;

(c) Scale of assessments for the apportionment of the expenses of the International Criminal Court;

(d) Financing for appropriations for the year 2004 (see part II.A.4 of the present report).

51. The representatives of Australia and the United Kingdom of Great Britain and Northern Ireland made statements following the adoption of the programme budget.

11. Consideration of audit reports

52. At its 5th meeting, on 12 September 2003, the Assembly, on the recommendation of the working group on the programme budget, took note, with appreciation, of the programme of work and initial report of the External Auditor and the comments of the Registrar on the audit report and looked forward to receiving, in 2004, the External Auditor's report on the financial statements for the first financial period of the Court. On the recommendation of the Chairman of the working group on the programme budget, the Assembly decided to include the programme of work and initial report of the External Auditor and the comments of the Registrar on the audit report in the report of the Assembly (see part II.B.1 and 2 of the present report).

12. Establishment of an international criminal bar

53. At its 3rd meeting, on 10 September 2003, the Assembly held discussions on the establishment of an international criminal bar, and heard a statement from the Registrar, Bruno Cathala, on the provisions of rule 20 of the Rules of Procedure and Evidence. The Assembly decided to annex the statement of the Registrar to the report of the Assembly (see annex IV to the present report). The Assembly also held informal discussions on the establishment of the international criminal bar.

54. At its 5th meeting, on 12 September 2003, the Assembly took note of the oral report of the focal point on the establishment of an international criminal bar, Hans Bevers (Netherlands), on his efforts to coordinate discussions on the matter. In an exchange of views on the scope of the item, the representatives of Brazil, Spain, France, the United Kingdom of Great Britain and Northern Ireland, Canada, Uganda, Costa Rica, Venezuela, Fiji, Trinidad and Tobago, and Portugal made statements. On the recommendation of the focal point, the Assembly decided to annex a summary of the statement of the focal point to the report of the Assembly (see annex V to the present report).

13. Other matters

(a) Conditions of service and compensation of judges of the International Criminal Court

55. At its 4th meeting, on 11 September 2003, the Assembly decided to align the various language versions of paragraph 11 of the document on the Conditions of service and compensation of the judges of the International Criminal Court with the negotiated English text. The Conditions of service and compensation of judges remain applicable unless the Assembly decides otherwise. The Secretariat was requested to reissue the conditions in the preparation of the report of the Assembly (see part III.A of the present report).

(b) Staff regulations of the International Criminal Court

56. The Assembly, through its Working Group, considered the draft staff regulations of the International Criminal Court prepared by the Court (ICC-ASP/2/6). At its 5th meeting, on 12 September 2003, the Assembly, in accordance with article 44 of the Rome Statute, approved, by consensus, resolution ICC-ASP/2/Res.2, to which the staff regulations are annexed (see part III.B of the present report).

(c) Strengthening the International Criminal Court and the Assembly of States Parties

57. At its 5th meeting, on 12 September 2003, the Assembly adopted, by consensus, resolution ICC-ASP/2/Res.7 on strengthening the International Criminal Court and the Assembly of States Parties as orally amended (see part IV of the present report). The Assembly also decided to annex the statement made by the representative of the host country at the 1st meeting of the Assembly, on 8 September 2003, to its report (see annex VI to the present report).

(d) Status of contributions to the budget of the International Criminal Court for the first financial period and the second financial year

58. At the 4th meeting, on 11 September 2003, the President of the Assembly renewed his appeal to States Parties which had not yet done so to make their assessed contributions to the budget for the first financial period as soon as possible. The President also appealed to all States Parties to pay their assessed contribution for 2004 on time (see also para. 9 of resolution ICC-ASP/2/Res.7 in part IV of the present report).

(e) Agreement on the Privileges and Immunities of the International Criminal Court

59. At the 4th meeting, on 11 September 2003, the President appealed to States that had not yet done so to consider becoming parties to the Agreement on the Privileges and Immunities of the International Criminal Court so as to facilitate its early entry into force (see also para. 6 of resolution ICC-ASP/2/Res.7 in part IV of the present report).

(f) Trust fund for the participation of least developed countries

60. The Assembly of States Parties noted with satisfaction that, during the second session, a total of 21 delegates had made use of the trust fund, whose mandate, pursuant to paragraph 9 of General Assembly resolution 57/23, had been expanded to meet the costs of participation of the least developed countries in the work of the Assembly. Those delegates were provided with airline tickets. The International Human Rights Law Institute, of De Paul University (United States of America), provided accommodation and per diem to 22 delegates from the least developed countries that attended the second session.

61. At its 5th meeting, on 12 September 2003, the Assembly adopted, by consensus, resolution ICC-ASP/2/Res.6, establishing a trust fund for the participation of least developed countries in the activities of the Assembly (see part IV of the present report).

(g) Recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court

62. At its 4th meeting, on 11 September 2003, the Assembly adopted resolution ICC-ASP/2/Res.8 on the recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court (see part IV of the present report). The representative of Fiji made a statement in explanation of position before taking action on the resolution.

14. Role of the United Nations in the establishment of the International Criminal Court

63. At its 5th meeting, on 12 September 2003, the Assembly adopted, by consensus, resolution ICC-ASP/2/Res.9, acknowledging the important role played by the United Nations in the establishment of the International Criminal Court (see part IV of the present report).

15. Next meeting of the Assembly of States Parties, including the dates and venue

64. At its 5th meeting, on 12 September 2003, the Assembly decided to convene its third session in The Hague from 6 to 10 September 2004 (see also para. 19 of resolution ICC-ASP/2/Res.7 in part IV of the present report).

16. Next meeting of the Committee on Budget and Finance, including the dates and venue

65. At its 5th meeting, on 12 September 2003, the Assembly also decided that the Committee on Budget and Finance would meet in The Hague from 29 to 31 March 2004 and from 2 to 6 August 2004 (see also para. 19 of resolution ICC-ASP/2/Res.7 in part IV of the present report).

Part II
Programme budget for 2004 and related documents

A. Programme budget for 2004

1. Recommendations of a general nature

1. The Assembly endorsed the comments and recommendations of a general nature submitted by the Committee on Budget and Finance contained in paragraphs 14, 15, 16, 19, 20, 21, 25, 26 and 29 of its report.

2. In paragraph 22 of its report, the Committee had recommended that the Court provide quarterly reports to the Committee covering, inter alia, expenditure, significant progress in each major programme and contributions. While welcoming that recommendation, the Assembly was of the view that, for the year 2004, a report every six months would be sufficient for this purpose, and decided accordingly.

3. With respect to the recommendation of the Committee contained in paragraph 27 of its report that overtime provisions throughout the programme budget be reduced by 50 per cent, the Assembly decided that the reduction be in the amount of 25 per cent. The Assembly wished to set on record that that decision should not be construed as a signal of approval of a “culture of overtime” in the Court. On the contrary, the Registrar should, when preparing the draft programme budget for 2005, include a report on how he planned to minimize the use of overtime. The Registrar should further introduce internal regulations on the use and management of overtime with a view to limiting its use to exceptional circumstances and in accordance with established procedures.

4. The Assembly further noted the positive discussions, referred to in paragraph 16 of the Committee’s report, between the Court and the host country regarding the interim premises requirements as well as the future permanent premises of the Court.

2. Specific recommendations on each of the major programmes

Major programme 1

The Judiciary — the Presidency and Chambers

5. With regard to the recommendation of the Committee contained in paragraph 32 of its report that the allocation for salaries of judges be reduced by 20 per cent, reflecting a more likely estimate of the costs involved, the Assembly expressed the view that the allocation as originally proposed in the draft programme budget should be retained, and decided accordingly.

6. The Assembly endorsed all the remaining recommendations of the Committee contained in paragraphs 32 and 33 of its report.

Major programme 2

Office of the Prosecutor

7. The Assembly took note of the recommendations of the Committee contained in paragraphs 36 and 37 of its report. The Assembly agreed with the extent of the proposed reductions in the programme of the Office of the Prosecutor, but decided that the resulting reductions be applied as the Prosecutor may determine, within the limits of the approved appropriations and staffing tables of major programme 2.

Major programme 3**Registry**

8. The Assembly endorsed the conclusions and recommendations of the Committee contained in paragraphs 40 to 49, 52 and 53 of its report. It was understood that the reduction of expenses concerning subprogramme 3260 (Public Information and Documentation Section) would not affect negatively the distribution of documentation and dissemination of information in all the official languages of the Court.

9. With respect to paragraphs 50 and 51 of the Committee's report, the Assembly acknowledged the fundamental importance of the Witness Protection and Victims Participation Section and the need to ensure adequate funding for its operations. It noted the recommendation of the Committee in paragraph 50 of its report that the provisions for the direct expenses of witnesses be reduced by 30 per cent and that allocations for general temporary assistance be reduced by 50 per cent, and the further recommendation in paragraph 51 that financial assistance for private lawyers for victims and the allocations for general temporary assistance be reduced by 50 per cent. The Assembly noted the comments provided by both the Chairman of the Committee and the Registrar in relation to those recommendations, and decided that the provisions for the direct expenses of witnesses be reduced by 15 per cent, that allocations for general temporary assistance be reduced by 25 per cent, and that financial assistance for private lawyers for victims and the allocations for general temporary assistance be reduced by 25 per cent.

10. The Assembly further decided that the proposed reductions be applied with flexibility, as required, within the limits of the approved appropriations and staffing tables of major programme 3.

11. In paragraph 28 of its report, the Committee had recommended the reclassification of one P-5 post to the D-1 level (Head of the Office of Internal Audit) and the establishment of one new auditor post at the P-3 level. The Assembly endorsed that recommendation.

12. The Assembly also considered the adequacy of resources in the Budget Section of the Registry. It decided to retain the current provision, in the knowledge that the Registrar would keep that issue under future review, and would take any necessary measures bearing in mind his powers to transfer posts and resources within major programme 3.

Major programme 4**Secretariat of the Assembly of States Parties**

13. In paragraph 56 of its report, the Committee had recommended that the Assembly not approve the post of the Deputy Head of the Secretariat at the P-5 level as proposed. In the light of workload uncertainties for the year 2004, the Assembly decided that the post not be established at this time; however, general temporary assistance funds amounting to 84,921 euros should be available to be used if and when the workload so required.

14. In paragraph 57 of its report, the Committee had recommended that the contingency reserve not be approved. In that regard, the Assembly noted the statement by the representative of the host country that the voluntary contribution by the Netherlands of 300,000 euros to financially support subsequent meetings of the

Assembly of States Parties and its Bureau during the first financial period (see PCNICC/2002/INF/5) would remain valid for the 2004 financial period. In the light of that statement, the Assembly agreed with the recommendation of the Committee that the contingency reserve not be approved.

3. Recommendations of an institutional nature

15. In paragraphs 61 to 63 of its report, the Committee had recommended that travel, accommodation and subsistence expenses of Committee members be met henceforth from programme budget resources.

16. The Assembly agreed that the above proposal would facilitate the attendance by all Committee members to its meetings. Accordingly, it approved an amendment to paragraph 15 of its resolution ICC-ASP/1/Res.5, "Procedure for the nomination and election of members of the Committee on Budget and Finance", which provided that: "The State Party which submitted the nomination of a member of the Committee on Budget and Finance shall defray the expenses of that member while in performance of Committee duties". (For the text of resolution ICC-ASP/2/Res.5, see part IV of the present report.)

17. In paragraph 64 of its report, the Committee had recommended "that it hold, on a trial basis, an additional session in the spring of 2004 of no more than three days, at which it would consider the Court's performance and look in greater depth at important issues". The Committee had further noted that for an additional meeting of the Committee a total of 447,836 euros would be required for conference and non-conference services to be included in the programme budget for 2004 under major programme 4 (Secretariat of the Assembly of States Parties).

18. The Assembly carefully examined the assumptions underlining the amount referred to in paragraph 17 above. Taking into account that rental space would not be required for a meeting in The Hague, and that the additional meeting would have significantly less material for translation, the Assembly was of the view that an amount of 176,820 euros should be allocated for the relevant services. Since an additional amount of 30,336 euros would be required for the travel and subsistence expenses of Committee members, the Assembly approved a total of 207,156 euros for conference and non-conference services for the meeting to be included in the programme budget for 2004 under major programme 4.

4. Budget resolution

19. At its 5th plenary meeting, on 12 September 2003, the Assembly adopted by consensus resolution ICC-ASP/2/Res.1, entitled "Programme budget for 2004, Working Capital Fund for 2004, scale of assessments for the apportionment of expenses of the International Criminal Court and financing of appropriations for 2004" (for the text, see part IV of the present report).

5. Draft programme budget for 2004 prepared by the Registrar*

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* Previously issued as ICC-ASP/2/2.

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Abbreviations

ASG	Assistant Secretary-General
CMS	Court Management System
DSA	Daily subsistence allowance
ERP	Enterprise Resource Planning
GS (OL)	General Service (Other level)
GS (PL)	General Service (Principal level)
IAPSO	Inter-Agency Procurement Services Office
ICC	International Criminal Court
ICTR	International Tribunal for Rwanda
ICTY	International Tribunal for the Former Yugoslavia
IEEE	Institute of Electrical and Electronic Engineering
ILOAT	International Labour Organization Administrative Tribunal
IMS	Information Management System
ITCS	Information Technology and Communication Section
ITSEC	Information Technology Security Evaluation Criteria
OTP	Office of the Prosecutor
PCIU	Property Central and Inventory Unit
PIDS	Public Information and Documentation Section
RMS	Record Management System
UNAT	United Nations Administrative Tribunal
UNJSPF	United Nations Joint Staff Pension Fund
USG	Under-Secretary-General
WPVP	Witnesses Protection and Victims Participation Section

I. Introduction

1. This first budget submission by the Court is submitted by the Acting Registrar in accordance with financial regulation 3.1 and financial rule 103.2. It consists of two parts: Part One covering the organs of the Court, and Part Two dealing with the Secretariat of the Assembly of States Parties. Within Part One three major programmes are distinguished: the Judiciary: Presidency and Chambers; the Office of the Prosecutor; and the Registry. Part Two contains the resource requirements for major programme 4, the Secretariat of the Assembly of States Parties.

2. As required by financial regulation 3.3, this budget is presented as a programme budget, defining concrete objectives, expected results and key performance indicators for each subprogramme. The current budget submission is regarded by the Court as the beginning of a comprehensive process, involving an ongoing dialogue between the Assembly of States Parties and the Court. The determination of goals and objectives will not restrict the budget process to a mere activity of fundraising; it will also require continued examinations of work processes and evaluations of results. The budget of the Secretariat of the Assembly of States Parties as set out below (see para. 25) is presented in a slightly different format, reflecting the fact that the final structures of the Secretariat, as a future institution, cannot be set out in detail at the current stage.

3. The present budget submission has been prepared under difficult circumstances and great time pressure, given the fact that the Presidency was only in place after 11 March 2003, the Prosecutor was only elected on 23 April 2003 and the Registrar had not been in place at the time the present document was submitted.

4. This total budget submission is for a total of €5,089,100. Of this total,

- €2,211,100 (94.8%) is required by the Court as such, and
- €2,878,000 (5.2%) is for the Secretariat of the Assembly of States Parties.

Within the Court, the division of the budget between the three organs is as follows:

- €6,034,500 (11.6%) of the budget for the Judiciary: Presidency and Chambers;
- €14,294,400 (27.4%) of the budget is for the Office of the Prosecutor, and
- €31,882,200 (61.1%) of the total for the Registry.

The submission is for a total of 395 posts, of which 7 are for the Secretariat and 388 are for the Court as such. The total staff costs are €19,979,000 (36.3% of the budget submission). Salary costs for judges amount to a total of €3,583,900 (6.5%). Total non-staff costs amount to a total of €31,526,200 (57.2% of the total budget submission including the Secretariat).

5. As in any new organization, the significant budget increases are explained by the necessity to establish adequate human resources to deal with the anticipated workload as well as by the need to build up basic infrastructures. The size of those increases is not indicative of a similar development in future years.

Core assumptions for the Court

6. At the heart of the budget submission for the Court lies its core mission: to conduct fair public trials within a reasonable time frame. From this core objective many sub-objectives flow, which are indicated in each subsection of the budget.

7. The present submission builds upon the same guiding principles which underlie the budget for the first financial period, which was negotiated in the context of the Preparatory Commission and adopted by the Assembly of States Parties at its first session.¹ It does so, first, by continuing to emphasize the building of a strong analytical and strategic core capacity with which effective and efficient working practices can continue to be developed for the Court's work. Secondly, as a corollary to the above, this budget implements the idea that flexibility and scalability will be key to the functioning of the Court if it is to be efficient in financial terms. A strong analytical and strategic capacity within the Court, having due regard to the fact that the Court is a judicial institution in which certain functions must be performed by core staff, will allow the Court to conduct elements of its operations with a flexible and scalable workforce. Finally, this budget continues the process, which was started with the budget for the first financial period, of setting up a new international organization. In that regard, the submission contains significant investments in infrastructure which the Court will require if it is to function effectively and efficiently as intended. Most of these investments relate to the interim premises of the Court and to information technology and communication requirements, the latter of which is essential for efficient trials once they commence.

8. In submitting this budget the Court would like to recall one of the basic assumptions of the budget for the first financial period,² i.e. that the organizational structure contained in that document is "purely illustrative and should be interpreted neither as a target for expenditure nor as an agreed blueprint for the future structure of the organs of the Court". Accordingly, the Assembly of States Parties will note that some of the structures contained in the budget for the first financial period have been adapted in response to necessities as they unfolded, and in line with the work methods, objectives and strategies defined by the senior officials of the Court for the latter half of 2003. Underlying these changes is a functional approach also adopted in the budget for the first financial period. This approach takes the definition of functions which need to be performed as the basis for determining structures, work methods and the need for resources. **It is a non-static approach, in which the tasks before the Court take a central place. In other words, it is the fulfilment of its functions and the performance of its tasks which drive and define the Court's actions rather than its organizational structure.** In line with this philosophy and especially in this set-up phase, functional requirements are not subjected to a structure which might not allow those tasks to be performed efficiently. Given the fact that the Registrar had not been elected at the time the present budget document was submitted, this submission is made under the assumption that the Registrar, as required in resolution ICC-ASP/1/Res.12, will approve the organizational changes and redeployments as set out in annex II of the present document.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part III.

² See *ibid.*, para. 3.

9. The budget for the first financial period was focused on providing the Court with “critical needs”: to deal with potential evidence, to conduct high-level external relations, communications and public information, and the setting up of basic administrative systems.³ By contrast, the current submission adds resources to further complete the setting up of the Court and creates the foundation for a real capacity to conduct investigations, pre-trial, trial and appeals procedures, and to support the defence. In short, this budget is a thoroughly considered reflection of the basic means which will be required to achieve what is defined in the budget for the first financial period as “a stronger capacity for the Court and the Assembly of States Parties to respond to various challenges”.⁴

A. Balance

10. The budget submission as it is currently presented comes at the end of a process of consultation between the judiciary, the prosecution and the Registry (which is tasked with most of the general support functions). The result is a budget submission which seeks to maximize efficiency by taking as a point of departure the specific powers and functions of each organ of the Court, while at the same time creating a common platform of resources where possible. The resulting balance must be taken into account when considering this submission. A critical element of this effort to maximize efficiency is formed by the Registry, which not only has its own specific functions in the area of counsel, victims, witnesses and court administration, but also provides the main part of the administrative and operational support to the other organs of the Court.

Assumptions for the short-term, medium-term and long-term perspective

11. In this first budget submission the Court has set its anticipated workload, the objectives which derive from it and the means it requests to reach those objectives against a medium-term and a long-term perspective. This was done to provide focus and perspective to the current proposals. Those medium-term and long-term perspectives are included in this budget submission in order to allow the Assembly of States Parties to place the current submission in a context which can be adapted as further budget submissions follow in the coming years. The notion “medium-term” was defined as three years from now, while “long-term” was defined as a further six years.

12. The general assumptions regarding the workload in the short-, medium- and long-term perspectives are based on the Rome Statute and the Rules of Procedure and Evidence, set against the background of anticipated realities and involving widespread consultations with experts from Governments, practitioners and academia.

13. The 2004 and medium-term projections are such that judicial and operational activity is to be envisaged well before a specific accused has been identified and/or indicted. As is set out in more detail in the introduction to major programme 2 (Office of the Prosecutor), the anticipated prosecutorial workload commences with a preliminary examination of a situation. Such an examination may lead to an

³ Ibid., para. 36.

⁴ Ibid., para. 2.

investigation, which would immediately involve a Pre-Trial Chamber. Before the matter reaches the trial phase, a decision of a Pre-Trial Chamber could be appealed, which would necessitate the presence of an Appeals Chamber to deal with the matter. Situations and cases may not come to the Court in a predictable sequence. Rather, a preliminary examination could commence while, at the same time (and perhaps in respect of a situation in a different part of the world), a particular situation/case is before a Pre-Trial, Trial and/or Appeals Chamber.

14. Against this background, it is assumed that the Court may be faced in 2004 with at least one major situation and the commencement of preliminary examination in another. By the medium term, a full-fledged second or third situation could be before the Court. Long-term projections assume a constant docket of three situations whereby the Court will have an active preliminary examination, investigation, prosecution, trial and appeals capacity (including the necessary resources for counsel) to deal with the work. The latter assumption is based both on a general hypothesis about the global political situation, which in the long-term perspective is not anticipated to be fundamentally different than it is today, and on the supposition that over 100 States will have ratified the Statute six years from now.

15. The current submission further assumes that where there is an exercise of jurisdiction by the Office of the Prosecutor and an investigation leads to an indictment, the Court's resources will be focused only on the most important perpetrators.

16. Having said this, it is also known that in order to issue indictments in respect of only the most significant perpetrators in situations where mass violence has occurred the Prosecutor will have to investigate and analyse widely. This means that in each situation there will always be a need for a significant investigation/analysis capacity, even if the actual indictments resulting from the use of that capacity are assumed to be limited. However, because of the limited number of cases which are actually brought to the indictment phase, it is not assumed that there will be a need for a similarly large capacity within the judicial pillar of the Court to deal with trials. The working of this mechanism is set out in diagrams I and II below.

Diagram I

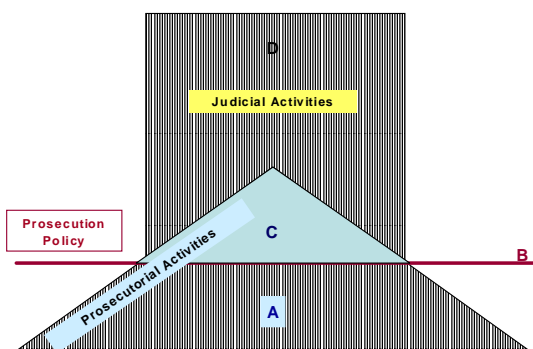
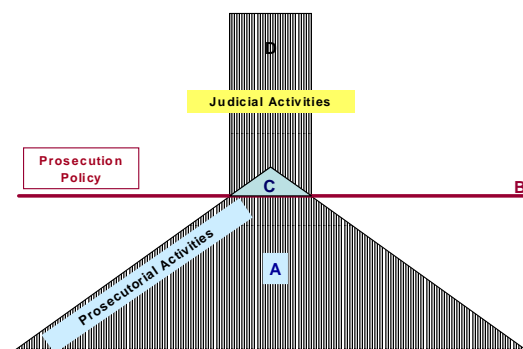


Diagram II



17. Triangle A illustrates the workings of an average international war crimes prosecution with, as its point of departure, a broad and complex basis of facts and a wide variety of persons involved. It is from that broad basis of facts and persons involved that the Prosecutor finds his way to the main perpetrators at the top of the triangle. Line B symbolizes the line above which the Prosecutor decides that the “main perpetrators” are to be found. In diagram I, that line is drawn halfway through the triangle, indicating that the Prosecutor will bring indictments against all persons in shaded area C. Shaded area C translates, within the judicial pillar of the Court, into a requirement for resources the size of rectangle D in diagram I. If, however, line B is drawn higher up the triangle, there are significantly fewer indictments, which, in turn, require significantly fewer resources for the judicial pillar, which is shown by the smaller rectangle D in diagram II.

18. Hence the working assumptions included in this budget are built around a well functioning complementarity regime. Against the backdrop of the mechanism set out above, it is anticipated that, in the medium and long term, approximately 60 to 70 per cent of the regular budget resources of the Court will be utilized directly or indirectly (through support by Registry) by the Office of the Prosecutor, leaving the residual 30 to 40 per cent for the judicial pillar (not taking into account the victims mandate, as set out below).

19. As distinguished from the two ad hoc Tribunals, the Court has been tasked with hitherto unknown responsibilities vis-à-vis victims. While, based on an examination of articles 89 to 99 of the Rules of Procedure and Evidence, it is possible to set out which resource requirements are necessary, there is a degree of unpredictability to the volume of aspects of the work. Hence, this novel area will have to develop a large amount of flexibility and scalability in its operations. In its most basic form, a large capacity to record, retrieve and process large numbers of individual claimants will be required. In this regard, the Court has started a process of putting in place efficient solutions, making use of the latest standards in information and communication technology.

20. In the medium and long term, large efficiencies can be achieved with the effective use of information and communication technology. This applies both to the judicial proceedings and to the management of the Court as an organization. For the present submission, funds are required in order to continue to lay the foundation for an integrated management system which will allow all managers in the Court and States Parties to follow performance through key performance indicators which have been created during the current budgetary period. This system will link key administrative functions such as human resources, procurement, finance and budget, and integrate them, where required, to ongoing prosecutorial and judicial activity. The Court also requests funds to continue its work on a court management system (not included in the budget for the first financial period), which allows all parties to follow the proceedings, and to retrieve and work with documents — without necessarily being in The Hague — as and when necessary (for instance, in order to facilitate the future establishment of field offices).

21. Throughout the development of these systems, the Court will require a large degree of mobility. Hence, the parameters which have been used also include an assumption that the ICC will, in the medium and long term, not have all staff in The Hague all of the time. When investigations commence, field offices will be established by the Court in or close to the situation which is being investigated. In

addition (and in the longer term), the ability of the Court to hold trial sessions away from the seat is also considered. In this regard, it is thought possible that, in the medium term and long term, segments of the judicial process will at times be held outside The Hague.

22. In the light of the need for the organization of the Court to be flexible and scalable, and in order to maximize efficiency and economy, all staff will not be employed on permanent contracts. In line with the core philosophy elaborated in the budget for the first financial period, the structures which are foreseen would support a nucleus of longer-term, highly skilled staff which is complemented by staff recruited as and when necessary. In a scenario where one or more situations are before the Court, it is assumed that approximately 40 per cent of the required staff would be on short-term contracts.

23. In the short- to medium-term perspective, the Court will be housed in interim premises provided by the host State (the Arc). Those interim premises are for use by the Court until the completion of the permanent site, originally foreseen for 2007, but currently set at 2010. As a consequence, a capacity to deal with two to three situations will have to be created in the interim premises. This will include the requirement for a second courtroom in the interim premises. It will also necessitate a significant expansion of the Court into buildings at the interim premises complex currently in use by other institutions and would, based on current estimates of the working space available in that building, necessitate a taking over of the whole complex by early 2005. This also means that the Court should, in the establishment phase, develop administrative and operational support structures which can easily be extended into the other buildings of the Arc complex. It also means that refurbishment in the parts of the Arc complex not in use by the ICC should, to the maximum extent possible, take into consideration that the premises will have to be used by the Court at the end of the medium-term perspective set by the present budget.

24. In the area of security, the Court will have to work closely with the host State (for operations in the Netherlands) and with other States where it has field offices. In this regard, it will be a tremendous challenge to cope with the fact that the Court will be operating in two to three different areas of the world in the medium to long term, and often in areas where safety is a real concern. The Court has in the present submission assumed that where its staff will have to operate in high-risk areas, it may be able to benefit from security infrastructures established by other international actors. If this assumption were not made, the resources required for security in the field would be significantly higher than those contained in the present submission. In addition, much emphasis is placed on the establishment of a strong information security function, which will be essential for the maintenance of the integrity of the judicial process, including the protection of witnesses and the maintenance of the integrity of evidence.

25. It will be noted that the format of the budget submission of the Secretariat of the Assembly of States Parties departs from the format contained in Part One relating to the Court, and resembles more closely the format that was used for the budget for the first financial period of the Court. The rationale behind this different format is the fact that the Secretariat budget is, in many ways, as “indicative” as the first budget of the ICC. Only when senior staff of the Secretariat have been

recruited, will it be possible to determine the relevant final structures and the tasks, expected result, and performance indicators.

II. Draft programme budget of the International Criminal Court for 2002

26. The draft programme budget for the Court (including permanent secretariat) for 2004 is subdivided into 4 major programmes, 7 programmes and 22 subprogrammes, which reflect the organizational structure of the Court.

27. The budget appropriations for 2004 in the amount of €55,089,100 (including funding of the Secretariat of the Assembly of States Parties) need to be financed from assessed contributions by States Parties (see annex I).

Table 1

	<i>MP 1: Judiciary The Presidency and Chambers</i>		<i>MP 2: Office of the Prosecutor</i>		<i>MP 3: Registry</i>		<i>MP 4: Secretariat</i>		<i>Total</i>
	<i>€</i>	<i>% of total</i>	<i>€</i>	<i>% of total</i>	<i>€</i>	<i>% of total</i>	<i>€</i>	<i>% of total</i>	
Total	€6 034 500	11	€14 294 400	26	€31 882 200	58	€2 878 000	5	€55 089 100
Staff costs	€1 403 000	7	€6 976 800	35	€11 068 100	55	€531 100	3	€19 979 000
Judges	€3 583 900								€3 583 900
Non-staff costs	€1 047 600 ^a	3	€7 317 600	23	€20 814 100	66	€2 346 900	7	€31 526 200
Total number of posts	31	8	131	33	226	57	7	2	395
New posts	23	12	75	39	89	46	7	4	193

^a This figure also includes non-salary costs for judges.

Figure 1
Total costs

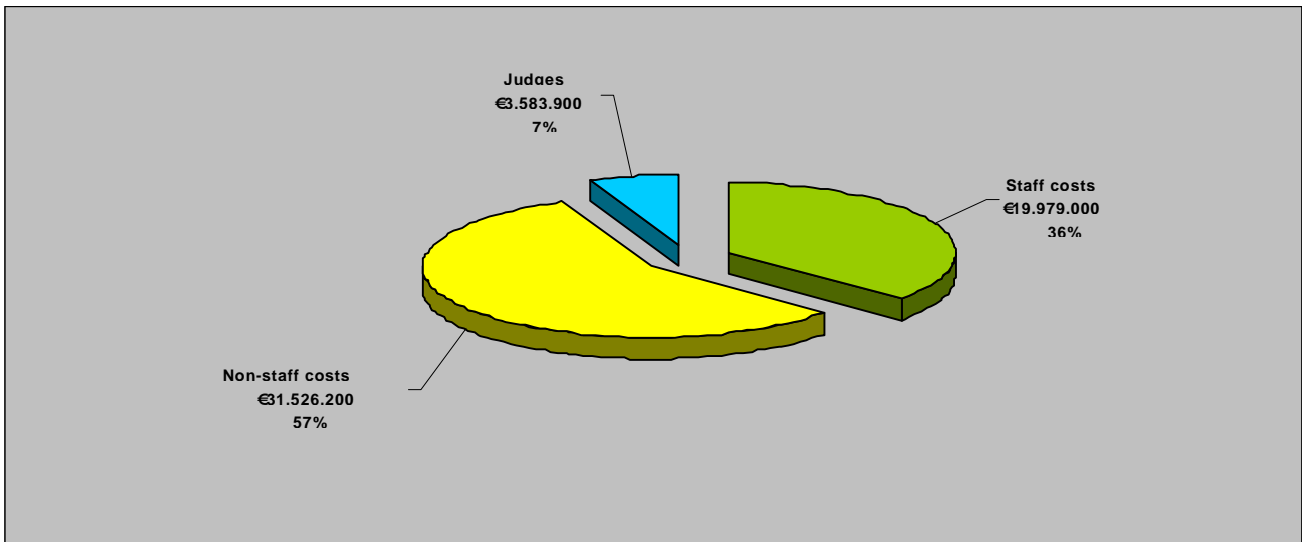


Figure 2
Total costs per major programme

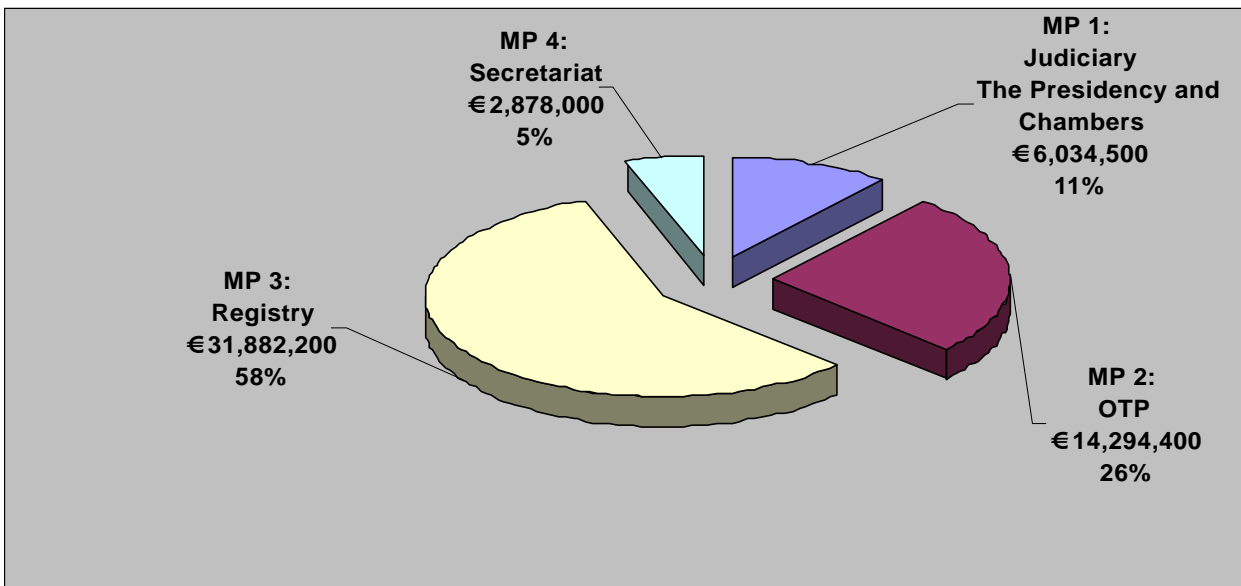


Figure 3
Posts per major programme

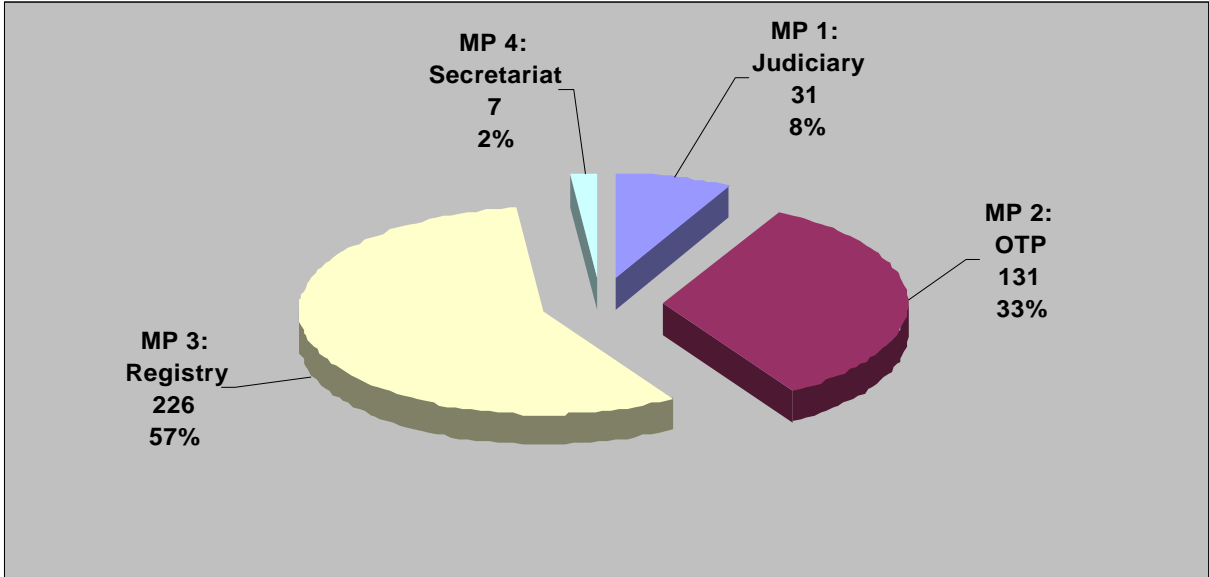
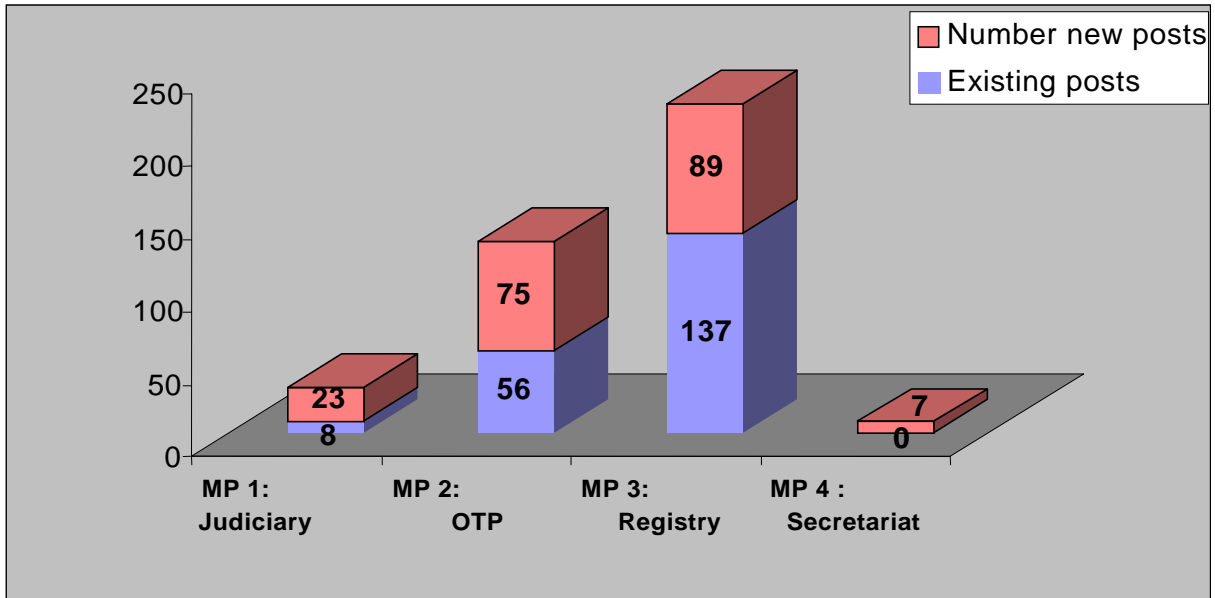


Figure 4
New posts 2004 — existing posts 2003



Part One Organs of the Court

A. General overview

28. The draft programme budget for the Court proper for 2004 is subdivided into 3 major programmes, 7 programmes and 22 subprogrammes.

29. The budget appropriations for 2004 in the amount of €52,211,100 include €19,447,900 for staff costs, €3,583,900 for judges and €29,179,300 to cover non-staff costs.

Table 2

	<i>MP 1: Judiciary The Presidency and Chambers</i>		<i>MP 2: Office of the Prosecutor</i>		<i>MP 3: Registry</i>		<i>Total</i>
		<i>% of total</i>		<i>% of total</i>		<i>% of total</i>	
Total	€6 034 500	11.6	€14 294 400	27.4	€31 882 200	61.1	€52 211 100
Staff costs	€1 403 000	7.2	€6 976 800	35.9	€11 068 100	56.9	€19 447 900
Judges	€3 583 900	100					€3 583 900
Non-staff costs	€1 047 600 ^a	3.6	€7 317 600	25.1	€20 814 100	71.3	€29 179 300
Total number of posts	31	8	131	33.8	226	58	388
New posts	23	12	75	40.3	89	47	186

^a This figure also includes non-salary costs for judges.

Figure 5
Total costs

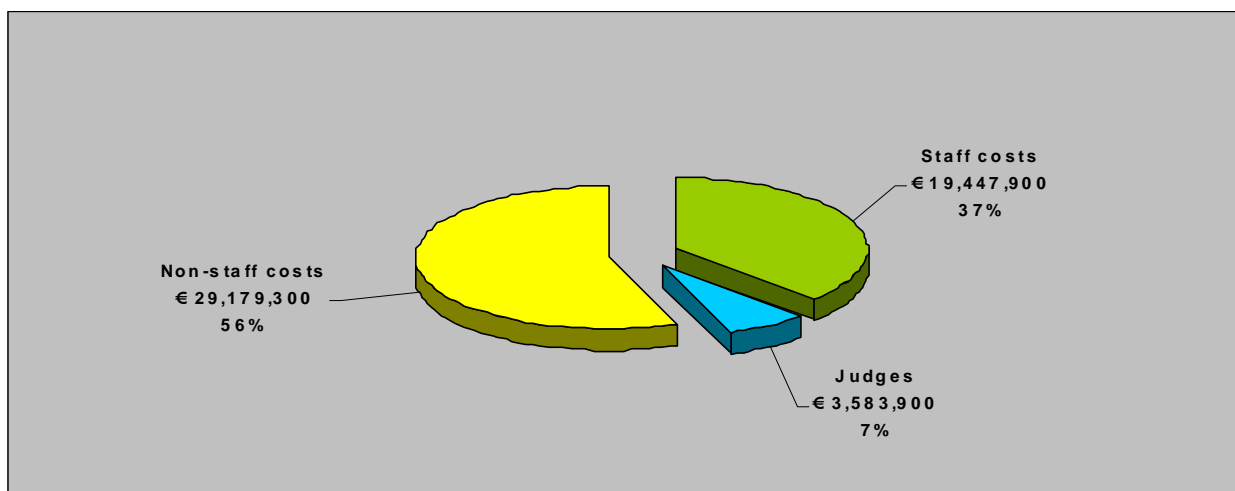


Figure 6
Total costs per major programme

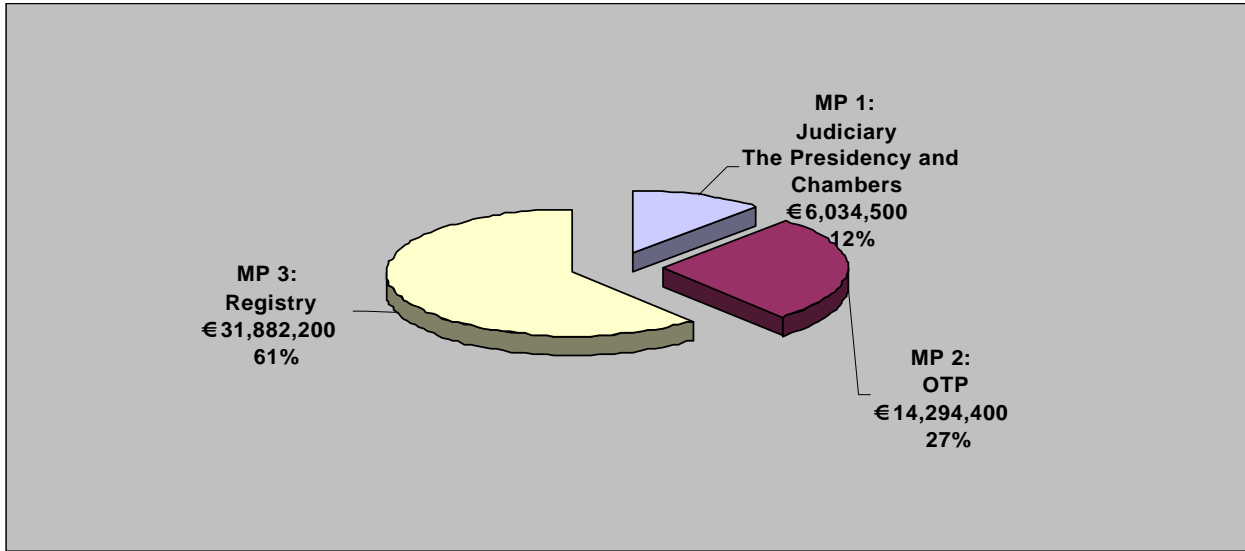


Figure 7
Total costs per item of expenditure

(In euros)

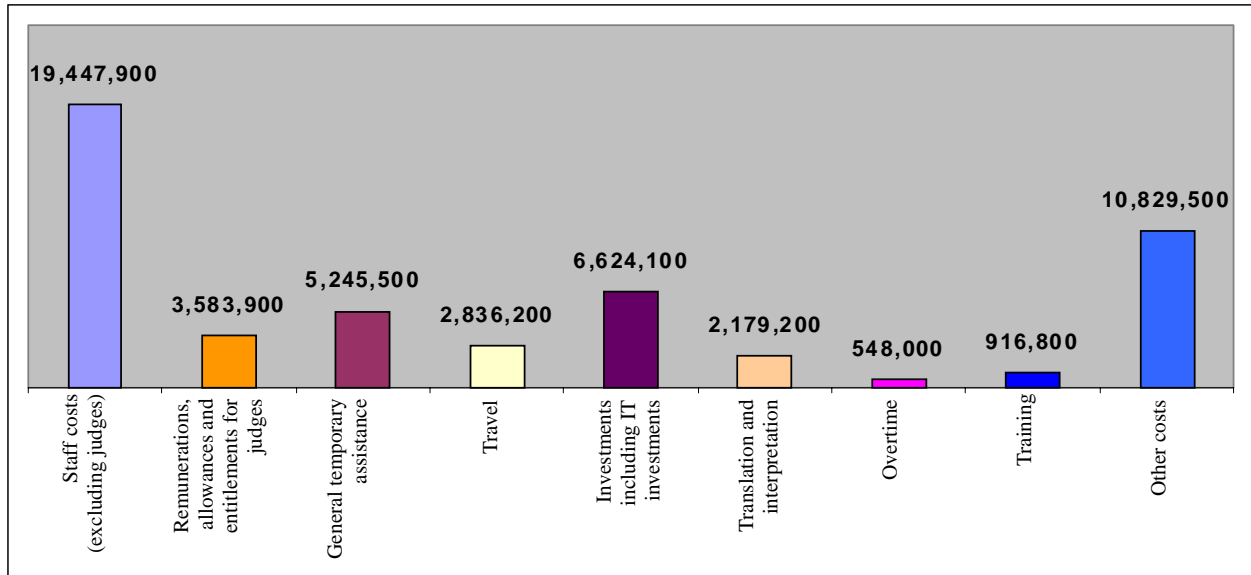


Figure 8
Posts per major programme

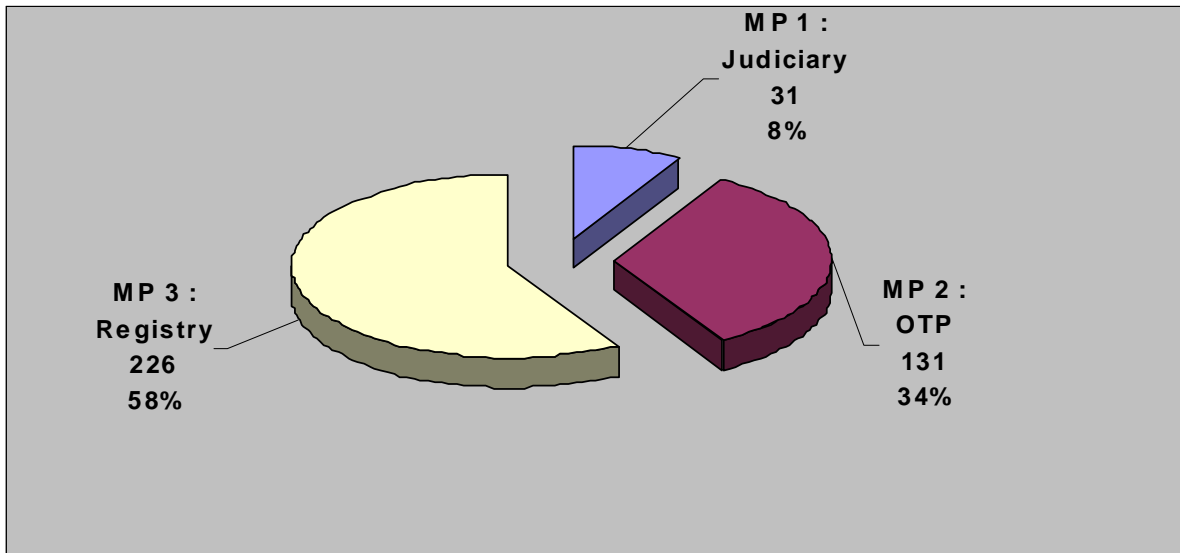


Table 3
New posts 2004 (not including judges)

	<i>USG</i>	<i>ASG</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Subtotal P</i>	<i>GS-PL</i>	<i>GS-OL</i>	<i>Subtotal G</i>	<i>Total</i>
Major programme 1. Judiciary: The Presidency, Chambers														
Programme 1100. The Presidency								3		3		1	1	4
Programme 1200. Chambers								15		15		4	4	19
Subtotal: MP 1								18		18		5	5	23
Major programme 2. Office of the Prosecutor														
Programme 2100. The Prosecutor							2	8	2	12	2	8	10	22
Programme 2200. Investigation Division					1	9	4	11	13	38		6	6	44
Programme 2300. Prosecution Division					2				6	8		1	1	9
Subtotal: MP 2					3	9	6	19	21	58	2	15	17	75
Major programme 3. Registry														
Programme 3100. Registrar								2		2		1	1	3
Programme 3200. Deputy Registrar						6	13	9		28	4	54	58	86
Subtotal: MP 3						6	13	11		30	4	55	59	89
Major programme 4. Secretariat of the Assembly of States Parties														
Subtotal: MP 4				1	1	2				4	2	1	3	7
Total ICC				1	4	17	19	48	21	110	8	76	84	194

Table 4
Total posts 2004 (not including judges)

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Subtotal P	GS-PL	GS-OL	Subtotal G	Total
Major programme 1. Judiciary: The Presidency, Chambers														
Programme 1100. The Presidency					1		1	3		5		3	3	8
Programme 1200. Chambers								15		15		8	8	23
Subtotal: MP 1					1		1	18		20		11	11	31
Major programme 2. Office of the Prosecutor														
Programme 2100. The Prosecutor	1			1	4	6	11	8	2	33	3	18	21	54
Programme 2200. Investigation Division		1			2	14	6	11	13	47		9	9	56
Programme 2300. Prosecution Division		1			4	3	2		6	16		5	5	21
Subtotal: MP 2	1	2		1	10	23	19	19	21	96	3	32	35	131
Major programme 3. Registry														
Programme 3100. Registrar		1			3	2	2	2		10	1	5	6	16
Programme 3200. Deputy Registrar				1	7	19	36	22		85	9	116	125	210
Subtotal: MP 3		1		1	10	21	38	24		95	10	121	131	226
Major programme 4. Secretariat of the Assembly of States Parties														
Subtotal: MP 4				1	1	2				4	2	1	3	7
Total ICC	1	3		3	22	46	58	61	21	215	15	165	180	395

B. Major programme 1: The Judiciary — the Presidency and Chambers

Introduction

30. The Presidency assumed its work soon after the Inaugural Meeting of the Court in March 2003. The resources which had been allocated to it in the budget for the first financial period were generally considered to be sufficient for the functions which the Presidency has assumed. A small increase in administrative support capacity has been requested. The Spokesperson for the President has been redeployed to the Public Information and Documentation Section, which will serve as the basis for all public information activity.

31. A decision was taken by the judges to depart from the structure proposed in the budget for the first financial period and to allocate to each judge a legal assistant

(P-2), to assist in legal drafting. This system, also used by many national and international courts, is considered efficient and provides the judge maximum flexibility to organize his or her work, instead of having to do so through the Registry, as was proposed initially. A small amount of general temporary assistance funds is requested should additional legal assistants be required on the basis of the workload. A similar flexible approach has been taken as regards administrative support, where a decision was taken that one secretary should serve two judges in respect of the 15 Chambers judges.

32. The major programme is structured as follows:

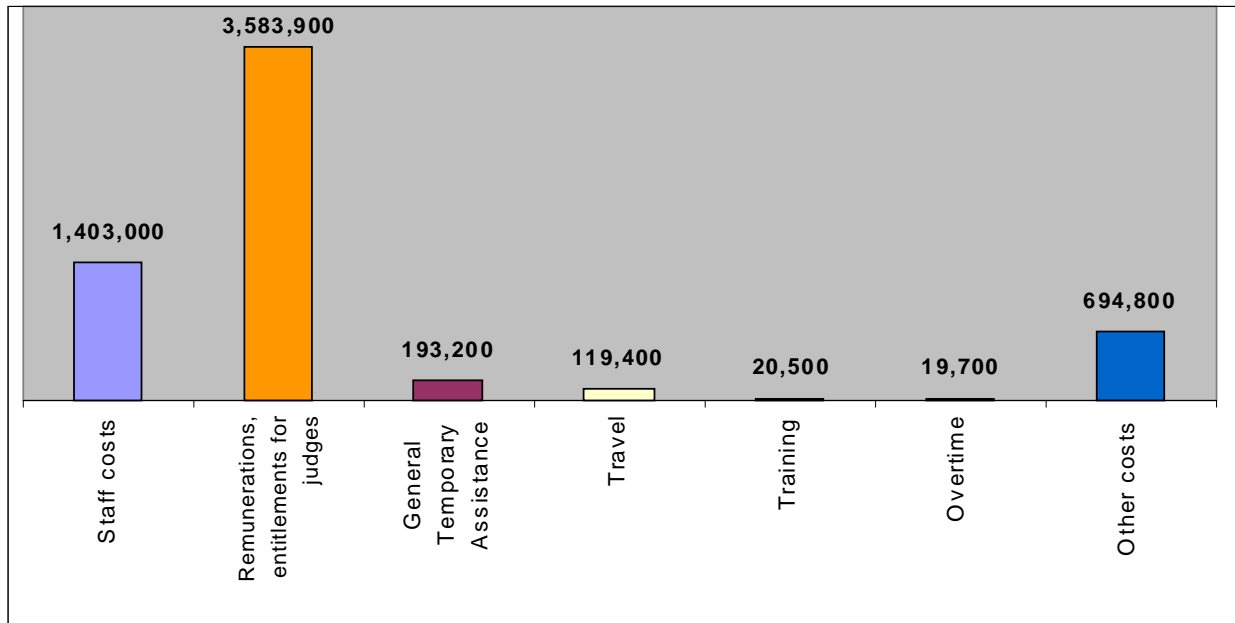
Programme 1100: The Presidency

Programme 1200: Chambers

Key programme resources

33. Resources for this major programme amount to €6,034,500. The major programme activities are the responsibility of 18 judges and 31 staff (20 Professional staff and 11 General Service staff).

Figure 9
Total costs



1. Programme 1100: The Presidency

<i>Post table</i>			
	<i>Posts</i>	<i>Resources</i>	€
Judges	3	Salary costs ^a	597 319
		Non-salary costs ^b	38 000
Total	3	Total	

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	€
Professional	5	Staff costs	415 905
General Service	3	Non-staff costs	144 000
Total	8	Total	559 905

^a Salary costs also include education allowance, home leave and unforeseen leaves.

^b Non-salary costs include special allowance for the Presidency.

34. The subprogramme objective is to assume all judicial functions entrusted to the Presidency in accordance with the Statute and to provide effective managerial supervision over the proper administration of the Court in accordance with article 38 (3) of the Statute.

Tasks planned for 2004

- Putting all necessary structures in place to allow all 18 judges of the Court to commence work efficiently, including a complete Pre-Trial Division, Trial Division and Appeals Division
- Overseeing the establishment of most judicial support systems and mechanisms necessary for the efficient functioning of the Court as a judicial institution
- Ensuring an effective mechanism for coordination between the Presidency, the Prosecutor, and the Registrar for issues concerning the Court as a whole
- Organizing three plenary sessions of the judges and setting up an effective training programme for judges and relevant staff
- Continuing efforts to enhance liaison and effective working relations with defence counsel
- Overseeing the establishment of most administrative and institutional support systems and mechanisms necessary for the efficient functioning of the Court as an international organization
- Representing the Court in the international diplomatic arena
- Continuing general outreach activities aimed at increasing knowledge of the Court
- Concluding a Relationship Agreement with the United Nations

Expected results

- A fully functional judiciary, with full capacity to deal with the pre-trial procedure, trial procedure and appeals, and to meet the challenges of the caseload of the Court
- Effective coordination between the Presidency, the Prosecutor and the Registrar concerning matters which concern the Court as a whole
- The Court as a fully functioning court, with an efficient information and case management system in the first phases of implementation
- Effective working relationships with defence counsel
- The Court as a fully functioning international organization, with most human resources, finance, procurement, general services, security and building functions in place, and efficient managerial structures and procedures operational
- A Court that is known in all States Parties, both at the level of government and of civil society
- The Court as a visible entity on the international stage, with effective diplomatic channels at its disposal
- Effective cooperation between the Court and the United Nations

Performance indicators

- A fully functioning Pre-Trial Division, Trial Division and Appeals Division
- Within the framework of the specific powers of the Presidency, the Prosecutor and the Registrar, maximum efficiency through pooling of common services
- Conclusion of the Relationship Agreement between the ICC and the United Nations
- Near completion of implementation of the information and case management systems

New posts

3 P-2 (Assistant Legal Officer)

1 General Service (Other level) (Administrative Assistant)

Posts to be deployed to major programme 1 in 2004

1 P-5 (Chef de cabinet)

1 P-3 (Legal Officer)

2 General Service (Other level)

Post justifications

3 P-2 (Assistant Legal Officer)

35. In line with the general organization of the Chambers, the President will require as a permanent post an Assistant Legal Officer to assist in legal research and

the preparation of decisions which pertain to his work as President of the Appeals Chamber. For the first financial period, this function has been fulfilled with the creation of a temporary post. Practice has shown, however, that the position requires a permanent character. A similar requirement applies to the two Vice-President posts, service for which has also been provided thus far through temporary contracts.

1 General Service (Other level) (Administrative Assistant)

36. The incumbents will lend administrative and general secretarial support to the Presidency and the Professional staff of the Presidency.

Reasons for deployment of posts to major programme 1 in 2004

37. During the first financial period these posts were assigned to the Presidency but budgeted for in the Registry. For reasons of transparency it is envisaged to provide for these posts under major programme 1.

Other resources

38. The total funding request for other resources amounts to €144,000, for the following purposes:

- Travel: €83,200
- Consultants: €30,800
- Hospitality: €10,300
- Overtime (for General Service staff): €19,700

2. Programme 1200: Chambers

<i>Post table</i>			
	<i>Posts</i>	<i>Resources</i>	€
Judges	15	Salary costs ^a	2 986 595
		Non-salary costs ^b	585 000
Total	15	Total	3 571 595

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	€
Professional	15	Staff costs	987 047
General Service	8	Non-staff costs	280 700
Total	23	Total	1 267 747

^a Salary costs also include education allowance, home leave and unforeseen leaves.

^b Non-salary costs include travel and relocation for nine judges arriving in 2004.

39. **The objective of the programme, which consists of a Pre-Trial Division, a Trial Division and an Appeals Division, is to conduct effective and efficient pre-**

trial, trial and appeals procedures and to take the necessary judicial decisions connected therewith, taking into account the requirements of the Statute.

Tasks planned for 2004

- Conducting effective and efficient pre-trial proceedings, trial proceedings and appeals proceedings
- Overseeing the establishment of systems and mechanisms to ensure the effective and efficient conduct of pre-trial, trial and appeals proceedings, including the final steps of implementation of a case management system
- Participating in external communication activities for the Court as required by the Presidency
- Evaluating and further improving in the case management system
- Training relevant staff

Expected results

- Effective and efficient pre-trial procedures, trials and appeals procedures
- A functional case management system
- Chambers staff which is efficient and of high quality

Performance indicators

- Effective and efficient trials
- Enhancement of the profile of the Court as a result of external relations activities

9 Judges (Under-Secretary-General level)

40. The anticipated workload of the Court will require it to have at its disposal all 18 judges in 2004. In this regard it is pointed out that the decision to actually call a judge to The Hague is a decision which the Presidency must take in accordance with article 35 (3) of the Statute, on the basis of the workload of the Court. As set out in the first part of this budget the Court will require the availability of more than one Pre-Trial Chamber, an Appeals Chamber and possibly also a Trial Chamber to deal with the work that will be generated by the Office of the Prosecutor. From a budgetary point of view, the Court currently has at its disposal nine judges which, as indicated in paragraph 43 of the budget for the first financial period, is the minimum requirement to compose a Pre-Trial Chamber and an Appeals Chamber for interlocutory appeals relating to those pre-trial proceedings.

New posts

15 P-2 (Assistant Legal Officer)

4 General Service (Other level) (Administrative Assistant)

Redeployed posts

4 General Service (Other level)

Post justifications**15 P-2 (Assistant Legal Officer)**

41. In line with the practice at the ad hoc tribunals and other international courts, each judge will be assigned an Assistant Legal Officer to assist in legal research and preparation of decisions. For the first financial period this function has been fulfilled through redeployments and the creation of temporary posts. The function, however, requires a permanent character.

4 General Service (Other level) (Administrative Assistant)

42. For efficient and effective secretarial support and to provide due assistance to all judges, eight secretaries are needed.

Reasons for redeployment**4 General Service (Other level) (Administrative Assistant) — redeployed from Chambers Legal Support Section**

43. In the budget for the first financial period it was envisaged that these Administrative Assistants would ensure secretarial support for the judges.

Other resources

44. The total funding request for other resources amounts to €280,700, for the following purposes:

- Travel to site visits: €36,200
- Consultancies: €30,800
- Training: €20,500
- General temporary assistance — 6 months (P-2 level) for seven people: €193,200

C. Major programme 2: Office of the Prosecutor**Introduction**

45. The 2004 budget of the Office of the Prosecutor builds on the same functional approach to budgeting which characterized the budget for the first financial period. The number and level of posts requested and structures proposed reflect a careful analysis of the basic functions which must be provided for by the budget in order for the Office of the Prosecutor to fulfil its statutory role. The first budget provided the Office with a solid institution-building capacity, that is, the ability to properly build the organization of the Office, to develop its internal regulations and administrative procedures, to recruit staff members of the highest integrity and competence in a manner that would ensure genuine representation in accordance with article 44, paragraph 2, of the Statute, and to design investigation and prosecution policies that would accommodate consideration of the longer-term budgetary and other consequences of the activities of the Office. The first budget assigned the Office a total of 51 posts to accomplish these objectives of institution-building, less than

25 per cent of the overall number of staff members of the Court provided for in the first budget period.

46. The 2004 budget of the Office of the Prosecutor moves beyond institution-building capacity to enable it to fulfil the fundamental functions of analysis of information, investigation and prosecution of alleged criminal conduct, as well as to engage in professional and constructive dialogue with States as required by the complementarity regime of the Rome Statute. The Office requires a minimum operational capacity to exercise these functions in accordance with the duties and responsibilities of the Prosecutor under the Statute. The 2004 budget gives the Prosecutor this capacity by adding as few new posts as possible and instead providing some funds for general temporary assistance when events require a stronger working-level capacity in the Office of the Prosecutor.

47. In other words, the minimalist approach of the 2004 budget to the level of the core or permanent staff of the Office of the Prosecutor should not undermine the ability of the Office to meet its statutory obligations were they to be activated in the course of the budget year 2004 (by a referral of a situation by the Security Council or a State Party, or pursuant to *proprio motu* initiation of an investigation).

48. The reorganization of the structure of the Office of the Prosecutor is the result of a thorough process of consultations with leading experts on various fields relevant to the work of the Office during the establishment phase of the Court's first year. One of the basic assumptions throughout this process was that investigations and prosecutions of the International Criminal Court are focused clearly on leadership responsibility. This ambitious task can only be fulfilled with a best practice as the basis for the organization instead of copying traditional criminal justice structures which are often designed to deal with large numbers of more or less similar (and often minor) crimes.

49. Insofar as the Court's jurisdiction is not per se limited to any specific country or region, the requirements for investigation and analysis of the facts and the background will be different for every situation under scrutiny. Only a project-orientation as opposed to a static organization model can produce the desired results. The composition of investigation teams must be determined by the needs and particular facts of the specific case. A static organization which is determined by post levels and fixed hierarchies would be counterproductive.

50. The structure of the Office of the Prosecutor as set out in the 2004 budget forms the nucleus of a fully operational international prosecution service: the core of permanent staff members sets the quality standards, develops policies, and integrates and makes use of additional temporary capacity that is brought in on a situation-specific basis. The proposed number and the levels of the posts provided for in the 2004 budget will enable the Office of the Prosecutor to administer a maximum of two simultaneous preliminary examination or evaluation teams (under articles 15, para. 2, or 53, para. 1) as well as a maximum of three investigations of cases (taking into account that one situation will normally require the investigation of several cases). If the level of investigative and preliminary examination activity increases, additional general temporary assistance capacity will be required. It should be added that the availability of the three Investigation Teams will be phased in, so that one is available from January 2004 onwards, a second from June 2004 and the third from October 2004. As a result, relevant investigator, prosecutor and support posts will only be available on the basis of the same temporal differentiation. This has been

done to reduce the overall operational costs of the Office of the Prosecutor in 2004. It means that the total number of new posts (75) in fact represents a lower number of fully funded posts.

51. The following overview of the 2004 budget of the Office of the Prosecutor is based on a description of the essential functions that the budget provides for. In other words, the overview dwells on the results-oriented work processes, rather than only the structures provided for in the budget.

Analysis and preliminary examination

52. The tasks at hand require an adequate analytical capacity within the Office of the Prosecutor. If the Office is only able to react to crises quite some time after crimes which fall within the jurisdiction of the Court have been committed, one major reason for establishing a standing, permanent International Criminal Court will have been defeated. The Office must be able to analyse information on massive violations of international criminal law as it becomes available. It must have the capacity to obtain and analyse general background information from any source on the situation in crisis countries where there is an armed conflict and war crimes are being committed; on what the response of the national criminal justice system to such crimes is; and on what the international community and individual States are doing to assist the authorities of the country in crisis to respond adequately to the situation and the crimes. Without such capacity, the Office of the Prosecutor cannot give full effect to the complementarity regime of the Rome Statute or make its decisions on a sufficiently reliable factual basis. A responsible complementarity policy of the Office of the Prosecutor requires an analytical capacity to monitor relevant crises in a timely manner. Only if there is detection sufficiently early on of internal structures, processes and problems within a State which make it seem possible that war crimes are committed, can the Office of the Prosecutor contribute to the provision of effective assistance to the criminal justice system of that country, or use other instruments at its disposal as appropriate. This is one reason why the Analysis Section of the Office must be strengthened, in particular with analysts who have expertise concerning relevant countries or regions.

53. A proper analytical capacity is also required to ensure that the preliminary examination process under article 15, paragraph 2, is focused and effective. The Prosecutor is obliged to “analyse the seriousness” of all communications received by the Office of the Prosecutor. There is a steadily increasing stream of such communications. Additional information can be sought by the Office to assist the preliminary examination of such information. Even if standard forms for the submission of information are developed, these statutory requirements will necessarily lead to considerable amounts of documentation that will have to be adequately and responsibly processed within the Office. Analysts with a well-trained ability to assess the seriousness and accuracy of information are crucial in making the obligatory preliminary examination process more focused and cost-effective. They can strengthen the ability of each preliminary examination team to base its recommendations on a solid factual basis without unnecessary delay.

54. This requires analysts with sufficient experience and expertise to work effectively with lawyers and investigators in achieving this objective and to assist in the identification and proper definition of complex patterns of criminal conduct, as well as in ascertaining the contextual elements of crimes within the jurisdiction of

the Court. Only when these different professional groups within the Office of the Prosecutor work closely together in the fact-finding and -analysis processes will the quality of the Prosecutor's applications under article 15, paragraph 3, meet the highest factual and legal standards, thereby ensuring that the investigations proper authorized by a Pre-Trial Chamber will in turn be cost-effective and, equally important, that the Office and the Court as a whole concentrate their limited resources on the most serious violations of international criminal law.

Investigation

55. This is one significant reason why the administrative structures budgeted for in the Office of the Prosecutor provide for an open, horizontal organization with the investigation (later trial) teams in the Investigation Section at the operational centre of the Office and with very short vertical lines of authority. Analytical, investigative, prosecutorial and other legal expertise within the Office will be fully available to these teams, ensuring that their needs are given sufficient priority. Only multidisciplinary teams with strong interaction between the different professional groups and with clear legal direction on criteria for the selection of suspects and crimes, on the applicable elements of crimes and modes of liability, and on the means of proof required will be able to execute the mandate of the Office of the Prosecutor to investigate and prosecute the most serious crimes of concern to the international community as a whole.

56. The investigation teams must, therefore, have sufficient investigative capacity at several professional grade levels. Investigators must include investigating lawyers, police investigators and investigating analysts who all bring different skill-sets to the investigative process. The teams are led and controlled on a day-to-day basis by a Case Controller, a lawyer with extensive experience in the management of criminal investigations. A strong working-level capacity is required, with the possibility to expand it further by the use of general temporary assistance. This provides flexibility to the organization, insofar as its growth in capacity can be followed by effective shrinking to the core permanent staff level within a reasonable time. A small number of core investigation experts who serve all investigation teams is also required, including experts in forensic pathology, asset-tracking and computer forensics.

57. The 2004 budget also provides for a Unit for Victims within the Office of the Prosecutor to respond adequately to specific operational needs relevant to victims. The responsibilities of this unit include advising and assisting the investigation teams with statement-taking when the potential witness is traumatized, especially in cases involving children or sexual assault. The extensive rights of victims to participate in proceedings before the Court raise additional operational questions for the Office of the Prosecutor. It is also important to ensure that questions relevant to property damage and destruction are asked during the main interviewing of prosecution witnesses, so that the number of witnesses who need to be re-interviewed after a conviction for the purposes of reparations proceedings is reduced to the greatest extent possible. The Unit for Victims also assists with statement-taking at the seat of the Court more generally.

58. The overview given in the preceding paragraphs of the accumulated functions of the Investigation Division sets the background for the decision to make one of the Deputy Prosecutors the head of the Division. Together with the positions of Chief

Prosecutor and head of the Prosecution Division, this is the most demanding and responsible position in the Office of the Prosecutor. This should be reflected in the levels of the heads of the two divisions. The chosen solution is that the Deputy Prosecutors occupy the positions.

Prosecution

59. The Prosecution Division has an important role to play even at this early stage of the life of the Office of the Prosecutor. The preliminary examination teams as well as the investigation teams are normally supervised and directed by the Senior Prosecutors in the Prosecution Section. The Senior Prosecutor is ultimately responsible for presenting the investigated cases in court and as such he or she shoulders the immediate burden to prove the prosecution case. Hence, the Senior Prosecutor directs the entire investigative process and gives instructions to the Case Controller leading the investigation team on legal and factual issues. The Case Controller ensures that the resources available to the team are appropriately used to ensure sufficient focus, direction and progress in the investigation and case preparation. Other lawyers in the Prosecution Section assist the superior Senior Prosecutors in the execution of their supervisory responsibility during case preparation and later in proceedings before the Court.

60. The Prosecution Section must also provide a professional case secretary or Case Support Officer to each investigation team to keep all files and documents relevant to a case in order from the very beginning of an investigation until the end of trial proceedings. This case support supplements the activities of the Information and Evidence Unit to manage the information and potential evidence within the Office of the Prosecutor. Each case must have a complete hard-copy archive which is updated at all times. During trial, the Case Support Officer provides documentary and other support to the Senior Prosecutor and other prosecutors in the trial team.

61. The Prosecution Division must also provide drafting and litigation support and coordination in connection with interlocutory *appeals* generated during case-preparatory activities in the course of the budget year 2004. This requires experienced expertise to effectively evaluate the merits of potential or actual interlocutory appeals against decisions of the Pre-Trial Chamber and to prepare legal submissions concerning appeals proceedings to be submitted to the Court's Appeals Chamber. A separate Appeals Section is required in the Prosecution Division.

Services for the entire Office of the Prosecutor

62. There are some legal advisory, technical as well as administrative functions that cut across all preliminary examination and investigation teams and sections and units within the divisions in the Office of the Prosecutor. Among the legal advisory and policy functions in question are the need to provide independent specialist legal advice and legal drafting, in particular on questions pertaining to admissibility and jurisdiction (especially subject-matter jurisdiction), general international law, comparative law, state cooperation and enforcement of sentences; to manage all legal training of members of the Office of the Prosecutor, general temporary assistance staff and gratis personnel, including liaising with outside experts or institutions; to coordinate the work on the Regulations of the Office of the Prosecutor; to coordinate the legal drafting work in the Office of the Prosecutor under articles 9 (2) (c) and 51 (2) (c), as well as the consultations under article 52,

and rules 8 and 14, and to represent the Office in the Court's committee for legal texts; to develop, maintain and make available to members of the Office of the Prosecutor comprehensive and effective legal research tools; to coordinate all legal matters relevant to victims' participation in proceedings and reparations, in cooperation with the Unit for Victims and the Registry, as well as providing policy advice to the Prosecutor on questions relevant to victims; and, to represent the Office of the Prosecutor in Court-wide cooperation on library resources, research tools and the publication of Court documents. The Legal Advisory and Policy Section is responsible for these and other related functions which are not contained in the scope of activity of any of the two divisions alone.

63. In addition to the cross-cutting legal services provided by the Legal Advisory and Policy Section, there are some *administrative functions* which by their very nature may concern all sections and units within the Office of the Prosecutor, and which are provided for by the Services Section of the Office.

64. First, the working-level needs for language services within the Office should be provided by a Language Services Unit in the Office. In volume most of the translation work done for an international prosecution service is not introduced as exhibits in one or more trials, but is used as working documents during the investigation or as disclosure material. There must be a common revision service in the Registry for documents that serve as exhibits, while other translation needs of the Office of the Prosecutor should be provided for by that Office itself. This requires a strong general temporary assistance capacity to meet surges in translation needs. The unpredictability in terms of which specific languages will be required reinforces the necessity of relying on budgeted general temporary assistance. The Office must also provide for its own interpretation services in connection with investigative and other activities.

65. Secondly, in order to preserve the authority of the Chief Prosecutor over the management and administration of the Office under article 42, paragraph 2, of the Statute, the Office of the Prosecutor must also have its independent budgeting capacity, the ability to organize professional training required by the activities of the Office, and adequate human resources capacity to meet the recruitment goals and policies of the Office. The Office of the Prosecutor requires a senior manager whose responsibilities include overall review of the efficiency and spending within the Office. The Senior Manager heads the Services Section, which contains the Language Services Unit.

66. Thirdly, unless the Office has a well-functioning electronic, physical and normative management system for information, potential evidence and evidence, it will be severely hampered in its efficient operation, if not disabled. The experience of other internationalized criminal jurisdictions shows that this is a critical faculty of the Court as a whole. The most obvious function that must be accurately performed by the Office of the Prosecutor in this area is preservation of potential evidence and evidence, in order to prevent its contamination. Proper evidence control is vital. But the Office must also have an effective, comprehensive, rational and cost-effective information storage system, with clear procedures for the handling, retention, storage and security of information and physical evidence from the moment it comes into the possession of the Office, through initial analysis, preliminary examination, and the possible later stages of investigation proper, trial, appeal, reparations and ultimate review. All information and potential evidence has to be stored, both in its

physical form and (if technically possible) in electronic format within an advanced Document Management and Archiving System. If duplication of storage and retrieval is to be avoided, a common centre for information and retrieval must be established in one of the Court's organs. These vital information and evidence services are provided for by the Services Section of the Office of the Prosecutor.

67. Having an information, potential evidence and evidence system that functions at the highest levels of efficiency, reliability and security requires adequate technical knowledge-base support and investment in the most suitable software. For these reasons the 2004 budget provides for a separate Knowledge-Base Section.

Immediate Office of the Prosecutor

68. Both the divisions and the cross-cutting services are directed and coordinated by the Chief Prosecutor. His Immediate Office has a basic administrative support capacity as well as an internal oversight capacity which protects the independence of the Office of the Prosecutor, working closely with outside auditors as appropriate. Additionally, the Immediate Office of the Prosecutor provides working-level capacity in two essential areas.

69. Firstly, the Office of the Prosecutor must have a strong capacity to conduct external relations activities as required by the complementarity regime of the Rome Statute. This involves, inter alia, a complementarity dialogue with relevant states, cooperation with other intergovernmental and non-governmental organizations and a basic analytical capacity to provide factual support to the professional external relations advisers. Specific external relations expertise is required to accurately assess what role the Office of the Prosecutor can and should play, and then to engage relevant States in a constructive dialogue. The External Relations and Complementarity Unit provides these services to the Chief Prosecutor.

70. Secondly, as an independent organ of the Court, the Office of the Prosecutor must have its separate mass media and public relations capacity. This does not duplicate the broad public information programme of the Registry. Rather, the Office of the Prosecutor needs its own spokesperson and an adviser on public communications to assist the Chief Prosecutor in designing and implementing responsible and focused public relations policies. This is particularly important in an international prosecutorial environment that operates on the basis of the complementarity regime.

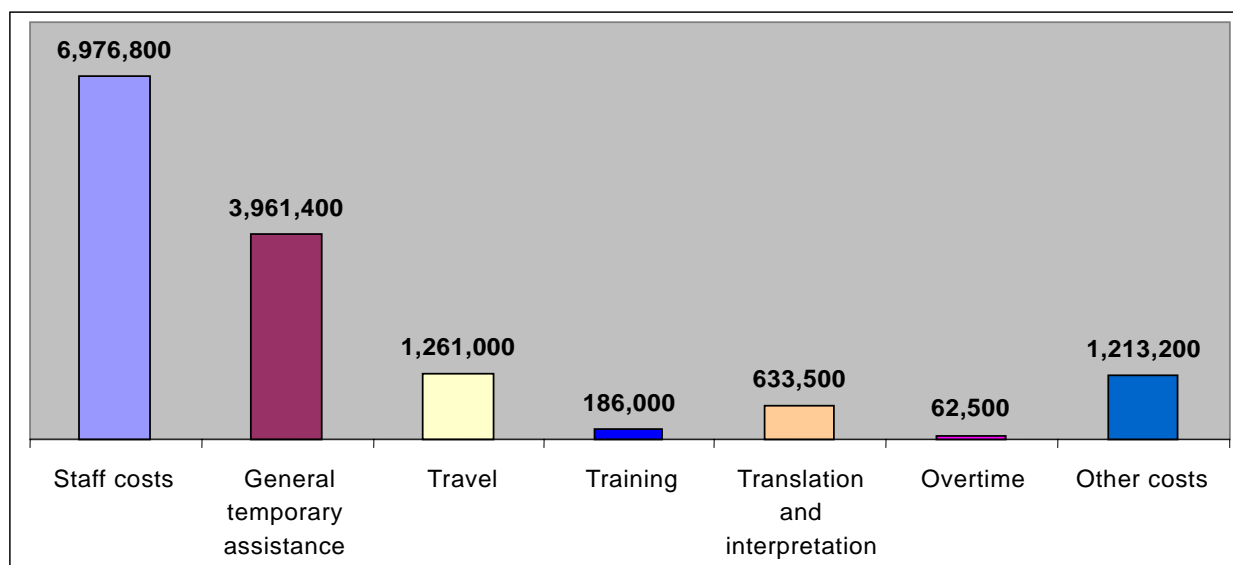
71. The major programme is structured as follows:

- Programme 2100: The Prosecutor
- Programme 2200: Investigation Division
- Programme 2300: Prosecution Division

Key programme resources

72. Resources for this major programme amount to €14,294,400. The management of the programme activities is the responsibility of 131 staff (96 Professional staff and 35 General Service staff).

Figure 10
Total costs



1. Programme 2100: The Prosecutor

73. The programme is structured as follows:

- Subprogramme 2110: Immediate Office of the Prosecutor
- Subprogramme 2120: Services Section
- Subprogramme 2130: Legal Advisory and Policy Section
- Subprogramme 2140: Knowledge Base Section

Key programme resources

74. Resources for this programme amount to €9,423,600. The management of the programme activities is the responsibility of 54 staff (33 Professional staff and 21 General Service staff).

(a) Subprogramme 2110: Immediate Office of the Prosecutor

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional and above	12	Staff costs	1 085 900
General Service	4	Non-staff costs ^a	5 481 200
Total	16	Total^a	6 567 100

^a See also table A (para. 86).

75. The subprogramme objective is to provide support to the Chief Prosecutor in the management and supervision of all activities undertaken by the Office of the Prosecutor, as follows:

- **To exercise overall management of the decision-making processes and activities of the Office of the Prosecutor necessary under the relevant provisions in the legal infrastructure of the Court and the Regulations of the Office of the Prosecutor**
- **To exercise external relations functions of the Office as required under the complementarity regime of the Statute, including liaison with States, intergovernmental organizations and non-governmental organizations**
- **To perform the public information activities of the Office of the Prosecutor**
- **To conduct the internal oversight function within the Office of the Prosecutor**

Tasks planned for 2004

- Managing the full establishment of the Office of the Prosecutor with cost-effective and rational work processes and quality-control mechanisms
- Managing the development of an external relations programme that corresponds to the statutory requirements of the complementary nature of the Court's jurisdiction, including the establishment of defined and regular contacts with States, intergovernmental organizations and non-governmental organizations
- Coordinating and conducting the public information activities of the Office of the Prosecutor
- Exercising overall management of the establishment and effective functioning of the standing system of preliminary examination of all communications coming to the Office of the Prosecutor under article 15, and of preliminary evaluation under article 53, paragraph 1, as may be required
- Establishing the capacity to manage cost-effectively and rationally the investigation proper relevant to at least one situation
- Establishing a system of internal oversight within the Office of the Prosecutor

Expected results

- Independent, professional, cost-effective and timely exercise of the powers and duties of the Office of the Prosecutor in full accordance with the legal infrastructure of the Court
- Effective working relations between the Office of the Prosecutor and States, intergovernmental organizations and non-governmental organizations
- Effective ability to handle the public information activities of the Office of the Prosecutor

Performance indicators

- Quality and efficiency of the administration of the Office of the Prosecutor
- Formulation of investigation and prosecution strategies
- Scope and quality of contacts between the Office of the Prosecutor and States Parties, intergovernmental organizations and non-governmental organizations
- Adequate mass media policy

New posts

1 P-2 (Special Assistant to the Prosecutor)

1 P-2 (Associate Analyst)

2 P-1 (Special Assistant to the Prosecutor)

Redeployed posts

1 D-1 (Chef de cabinet and Special Adviser to the Prosecutor)

1 P-5 (Senior External Relations Adviser)

1 P-4 (External Relations Adviser)

1 P-3 (External Relations Adviser)

1 P-3 (Controller)

1 P-3 (Spokesperson)

1 General Service (Other level) (Public Information Assistant)

Post justifications**1 P-2 (Special Assistant to the Prosecutor)**

76. The Special Assistant to the Prosecutor provides professional support to the Chief Prosecutor in his daily activities. The assistant works under the direct supervision of the Chief Prosecutor and performs the tasks provided by him.

2 P-1 (Special Assistant to the Prosecutor)

77. These two posts are required to ensure support in daily activities under the supervision of the Special Assistant (P-2).

1 P-2 (Associate Analyst)

78. The Associate Analyst works together with the P-5 Senior External Relations Adviser in monitoring all emerging crises which require examination pursuant to article 15 of the Statute. The analyst prepares factual overview reports for early consideration of developments by the Chief Prosecutor and other members of senior management. The analyst works closely with the Analysis Section.

Reasons for redeployments

1 D-1 (Chef de cabinet and Special Adviser to the Prosecutor) — formerly Chief of the Investigation Division

79. The Chef de cabinet plays a coordinating role within the Immediate Office of the Prosecutor and at the same time heads its External Relations and Complementarity Unit. This post is required to ensure (a) that the activities of the Immediate Office of the Prosecutor are effectively coordinated, in a way which makes sure that the communication between the Prosecutor and Deputy Prosecutors and the chiefs of section is as direct as possible; (b) that the external relations activities of the Office of the Prosecutor relevant to State cooperation and the dialogue required by the complementarity regime are performed at the highest levels of professionalism and efficiency; and (c) that the needs for liaising between the Office of the Prosecutor and intergovernmental organizations are appropriately coordinated with sufficient regularity at levels lower than Under-Secretary-General and Assistant Secretary-General. As the Investigation Division will be directed by one of the Deputy Prosecutors directly, the post is redeployed from there.

1 P-5 (Senior External Relations Adviser) — formerly Special Adviser to the Prosecutor

80. This adviser assists the Chef de cabinet with the external relations activities performed through the External Relations and Complementarity Unit, in particular the liaising with international organizations, especially those with a fact-finding mandate and capacity directly relevant to the Office of the Prosecutor. The adviser also assists the complementarity dialogue with States with a view to assessing the ability and willingness of the national authorities to genuinely investigate and prosecute, and aiding States in meeting their obligations under the Statute.

1 P-4 (External Relations Adviser) — formerly Special Assistant to the Deputy Prosecutor

81. This adviser is an expert on State cooperation issues and provides expertise on negotiations to the activities of the External Relations and Complementarity Unit. The expert's main area of work is the complementarity dialogue with potential territorial States.

1 P-3 (External Relations Adviser) — formerly Personnel Officer (Administrative Unit)

82. This adviser works together with the P-4 and P-5 advisers to strengthen the external relations capacity of the Immediate Office of the Prosecutor.

1 P-3 (Controller) — formerly Language Coordinator (Administrative Unit)

83. The Controller provides internal oversight within the Office of the Prosecutor in a way which fully respects the independent and confidential nature of the work of the Office. The incumbent will work with the auditing of the Office of the Prosecutor coordinated outside the Office, providing information in the appropriate format. The Controller advises the Prosecutor directly on ways to make the work processes of the Office more effective.

**1 P-3 (Spokesperson) — formerly Programmer/Analyst
(Administrative Unit)**

84. The P-4 Spokesperson position provided for in the budget for the first financial period has been redeployed to the position of Public Information Adviser. This necessitated drawing on another post in the area of the Immediate Office of the Prosecutor to meet the need for an independent Spokesperson of the Office.

**1 General Service (Other level) (Public Information Assistant) — formerly
Investigation Assistant (Investigation Section)**

85. The Public Information Unit required a Public Information Assistant to provide administrative assistance.

Other resources

86. The total funding for other resources of this subprogramme amounts to €5,481,200, of which €10,300 is for hospitality.⁵ Funds for general temporary assistance, travel, training and overtime for the major programme are budgeted for in this subprogramme. The costs for travel specifically related to this subprogramme are listed below in italics.

- *Travel and subsistence costs: €293,600*
- Hospitality: €10,300

Table A
Non-staff costs budget for the Immediate Office of the Prosecutor and related to the major programme

	<i>General temporary assistance</i>		<i>Travel</i>		<i>Training</i>		<i>Overtime^a</i>
	€	%	€	%	€	%	
Immediate Office of the Prosecutor		0.0	293 600	23.3			0.0
Services Section	1 494 880	37.7	132 700	10.5	33 900	18.2	
Legal Advisory and Policy Section		0.0	17 200	1.4	20 000	10.8	
Knowledge-Base Section		0.0	19 600	1.6	44 300	23.8	
Deputy Prosecutor (Investigations)		0.0	7 500	0.6			0.0
Analysis Section	1 121 160	28.3	219 500	17.4	18 800	10.1	
Investigation Section	1 121 160	28.3	439 000	34.8	57 000	30.6	
Deputy Prosecutor (Prosecutions)		0.0	7 500	0.6			0.0
Prosecution Section	224 232	5.7	105 800	8.4			0.0
Appeals Section		0.0	18 600	1.5	12 000	6.5	
Total	3 961 432	100	1 261 000	100	186 000	100	62 500

^a Overtime for General Service staff is to be allocated by the Prosecutor according to the needs of the sections.

⁵ The funds for hospitality are administered by the Prosecutor.

(b) Subprogramme 2120: Services Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	9	Staff costs	1 124 600
General Service	15	Non-staff costs (see also table A)	826 100
Total	24	Total	1 950 700

87. **The subprogramme objective is to provide specific administrative support to the Office of the Prosecutor and to provide all working-level language services within the Office, as follows:**

- **To set up and implement human resources policies specifically designed to fit the special needs of the Office of the Prosecutor, including principles on the use of general temporary assistance staff and outside expert consultants**
- **To support the Clerkship Programme of the Office of the Prosecutor by executing all administrative tasks**
- **To set up and implement budget procedures for the Office of the Prosecutor**
- **To provide the Office of the Prosecutor with working-level translation of incoming information and material as required, as well as with basic interpretation capacity**
- **To ensure the secure storage of all physical evidence and potential evidence, the maintenance of the chain of custody**
- **To perform all functions concerning the electronic storage of all suitable information and evidence for investigative and analytical purposes**

Tasks planned for 2004

- Establishment of human resources policies with regard to the special needs of the Office of the Prosecutor, pursuant to the instructions of the Prosecutor
- Development of an effective capacity to manage the use of general temporary assistance staff by the Office of the Prosecutor (in response to surge and de-surge needs)
- Development of the ability to effectively manage the use of expert consultants by the Office of the Prosecutor in a cost-effective manner
- Establishment of rational budget procedures for the Office of the Prosecutor, pursuant to the instructions of the Prosecutor
- Establishment of a management advisory capacity within the Office of the Prosecutor to assist the Chief Prosecutor in ensuring that the work processes, organizational structures and administration of resources in the Office are at the highest levels of cost-efficiency

- Provision of working-level translation of all incoming material as required
- Establishment of basic interpretation capacity in preliminary examination/evaluation and investigation teams and field offices
- Establishment of efficient cooperation with the translation revision function in the Division of Common Services
- Establishment of defined work procedures for the physical registration and secure storage of evidence
- Implementation of security and control measures for the receipt, transport and logging of all evidence movement
- Creation of the evidence-handling policies for remote evidence treatment
- Establishment of work procedures for the electronic storage of all suitable evidence

Expected results

- Effective provision of budgetary, personnel and administrative services within the Office of the Prosecutor, contributing to a lean, rational and cost-effective administration of the Office
- Effective capacity to respond to the need for upsurge in staff on the basis of general temporary assistance
- Close contact between the Administrative Section and the Registry
- Correct, adequate and cost-effective working-level translations
- Increased quality of preliminary examinations/evaluations and investigations
- Reduction of length of investigations
- Secure handling of all evidence without loss or damage
- Contemporary storage of electronically searchable information
- Reduction of complaints regarding the contamination of evidence
- Reduction of evidence-related follow-up costs (e.g. translation, copying costs)

Performance indicators

- Efficiency in recruitment
- Situation-related budgeting
- Availability of updated controlling figures for all activities of the Office of the Prosecutor
- Number of translated documents
- Time required for translations
- Highest appropriate level of security for evidence
- Time-span for the production of electronic material
- Number of electronically stored pieces of evidence

- Time-span between reception of evidence and registration plus electronic storage

New posts

- 1 P-3 (Head of Information Storage Unit)
- 1 P-2 (Associate Technical Officer)
- 1 P-2 (Evidence Custodian)
- 2 General Service (Principal level) (Field Interpreter)
- 6 General Service (Other level) (Information Storage Assistant)
- 1 General Service (Other level) (Budget and Finance Assistant)

Post redeployments

- 1 P-5 (Senior Manager)
- 1 P-4 (Language Coordinator)
- 3 P-3 (Translator/Reviser)
- 1 General Service (Other level) (Language Assistant)
- 3 General Service (Other level) (Evidence Assistants)

Post justifications

1 P-3 (Head of Information Storage Unit)

88. This unit provides all services concerning the electronic storage of information. The Head of Unit ensures the quality of all scanning and digitizing procedures including optical character recognition. He or she establishes work-flow procedures that guarantee an unbroken chain of custody during the scan process and a contemporary input of all information into the database of the Office of the Prosecutor.

1 P-2 (Associate Technical Officer)

89. This post is necessary for the establishment and control of technical procedures for the scanning and digitizing process. A second officer maintains the databases of the Office of the Prosecutor and provides all technical support necessary for the daily use of the system. Due to the independent position of the Prosecutor, not all service functions can be provided by the IT Section in the Registry.

1 P-2 (Evidence Custodian)

90. The incumbent monitors all movements of physical evidence, namely for electronic treatment or transport of evidence and exhibits to court proceedings. He or she ensures an unbroken chain of custody by close control of all movements of evidence. He or she establishes, in close cooperation with the Registry and the Case Support Officers, the evidence-handling in court proceedings including the safe transport of evidence within the Court.

2 General Service (Principal level) (Field Interpreter)

91. There must be at least one Field Interpreter in each field office to perform necessary interpretation functions, as a part of the small staff in each field office.

6 General Service (Other level) (Information Storage Assistant)

92. With the increasing amount of documents, additional assistants are required for immediate electronic storage of information (in particular potential documentary evidence), additional scanning, indexing and digitizing.

1 General Service (Other level) (Budget and Finance Assistant)

93. This additional post is necessary in view of the increased scope of responsibility of the Administrative Section.

Reasons for redeployments**1 P-5 (Senior Manager) — formerly Chief of the Investigation Section**

94. This post is established to ensure the permanent and effective monitoring of all administrative activities within the Office of the Prosecutor by a professional and experienced administrator. The incumbent will advise the Chief Prosecutor directly on how to improve work processes, administrative structures and the administration of resources within the Office of the Prosecutor. The position requires broad management experience.

95. The Investigation Section will be managed directly by the Deputy Prosecutor (Investigations). For this reason, a special post for a Section Chief is not necessary and the post has thus been redeployed.

1 P-4 (Language Coordinator) — from Conference and Language Services Section in the Common Services Division**3 P-3 (Translator/Reviser) from the former Conference and Language Services Section in the Common Services Division****1 General Service (Other level) (Language Assistant) from the former Conference and Language Services Section in the Common Services Division**

96. All five posts have been redeployed from the Common Services Division to ensure the effective administration of all language services within the Office of the Prosecutor. Considerable additional working-level capacity for translation and interpretation will be required as soon as the Office of the Prosecutor becomes engaged in an investigation. Given the unpredictability in terms of which languages will be involved, this working-level capacity will necessarily have to be provided for through general temporary assistance staff in 2004.

3 General Service (Other level) (Evidence Assistant) — former Information and Evidence Section

97. These posts have been moved from the former Information and Evidence Section to the Administrative Section together with the tasks performed on the physical storage of information, evidence and potential evidentiary material.

Other resources

98. The total funding for other resources of this subprogramme amounts to €826,100. The costs for travel, training and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- *Travel costs for the Finance and Budget Officer for attendance at meetings of the Committee on Budget and Finance and the Assembly of States Parties: €7,300*
- *Contractual translation services to cover unforeseen translations that are required as a result of the investigation activities: €633,500*
- *Office equipment (desks, chairs, cabinets, PC systems) for up to 40 interns working exclusively for the Office of the Prosecutor: €102,500*
- *General temporary assistance: €1,494,880*
- *Evidence transportation and registration equipment, storage equipment, scanning and digitizing equipment: €90,100*
- *Travel costs related to investigative missions: €125,400*
- *Training costs: €34,000*

(c) Subprogramme 2130: Legal Advisory and Policy Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	7	Staff costs	566 300
General Service	1	Non-staff costs ^a	3 100
Total	8	Total	569 400

^a See also table A above.

99. **The subprogramme objective is to advise the Office of the Prosecutor on relevant legal questions, as follows:**

- **To provide independent specialist legal advice and legal drafting to the Prosecutor and all sections/units of the Office of the Prosecutor (including preliminary examination/evaluation, investigation, trial and appellate teams), in particular on questions pertaining to admissibility and jurisdiction (especially subject-matter jurisdiction), general international law, comparative law, State cooperation and enforcement of sentences**

- **To coordinate the litigation of legal questions relevant to legal challenges brought by States, in particular admissibility and jurisdiction and questions under articles 98, 101, 107 and 108 of the Statute**
- **To otherwise participate in litigation in consultation with the Prosecution Division**
- **To manage all legal training of members of the Office of the Prosecutor, general temporary assistance staff and gratis personnel, including liaising with outside experts or institutions**
- **To coordinate the work on the Regulations of the Office of the Prosecutor**
- **To coordinate the legal drafting work in the Office of the Prosecutor under articles 9 (2) (c) and 51 (2) (c), as well the consultations under article 52 and rules 8 and 14, and to represent the Office in the Court's committee for legal texts**
- **To develop, maintain and make available to members of the Office of the Prosecutor comprehensive and effective legal research tools relevant to elements of crimes, modes of criminal liability and key procedural and evidentiary questions, as well as a complete, searchable database of all ICC decisions and submissions**
- **To coordinate all legal matters relevant to victims' participation in proceedings and reparations, in cooperation with the Registry, as well as providing policy advice to the Prosecutor on questions relevant to victims**
- **To give advice to the Immediate Office of the Prosecutor on other policy questions as may be required, including on the development of investigation and prosecution strategies of the Office of the Prosecutor**
- **To represent the Office of the Prosecutor in Court-wide cooperation on library resources, research tools and the publication of Court documents**
- **To coordinate the recruitment and induction of law clerks (interns) in the Office of the Prosecutor**
- **To represent the Office of the Prosecutor at relevant specialized international law meetings and conferences as approved by the Chief Prosecutor**

Tasks planned for 2004

- To perform the functions indicated above

Expected results

- High-quality performance of all key functions of the Section
- Effective cooperation with the Immediate Office of the Prosecutor and all sections/units in the Office
- Professional cooperation with other organs of the Court
- Constant development and improvement of the Regulations of the Office of the Prosecutor

- High-quality and, where required, proactive input on policy questions relevant to the Office of the Prosecutor

Performance indicators

Note: Due to the nature of the judicial functions of the Section and the independence of the legal process, complete performance indicators cannot be provided for the Section.

- High-quality training corresponding accurately to the needs of the persons working for the Office of the Prosecutor
- Respect within the Office of the Prosecutor for the Regulations of the Office
- Effective availability of legal research tools on key substantive, procedural and evidentiary issues

New post

1 P-2 (Associate Legal Adviser)

Post justification

1 P-2 (Associate Legal Adviser)

100. The effective execution of the functions of the Legal Advisory and Policy Section requires stronger working-level capacity, in particular in connection with the development and maintenance of legal research tools. In order to attract highly qualified younger lawyers with the appropriate skills, the post will be divided into two half-time P-2 positions to facilitate combination with doctoral research.

Other resources

101. The total funding for other resources of this subprogramme amounts to €3,100. The costs for travel and training listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- *Travel costs: €17,200*
- *Training costs: €20,000*
- One-time acquisition of some central working instruments in the form of essential legal reference books and dictionaries: €3,100

(d) Subprogramme 2140: Knowledge-Base Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	5	Staff costs	336 500
General Service	1	Non-staff costs ^a	-
Total	18	Total	336 500

^a See also table A above.

102. **The subprogramme objective is to provide the Office of the Prosecutor with the following:**

- **To organize and provide all services with regard to the central database of the Office of the Prosecutor, which will function as a knowledge base and will allow advanced retrieval of information, commonly known as data mining or data warehousing. The knowledge base will also provide information on all matters relevant for disclosure of material.**

Tasks planned for 2004

- Establishment of a working knowledge base, containing all information the Court has received
- Establishment of structures for case support of up to three investigation or trial teams

Expected results

- Shorter preparation time for trial
- Complete and up-to-date paper files maintained for all ongoing cases
- High-quality search results even in very large amounts of information
- Reduction of time needed for investigations and trial activities
- Prevention of backlogs in all disclosure matters

Performance indicators

103. The result of the Section's work is not measurable in a simple technical way given its connection with the legal process. Indicators regarding the efficiency can be identified as follows:

- Time-span for retrievals
- Time-span for case preparation
- Time-span for trial activities
- Time-span for disclosure of materials
- Reduction of complaints with regard to disclosure duties;
- Number of documents presented in Chambers

New posts

1 P-3 (Knowledge-Base Manager)

2 P-2 (Associate Information Officer)

1 P-2 (Associate Technical Officer)

1 General Service (Other level) (Knowledge-Base Assistant)

Redeployed post

1 P-5 (Chief of Section) — former Evidence Management Officer

Post justifications

1 P-3 (Knowledge-Base Manager)

104. The incumbent is responsible for the Information Management System as far as the Office of the Prosecutor is concerned. He or she provides all services that are necessary to operate the knowledge-base as the core information system of the Office of the Prosecutor. The incumbent will define service levels for information and retrieval and provide assistance to all investigation teams in the creation of metadata for the retrieval of stored information.

2 P-2 (Associate Information Officer)

105. The Information Officers assist all users during any investigative or trial activity. They advise the teams on the definition of meta-information relevant to specific cases and control the quality of stored metadata. They serve as in-house trainers for the handling of the knowledge base.

1 P-2 (Associate Technical Officer)

106. This post is necessary for the maintenance of the databases of the Office of the Prosecutor and provides all technical support necessary for the daily use of the system. Due to the independent position of the Prosecutor, not all service functions can be provided by the IT Section in the Registry.

1 General Service (Other level) (Knowledge-Base Assistant)

107. The incumbent assists and supports the Knowledge-Base Manager in his/her day-to-day work and provides services to all staff within the Division.

Reasons for redeployment of post

1 P-5 (Chief of Section) — former Evidence Management Officer

108. As the Information and Evidence Section has now been integrated within the Administrative Section, all functions concerning the physical collection and storage and the electronic storage of information, evidence and potential evidence is performed under the supervision of the Senior Manager of this Section. The Knowledge-Base Section as the core section for the distribution of information and as the centre of retrieval and search strategies needs a supervisor at the senior level with broad experience in investigation, prosecution and court litigation proceedings as well as in the field of information technology and business organization to optimize all services provided by the section to the entire Office of the Prosecutor.

Other resources

109. **The costs for training and travel listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).**

- *Training costs: €44,300*
- *Travel costs within Europe to attend expert congresses, consultations with product vendors and other meetings: €19,500*

2. Programme 2200: Investigation Division

110. The programme is structured as follows:

- Subprogramme 2210: Deputy Prosecutor (Investigations)
- Subprogramme 2220: Analysis Section
- Subprogramme 2230: Investigation Section

Key programme resources

111. Resources for this programme amount to €3,681,300. The management of the programme activities is the responsibility of 56 staff (47 Professional staff and 9 General Service staff).

(a) Subprogramme 2210: Deputy Prosecutor (Investigations)

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional and above	1	Staff costs	172 100
General Service	1	Non-staff costs ^a	-
Total	2	Total	172 100

^a See also table A above.

112. The subprogramme objective is to direct all investigative and analytical activities undertaken by the Office of the Prosecutor, as follows:

- To direct all investigative and analytical activities within the Investigation Division
- To supervise the preliminary examination pursuant to article 15, paragraph 2, and evaluation in accordance with article 53, paragraph 1, respectively, of all incoming material

Tasks planned for 2004

- Establishment of up to three investigation teams for investigations proper and for preliminary examination/evaluation teams pursuant to article 15, paragraph 2, and 53, paragraph 1
- Establishment of proper factual monitoring and analysis capacity as required by article 15
- Proper establishment of integrated structures for the preparation of additional activities relevant to investigations and preliminary examinations

Expected results

- Effective management of the Division
- Short lines of authority
- Avoidance of duplication of efforts

- Effective expansion of activities by integrating general temporary assistance staff

Performance indicators

- Quality of the work of the investigators and analysts in the Division, in particular in the investigation teams
- Quality of the cooperation between the members of the Division and the members of the Immediate Office of the Prosecutor, the Prosecution Division and the Legal Advisory and Policy Section
- Efficiency of the implementation of decisions by the Prosecutor within the Division
- Efficiency of the work of the Division

Other resources

113. The costs for travel listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- Travel costs for the Deputy Prosecutor (Investigations) to attend meetings and conferences: €7,500

(b) Subprogramme 2220: Analysis Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional and above	14	Staff costs	1 023 300
General Service	4	Non-staff costs ^a	271 500
Total	18	Total	1 294 800

^a See also table A above.

114. **The subprogramme objective is to analyse all incoming information with a view to optimizing the use and management of investigative resources, as follows:**

- **To provide strategic advice to the Chief Prosecutor and the Deputy Prosecutor (Investigations) at all stages of the proceedings**
- **To support preliminary examinations, investigations and trials by analysing relevant information and evidence**
- **To facilitate the exploitation of complex sources of potential evidence**
- **To assist in optimizing the use of investigative resources, thereby ensuring cost-efficiency and procedural economy**

115. The ICC Statute describes a Chief Prosecutor who shall operate to a large extent on the basis of information gathered by others, such as judicial institutions of the concerned States, international organizations or non-governmental organizations. Hence, analysis of potential evidence submitted by other actors is expected to be a

key way of functioning for the Office of the Prosecutor, especially at the preliminary examination stage (article 15, para. 2), during which there is a statutory obligation for the Prosecutor to “analyse the seriousness of the information received”.

116. Proper analysis is essential to optimize the use and management of investigative resources. Given the limited resources available to the Office of the Prosecutor and the magnitude of the tasks before it, systematic analysis is essential to introduce strict parameters of cost-efficiency and procedural economy in the investigations, whereby the added value of every investigative step and item of potential evidence shall be carefully assessed.

Tasks planned for 2004

- Continuing provision of strategic advice on relevant facts to the Chief Prosecutor and the Deputy Prosecutor (Investigations) for purposes of policy decision-making and investigation planning
- Identification of relevant sources of potential evidence for each situation and critical assessment
- Designing evidence collection plans and analytical support for up to three investigation teams
- Analytical support for preliminary examination/evaluation under article 15, paragraph 2, or 53, paragraph 1
- Analytical support for duties under article 15, paragraph 6
- Analytical support for purposes of monitoring under article 18, paragraph 5
- Identification of unique investigative opportunities under article 18, paragraph 6, and recommendation of necessary investigative steps to the Deputy Prosecutor and the Chief Prosecutor
- Establishment of a competence centre for the use of special analytical software, Internet exploitation and production of graphic visual aids
- Establishment of specialized entities for media-monitoring and open-source evidence collection (focus on Internet), demographic analysis, mapping and financial analysis
- Definition of standard procedures and guidelines for analysis

Expected results

- Identification of potential cooperating entities in relevant States (including non-governmental organizations, local experts and individuals supportive of the Court)
- Identification of potential information resources available in international organizations
- Systematic exploitation of open-source information and evidence (focus on Internet)
- Identification and exploitation of archival collections and other documentary evidence

- Identification and exploitation of expert consultants and witnesses
- Identification and exploitation of sensitive sources
- Identification and exploitation of potential photo and video evidence
- Analysis of the basis of relevant crimes, patterns of commission and modus operandi of perpetrators
- Analysis of the structures of command and criminal networks involved in the crime, and their internal functioning
- Formulation of specific factual hypotheses of responsibility for individual suspects, with focus on leadership levels
- Analysis of the factual aspects of admissibility
- Development of analysis tools and guidelines ready for use
- Analytical training of the staff of the Section; contributing to the training and briefing of other members of the Office on factual background issues
- Development of visual aids for complex factual patterns

Performance indicators

- Quality and frequency of strategic advice provided to the Chief Prosecutor and the Deputy Prosecutors
- Quality of analytical support for preliminary examination/evaluation and investigation teams
- Quality of investigation plans submitted
- Consistent implementation of internal guidelines
- Successful integration of open-source materials in investigations
- Level of potential suspects in the relevant hierarchies

New posts

- 1 P-4 (Analyst (Demography))
- 6 P-2 (Country Analyst)
- 2 P-1 (Associate Analyst (Crime Pattern))
- 3 General Service (Other level) (Analysis Assistant)

Redeployed post

- 1 P-4 (Analyst (Judiciary))

Post justifications

1 P-4 (Analyst (Demography))

117. This expert will provide analytical support relevant to statistical and demographical facts in connection with allegations of mass killings, extermination, genocide, deportation, unlawful transfers and property destruction, as well as

reparations claims. Such expert advice can reduce the length of investigations and the volume of evidence presented at trial. The expert may also serve as an expert witness for the Office of the Prosecutor.

6 P-2 (Country Analyst)

118. Country Analysts are analysts with factual expertise on specific conflicts or crises in countries subject to preliminary examination/evaluation under article 15, paragraph 2, or 53, paragraph 1, by the Office of the Prosecutor. They will ensure that the Office has direct access to leading factual expertise on the situation in the country in question and, through the expert, to other essential sources of information. Having country experts in the Office will contribute to more focused and cost-effective analysis, preliminary examination/evaluation and investigation activities. It will also enable the Office to maintain an effective, minimum factual monitoring capacity with regard to States affected by conflicts or crises. It is estimated that at least six Country Analysts will be required in 2004, possibly more on a general temporary assistance basis, depending on the volume of incoming communications.

2 P-1 (Associate Analyst (Crime Pattern))

119. These Associate Analysts are required to support the work of the Head of the Crime Pattern Unit (P-4) in providing criminal intelligence and crime pattern analysis services to the country analysts, the preliminary examination/evaluation and investigation teams, and to senior management. They have particular expertise in the use of specialized analytical software and in the preparation of visual aids relevant to complex factual patterns.

3 General Service (Other level) (Analysis Assistant)

120. The Analysis Assistants provide administrative support to the professional-grade members of the Section. Apart from general secretarial support, the responsibilities of the assistants include bookkeeping for finance tracking, data indexing and inputting, statistics clerking, and assisting with the mapping resources. This will provide the minimum administrative assistance to handle the Section's response to the volume of information and potential evidence expected.

Reason for redeployment

1 P-4 (Analyst (Judiciary)) — formerly Investigator (Investigation Section)

121. The application of the admissibility standard in article 17 depends on the state of the national judiciary in the country in question. The Office of the Prosecutor must have an expert analyst whose expertise and responsibility it is to ensure that all relevant facts are before the Office before it forms a position on the ability and willingness of the national judiciary to genuinely investigate and prosecute. The expert will provide advice to senior management as well as to the preliminary examination/evaluation and investigation teams.

Other resources

122. The total funding for other resources of this subprogramme amounts to **€271,500. The costs for travel, training and general temporary assistance listed**

below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- IT and office equipment: €271,500
- *Travel costs: €219,500*
- *Training costs: €18,800*
- *General temporary assistance: €1,121,160*

(c) Subprogramme 2230: Investigation Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	32	Staff costs	1 478 600
General Service	4	Non-staff costs ^a	735 700
Total	36	Total	2 214 300

^a See also table A above.

123. The subprogramme objective is to perform the major part of all fact-finding and -analysis work in relation to:

- **Preliminary examinations in accordance with article 15 of the Statute**
- **Evaluation of material pursuant to article 53, paragraph 1, of the Statute and rule 104 of the Rules of Procedure and Evidence**
- **Investigations proper, including the execution of all investigative measures as provided for in the Statute; the capacity to coordinate and manage the employment of general temporary assistance staff for forensic, financial and police-related operations; and the capacity to establish up to two field offices in territorial States, as required**

Tasks planned for 2004

- Establishment of three investigation teams for investigations proper and for preliminary examinations/evaluations pursuant to articles 15, paragraph 2, and 53, paragraph 1 (the first investigation team from January 2004, the second from June 2004 and the third from October 2004)
- Execution of all investigative measures
- Establishment of an Experts Unit within the Section to provide a minimal capacity to effectively coordinate forensic, financial and police-related operations, if necessary by the use of general temporary assistance staff
- Full preparedness to establish up to two field offices for basic facilitation of fact-finding activities in territorial States in the likely event that at least one investigation proper commences in or prior to 2004
- Establishment of capacity to deal appropriately with vulnerable potential witnesses, in particular children and victims of sexual assault, and to

effectively address within the Office of the Prosecutor operational questions relevant to victim participation and reparations

Expected results

- Cost-effective and focused preliminary examinations/evaluations and investigations
- Independent and impartial collection of potential evidence
- Effective support to the Prosecution Division and Legal Advisory and Policy Section in the preparation of legal submissions
- Multiple use of fact-finding results as appropriate
- Cost-effective coordination and combination of investigative activities

Performance indicators

124. Just as with the Prosecution Section, the results of the Section's work are not measurable in a simple technical way. But some indicators regarding the efficiency can be identified as follows:

- Quality and efficiency of the work of the members of the Section
- Quality of the cooperation between the members of the Section and the members of other entities in the Office of the Prosecutor
- Efficiency of the implementation within the Section of decisions by senior management
- Duration and number of missions, including the number of follow-up missions caused by inadequate preparation or planning
- Level of satisfaction with mission results

New posts

1 P-5 (Senior Forensic Pathologist)

1 P-4 (Financial Investigator)

1 P-4 (Police Investigator)

1 P-4 (Forensic Computer Investigator)

1 P-4 (Investigator, Head of Unit for Victims)

2 P-4 (Case Controller)

2 P-4 (Head of Field Office)

4 P-3 (Investigating Lawyer)

3 P-2 (Investigator)

2 P-2 (Field Officer)

11 P-1 (Associate Investigator)

2 General Service (Other level) (Investigation Assistant)

1 General Service (Other level) (Forensic Assistant)

Post justifications

125. All investigative activities will be organized in a cross-section manner. The preliminary examination/evaluation and investigation teams will not be composed of staff from one section only, but must be combined in a project-oriented way. Senior staff from the Prosecution Section will always direct the investigative activities, assisted by subordinated prosecutors. Analysis capacity will be effectively integrated from the beginning.

1 P-5 (Senior Forensic Pathologist)

126. Within the Experts Unit of the Section the pathologist will coordinate all forensic activities. These activities will be performed by general temporary assistance staff in response to concrete needs. The objective of the Unit is to develop a rapid reaction capacity by defining standards to ensure the full usability of the results of examinations and in other ways preparing the use of short-term experts.

1 P-4 (Financial Investigator)

127. The Office of the Prosecutor requires one expert on finance tracking, especially in connection with leadership criminality and reparations. This expert will be supported by staff on a general temporary assistance basis if required.

1 P-4 (Police Investigator)

128. This investigator will bring a broad network of contacts in national police systems and relevant international organizations to the Office of the Prosecutor, in order to effectively coordinate and supervise cooperation and assistance from national or intergovernmental police entities. The investigator will also bring specialized skills from criminal investigations undertaken by traditional police.

1 P-4 (Forensic Computer Investigator)

129. As it is most likely that stored information on computer hardware may become relevant evidence, a specialist for the seizure and the investigation of that type of evidence is required. As there is no physical information stored in those systems, the highest level of expertise is required to ensure the quality and reliability of the evidence and to avoid its level of contamination or loss.

1 P-4 (Investigator, Head of Unit for Victims)

130. This expert and his or her Unit are required to ensure that there will be a professional response within the Office of the Prosecutor to operational issues relevant to victims. These issues include statement-taking techniques relevant to traumatized potential witnesses, in particular children and victims of sexual assault, but also issues relevant to victim participation in proceedings and reparations. It is important that questions which may be relevant to reparations proceedings are raised at the right time during the interviewing of witnesses so that witness fatigue does not unnecessarily affect the quality of proceedings.

2 P-4 (Case Controller)

131. The investigation team leaders or Case Controllers are the lawyers who control and direct the work of the investigation teams on a daily basis. It is their responsibility to ensure that the teams function efficiently and work in a focused and cost-effective manner. The teams will be organized in such a way that they can effectively absorb general temporary assistance staff in response to needs for upsurge capacity, thus integrating additional investigative capacity into the existing team structure. The Office plans to add a second investigation team in June 2004 and a third in October 2004. Hence, one additional Case Controller is needed from 1 June 2004 onwards, and a second from 1 October 2004.

2 P-4 (Head of Field Office)

132. The Office of the Prosecutor must budget for two field offices in 2004. They should be led by a P-4 Head of Field Office in order to liaise effectively with local authorities and international agencies in the country. Both offices will only have a small facilitating staff in the 2004 budget.

4 P-3 (Investigating Lawyer)

133. Additional investigators are required to enable the Office of the Prosecutor to operate three effective investigation teams before the end of 2004. The investigators will be investigating lawyers with strong analytical skills.

3 P-2 (Investigator)

134. Additional investigators are required to enable the Office of the Prosecutor to operate three full working investigation teams.

2 P-2 (Field Officer)

135. The Field Officers provide general administrative and other support to the Heads of Field Office.

11 P-1 (Associate Investigator)

136. Each investigation team will require three junior investigators who will perform all basic fact-finding and -analysis tasks within the teams. They will be phased in when the second and third investigation teams are established in the course of 2004. The junior investigators will be highly qualified law graduates at their first career step. They will be provided by the Office of the Prosecutor with statement-taking and other basic training as may be required in order to fulfil their duties.

137. Two P-1 investigators are required to give the Unit for Victims the ability to perform its responsibilities effectively.

2 General Service (Other level) (Investigation Assistant)

138. The Investigation Assistants provide administrative support to the preliminary examination/evaluation and investigation teams and the field offices.

1 General Service (Other level) (Forensic Assistant)

139. The Senior Forensic Pathologist will require assistance in preparing forensic activities.

Other resources

140. The total funding for other resources of this subprogramme amounts to €735,700. The costs for travel, training and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- Camera, video, communication and transportation equipment: €23,200
- Forensic equipment for pathologic investigations and analysis: €12,500
- *Travel costs for staff of the Investigation Section: €439,000*
- *Training costs for staff of the Section in forensic practice and in specialized crime technologies (e.g. dactyloscopic work, treatment of seized IT components etc.): €57,000*
- *General temporary assistance: €1,121,160*

3. Programme 2300: Prosecution Division

141. The programme is structured as follows:

- Subprogramme 2310: Deputy Prosecutor (Prosecutions)
- Subprogramme 2320: Prosecution Section
- Subprogramme 2330: Appeals Section

Key programme resources

142. Resources for this programme amount to €1,189,500. The management of the programme activities is the responsibility of 21 staff (16 Professional staff and 5 General Service staff).

(a) Subprogramme 2310: Deputy Prosecutor (Prosecutions)

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional and above	1	Staff costs	172 100
General Service	1	Non-staff costs ^a	-
Total	2	Total	172 100

^a See also table A above.

143. **The programme objective is to implement and supervise all prosecution activities undertaken by the Office of the Prosecutor, as follows:**

- **To guide and direct all prosecution activities and provide effective management of the Prosecution Division**

- **To supervise all investigation activities, in cooperation with the Deputy Prosecutor (Investigations)**

Tasks planned for 2004

- Governance of all prosecution activities
- Prosecutorial supervision of all investigation activities
- Establishment of defined and regular communication procedures between the divisions of the Office of the Prosecutor

Expected results

- Effective management of the Division
- Proper sharing of information
- Short lines of authority

Performance indicators

- Quality of the work of the prosecutors in the Division, including the oral presentation by prosecutors in court
- Quality of the cooperation between the prosecutors in the Division and the members of other divisions and the Legal Advisory and Policy Section
- Efficiency of the implementation within the Division of decisions by senior management

Other resources

144. The costs for travel listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- *Travel costs for the Deputy Prosecutor (Prosecutions) and subordinates to attend meetings and conferences: €7,500*

(b) Subprogramme 2320: Prosecution Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	13	Staff costs	797 800
General Service	3	Non-staff costs ^a	
Total	16	Total	797 800

^a See also table A above.

145. **The subprogramme objective is to supervise investigative case preparatory activities and litigate cases before the Pre-Trial and Trial Chambers, as follows:**

- **To provide legal support to preliminary examination/evaluation and investigation teams**
- **To direct and supervise investigative and case preparatory activities, subject to instructions from the Deputy Prosecutor (Prosecutions) and in cooperation with the Investigation Division**
- **To litigate case-related questions before the Pre-Trial Division and the Trial Division**
- **To draft charges documents (article 61 (3) (a)) and legal submissions (especially on questions of evidence and procedure), in cooperation with the Appeals Section and the Legal Advisory and Policy Section**
- **To provide all services related to case and trial support**

Tasks planned for 2004

- Providing legal direction to preliminary examination/evaluation and investigation teams
- Participating in the drafting of relevant Court submissions of the Office of the Prosecutor
- Ensuring the proper prosecutorial input in the preparation of investigation plans
- Participating in investigative activities
- Appearing before Chambers of the Court to litigate, in cooperation with the Legal Advisory and Policy Section and the Appeals Section
- Establishing complete structures for case support of all trial activities

Expected results

- Clearly defined investigation plans
- Cost- and time-effective investigations and preliminary examinations
- Ongoing review of investigation and prosecution strategies
- Adequate quality control of all activities
- Ability to effectively absorb general temporary assistance staff as may be required

Performance indicators

146. Due to the particular features of the litigation process, the judicial nature of all activities before Chambers and the independence of the judges, advanced performance indicators cannot be provided in the context of the Prosecution Section.

New posts

- 2 P-5 (Senior Prosecutor)
- 3 P-1 (Associate Prosecutor)
- 3 P-1 (Case Support Officer)

1 General Service (Other level) (Prosecution Assistant)**Post justifications****2 P-5 (Senior Prosecutor)**

147. The Senior Prosecutors provide overall supervision of case-related work. A total of three Senior Prosecutors will be required to supervise the three investigation teams. The Senior Prosecutors also have senior litigation responsibility.

3 P-1 (Associate Prosecutor)

148. The Associate Prosecutors work pursuant to instructions from the Senior Prosecutors and Prosecutors. They primarily assist with the labour-intensive legal review and assessment of factual and evidentiary aspects of case preparation, as well as legal drafting relevant to procedural and evidentiary questions.

3 P-1 (Case Support Officer)

149. The Case Support Officers provide support to the investigation and trial teams in their activities from the very start of investigations. Their responsibilities include maintaining the paper-based files and the evidence that is selected for Court presentation.

1 General Service (Other level) (Prosecution Assistant)

150. One additional Prosecution Assistant is required in the light of the growth in the legal staff and the increasing workload.

Other resources

151. The costs for travel and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Prosecutor (see table A above).

- *Travel costs: €105,800*
- *General temporary assistance: €224,232*
It is necessary to budget for three Prosecutors to serve for a total of 12 months each on a general temporary assistance basis, in the event that there is a need to upsurge prosecutorial capacity.

(c) Subprogramme 2330: Appeals Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	2	Staff costs	219 600
General Service	1	Non-staff costs ^a	
Total	3	Total	219 600

^a See also table A above.

152. The subprogramme objective is to supervise and litigate in appellate proceedings before the Appeals Division, as follows:

- To evaluate the merits of potential or actual interlocutory and final appeals against decisions of the Pre-Trial or Trial Chambers
- To prepare legal submissions concerning appeals proceedings to be submitted to the Appeals Chamber
- To exercise primary responsibility over the litigation of these appeals, acting either as an appellant or as respondent, as the case may be, and in close cooperation with the Prosecution Section and the Legal Advisory and Policy Section

Tasks planned for 2004

- Preparation and conduct of interlocutory and final appeals during the financial period

Expected results

- To determine independently and efficiently the merits of potential appeals against decisions stemming from the Pre-Trial or Trial Chambers, and to examine the merits of appeals lodged by other parties in which the prosecution acts as a respondent
- To ensure the conduct of speedy, efficient and high-quality appellate proceedings and to assist the Appeals Chamber with the best arguments and materials available in reaching its decisions

Performance indicators

153. Due to the particular features of the appellate litigation process, the judicial nature of all activities before the Appeals Chamber and the independence of the judges, advanced performance indicators cannot be provided in the context of the Appeals Section.

New posts

154. No new posts are required for the year 2004.

Other resources

155. The costs for travel and training listed below in italics are shown and only budgeted for in the Immediate Office of the Prosecutor (see table A above).

- *Travel costs for staff of the Appeals Section to attend meetings and conferences for reasons of participating in academic meetings and for contacts to other international judicial bodies to ensure regular contacts in all questions concerning appeals proceedings: €18,600*
- *Training for staff of the Section (e.g., in advocacy skills or in international law): €12,100*

D. Major programme 3: Registry

Introduction

156. Following the same functional approach as the other major programmes, the structure of the Registry aims at providing maximum efficiency through a common platform of services available to both the judiciary and the Office of the Prosecutor. At the same time the structure provides for a Registry that is devoted to serving the Court in accordance with article 43 (2) of the Statute. In line with this requirement, several organizational changes across the Registry and the Common Services Division, as outlined in the following paragraphs, have been effected.

General

157. The core mission of the Registry is to provide effective and efficient administrative and operational support to both the judicial and the prosecutorial pillars, allowing them to carry out their mandates effectively. Hence, a large segment of the non-staff resource requirements for the Office of the Prosecutor is contained in the budget request of the Registry. As the central provider of services to all organs of the Court, the Registry requires a comparatively high share of the total funding for the Court. Common resource requirements encompass services such as maintenance for premises and vehicles, purchase of office furniture, equipment, office supplies, purchase of vehicles, restaurant services as well as security and safety services. The Registry component of the budget also includes a request for staff resources to carry out support in the area of general services, procurement, finance, budget, human resources, IT support, security, judicial support and victims and witnesses support. The common services for all organs require over €20.5 million or 64.5 per cent of the current budget proposal for the Registry. Finally, the Registry budget reserves more than €6.6 million for investments which benefit the Court as a whole, including IT investments, systems for field operations, technical equipment for the courtroom, a modest media centre and a Library Management System. These investments have the character of initial start-up costs and are not indicative of future requirements.

158. The Registry is headed by the Registrar who works under the authority of the President. The formal creation of the position of Deputy Registrar is requested in order to provide the necessary managerial support for the Registrar in connection with his wide array of tasks regarding both judicial and administrative support. This position replaces the position of Director of Common Services, aligning the structure with what was envisaged in the Statute. In order to provide support to the two pillars of the Court — the judicial and the prosecutorial pillars — a common administrative platform is required, comprising the following functions: human resources, administrative services (incorporating the finance function, the general services function and the procurement function), information technology, security, and public information and documentation. Related sections have been created for maximum efficiency through delegation downwards, while maintaining adequate management control. In the same vein, the judicial support functions have been grouped in two large sections: the Judicial Administrative Support Section, and the Witness Protection and Victims Participation Section. On a daily basis, the sections will report to the Deputy Registrar, but will work under the general authority of the Registrar.

Human resources

159. The core objective of the Human Resources Section is to allow the Court to attract and efficiently recruit highly qualified people, leading to a flexible and scalable workforce through proactive career development and training initiatives, efficient administration of staff benefits and entitlements, and systems which ensure that all staff are physically, psychologically and emotionally fit to carry out their duties.

Administrative services

160. The newly created Administrative Services Section groups the finance function, the general services function (including facilities management, travel, visa and shipping services, document and archival services as well as logistics and transportation services) and the procurement function. Efficiencies have been gained through this wider grouping, which will provide a core administrative support structure, encompassing all traditionally administrative functions with the exception of human resources and information technology.

Information technology

161. In recognition of the fact that the Court can obtain tremendous efficiencies from the effective use of information technology, the current submission builds on the need to continue to establish an information technology (IT) infrastructure in order to maximize the benefits of information systems for all organs of the Court. The current budget proposal is intended to provide high-level infrastructures and information systems, capable of sustaining growth in all organs of the Court. It is important that the Court be able to take advantage of e-government web-based initiatives (e-procurement, e-recruitment, e-travel etc.) which are rapidly becoming the preferred and most efficient method of operation. This far-reaching approach requires significant investments in both hardware and software at the outset of the operation, and therefore significant initial resources for IT.

162. Enterprise Resource Planning (ERP) represents a core IT project allowing comprehensive functionality of finance, procurement, human resources, budget, payroll, asset management, travel and general services under one roof. This system will lead to increased efficiency in organizational reporting of expenditure, thus giving States Parties an easy and efficient way to monitor the Court's expenditure and efficient management. ERP will interface the other core ICC information systems (Information Management System and Court Management System).

163. The Information Management System (IMS) entails a common document database whereby all documents will be stored, taking into account full security requirements and the division of powers within the Court. Each document will be assigned a unique number and will be fully retrievable. IMS will contribute to increased efficiency in the translation and disclosure of documents.

164. The Court Management System (CMS) will be used mainly by the judiciary and the Office of the Prosecutor to conduct their work in an effective and secure manner. All major judicial functionalities of the Court (e.g. case initiation and indexing, docketing and related record-keeping, hearings, judgements and sentencing, security, management and statistical reports, etc.) will be covered by the system. Its introduction will improve the quality of decision-making, contribute to

the elimination of repetitive and redundant data entry, improve security and enable collaborative working, thus ensuring major cost savings. While CMS had not been foreseen in the budget for the first financial period, its establishment has been undertaken because of an urgent need to have a basic system in place before a case starts. In order to achieve the desired levels of efficiency, the establishment of a modern, cutting-edge IT infrastructure requires an extensive investment in sophisticated management and technical expertise for a sustained duration.

165. The IT funding request also includes a field office infrastructure, which allows information to flow efficiently, thus also having an effect on the need for travel.

Security and safety

166. The security and safety function encompasses a wide range of responsibilities and works in support of all organs of the Court, including the continuous control of access to and egress from the premises of the Court, emergency response to incidents, safe custody of accused persons while on Court premises, protection of sensitive information and operation of staff reliability procedures, security and integrity of the Court's electronic information systems, protection of Court staff and assets in the field, including escorts, and fire and safety policy and procedures throughout the Court. The need to avoid compromising the security functions required by a security-sensitive institution such as the ICC requires not only an efficient organization but also significant funding. In order to meet high-level demands while achieving cost-effectiveness, a two-tier system has been implemented. At the heart of the security posture is the requirement for 100 per cent screening of all persons entering the building (a requirement set by the host State). This function and certain others, such as receptionist duties or other routine duties, will be assigned to a contracted civilian security company, as a cost comparison has demonstrated that proceeding that way is less costly than providing those services in-house. On the other hand, the more critical and custodial tasks, such as emergency response, the 24-hour control rooms and safe custody of prisoners will be handled by ICC Security Officers. With respect to security staff in any theatre of investigative operations, local staff will be used as much as possible without compromising the security function, with back-up from core ICC security staff.

Public information and external relations

167. It has become apparent in the first half of 2003 that the public information/external relations function of the Court was underestimated in the Budget for the first financial period. Additional resources therefore had to be redeployed to deal with this function. The current budget proposal requests confirmation of these redeployments as well as additional resources. The core of the public information/external communication strategy of the Court is a Public Information and Documentation Centre which will be set up and operated by the Registry to support both the press and information function for both the judiciary and the prosecution. In addition, a modest Media Centre will be built, for which the host State will provide the building and basic refurbishment and the Court will ensure that the technical infrastructure is in place. Certain funds have therefore been provided for in the budget enabling the completion of a Media Centre. To increase efficiency, the spokesperson of the Presidency will be assigned to this section when he/she is not engaged in addressing the media on behalf of the Presidency.

168. The two judicial, court-oriented functions are court management and issues relating to victims and witnesses, which are dealt with in the following paragraphs.

Judicial administration

169. In the revised structure of the Registry, a number of features of the court management function are grouped together to create more efficiency and economy: the judicial logistics around the courtroom itself, counsel matters (including legal aid), detention matters, and the interpretation and translation function for the Court. It is thought that at least in the coming years these functions, which are all central to the judicial logistics of a case, can be grouped under one section management function. The objective of the current organizational structure is to create flexible and functional teams which would support a trial under the general supervision of the President of a Chamber. In concert with the general objectives of reducing administrative and overhead costs, and placing responsibility for requirements as close as possible to the user of that requirement, a lump-sum portion of the legal aid funds will be devoted to translation.

170. Provision is made for the cost of training for defence counsel in accordance with rule 20, sub-rule (1) (f). The training will involve the hiring of consultants, experts and scholars to conduct seminars and workshops. Provision is also made for translation services in favour of the defence counsel into the working languages of the Court. Another provision has been made for the hiring of two defence team members for the year 2004. The remuneration is calculated on the basis of a lump sum of approximately €22,000 per team per month including fees, daily subsistence allowance (DSA) and travel costs.

Witnesses protection and victims participation

171. The task of the Witnesses Protection and Victims Participation Section is twofold: to provide protective measures and security arrangements, counselling and other appropriate assistance for witnesses and victims who appear before the Court and to others who are at risk on account of testimony given by such witnesses, and to develop and implement systems and mechanisms for reparations to victims. In making this submission, the Registry has been guided by the relevant provisions of the Statute and the Rules regarding the functions of the Section and expertise it must have (in this regard, particular reference is made to article 43 (6) of the Statute and rule 19).

172. The budget for the first financial period of the Court established two units, the Witnesses and Victims Unit and the Victims Participation and Reparation Unit. The newly proposed Section does not significantly depart from the structure provided in the first budget. In view of the interrelated nature of the responsibilities of the two existing units and in order to facilitate coordination between the two units and to ensure the proper discharge of their tasks, it is proposed to group the units into a section headed by a Chief of Section at the P-5 level. This proposal is also aimed at avoiding duplication and streamlining of the work of the units.

173. As regards the Witness Protection Unit, the budget for the first financial period did not provide for a specialist for medical and psychological assistance to victims and witnesses, due to an anticipated absence of witnesses before the Court in 2002-2003. That assumption is not valid for 2004. Hence, a request is made for an

additional P-3 post to head a sub-unit responsible for aid and assistance to witnesses, in particular medical and psychological support.

174. The mission of the Victims Participation and Reparation Unit is defined in paragraphs 90 and 91 of the budget for 2002 and 2003 as follows:

“This Unit will have to deal with the functions described in articles 15 (3), 19 (3) and 68 (3) of the Statute and rules 16, 50, 59 and 89 to 93 of the finalized draft text of the Rules of Procedure and Evidence relating to participation of victims in the proceedings. It will also have to deal with the functions described in articles 57 (3) (e), 75 and 82 (4) of the Statute and rules 94 to 99 of the draft Rules of Procedure and Evidence relating to reparations to victims. The Unit will have to develop systems and mechanisms for reparations to victims and their participation in the proceedings.”

175. For these functions, the budget for the first financial period allowed for a Chief of Section (P-4) and an Associate Legal Officer (P-2). Furthermore, paragraph 91 provided for the creation of a P-3 post within this Section for all matters relating to the Victims Trust Fund. Three core functions can be defined for this unit:

(a) Victim participation in the proceedings, which involves not only dealing with victims, groups of victims, *Non-governmental organizations*, handling the functions for publishing proceedings and serving notices, but also organizing legal representation for the victims and dealing with the victims’ counsel, and direct legal assistance for victims as necessary; to this may be added the dialogue to be established with the Victims and Witnesses Section with regard to any protection measures;

(b) Victim reparations, which involves receiving and assessing the applications for reparation filed by victims, in-depth research into the principles to be developed by the Court under the terms of article 75 of the Statute, devising a system enabling the Court to process multiple applications, but also all the contacts with the Victims Trust Fund, particularly in application of rule 98 on the Victims Trust Fund, and lastly legal assistance for victims in application of rule 99 to obtain provisional orders on the property of the person charged; in addition there are the contacts to be maintained with the Office of the Prosecutor on all matters relating to victims and particularly the evidence obtained by the Prosecutor with regard to reparations;

(c) Support for the board governing the Trust Fund, which involves administrative support for the Board of Directors of the Trust Fund and legal research for establishing the management criteria for the Trust Fund (in accordance with resolution ICC-ASP/1/Res.6 adopted by the Assembly of States Parties in September 2002), but also potentially any assistance in relation with running campaigns to raise funds for the Trust Fund as well as managing any agreement which may exist with *Non-governmental organizations* or other international organizations (see Rule 98, paragraph 4).

176. These three functions imply the establishment of three distinct units within the Victims Participation and Reparations Section in 2004: the Participation Unit, the Reparations Unit and the Trust Fund Unit. The requests for additional posts for those three Units taking into consideration the development of their activities in 2004 are contained in subprogramme 3280.

177. The main problem from a budgetary point of view facing the Victims Participation and Reparations Section concerns the funding of legal aid for victims wishing to participate in the proceedings. According to rule 16, the Registrar *shall* assist the victims in obtaining legal advice and organizing their legal representation;⁶ according to rule 90, paragraph 5, “a victim or group of victims who lack the necessary means to pay for a common legal representative chosen by the Court may receive assistance from the Registry, including, as appropriate, financial assistance.”

178. In fact it is highly likely that most of the victims wishing to participate in the proceedings before the Court will not have the means with which to pay for counsel.

179. With regard to article 68, paragraph 3, which obliges the Court to permit

“the views and concerns [of victims] to be presented and considered”,

and the Rules of Procedure and Evidence, i.e. rules 16 and 90, the Registry has the obligation to ensure the legal representation of victims when they do not have the necessary means to pay for counsel, namely by assisting victims in obtaining legal advice and organizing their legal representation.

180. Since it is not possible for the Registry to simply count on the good will of the *Non-governmental organizations* or lawyers’ offices working on a pro bono basis for legal representation of victims, further options had to be taken into account. The possibility of requesting funds for legal aid through which victims might engage their own counsel was dismissed due to the difficulty of estimating even an approximate need, taking into account the obligation of the Registry to arrange that “*the distinct interests of the victims ... are represented and that any conflict of interest is avoided*”.⁷ Furthermore, the possible costs for legal representation for victims, in implementing this option of having recourse to private counsel, might have proved unacceptable to States Parties. Although offering many advantages, the provision of legal aid to victims within the Registry by recruiting legal advisers who would be allocated to the victims for counselling and legally representing them before the Court was also dismissed since the lawyers could become overburdened with work, while at the same time they could appear to be lacking independence.

181. The Registry proposes a model consisting of a recourse to private counsel and, where possible, recourse to full-time counsel employed as Court personnel. An amount of €280,000 is requested for the partial funding of the activities of private lawyers (primarily for travel expenses), who are willing to accept the representation of victims. Those lawyers would be financed by private donations for representing victims but would receive financial assistance to cover their costs when they appear before the Court in The Hague. Secondly, the current submission proposes to reserve the P-3 Legal Officer post in the Victims Participation and Reparation Section in the budget for the first financial period exclusively for the function of providing legal advice to victims. Lastly, a limited provision for general temporary assistance to

⁶ Note that the obligation of the Registrar towards witnesses is clearly different: indeed, rule 17 only refers to the obligation for the Victims and Witnesses Section to “advise them *where* to obtain legal advice for the purpose of protecting their rights”, thus indicating clearly that the Registrar is *not* under an obligation towards witnesses to provide legal advice or to pay for the legal representation of witnesses.

⁷ Rule 90, para. 4.

obtain legal assistance is included in the overall general temporary assistance budget of the Registry.

182. During the first financial period the need for a strong legal support function was identified to sustain not just all Sections in the Registry, but also other organs of the Court, with regard to institutional and administrative issues, and in public and private international law. This requirement is driven by two factors: first, the need, present in all international organizations, for legal advice on general matters of law that concern the institution as a whole (privileges and immunities, staff matters, legal liabilities, contractual issues, etc.); and secondly, the need for a legal audit and advice function to ensure institutional consistency and coherence in the application of the rules of international law and the constitutive instruments of the Court. Centralizing most of these core legal activities within one section, which can coordinate and communicate with client sections is intended to maximize efficiency and prevent a fragmented approach among different organs of the Court, thus reducing risks of legal exposure for the Court.

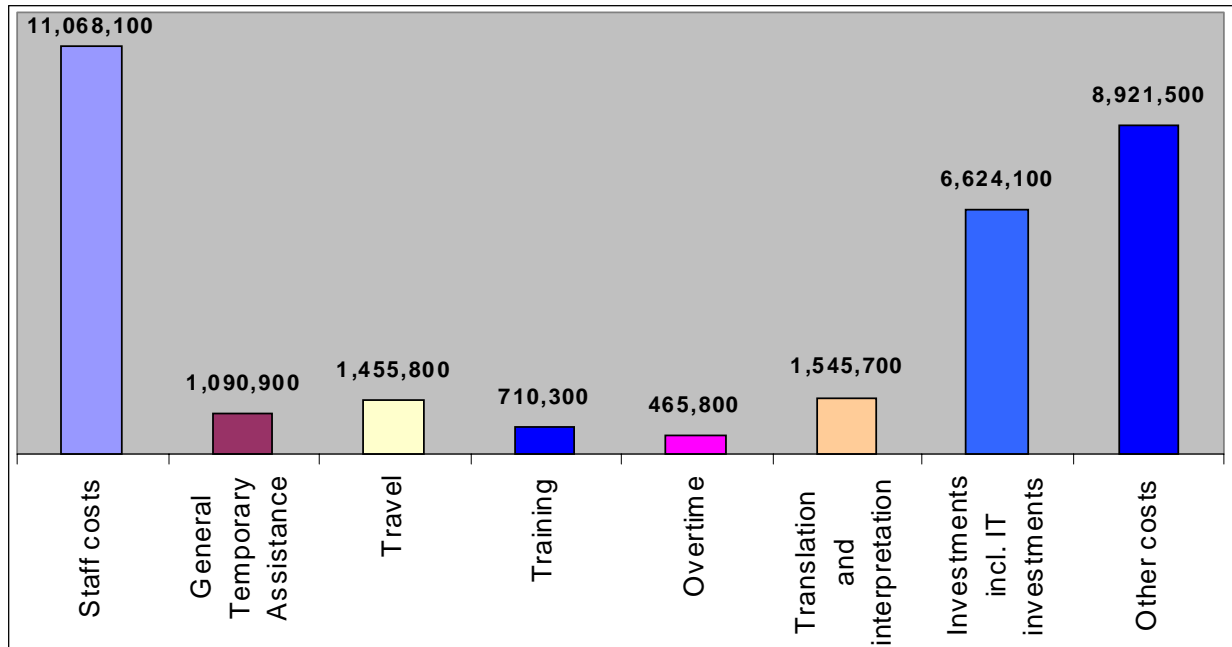
183. The major programme is structured as follows:

- *Programme 3100: Registrar*
- *Programme 3200: Deputy Registrar*

Key programme resources

184. Resources for this major programme amount to €31,882,200. The management of the programme activities is the responsibility of 226 staff (95 Professional staff and 131 General Service staff).

Figure 11
Total costs



1. Programme 3100: Registrar

185. The programme is structured as follows:

- Subprogramme 3110: Immediate Office of the Registrar
- Subprogramme 3120: Office of Internal Audit
- Subprogramme 3130: Legal Advisory Section
- Subprogramme 3140: Budget Section

Key programme resources

186. Resources for this programme amount to €5,022,400. The management of the programme activities is the responsibility of 16 staff (10 Professional staff and 6 General Service staff).

(a) Subprogramme 3110: Immediate Office of the Registrar

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Assistant Secretary-General	1	Staff costs	367 200
Professional	2	Non-staff costs ^a	3 968 000
General Service	2		-
Total	5	Total	4 335 200

^a See also table B below.

187. **The subprogramme objective is to assist the Registrar in dealing with the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor as set forth in article 42 of the Rome Statute.**

Tasks planned for 2004

- To oversee the Court's judicial proceedings and administrative management
- To contribute to a sound management of the Court's financial, budgetary and procurement functions
- To monitor the drafting process of the regulations to govern the operation of the Registry and to clear them
- To assist the Registrar in recruiting personnel to serve the Court
- To assist the Registrar in managing the Court's buildings and the internal security of the Court
- To ensure appropriate and reasonable administrative assistance from the Registry to defence counsel
- To oversee those held in custody by the Court, as well those serving sentences

- To liaise between the host State and the Court on issues related to respect for privileges and immunities and the legal status of the Court both in The Hague and abroad
- To contribute to strengthening cooperation and coordination between the Court and States Parties, other international organizations and non-governmental organizations
- To supervise and approve the negotiation of the agreements on cooperation with States Parties
- To perform cabinet functions

Expected results

- Achieving effective and efficient management of the financial resources of the Court
- Ensuring consistency in administering the services provided by the Registrar to the Court as a whole
- Increased knowledge and understanding of internal policies of the Court
- Increased awareness about the mission and functioning of the Court

Performance indicators

- Effective and efficient management of the Court's judicial activities
- Increase in and effective application of all the policies throughout the Court's structures
- Efficient administration of the funds provided to the Court
- More efficient administration services provided to both the judicial and the prosecutorial pillars (no duplication, or reduction in duplication)
- Number of agreements and other instruments negotiated by the Registrar and concluded by the Court
- Increase in number of States Parties to the Rome Statute
- More implementing legislation in place

Other resources

188. The total funding for other resources of this subprogramme amounts to €3,968,000, of which €19,000 is for hospitality⁸ and €7,200 for the lease of office space in New York. Funds for general temporary assistance, travel, training and overtime for the major programme are budgeted for in this subprogramme. The costs for travel specifically related to this subprogramme are listed below in italics.

- *Travel: €81,709*
- *Hospitality: €19,000*
- *Lease of office space for meetings in New York: €7,200*

⁸ The funds for hospitality are administered by the Registrar.

Table B
Non-staff costs in the Immediate Office of the Registrar and related to the major programme

	<i>General temporary assistance</i>	%	<i>Travel</i>	%	<i>Consultants</i>	%	<i>Training</i>	%	<i>Overtime^a</i>
Immediate Office of the Registrar		0.0	81 709	5.6		0.0		0.0	
Office of Internal Audit		0.0		0.0		0.0		0.0	
Legal Advisory Section	27 594	2.4	84 918	5.8		0.0	9 522	1.3	
Budget Section	18 397	1.6	7 163	0.5		0.0		0.0	
Immediate Office of the Deputy Registrar		0.0	40 233	2.8		0.0		0.0	
Administrative Services Section	204 516	17.7	21 203	1.5	3 857	0.7	46 579	6.6	
Human Resources Section	161 460	13.9	5 365	0.4	33 282	6.4	326 719	46.0	
ITCS	82 980	7.2	81 652	5.6	410 000	78.2	102 500	14.4	
Security and Safety Section	113 022	9.8	952 691	65.4		0.0	89 175	12.6	
PIDS	64 584	5.6	41 278	2.8	15 375	2.9	28 188	4.0	
JAS	172 530	14.9	99 956	6.9	10 250	2.0	30 750	4.3	
WPVP	245 808	27.0	39 621	2.7	51 250	9.8	76 875	10.8	
Total	1 090 891	100	1 455 789	100	524 014	100	710 308	100	160 804

^a Overtime for General Service staff is to be allocated by the Registrar according to the needs of the sections.

(b) Subprogramme 3120: Office of Internal Audit

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	1	Staff costs	134 900
General Service	1	Non-staff costs ^a	
Total	2	Total	134 900

^a See also table B.

189. **The subprogramme objective is to ensure accountability for the proper use and value for money spent of the Court's resources.**

Tasks planned for 2004

- To plan audit activities for the year
- To conduct planned audits and reviews

- To conduct ad hoc audits and reviews to address specific management or other concerns
- To provide input into the development of administrative systems
- To liaise with the External Auditor

Expected results

- Ensuring proper use of the Court's resources
- Proactive identification of possible weaknesses in management

Performance indicators

- Number of reports on planned or ad hoc audits and reviews

(c) Subprogramme 3130: Legal Advisory Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	5	Staff costs	417 400
General Service	2	Non-staff costs ^a	
Total	7	Total	417 400

^a See also table B above.

190. The subprogramme objective is to provide unified legal advisory service to the Registry and to other organs of the Court; to ensure legal consistency in the application and interpretation of all constitutive instruments of the Court and of international law in general, to protect the legal interests of the Court and its staff and to minimize legal exposure of the Court.

Tasks planned for 2004

- Ensure consistent and accurate interpretation and application of all legal instruments of the Court by all organs
- Negotiate, draft and review all commercial contracts of the Court
- Continue to negotiate with the host State regarding the Headquarters Agreement and serve as liaison between the Court and the host State on all cooperation matters
- Provide the Registrar, the Prosecutor and the Presidency with legal advice on the Agreement on Privileges and Immunities of the Court and the interpretation thereof
- Negotiate, draft and review further "Headquarters Agreements" with States where field offices will have to be established
- Assist the Prosecutor and the Registrar with all legal, operational and administrative matters relating to the establishment of field offices

- Start negotiating cooperation agreements with other States Parties, such as agreements on relocation of witnesses and enforcement of sentences
- Provide advice to the Witnesses Protection and Victims Reparation Section on the legal implications of its operations and provide the Section with assistance on all legal matters if necessary
- Upon approval of the Staff Regulations, draft and propose staff rules of the Court and other relevant policies relating to staff appointments and staff entitlements
- Provide the Registrar, the Prosecutor and the Presidency with legal advice on the Staff Regulations and Rules and all other pertinent legal documents in this regard and the interpretation thereof
- Serve as liaison between the Court and other international organizations pertinent to the work or the functioning of the Court, such as the UNSJPF, ILOAT, UNAT and the ICTY
- Provide the judges with legal advice and interpretation on the conditions of service of the judges of the Court and propose to the Assembly of States Parties amendments to the conditions where necessary
- Assist all sections of the Court in establishing relevant and appropriate policies and directives, review these policies and directives and assist them in the implementation and interpretation thereof
- Negotiate the Relationship Agreement with the United Nations, provide all relevant offices with legal advice and interpretation thereof and assist the relevant offices in the implementation of the Agreement
- Initiate and maintain strong working relationships with States Parties on their implementing legislation and the cooperation with the Court
- Organize and coordinate all legal training within the Registry

Expected results

- Provision of timely, sound and consistent legal advice on all topics listed above to the Registrar, the Presidency, the Prosecutor and, where appropriate, to States Parties
- Progress in drafting and adoption of international agreements and other legal instruments
- Increased knowledge, understanding of internal policies and related legal matters
- Effective cooperation regarding legal internal documents between the different pillars of the Court
- Consistency in the application of legal documents by all offices of the Court
- Provision of assistance to States in complying with their obligations to cooperate efficiently with the Court
- Assessment of whether States' implementing legislation serves the purposes of the Statute

- Minimum legal exposure of the Court
- Well-informed and educated legal staff who are abreast of all developments pertinent to the Court

Performance indicators

- Acknowledgement by other sections and organs that timely, sound and consistent advice has been provided to them by the Legal Advisory Section which helped them to discharge their functions
- Frequency of use of the Legal Advisory Section by other sections
- Reduction of legal uncertainties and improved and consistent application and interpretation of the Court's legal regime to specific cases and situations
- Increased compliance with that regime
- Number of agreements and other legal instruments concluded/adopted by the Court
- Increase in and consistent application of all internal policies throughout the Court's structures
- No claims or reduction in the number of claims against the Court
- Quality of liaison and cooperation with States Parties and other States if necessary
- Recognition by States Parties of the usefulness of assistance and inputs from the Court
- Level of cooperation and coordination between the Office of the Prosecutor and the Registry in the area of State cooperation

New posts

2 P-2 (Associate Legal Advisers)

1 General Service (Other level) (Administrative Assistant)

Redeployed post

1 P-5 (Senior Legal Adviser)

Post justifications

1 P-2 (Associate Legal Adviser)

191. The position is required to assist the Senior Legal Adviser in coordinating, conducting and reviewing extensive and complex legal research and analysis on international public law and international administrative law in particular, preparing comparative studies, briefs, reports and correspondence using textbooks, journals, codes, legislation, the legal instruments of the Court and the case law of many legal systems, and analysing and synthesizing the results of that examination. In addition, the incumbent will assist the Senior Legal Adviser in the preparation of legal opinions and advice, in the drafting of background memorandums, minutes of meetings with high-level representatives of States Parties and other officials, in the

review of legal documents, instruments or other material, and he/she will be responsible for identifying important issues, similarities and inconsistencies in legal documents of the Court. In addition, the incumbent will have to assist the Legal Advisers in giving quick and accurate advice to the Witnesses Protection and Victims Participation Section on the Rules of Procedure and Evidence, other pertinent legal documents and all legal implications of the operations conducted by this Section.

1 P-2 (Associate Legal Adviser)

192. The position is required to assist the Legal Advisers in negotiating, drafting and reviewing all commercial contracts the Court enters into. The incumbent will liaise and cooperate with the Procurement Section and assist this Section in all daily legal matters. In addition, the incumbent will be responsible for establishing and maintaining a contracts database, establishing contract templates and providing training to the Procurement Section on drafting contracts. The incumbent shall serve as an Alternate Secretary in the Procurement Review Committee, establish appropriate procedures and guidelines for the Committee and assist the Chairman of the Committee in training new members of the Committee. He/she will also be responsible for assisting the Legal Advisers, in consultation with the General Services Section, in drafting all relevant directives and policies regarding the Claims Review Board. Moreover, the incumbent will assist the Legal Advisers in providing advice and interpretation of the Financial Regulations and Rules of the Court.

1 General Service (Other level) (Administrative Assistant)

193. The position is required to assist the Legal Advisers in all administrative matters such as drafting and logging external correspondence, taking minutes of meetings and establishing and maintaining a filing system of the Section. In addition, the incumbent shall be responsible for scheduling and coordinating all relevant meetings and liaising with the administrative assistants of other sections.

194. The workload and responsibilities taken on by the Legal Advisory Section over the first quarter of the year 2003 have revealed the urgent need of a Senior Legal Adviser. In order to recruit a Senior Legal Adviser as soon as possible, it has been decided to redeploy the P-5 post which was foreseen in the budget for the first financial period for the Chambers Legal Support Section to the Legal Advisory Section. The Senior Legal Adviser will have to serve as a senior liaison officer on behalf of the Registrar and the Deputy Registrar between the Court and high-level officials. In addition, he/she will provide and coordinate all legal and related policy advice, under the supervision of the Registrar, on issues concerning the functioning and management of the Court. These issues relate to the internal law of the Court, including all legal issues related to the administration of the Court (procurement, personnel and general administrative law matters) and the legal aspects of the Court's external relations and activities, including the negotiation of contracts and international agreements, host State matters, and privileges and immunities. The Senior Legal Adviser serves as the principal legal adviser to the Registrar and the Deputy Registrar, but also provides legal advice to the President of the Tribunal and the Prosecutor as necessary. The Senior Legal Adviser will ensure the consistent and accurate application and interpretation of all legal instruments of the Court and will be responsible for the overall management of the Section.

Reasons for redeployment

1 P-5 (Senior Legal Adviser) — formerly Head of Section, from the Chambers Legal Support Section

195. The workload and responsibilities taken on by the Legal Advisory Section during the first quarter of 2003 have pointed to the urgent need of a Senior Legal Adviser. In order to recruit a Senior Legal Adviser as soon as possible, it has been decided to redeploy the P-5 post which was foreseen in the budget for the first financial period for the Chambers Legal Support Section to the Legal Advisory Section.

Other resources

196. The costs for travel, training and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *Travel: €39,364*
- *Travel with the Chief of the Witnesses Protection and Victims Participation Section for the negotiation of relocation agreements: €45,554*
- *Training: €9,522*
- *General temporary assistance of 6 months (P-2): €27,594*

(d) Subprogramme 3140: Budget Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	1	Staff costs	134 900
General Service	1	Non-staff costs ^a	
Total	2	Total	134 900

^a See also table B above.

197. **The subprogramme objective is to provide effective and transparent budgetary service.**

Tasks planned for 2004

- Issuing of allotments and control over budget performance
- Preparation of the draft programme budget for 2005
- Monitoring the implementation of the 2004 budget
- Analysing and determining cost estimates
- Following up new developments in budgeting methodologies

Expected results

- Completion of budget documents as required
- Creation of budget documents in line with the organizational strategy
- Further development of the use of the results-based budgeting method
- Improving the process of gathering information for the budgetary period ahead

Performance indicators

- Quality of budget and budget performance documents
- Clarity and transparency of the budget process
- Accuracy and up-to-date data

Post reclassification**1 P-5 (Chief Budget Officer)**

198. The importance of the budgetary functions as well as the necessity of dealing with high-level counterparts in negotiations on budgetary matters make it necessary to upgrade the post of the section chief.

Other resources

199. The costs for travel and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *Travel: €7,163*
- *General temporary assistance: €18,397*

2. Programme 3200: Deputy Registrar

200. The programme is structured as follows:

- Subprogramme 3210: Immediate Office of the Deputy Registrar
- Subprogramme 3220: Administrative Services Section
- Subprogramme 3230: Human Resources Section
- Subprogramme 3240: Information Technology and Communications Section
- Subprogramme 3250: Security and Safety Section
- Subprogramme 3260: Public Information and Documentation Section
- Subprogramme 3270: Judicial Administration Section
- Subprogramme 3280: Witness Protection and Victims Participation Section

Key programme resources

201. Resources for this programme amount to €26,859,800. The management of the programme activities is the responsibility of 210 staff (85 Professional staff and 125 General Service staff).

(a) Subprogramme 3210: Immediate Office of the Deputy Registrar

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional and above	2	Staff costs	190 700
General Service	1	Non-staff costs ^a	
Total	3	Total	190 700

^a See also table B above.

202. The subprogramme objective is to assist the Deputy Registrar in dealing with the non-judicial aspects of the administration and servicing of the Court.

Tasks planned for 2004

- To supervise, coordinate, and provide guidance and advice to the sections of the Court under the responsibility of the Registrar (legal, budget, administration, victims and witnesses, security, public information and documentation, integrated services)
- To assist the sections in developing forms, administrative instructions and information circulars
- To provide to all sections information about procedures to be followed
- To ensure that in providing the administrative services by the Registrar to the Prosecutor no prejudice to the authority of the latter occurs
- To liaise between the host State and the Court on various issues related to maintaining respect for privileges and immunities and the legal status of the Court both in The Hague and abroad when the Registrar is not available
- To assist in strengthening cooperation and coordination between the Court and States Parties, other international organizations and non-governmental organizations
- To provide support and assistance to the Registrar in the negotiation of the agreements on cooperation with States Parties
- To provide assistance to the Registrar in fulfilling all his tasks, among which are the following:
 - To contribute to a sound management of the Court’s financial, budgetary and procurement functions
 - To monitor the drafting process of the regulations to govern the operation of the Registry and to clear them
 - To recruit personnel to serve the Court
 - To manage the Court’s buildings and the internal security of the Court

Expected results

- Ensuring consistency and comprehensiveness in administering the services provided by the Registrar to the Court as a whole
- Increased knowledge and understanding of internal policies of the Court
- Discharging the workload of the Registrar
- Achieving effective and efficient management of the financial and human resources of the Court
- Increased awareness of the mission and functioning of the Court

Performance indicators

- More efficient administration services provided to both the judicial and the prosecutorial pillars (no duplication, or reduction in duplication)
- Effective and efficient management of the Court's judicial activities
- Increased number of agreements and other instruments negotiated by the Registrar and concluded by the Court
- Increase in and effective application of all the policies throughout the Court's structures
- No prejudice to the authority of the Office of the Prosecutor
- Efficient administration by the Registrar of the funds provided to the Court

New posts

1 P-2 (Legal Associate)

Redeployed posts

1 D-1 (Deputy Registrar)

1 General Service (Other level) (Administrative Assistant)

Post justifications**1 P-2 (Legal Associate)**

203. Working with the Immediate Office of the Deputy Registrar, the incumbent will be responsible for carrying out a preliminary review of legal aspects of agreements, drafting letters and other legal documents submitted to the Deputy Registrar's office for comments or clearance, conducting research in administrative law, selecting and analysing relevant international and national legal materials, providing preliminary interpretation of various legal instruments and legal advice on the application and interpretation of administrative rules and regulations defined by the Court.

Reasons for redeployment**1 D-1 (Deputy Registrar) — formerly Director of Common Services, redeployed from the Office of the Director of Common Services**

204. As an increase in the workload of the Court is envisaged for the year 2004, for the full discharging of the responsibilities of the Registrar for the organization and management of the Registry, a Deputy Registrar position will be needed. The Deputy Registrar will also replace the Registrar when the latter is called to official duties outside the Court.

1 General Service (Other level) (Administrative Assistant) — formerly Administrative Assistant, redeployed from the Office of the Director of Common Services

205. The incumbent will lend administrative and general secretarial support to the Deputy Registrar and the professional staff of the Immediate Office of the Deputy Registrar.

Other resources

206. The costs for travel listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *Travel: €40,233*

(b) Subprogramme 3220: Administrative Services Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	17	Staff costs	2 501 300
General Service	39	Non-staff costs ^a	3 955 600
Total	56	Total	6 456 900

^a See also table B above.

A. Finance

207. **The objective is to provide effective and transparent financial service.**

Tasks planned for 2004

- Management of the financial resources of the Court
- Provision of accounting services and ensuring general integrity, accuracy and completeness of the accounts
- Invoicing, collecting and recording of all contributions and payments and preparation of financial statements
- Calculation of expenditure, emoluments and deductions and initiation of disbursements for payrolls

- Cash management services including investment of funds, foreign exchange and cash disbursements

Expected results

- Ability of the section to accommodate the increased requirements of the Court's activities and the expected growth of the number of staff
- Timely and efficient processing of financial transactions to allow provision of accurate and timely financial reports
- Maintaining financial information in a manner that would facilitate data analysis and assist other sections in performing projections of expenditures

Performance indicators

- Processing of invoices and travel documents in a timely manner
- Increased productivity through staff training and automation
- Availability of updated information and accurate reports at all times

New posts

5 General Service (Other level) (Finance Assistant)

Post justifications

5 General Service (Other level) (Finance Assistant)

208. The additional Finance Assistants are required to accommodate the increased growth of the Court and the increased level of Court activities.

Other resources

209. The total funding request for other resources amounts to €93,000. The costs for general temporary assistance, travel, training and consultancy listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *General temporary assistance: €80,730*
- *Staff travel: €3,582*
- *Training: €10,029*
- *Consultancy: €3,857*
- Cost of transactions and maintenance of the various bank accounts (including bank accounts of the Victims Trust Fund): €41,000
- External audit: €52,000

B. Procurement

210. **The objective is to continue to execute purchasing activities, to process the payment of invoices and to reimburse services rendered by other organizations.**

Tasks planned for 2004

- Processing of purchasing activities
- Processing of payment of invoices
- Preparation and conclusion of contracts

Expected results

- Efficient and cost-effective provision of goods and services to all organs of the Court
- Legality of contractual agreements at all times

Performance indicators

- Number of procurement cases
- Proportion of procurement cases concluded within the procurement lead time
- Payment terms: proportion or percentage of the payments processed in accordance with agreed payment terms
- Contracts management: qualitative indicator: average assessment on the legality of contractual agreements

New posts

1 P-2 (Unit Head, Contracts Management Unit)

1 General Service (Principal level) (Coordinator, Processing Unit)

1 General Service (Other level) (Contracts Unit Assistant)

1 General Service (Other level) (Processing Unit Assistant)

Post justifications**1 General Service (Principal level) (Coordinator, Processing Unit)**

211. The post of the Coordinator, Processing Unit, is required to establish procedures and policies with respect to the processing of invoices in line with the Financial Rules and Regulations of the Court and in accordance with the terms and conditions of contractual agreements. The post is essential to ensure that policies are instituted and implemented in the early stage of the establishment of the Court, and to make sure that any hindrances to the implementation of the procedures are properly addressed and solved. The Coordinator is expected to work in close collaboration with several sections involved in the overall processing of payments of invoices in order to determine and establish step-by-step procedures for the efficient and effective processing of all types of payments, and which would take into consideration the role and the time allocated to every concerned section. Additionally, the Coordinator assumes the responsibility for the day-to-day management and supervision of the Unit to ensure the accuracy and correctness of payments processed.

1 P-2 (Unit Head Contracts Management Unit)

212. The operations of the Court require the establishment of numerous contracts in various key fields and areas. In this regard, it is of fundamental importance that written contractual agreements are prepared in conformity with the Statute of the Court, its immunities and privileges. In this connection, the post of Head of the Contracts Management Unit is required, especially and preferably in the establishment phase of the Court, to ensure the prompt preparation of written agreements and contracts, and to ensure the legality of the contractual agreements of the Court. The functions of the Head of the Contracts Management Unit include working in close cooperation and collaboration with the Legal Advisory Section to develop when and as necessary, on a case-by-case basis, the types of agreements and contracts that meet the specific requirements of the Court. The post is essential for the general administration of the Court's contractual agreements to ensure timely extensions, amendments and modifications that may be required.

1 General Service (Other level) (Processing Unit Assistant)

213. With the establishment of a Processing Unit, the post of processing clerk is required to provide assistance to the Coordinator and to ensure that daily clerical tasks related to the Processing Unit are timely and correctly completed, to perform the data entry in the procurement system to ensure that proper records on invoice matching and other functionalities are maintained and regularly updated, to undertake all tasks with respect to obtaining relevant documentation for the processing of payments and to prepare payment requests. In addition, the incumbent will assist the Section in the development of projects on policies and procedures and the development of Enterprise Resources Planning.

1 General Service (Other level) (Contracts Unit Assistant)

214. With the establishment of a Contracts Management Unit, the post of processing clerk is required to provide assistance to the Head of Unit and to ensure that daily clerical tasks related to the Processing Unit are timely and correctly completed.

Other resources

215. The costs for training and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *Training costs: external training courses dispensed by IAPSO and international organizations: provision for two courses within the year, for five staff members: €9,526*
- *General temporary assistance: €32,292*

C. General services

216. **The objective is to provide common administrative services to the Court.**

Tasks planned for 2004

- Focal point for all issues regarding facilities with ICC Task Force and host country

- Plan allocation of space within the Arc in conjunction with organ representatives
- Conduct minor maintenance within current facility
- Plan minor alterations and liaise with appropriate contractors
- Draft rules and procedures for the Unit
- Raise requisitions for Facilities Management Unit accounts
- Provide advice and assistance for the establishment of field offices
- Advise senior management of space allocation difficulties as a result of changing requirements and increase in staffing component
- Determine travel entitlements and fares
- Select most economical fares
- Make reservations in computerized airline system and issue tickets
- Prepare and process travel authorizations
- Maintain file on travel authorizations processed, vehicles registered and residency permits
- Assist travellers in making travel plans
- Receive, log and route applications for residence permits
- Receive and process applications for tax-free vehicles
- Receive and process applications for purchase of tax-free goods
- Maintain contacts with customs, Ministry of Foreign Affairs and shipping organizations
- Provide information on local taxes, exemptions and entitlements
- Train staff on the use of the records management system
- Provide advice to senior management on the records management system
- Collect, distribute and record official mail and items for the pouch
- Design printing requirements and produce final copies
- Prompt sorting and dispatch of incoming/outgoing documents
- Assist with implementing the records management system
- Monitor and control contractual services
- Provide advice and assist with start-up operations for unit activities in a field office
- Monitor current expenditures
- Assist and advise staff on reproduction requirements
- Inspect all goods and equipment received in the Court
- Input data on goods and equipment into the property management system

- Raise requisitions for goods and services
- Process requests for supply items
- Track usage of supply items by sections within the ICC
- Maintain database on all aspects of vehicle usage
- Maintain sufficient stock of supply items to meet requirements of the Court
- Provide advice and assistance for field offices
- Manage contractual service contracts
- Provide advice to senior management on unit areas of responsibility
- Monitor and control contractual services
- Update Intranet site
- Review, update as necessary and draft rules and procedures applicable to the services provided
- Prepare the annual budget proposals for the Section

Expected results

- Improvement in staff morale through efficient facility and travel management
- Increase in usage of limited space
- Reduced response time for work requests
- Increase in awareness of senior management in space allocation limitations
- Improved coordination with host State and ICC Task Force on issues relating to facilities management
- Reduction in rules and procedures that need to be completed
- Increase in knowledge of staff of the functions and requirements of the Section
- Reduction in time lost for staff due to lack of facilities or non-serviceability of facilities
- Increase in awareness of staff of issues affecting use of facilities
- Increase in awareness of facility requirements for field office
- Increase in quality of budget estimates for next period
- Reduction in time to process travel requests
- Improved quality of travel
- Increased awareness of entitlements of staff in host country
- Reduction in time necessary to arrange travel to field offices
- Improvement in the use of the records management system
- Increased awareness and confidence of staff in the use of the records management system
- Reduced reliance on hard-copy media

- Reduction in reproduction costs
- Increased image of the Court
- Improved flow of information between field office and Court
- Reduction in time for correspondence to reach end-users
- Increased skills of staff in usage of records management system
- Reduction in time for reproduction copies
- Reduction in time to search for correspondence
- Increased awareness of property assets within the Court
- Reduction in time lost and work performance for Court's staff due to unavailability of goods and equipment
- Increase in services provided to staff of the Court
- Reduction in delays in processing receipts of reports and invoices
- Improved status of reserves of goods and special items
- Increased quality of rules and procedures
- Reduced start-up time for field offices
- Improved accuracy of budget estimates for the next period
- Increase in monitoring of all contractual services

Performance indicators

- Allocation of office space to new staff prior to their arrival
- Work requests reviewed and action undertaken within one working day
- Staff informed within one day of works projects affecting the use of facilities
- Completion of off-site storage site
- Completion of facilities for security staff
- Completion of minor works for fitness area
- Rules and procedures written, approved and disseminated in accordance with current policies
- Actual costs monitored and tracked for maintenance services, rental of premises, contractual services and utilities
- Proper facilities obtained for staff required to work on mission in a field office
- Senior management always informed of actions or activities affecting Court facilities
- Tickets for official travel issued one working day prior to travel
- Travel authorizations processed a minimum of 48 hours prior to departure
- Provision of information on housing and local transportation in the Netherlands to The Hague to all new staff prior to arrival

- Confirmation of tickets and place of issue for staff on assignment to the Court at least two days prior to departure
- In-house processing of visa applications within two working days
- Rules and regulations written, approved and disseminated in accordance with current policies
- No travel invoices outstanding longer than 30 days
- Invoices verified and sent to the Finance Section for payment within two working days
- All new staff in Registry trained on the records management system
- Reproduction requests completed within three working days of receipt of task
- Staff satisfied with standard of documents produced for external distribution at least 95 per cent of time
- Adherence to scheduled timings for pick-up and delivery of internal correspondence
- Fewer staff requesting assistance with records management system
- Reduction in usage of photocopy paper by 10 per cent from prior period
- Incoming correspondence delivered to end-user within two hours
- All Court inventory entered into the inventory system
- All equipment and special items undergo receiving and inspection prior to entry into the Court
- All equipment, furniture and vehicles planned for 2004 requisitioned as early as possible for delivery within the financial year
- Dynamic stores maintain a one-week reserve of supplies for staff requirements
- Year-end reports on inventory and equipment produced within set deadlines
- Accurate estimates are available for next budget as a result of monitoring and controlling expenditures for current period
- Start-up kit for field office is prepared and ready for movement
- Goods and equipment delivered to requisitioner within three working days of inspection
- Audit trails maintained of all goods and equipment received by the Court
- All contractual services managed and controlled
- Rules and procedures for unit activities current and accurate

New posts

1 General Service (Other level) (Records and Archives Assistant)

1 General Service (Other level) (Fax Operator/Registry Clerk)

1 General Service (Other level) (Messenger)

- 1 General Service (Other level) (Reproduction Clerk)
- 1 General Service (Other level) (Stores Clerk)
- 1 General Service (Other level) (Property Control and Inventory Unit/Claims Clerk)
- 1 General Service (Other level) (Building Services Clerk)

Redeployed posts

- 1 P-2 (Property Control and Inventory Unit Officer)
- 4 General Service (Other level)

Post justifications

1 General Service (Other level) (Records and Archives Assistant)

217. With the increase in staff and the reliance on proper records and archiving management in the Court, there will be a further requirement for staff to assist with the management of the records and archiving system as well as to provide training to the Court staff on the use of the system.

1 General Service (Other level) (Fax Operator/Registry Clerk)

218. The projected increase in staff and workload in 2004 will place an additional strain on the limited staffing of the central registry. The records and archiving system together with the input/output from the central registry will be vital for the document and record-keeping functions of the Unit. It will be important to have sufficient staff in the Registry to cope with the increase in work and assist with the control of faxes and the mail and pouch functions.

1 General Service (Other level) (Messenger)

219. It is assumed that the Registry will require a messenger to deliver and pick up documents and mail for distribution within the Court. This post has been used in other organizations for efficient delivery of items that cannot or are not in electronic format. If not fully utilized as a messenger, the post can be used to assist other units with some current tasks.

1 General Service (Other level) (Reproduction Clerk)

220. If the Court develops an in-house capability for reproduction tasks, then it will be necessary to have staff to carry out this function. There will be ample requirements from sections in the Court to have an in-house capability especially during the formative stages of the Court as it hosts conferences and meetings and conducts external relations to bring the Court to the attention of the world. The in-house capability will need to be augmented with outsourcing in order to meet all requirements. The use of an in-house graphics design assistant will enable the Court to design professional documents and the added need for reproduction capabilities will be increased.

1 General Service (Other level) (Stores Clerk)

221. The Section will be establishing a separate storage area for goods received in the Court for reproduction purposes, minor maintenance supplies for the facility and vehicles as well as the storage of general supplies needed by the staff. In all likelihood, this storage area will be located off site and there will be a requirement for a person to be responsible for these stores. This staff member will also have the use of a general-purpose vehicle to bring items to the site of the Court as required.

1 General Service (Other level) (Property Control and Inventory Unit/ Claims Clerk)

222. As the number of items in the inventory of the Court increases, there will be a greater requirement to control and monitor the growing inventory. This function is a requirement as stated in the financial rules and is vital for the eventual write-off of items as well. In addition, as the number of staff grows, there will be an increase in claims against the Court that will need to be investigated, processed and presented for decision to the appropriate authorities. This staff member will also assist with inventory checks on a biannual basis and liaise with sections on control of inventories.

1 General Service (Other level) (Building Services Clerk)

223. The increase in staff will also bring with it an increase in the number of requests for facility management services in areas such as keys, locks, partitions, rooms, meeting rooms, lights, etc. The Unit will require a person to control such requests and pass them on to the appropriate staff in the Unit. This task will affect the comfort of staff members and the efficient conduct of Court business. This person will also liaise with the stores clerk for the delivery of stock items.

Reasons for redeployment**1 P-2 (PCIU Officer) — formerly AV Director, redeployed from Information Technology and Communication Services Section**

224. The section has a Protocol Officer from the previous period. However, the functions envisaged for this post could be handled by the Legal Services Section to set up the procedures and the actual day-to-day work handled by the travel/visa assistant. The Section requires a claims/PCIU officer to handle the important aspects of asset management and reporting of claims. This responsibility is mandated by the Financial Rules and Regulations. The control of assets and proper reporting is a vital function for an organization. The funds invested in equipment and goods are huge and subsequent control of these assets a necessity. The importance of tracking and recording assets and monitoring their use from the start cannot be underestimated. Therefore, it is requested that the post of Protocol Officer be reclassified as claims/PCIU Officer at the P-2 level.

4 General Service (Other level) — formerly General Service (Other level) redeployed from Chambers Legal Support

225. In order to meet operational requirements and assist the General Services Section staff, four General Service (Other level) staff are needed.

Other resources

226. The total funding request for other resources amounts to €3,650,607. The costs for training, travel and general temporary assistance listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *Training: €27,024*
- *Travel: €17,621*
- Overtime (for General Service staff): €15,446
- External printing: €84,563
- Contractual services (cleaning, laundry, rental of equipment, services, two in-house staff from Xerox for maintenance and operation of the reproduction centre): €444,690
- Rental of premises: €129,150
- Maintenance services: €469,860
- Utilities: €171,385
- Freight charges, general insurance and miscellaneous services: €170,560
- Maintenance and spare parts (furniture and equipment): €95,841
- Vehicle spare parts: €41,820
- Vehicle liability insurance: €24,641
- Commercial communications: €82,000
- Stationery and office supplies and photocopying paper: €192,683
- IT supplies and consumables: €15,613
- Petrol, oil and lubricants: €24,110
- Uniforms (robes, driver's uniforms, etc.): €123,697
- Toner printers: €52,275
- Purchase of furniture and fixtures: €1,009,600
- Purchase of office equipment: €109,034
- Purchase of vehicles: €108,445
- Purchase of other equipment: €159,939
- Construction, alterations and improvements to premises: €97,375
- Subsidy for ARC Restaurant: €211,880
- *General temporary assistance 6 months (General Service (Other level)):
€16,146*
- *General temporary assistance 6 months (General Service (Other level)):
€16,146*

- *General temporary assistance 12 months (General Service (Other level)):* €32,292
- *General temporary assistance 6 months (General Service (Other level)):* €16,146
- *General temporary assistance 6 months (General Service (Other level)):* €10,764
- Locally hired staff for field offices (for four people): €7,380
- Lease of ATM cash machine: €20,500

(c) Subprogramme 3230: Human Resources Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	6	Staff costs	874 800
General Service	12	Non-staff costs ^a	99 800
Total	18	Total	974 600

^a See also table B above.

227. **The first subprogramme objective is to attract and retain the best-suited candidate for each job vacancy at the Court, respecting throughout the performance principles of equity, efficiency and effectiveness. The second subprogramme objective is to ensure the accurate and timely processing of staff benefits and entitlements and to build a more multiskilled staff by introducing mechanisms for the increased development and motivation of staff. The third subprogramme objective is to ensure that all staff are physically, psychologically and emotionally fit to carry out their duties.**

Tasks planned for 2004

- Issuance of 200 vacancy announcements, including preparing vacancy announcements and advertisements
- Screening of 8,000 to 10,000 applications for vacancies at the Court
- Recruitment of approximately 150 fixed-term staff, including submitting qualified candidatures to sections, interviewing candidates, making recommendations, requesting references, medical clearances, visas and travel documents
- Recruitment of approximately 40 short-term staff
- Issuance of approximately 40 special service agreements
- Management of an internship programme for approximately 60 interns
- Administration of tests for the recruitment of General Service staff to an estimated 400 candidates

- Development and maintenance of an electronic roster of all occupational groups to be used for the proactive filling of vacancies
- Processing of education grant claims for 200 internationally recruited staff members
- Processing of education grant travel requests for the children of 50 staff
- Processing of rental subsidy claims for 200 internationally recruited staff members
- Processing of home leave travel requests for 30 staff and their dependants
- Drafting of comprehensive rules, regulations and policy guidelines for the Court
- Introduction of a performance appraisal system that encourages open dialogue between staff and reporting officers
- Dissemination of policy information concerning all staff of the Court, using various media channels such as Intranet, memoranda and bulletins
- Introduction and development of substantive skills training programmes for approximately 300 participants
- Introduction and development of an information technology training programme for approximately 300 participants
- Introduction and development of a language training programme for approximately 210 participants
- Providing medical clearances for recruitment, reassignment and mission travel for 200 staff
- Medical consultations by physicians, nurses and medical consultants
- Immunizations, injections and electrocardiograms for 200 staff
- Travel health advisories
- Health promotion programmes: ergonomics, work environment surveillance, vision and glaucoma screening, pulmonary function tests, cholesterol and blood sugar screening, diabetes control, breast cancer care
- Certification of extended sick leave cases for 200 staff
- Reviewing and providing advice on special dependency benefit and special education grant for approximately 10 cases
- On-site assessment of local medical facilities at field duty stations and regional medical evacuation centres and submission of related recommendations
- Gathering of information regarding the availability of counselling services and treatment and diagnostic facilities worldwide for staff and families

Expected results

- Improved system of planning, recruitment, placement and promotion of staff enabling section chiefs to select highly qualified and motivated candidates based on readily accessible and accurate information

- Improved system of processing of staff benefits and entitlements
- Increase in the availability and relevance of substantive skills training programmes for staff
- Improved staff health care through the provision of timely and adequate medical services

Performance indicators

- Reduction in the amount of time required to recruit and identify eligible staff for movement
- Improvement in the gender balance of staff
- Increase in the amount of qualified applicants for vacancies
- Increase in the diversity of applicants
- Reduction in the amount of time required to process staff claims for benefits and entitlements
- Clarity and simplicity of rules and procedures that give credence to fair and transparent processes
- Introduction of a performance appraisal system that encourages open dialogue between staff and reporting officers
- Improvement in the knowledge, skills and abilities of staff
- Reduced delays in the system of medical clearances for new recruits
- Increased medical facilities available to staff
- Increased opportunities for counselling to staff
- Degree of satisfaction expressed by staff with regard to the quality and timeliness of medical services

New posts

- 1 P-3 (Staff Welfare Officer)
- 2 General Service (Other level) (Recruitment Assistant)
- 2 General Service (Other level) (Human Resources Assistant)
- 2 General Service (Other level) (Training and Development Assistant)
- 1 General Service (Other level) (Medical Assistant/Nurse)
- 1 General Service (Other level) (Staff Welfare Assistant)

Redeployed posts

- 1 P-4 (Unit Head, Health and Well-being Unit)
- 1 P-3 (Personnel Officer)

Post justifications**1 P-3 (Staff Welfare Officer)**

228. The incumbent will be a psychologist or occupational therapist responsible for all matters related to the social, psychological and emotional well-being of staff. She or he will be the internal expert for all advice to senior management and staff on mechanisms for stress management and stress-related disorders.

2 General Service (Other level) (Recruitment Assistant)

229. The increased workload in recruiting qualified staff and the introduction of an internship programme requires two additional posts for Recruitment Assistants.

2 General Service (Other level) (Human Resources Assistant)

230. The increased workload in administration due to the increased recruitment of staff requires two additional posts for the Section's work related to employee entitlements and benefits, job classification, performance appraisals and other day-to-day management of staff.

2 General Service (Other level) (Training and Development Assistant)

231. The introduction of training and development programmes requires an abundance of work in conducting needs analyses, programme design and course evaluations. Two Training and Development Assistants are required to assist the Associate Training and Development Officer in the effective running of all training programmes of the Court.

1 General Service (Other level) (Medical Assistant/Nurse)

232. A Medical Assistant is required to provide administrative support to the Head of the Health and Well-being Unit in the delivery of medical services to the Court.

1 General Service (Other level) (Staff Welfare Assistant)

233. A Staff Welfare Assistant is required to provide administrative support to the Staff Welfare Officer in the delivery of staff counselling services.

Reasons for redeployment**1 P-4 (Unit Head, Health and Well-being Unit) — formerly Language Coordinator, redeployed from Administrative Unit**

234. The Head of the Health and Well-being Unit is a doctor who will be responsible for the health maintenance and well-being of all personnel of the Court. She or he will have to coordinate medical examinations, services and clearances prior to the appointment of new recruits, in addition to ensuring the appropriate prophylaxis screening of staff being redeployed to field offices. In addition, the incumbent will be consulted on all matters dealing with occupational safety in the workplace with regard to physical conditions in the environment.

1 P-3 (Personnel Officer) — formerly Personnel Officer redeployed from the Administrative Unit

235. The Personnel Officer is needed in the Human Resources Section; as from 2004, the incumbent will be deployed as Head of the Training and Development Unit, where she or he will be responsible for establishing an organizational career development strategy in conjunction with complementary staff development programmes.

Other resources

236. The total funding request for other resources amounts to €99,800. The costs for general temporary assistance, training, travel and consultancy listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- *General temporary assistance: €161,460*
- *Training: €326,719*
- *Travel: €5,365*
- *Consultants: €33,282*
- Medical service requirements: €99,800

(d) Subprogramme 3240: Information Technology and Communications Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional and above	11	Staff costs	1 289 800
General Service	17	Non-staff costs ^a	7 050 100
Total	28	Total	8 339 900

^a See also table B above.

237. **The subprogramme objective is to continue to establish an information technology (IT) infrastructure and make active use of IT to maximize the benefits of information systems for all organs of the Court.**

Tasks planned for 2004

- Set-up of a public key infrastructure that will allow secure encryption, encapsulation and digital signing of data
- Verification of the sources of information coming to and emanating from the organization
- Set-up of secure communications
- Provision of modern desktop and back-office systems
- Provision of Windows desktop and 2000 servers
- Provision of thin client and terminal servers

- Provision of high-availability clusters
- Provision of Active Directory design
- Integration with other services, sub-systems and platforms
- Installation of a stable network of 100Mbps to the users' desktop via a switched gigabit Ethernet network
- Installation of a multi-service network
- Provision of voice-over IP, video-streaming and videoconferencing
- Physical separation of the network to accommodate the Office of the Prosecutor
- Design and implementation of separate domains and systems which will reflect the functional difference of sections
- Installation of a demilitarized zone with redundant firewalls and secure e-mail and Internet connections
- Set-up of Virtual Private Network (VPN) infrastructure with communication over multiple sites
- Establishment of a media and audio-visual infrastructure
- Implementation and update of disaster recovery in case of power failure, fire and flooding or security breach
- Enforcement of security standards for the systems (ISO, IEEE, ITSEC)
- Enforcement of server-room security, air conditioning and cabling norms
- Creation of an off-site data facility
- Build-up of a facility to test software and application integration before going to production
- Installation of a suite of packaged administration applications software (ERP system)
- Implementation of the Court Management Information System
- Establishment of the Court's database infrastructure and associated database licences
- Establishment of an expert communication system
- Development of new modules for the Intranet
- Establishment of data and voice communication between field staff, headquarters and United Nations staff, if active in the field area
- Initiation of a data security regime
- Maintenance of the licence structure with various suppliers

Expected results

- Ability to share information freely within the organization using secure encryption, encapsulation and authentication methods, thus reducing the need for transporting volumes of paper from the field office to The Hague
- Sustained efficiency in utilizing information systems provided by the Court
- Increased ability to use official tools efficiently and effectively
- Network infrastructure that can accommodate a large influx of staff, complex information systems and audio-visual support without a noticeable loss of performance
- Improved network performance
- Independence from external media organizations by creating audio-visual records of the Court's work
- Protection of all critical systems from adjacent system failures
- Establishment of a verifiable audit trail for all means of access to ICC systems
- Ability to recover data from an off-site facility in case of disaster
- Facility to test software and application integration
- Increased employee and management productivity through implementation of an organization relationship (ERP) system
- Improved decision-making quality, elimination of redundant and repetitive data entry, enabling of collaborative working, improved security and cost savings through implementation of the Court Management Information System
- Scalable redundant database infrastructure capable of handling large amounts of data on a regular basis, including an architecture for off-site storage
- Keeping States Parties up to date with information through creation of an Extranet
- Establishment of an efficient working environment through strengthening of the system of Intranets
- Effective voice and data communication at field offices
- Increased data and communications security

Performance indicators

- Number of times the organization proved to be able to defend itself against computer attacks from external hackers
- Reduced network downtime
- Improved response time
- Robust infrastructure
- Detailed statistics on communication between the networks
- Savings in outsourcing media events, automatic ownership of all audio-visual outputs

- Fewer contracts to external media companies, resulting in cost savings for the Court
- Availability of access reports by network analysis tools
- Efficient electronic IT facility management
- Reduced downtime of applications and systems due to untested integration
- Increased efficiency in organizational reporting of expenditures
- Ability to perform forecasting and what-if analysis
- Increased control over travel costs
- Reduction of up to 30 per cent in recruitment processing time
- Streamlined and accelerated procurement, inventory management and invoice verification functions
- Reduced overhead from heterogeneous application software environments
- Optimal figures for ratio of staff to number and size of cases and average time to execute a complex search after implementation of the Court Management Information System
- Avoidance of duplicate and redundant data
- Improved dissemination of information to States Parties
- Easier access to information provided through Intranets
- Reduced downtime of systems due to infiltration

New posts

1 P-4 (Head, IT Operations Unit)

1 P-3 (Database Administrator)

1 P-2 (Associate Communications Security Officer)

1 General Service (Other level) (Applications Programmer)

1 General Service (Other level) (Communications Support Technician)

1 General Service (Other level) (Network Support Assistant)

1 General Service (Other level) (Systems Support Assistant)

1 General Service (Other level) (Assistant Applications Programmer)

1 General Service (Other level) (Assistant Web Developer)

1 General Service (Other level) (Computer Training Assistant)

1 General Service (Other level) (Secretary)

Redeployed posts

1 P-3 (Communications Officer)

1 General Service (Other level) (Audio-visual Technician)

Renaming of posts

1 P-4 Head, Information Management Unit (previously: Development Officer)

1 P-3 IT Operations Officer (previously: Computer Systems Officer)

1 General Service (Other level) Network Support Technician (previously: IT Assistant)

1 General Service (Other level) Systems Support Technician (previously: IT Assistant)

1 General Service (Other level) Hardware Support Technician (previously: IT Assistant)

Post justifications**1 P-4 (Unit Head, IT Operations Unit)**

238. The post is required to oversee the operational aspects of the information and data integrity of the organization's information technology and computing operations function. This includes the organization's data centres, technical service centres, help desks, networks (voice and data) and computer systems operations. He or she is responsible for maintaining the integrity of all electronic and optical books and records of the organization. This includes review of computerized and manual systems, information-processing equipment and software for acquisition, storage and retrieval; and definition of the strategic direction of all information-processing and communication systems and operations. He or she provides overall management and definition of all computer and communication activities within the Unit. This responsibility includes providing leadership in the day-to-day operations of the organization's IT functions.

1 P-3 (Database Administrator)

239. The Court intends to invest heavily in database development to assist with the large volume of records it will acquire over time. To facilitate this, the Section requires a competent staff member at the P-3 level to set up the database infrastructure and to ensure that the integrity of the data is not compromised in any form.

1 P-2 (Associate Communications Security Officer)

240. Field offices will require a professional staff member to assist with setting up the communications infrastructure between the field offices and headquarters, and communications between the investigating units and the field office itself.

1 General Service (Other level) (Applications Programmer)

241. When implementing information systems, the Section has to satisfy itself and the Court that it holds the processing of information in the highest regard. In this respect a programmer is required to install, test, maintain, document and provide technical support for systems software, as well as modify existing systems for specific user needs.

1 General Service (Other level) (Communications Support Technician)

242. Increased operations in the field will require a seasoned communications specialist to offer support and management within the Court's headquarters and the area of operations. The candidate should have an in-depth understanding of RF principles and techniques, including knowledge of United Nations radio networks and operations, as the field office staff will remain in close contact with United Nations operations. The staff member should also have knowledge of SONET/SDH (Synchronous Optical Network/Synchronous Digital Hierarchy), and IP Networks. In addition, the staff member will have to provide assistance for high-frequency cellular networks, broadband technologies and satellite transmissions.

1 General Service (Other level) (Network Support Assistant)

243. An increase in staff will require greater network resources, increased attention to ad hoc requests and an influx of new users to the physical network. This operation will require assistance to ensure that staff in the field offices have access to the Court's network on a regular basis. Any loss in access to information systems will reduce the effectiveness of field operations.

1 General Service (Other level) (Systems Support Assistant)

244. An increase in staff will require additional resources at the system administration level as users are added to the Court's servers. Mail relays will have to be securely provided from field offices. The Systems Administrator will require support in the event of increased staffing activity.

1 General Service (Other level) (Assistant Applications Programmer)

245. At a more junior level, the same requirement applies for smaller systems. When implementing information systems, the Section has to satisfy itself and the Court that it holds the processing of information in the highest regard. In this respect a programmer is required to install, test, maintain, document and provide technical support for systems software, as well as modify existing systems for specific user needs.

1 General Service (Other level) (Assistant Web Developer)

246. In line with the information requirements of the Court, a web developer is required to assist the various Court organs with integration of approved content from other sources within the organization. The web developer is also required to assist staff in the coordination and retrieval of pertinent information, archiving and records management. The post is necessary to maintain the investment the Court makes in its information architecture.

1 General Service (Other level) (Computer Training Assistant)

247. Increased operations in the field will require additional training of staff on information systems and communication. The Associate Training Officer will require assistance with the increased workload as more staff require specialized training. The technician will also be able to brief staff on what systems are available at the field offices.

1 General Service (Other level) (Secretary)

248. It is envisaged that the Section will expand significantly in line with other organs of the Court. As the Section is a core provider of goods and services to all organs, it is important that the records of the Section are properly maintained so that it may continue to provide quality services. A Section secretary will therefore be required to provide coordination services to all Heads of Unit and the Chief of Section (1 P-5 and 3 P-4).

Reasons for redeployment

1 P-3 (Communications Officer) — formerly Protocol Officer, redeployed from General Services Section

249. The Communications Officer post is required to oversee the technical aspects of the operations within the Unit in support of the Head, Communications and Field Office Unit. This group is responsible for all aspects of data communication within the organization, including terminals, remote printers, local area networks, communication with remote organization installations, network security, and the coordination of voice and data communications, including microwave, TI, and ISDN communications.

1 General Service (Other level) (Audio-visual Technician) — formerly Administrative Assistant redeployed from Chambers Legal Support Section

250. The Section requires a technician to assist with the overall planning, implementation, maintenance and functionality of all audio-visual equipment. The post is essential to protect the audio-visual investment of the Court and to ensure that all equipment is fully functional and available when required.

Other resources

251. The total funding request for other resources amounts to €7,050,100. The costs for consultancy, training, travel and general temporary assistance listed below in italics are shown and only budgeted for in the Immediate Office of the Registrar (see table B above).

- Secure encrypted communications infrastructures: €307,500
- Office automation systems, hardware, software licences: €615,000
- Expansion of the network infrastructure to include virtual private networks: €205,000
- Strengthening critical physical infrastructures: €307,500
- Maintenance contracts for the above items: €666,250
- Set-up of training infrastructure and the test of environments: €51,250
- Continued implementation of an organization relationship (ERP) system: €17,500
- *Consultant fees on “best practice” implementation: €205,000*
- Licensing fees for ERP system as new users are introduced: €10,000

- Maintenance fees for the ERP systems across the organization: €307,500
- Provision of information systems to the field operations: €102,500
- Implementation of the Court Management System: €410,000
- Establishment of the Court's database infrastructure and associated database licences: €399,750
- Development of an expert communication system to allow States Parties log-in access securing web site: €133,250
- Strengthening the Intranet to provide organ-, division- and section-specific Intranets: €102,500
- Securing field office operations: €102,500
- Security review of all systems to help identify and fix vulnerabilities in all of the Court's information systems: €102,500
- *Training: €102,500*
- *Travel: €81,652*
- *Consultant: €205,000*
- *General temporary assistance: 4 months (P-2 level): €18,396*
- *General temporary assistance: 24 months (GS-OL): €64,584*
- Three video conferences: €15,806
- Courtroom audio-visual equipment: €1,273,563
- Audio-visual equipment to support users: €307,500
- Remote courtroom set in flight cases (for video-link): €12,500

(e) Subprogramme 3250: Security and Safety Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	4	Staff costs	1 464 600
General Service	37	Non-staff costs ^a	1 463 500
Total	41	Total	2 928 100

^a See also table B above.

252. The subprogramme objective is to continue to provide a high level of security and safety for all organs of the Court, both at its headquarters and its field offices.

Tasks planned for 2004

- Establishment of a 24-hour Security Control Centre
- Establishment of an emergency response team and implementation of safety and evacuation procedures

- Continuous control of access and egress to the premises of the Court
- Development of an information assurance policy and procedures at the Court
- Provision of a high level of security for any field office
- Provision of security escorts for the President, the Vice-Presidents, the Prosecutor, the Deputy of the Investigation Office, the Deputy of the Prosecution Office, the Registrar and a Chamber during official travel to high-risk areas
- Establishment and operation of a pass and ID office
- Provision of a high-quality training programme for Section staff
- Maintenance of the security equipment and electronic systems operated at the Court

Expected results

- Creation of a safe and secure working environment for all staff, witnesses and visitors, in line with the prevailing security threat assessment for the institution
- The ability to maintain safe custody of all indicted persons and protected witnesses brought before the Court
- Maintenance of the confidentiality, integrity and availability of the Court's electronic information systems
- The delivery of quality induction, refresher and specialist operational training for all the members of the Section
- The ability to deploy staff to the field in compliance with international policies and standards for security in the field

Performance indicators

- Supplying information on the number of persons security-screened on entering the building
- Supplying information on the number of visitors processed at reception
- Supplying information on the development of IT security policy and procedures
- Supplying information pertaining to the training of security officers

New posts

1 P-2 (Security Operations Officer)

1 General Service (Principal level) (Security Captain)

15 General Service (Other level) (Security Officer)

Post justifications**1 P-2 (Security Operations Officer)**

253. The Security Operations Officer will have particular responsibility for the supervision and management of the Security Training Unit, for all specialist operational planning and the supervision of all security personnel deployed in the field. This will encompass planning and controlling all close protection and special missions, the definition of physical security measures for all premises, for field security, evacuation, contingency and relocation plans and for security-related field administration.

1 General Service (Principal level) (Security Captain (G-7 level))

254. The post of a senior uniformed Security Officer is essential to ensure discipline and standards within the security service. The Security Captain will have particular responsibility for the safe custody of all accused persons while in the headquarters premises, for the safety of witnesses and all visiting VIPs, for routine liaison with courtroom and Chambers staff, for overseeing the daily functioning of the Security Control Centre and of the emergency response team, for routine management of the security screening contractor and for maintenance and improvement of operating standards and best practice in the Section. The Security Captain will interface with a wide variety of staff and visitors in order to ensure the safe and adequate functioning of the Section and thereby maintain the security of the seat of the Court. The incumbent will act to achieve best value for money expended, and working efficiency in the face of varied demands and finite resources.

15 General Service (Other level) (Security Officer)

255. The increase in establishment for General Service (Other level) staff is intended to support a wide range of increasing security and safety demands in connection with the operation of the 24-hour control room, an effective training regime within the Section, the functioning of the courtroom and public gallery, the operation of field offices, close protection assignments, the operation of the pass and ID office and logistical support functions such as the management of clothing, equipment and vehicles.

Post reclassification**1 P-5 (Head of Section)**

256. The responsibilities faced by the Chief of the Security Unit have already developed considerably as the Court evolves and develops a fuller operational capacity. The Court requires the protection of its staff, intellectual property and other assets, not just at its seat, but also in the areas of its investigative operations. A substantial increase in security staff, both outsourced and in-house personnel, gives rise to the need for an adequate span of control and necessitates the creation of a suitable management structure in order to maintain an adequate span of control. Equally, as the public profile of the Court rises, the threats to the institution will also develop. There will then be a need for security/risk reduction countermeasures across an increased range of security disciplines, ranging from counter-intelligence to executive protection.

257. The ad hoc Tribunals have thus classified the Chief of Security function at the P-5 level. This is a natural reflection of the standing and gravitas the incumbent must be able to bring to the position. There is a need for the incumbent to liaise closely with very senior staff and to provide creditable and authoritative security advice across a broad spectrum of core business issues. Equally, the Chief of Security is required to liaise directly with senior staff of government security and intelligence agencies. The security function is an important one, as is reflected in the Statute of the Court, which requires the Chief of Security to report directly to the Registrar. The Prosecutor and the President will also look directly to the incumbent for security advice. Interaction at a similarly high level with external government agencies is also required. The Chief of Security also represents the security and safety interests of the Court in the international environment, through routine liaison and consultation with the Office of the United Nations Security Coordinator and heads of security at principal United Nations offices and other international organizations. It is important that the incumbent have sufficient seniority and an equal level of discretion to reflect adequately the Court's substantial security needs in such circumstances and forums.

General temporary assistance

258. Funding is sought for six international Security Officers to deploy to the field in the latter part of 2004, (six General Service (Other level) security staff for the second half of 2004, with one month to induct and train = seven months' funding). The Court will likely require two field offices to be operational in the third quarter of the year. Local-level security will provide some of the necessary security coverage. However, it will not be possible to leave the personnel and assets of the Court, including investigative information, entirely in the hands of local staff. Equally, as the field offices are remote from headquarters, it is imperative that the Court have a permanent security presence in the field. The Section will deploy a small number of staff to each field office and, under the direction of the Chief of Security will:

- Coordinate and liaise closely with the security authorities of the host country, the security staff of international organizations and the United Nations designated official
- Recruit, supervise and train all local-level security staff
- Investigate and report on security and safety-related incidents
- Provide all necessary security and safety operational planning information and reports to headquarters
- Ensure that the Court meets international policy standards for security and safety in the field
- Operate the safety tracking, contingency and evacuation plans for staff in the field
- Provide security and safety advice, awareness and induction training for staff moving through the office

Renaming of post

1 P-2 Security Administrative Officer (previously: Associate Security Assessment Analyst)

Other resources

259. The total funding request for other resources amounts to €1,463,500. The costs for training, travel and general temporary assistance listed below in italics are shown and *only* budgeted for under the Immediate Office of the Registrar (see table B above).

- Outsourced security contract: €15,000
- Two large-capacity X-ray machines: €123,000
- Two walk-through metal detectors: €10,250
- Screening equipment in the field offices: €2,250
- 10 x 9mm pistols/firearms: €10,250
- One unit of an electronic key control system: €15,375
- A portable wireless alarm system: €4,100
- 20 rechargeable torches: €4,100
- 10 vehicle search mirrors: €2,050
- 10 units of fire and safety equipment: €4,100
- Non-toxic smoke and fire simulating machines: €2,050
- First-aid training equipment: €1,025
- Physical training equipment: €8,200
- Installation of six evacuation chairs in the B wing of the Court's headquarters: €10,250
- 30 concealed body armour units: €15,375
- 10 units of protective equipment: €8,200
- 40 units of safety footwear: €6,150
- 20 clothing lockers: €5,125
- *Security training: €89,175*
- Travel (including Security Officers for the Prosecutor, President, judges and deputies travelling to high-risks areas): €52,691
- Security and safety supplies: €47,150
- Maintenance of security equipment: €37,925
- Information security requirements: €30,750
- Overtime (for General Service staff): €121,975
- Night differentials (night shifts): €113,022

- *General temporary assistance 41 months (General Service (Other level)):* €102,500
- Protection of the buildings at the field offices: €102,500
- Local hire costs for security staff at the field offices: €18,450.

(f) Subprogramme 3260: Public Information and Documentation Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	€
Professional	7	Staff costs	708 400
General Service	6	Non-staff costs ^a	1 150 800
Total	13	Total	1 859 200

^a See also table B above.

260. The subprogramme objectives are to continue the process of making visible the International Criminal Court at a global level, to explain the principles, objectives and activities of the organization to targeted audiences primarily and to the public at large in line with the communication-proactive strategy and direct towards different means of communication; to generate a sound working environment with well-informed employees; and to establish an efficient specialized library and documentation reference service via IT and Intranet to support the activities of the Court.

Tasks planned for 2004

Implementation of the media strategy and communications programme by:

- Establishing a Media Centre to provide facilities for coverage of the trial proceedings
- Designing and launching of the Court logo and corporation image
- Organizing five seminars per year at The Hague to targeted audiences; kits with basic information will be distributed
- Coordination, on a case-by-case basis, of lectures and briefings to groups at the Court's premises (at present, three requests per week are received by PIDS)
- Promoting the Court abroad: 12 official trips to key States are planned
- Producing and distributing key printed and audio-visual materials with identified messages as part of the Court's public campaigns
- Press kit in two working languages (1,200 samples)
- Two leaflets on ICC general issues (100,000 samples), in two working languages and one official language
- Four leaflets devoted to victims (60,000 samples), in two working languages and three vernacular languages

- Two leaflets promoting fund-raising to support activities of the ICC (30,000 samples), three languages
- Nine posters (45,000 samples) in three languages dedicated to three key messages of the communication strategy
- Rome Statute (5,000 samples) in three languages
- Three handbooks to promote understanding of the Court (15,000 samples)
- One exclusive book to be distributed only on special occasions in two languages (5,000 samples)
- Five outreach audio kits of 26 minutes each, in three languages (total of 15)
- Three audio spots of 30 seconds each in three languages (total of 9)
- One outreach video kit of 26 minutes in three languages (total of 1)
- One video spot of 26 seconds in three languages (total of 1)

Building partnerships with intergovernmental organizations, *Non-governmental organizations* and academia by:

- Identifying relevant counterparts of the Court
- Organizing regular meetings to increase confidence, sharing responsibilities and planning and coordinating activities

Implementation of an internal communications programme by:

- Preparing information products addressed to the staff with key messages to be posted on the Intranet site
- Assisting human resources in organizing induction courses and updating briefings on a regular basis
- Providing professional training on communication skills to the senior officers of the Court
- Holding two informal and social gatherings
- Production of an internal newsletter

Developing the third and fourth phases of the Court's official web site by:

- Translating the web site into the official languages: Arabic, Chinese, Spanish and Russian
- Developing the video section to be fully functioning, and the archive, to be completed. When the first cases are presented and the first trials begin, the video section should be functioning in at least three languages
- Establishing a link between the Court's headquarters and eventual field offices to promote the activities of the Court
- Taking appropriate action for draft hearings outside the Court headquarters, site visits and providing videoconferencing

- Ensuring audio and video broadcasting of the Court sessions, keeping records of the procedure and making them available to the public, including via the Internet

Delivering the outcome of news monitoring by:

- Outsourcing a daily press review summarizing salient global news stories and Court-related issues;
- Evaluating media trends related to the coverage of the Court
- Alerting the organs of the Court on relevant information published by the media

Establishment of a public Library and Documentation Reference Service by:

- Setting up a library and documentation reference service infrastructure using a user-led and user-friendly IT system
- Ensuring that the Library is able to utilize a secure Intranet and document delivery service
- Seeking collaborative agreements with law libraries, including the Peace Palace Library, ICTY, the United Nations and academic law libraries
- Building the library collections and establishing systems such as a fully interactive web-based service to allow clients to access material directly from their offices
- Developing a suitable computer-based library management system that will include modules for cataloguing, acquisitions, serials, accounts, loans and a user-friendly interface
- Purchasing a range of legal material covering many aspects of public international law and domestic laws relating to most jurisdictions worldwide and acquiring access to some United Nations and European Union electronic services

Expected results

- Timely provision of in-depth information about the Court
- A well-informed targeted audience in States Parties and other States with a comprehensive understanding of the Court
- A Court identified as a transparent and independent organization serving the public in the purposes of international criminal law
- A sound working environment with motivated and well-informed staff
- A developed web site serving as a significant tool of information in the six official languages
- Accessibility of the work of the Court by external bodies including embassies, *Non-governmental organizations*, universities, the media, etc.

- A library and documentation reference service with timely provision of material, delivered in the appropriate format (printed or electronically) to the primary user group
- Easy and efficient access to the resources of the library from anywhere in the world where the Court is required to carry out its work
- Provision of requested materials to the library and documentation reference service at the required time
- An adopted mechanism (electronic or manual) to ensure document delivery methods to bridge the gap where information requirements are needed, whenever and wherever necessary. (This situation is raised due to the fact that the Court will not have a courtroom in its premises for some time. If required, the Court has been informed by the host State that a courtroom at a different location will be provided.)
- To be as proactive as possible, anticipating the needs of clients
- Adequate library facilities

Performance indicators

- Acknowledgement by the global public that timely and accurate information has been provided
- Frequent internal and external use of the Section
- Increasing number of visits to the web site
- Increasing number of requests for Court briefings
- Better dissemination of qualified information
- Avoidance of duplicate efforts between the Court and other counterparts
- Statistics of users of the Court information services
- Better understanding of the Rome Statute, Rules of Procedure and Evidence and other official documents among ICC staff
- Ability to communicate the messages of the Court
- Number of video-links, site visit
- A client base satisfied with the services provided by the Library and Documentation Reference Service
- Number of users with access to the library collections
- Services provided by other law libraries upon agreements signed with ICC
- Library IT infrastructure used at its maximum capacity and efficiency
- Number of titles and law collections serving the Library

New posts

1 General Service (Principal level) (Senior Information Assistant)

3 General Service (Other level) (1 Reference Assistant; 1 Information Assistant; 1 Administrative Assistant)

Redeployed posts

1 P-5 (Head of Section)

1 P-3 (Public Information Officer)

Post justifications**1 General Service (Principal level) Senior Information Assistant — Internal Communications Programme**

261. The post is required to assist in the implementation of the internal communication programme and implementation of the strategies. The incumbent would be responsible for providing information services to the staff, drafting internal news releases and announcements, contributing to the production of other internal information materials; and drafting correspondence on newsworthy points; organizing, planning and executing the distribution of material (printing and audio-visual); preparing briefing materials for internal briefings, seminars and workshops; organizing gatherings and training events; editing, writing or rewriting articles, summaries, briefings, information newsletters; and proposing suitable projects covering specific aspects of the Court activities, in consultation with the relevant substantive office.

1 General Service (Other level) Library Reference Assistant

262. Cataloguing and organizing the collection will represent a hectic period for the library and a reference assistant will be required. Under the supervision of the Librarian and Library Assistant, the incumbent will be mainly in charge of the reception desk, providing information and orientation to library users. He or she will be required to function as a cataloguer and bibliographer, and research assistant and will need to have some web expertise.

1 General Service (Other level) Information Assistant

263. The post is required due to additional work and according to the 2004 Plan of Public Information and Communications of the Court. The information assistant would be responsible for researching and developing materials for specific information topics and analysing the public information potential of programmes, projects and activities of the Court, in close collaboration with more experienced public information specialists. The incumbent would be responsible for providing information services directed to the public at large or to local communities; drafting news releases and announcements, contributing to the production of other public information materials; drafting correspondence on newsworthy points; organizing, planning and executing the distribution of material (printing and audio-visual); preparing briefing materials for senior officials and specialists prior to their appearance at media conferences, briefings and interviews; organizing news conferences, briefings, interviews, seminars and events; editing, writing or rewriting

articles, summaries, briefings and information newsletters; proposing suitable projects covering specific aspects of Court activities, in consultation with the relevant substantive office, for field reportage missions to be carried out by media, *Non-governmental organizations* and other groups.

264. The information assistant would deal with practical aspects of the implementation of the external and internal communication policy of the Court and strategies. The incumbent would assist in handling the media accreditation process, handling information and document requests from the public at large, non-governmental organizations, academia, the media, Governments and other targeted groups. The incumbent will assist in replying to information enquiries, media monitoring and news analysis, the composition and editing of press clippings; update the media directory by geographical regions and all press and general computerized mailing lists; assist in the organization of press conferences, briefings, public hearings, exhibit displays, events open to the public, the preparation and dissemination of all information products and the drafting of correspondence.

1 General Service (Other level) Administrative Assistant

265. The tasks planned for 2004 will generate a substantial increase of administrative and secretarial functions for the Section. To meet this situation, the Section will require one staff responsible for administrative support and liaison with relevant offices of the Court; to handle communications involving the Section such as correspondence, filing and memorandums, including maintaining the archives; and providing secretarial support to the Director and Spokesperson and other sections.

Reasons for redeployment

1 P-5 (Head of Section) — formerly Head of Section, redeployed from Conference and Language Support Section

266. The Head of Section will plan, direct and coordinate the complete information programme of the organization. He/she will be responsible for maintaining good relations with the public and evaluating all information activities relating to the Court will encourage to the maximum degree the inclusion of information and education in all substantial programmes at the planning, research and evaluation stages. The Head of Section will propose the public information programme, priorities and budget, establish performance objectives, work guidelines, quality standards and procedures; establish and maintain lines of communication with senior managers; provide expert advice and analysis to the President and the Registrar and other senior managers relating to the organization's public relations and information programmes, particularly with respect to forecasting public relations impact, public opinion and preferences; direct the gathering and analysis of methods and techniques to deal with groups; and will represent the Court at international, regional and national meetings as well as at meetings of non-governmental organizations.

1 P-3 (Spokesperson) — formerly Legal Research/Assistant Officer, redeployed from Chambers Legal Support

267. The post is required for the function of spokesperson for the Presidency. The Spokesperson will plan and lead operations to implement a public information programme directed toward the media. He/she will plan, organize and coordinate all activities in which the Presidency is involved. The Spokesperson will also be responsible for maintaining a good relationship with the media; writing, editing and revising material for distribution in major publications of the organization; and carrying out an intensive information dissemination programme involving the national as well as international media.

Other resources

268. The total funding request for other resources amounts to €1,150,800. The costs for general temporary assistance, training, travel and consultancy listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- IT and communications investments for the Media Centre: €307,500
- Contractual services for external photographic services, news-monitoring, translation (800 pages), printing of information materials, professional video and radio production, graphic design, distribution services, etc., distribution of library materials when needed: €404,926
- Service and library management system and other information systems (after discussing with the IT head of section): €205,000
- Building the library collections, subscriptions, etc.: €184,500
- *General temporary assistance for 24 months (General Service (Other level))*: €64,584
- Rental of space to host major events (This will meet possible requirements for hosting events in the field, or in The Hague, when the number of participants exceeds the capacity of accommodation of rooms at the Arc building): €25,625
- *Training in communication skills for senior officers of the Court*: €9,738
- *Travel expenses*: €36,372
- *Training*: €15,375
- *Consultants. (Studies on specific and relevant information situations of concern to the Court where external opinion and expertise could be of utmost importance to solve problems and overcome difficulties. Depending on specific requirements, the needs for these studies could be in The Hague or in the field)*: €15,375
- Publications for WPVP Section: €21,013
- Subscriptions for the Court: €2,255

(g) Subprogramme 3270: Judicial Administration Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	€
Professional	28	Staff costs	2 184 600
General Service	10	Non-staff costs ^a	2 597 100
Total	38	Total	4 781 700

^a See also table B above.

269. The subprogramme objective is to ensure adequate judicial support structures to allow for efficient conduct of the Court hearings.

Tasks planned for 2004

- Establishment of a database containing all information relating to every case presented to the Court;⁹ ensuring receipt, recording and distribution of information¹⁰
- Establishment of transmission routes for implementation of decisions taken by the judges and Chambers
- Provision for the holding of hearings and to ensure their correct interpretation, transcription and publication, where appropriate; revising documents while maintaining complete respect for the protection measures accorded by the Court
- Taking appropriate action for draft hearings outside the Court's headquarters, site visits, and providing videoconferencing
- Keeping an updated timetable for hearings
- Provision of assistance to judges taking minutes of the procedural sessions
- Ensuring the implementation of decisions of the judges or the Chambers
- Provision of administrative assistance to defence counsel
- Establishing rules to identify objective criteria relating to the decisions of lawyers
- Establishing a system for monitoring fees and ensuring that equal terms are maintained
- Arranging training for lawyers
- Establishing procedures and internal regulations with respect to detainees
- Maintaining contacts with countries in which any detainees are incarcerated
- Maintaining a duty roster for the Registry and supervising the arrival of accused at The Hague

⁹ Rules of Procedure and Evidence, article 15 (1).

¹⁰ Ibid., article 13 (1).

- Ensuring interpretation and translation for hearings and conferences held by the Court
- Ensuring translation of decisions in all official languages of the Court
- Setting up directives applicable to staff and temporary interpreters
- Providing transcriptions of debates and other conferences, including plenary sessions
- Ensuring audio and video broadcasting of Court sessions, keeping a record of the procedure and making it available for the public, including via Internet
- Maintaining the proper judicial archiving of all the material submitted to the Court

Expected results

- Fair and expeditious trials, safeguarding the procedure
- Full respect of the rights of the accused, including conditions of detention
- “Equality of arms” for the defence teams
- Efficient infrastructure for the holding of hearings, including interpretation
- Correct implementation of decisions of the judges or the Chambers
- Correct and timely receipt, recording and distribution of information
- Accessibility of the work of the Court by external bodies including embassies, *Non-governmental organizations*, universities, etc.
- Efficient translation of material filed before the Court
- Correct and fair broadcasting of the procedure to the public
- Correct storage of the material admitted in Court

Performance indicators

- Number of cases, accused and suspects at the preliminary stage, pre-trial and trial
- Number of ongoing trials
- Number of cases, documents, pages filed in each case
- Number of documents distributed, notifications
- Number of Court days, Court sessions, sitting hours
- Number of submissions from the Office of the Prosecutor, the defence, victims and decisions of Chambers
- Number of transcripts
- Number of decisions from the Registrar
- Number of witnesses in Court testimony time
- Number of video-link, site visits

- Number of accused, accused fugitives detained, days of detention
- Number of visitors, visiting hours
- Amount paid by the Court per year for all defence teams
- Number of defence lawyers assigned by the Court
- Amount of training organized by the Court
- Number of plenary days
- Number of pages received, pages translated by the translation services
- Number of conference interpretation days

New posts

4 P-4 (Reviser)

1 P-3 (Coordinator)

5 P-3 (Interpreter)

3 P-3 (Translator)

1 P-2 (Court Officer /Computer Specialist)

3 P-2 (Translator)

1 General Service (Principal level) (Audio-visual Director)

1 General Service (Other level) (Administrative Employee)

1 General Service (Other level) (Administrative Assistant)

1 General Service (Other level) (Court Record Assistant)

1 General Service (Other level) (Text Editor)

Redeployed posts

3 P-4 (Interpreter)

2 P-3 (Translator)

1 General Service (Other level) (Administrative Assistant)

Post justifications

4 P-4 (Reviser)

3 P-3 (Translator)

3 P-2 (Translator)

270. In respect of the translation team, following redistribution in the budget for the first financial period, the Court will have two translators. It is therefore required to appoint six additional translators for the working languages in order to call upon four translators into French and four translators into English. A minimum of four revisers is essential, with a view to producing very high-quality documents. As

concerns the other official languages, it will be required to have access to two translators per language, in other words eight additional translators.

1 P-3 (Coordinator)

271. Given that the Court could be dealing with a number of cases relating to a number of situations in the near future, it would be useful to be able to call upon the services of a coordinator, who will be able to facilitate contacts between all the parties to the proceedings, including the representatives of States and the judges, as well as the Presidency and the Legal Officers. This person will also be responsible for maintaining the status of every case before the Court. He/she will furthermore be in charge of the roster for matters relating to the judicial activities of the Court.

5 P-3 (Interpreter)

272. In addition to the three interpreters already provided for, it is necessary to recruit five others capable of covering at least three languages. Given the extremely high costs of the services of temporary interpreters, it would be reasonable to opt for the possibility of recruiting nine interpreters. If these interpreters are not actually covering court hearings, they would back up the translation team.

1 P-2 (Court Officer/Computer Specialist)

273. It will be necessary to be able to call upon Court Officers assist the judges during hearings, including hearings in chambers; one of the Court Officers must have a perfect knowledge of IT, with a view to ensuring the development of the database, thus implementing analyses according to the needs of the Section. The incumbent, in collaboration with the Office of the Prosecutor and the Victims and Witnesses Unit, could establish a powerful system. The knowledge of the incumbent would make it possible to update the database according to the development of the Court and its specific needs.

1 General Service (Principal level) (Audio-visual Director)

274. The Court Management unit requires an Audio-visual Director to assist with the filming of Court proceedings and set up a comprehensive system to provide high-quality audio and video production and post-production facilities.

1 General Service (Other level) (Administrative Employee)

275. Beyond the assistance already provided for, one additional employee for the Court Interpretation and Translation Unit would be necessary. Over and above the database to be completed, these individuals would be in charge of the issuing and printing of documents produced not only by the English translation unit but also by the French unit.

1 General Service (Other level) (Administrative Assistant)

276. A bilingual administrative assistant is required in order to provide support to the secretariat of the Judicial Administration Section and to provide support to the Head of Section in the framework of managing the various units.

1 General Service (Other level) (Court Record Assistant)

277. Court record assistance will be necessary given the increase in written documents that will be submitted to the Court in the framework of preliminary proceedings. It is clear that, given the possibility offered to victims to directly address a Chamber, the work of the unit will be considerably increased. All requests will equally have to receive a guarantee from a Chamber, before being eligible for implementation.

1 General Service (Other level) (Text Editor)

278. In the framework of the publication of documents recorded before the Court and in the framework of the production of transcripts of hearings, it would be useful to be able to call upon, as from this moment, a number of staff members conversant with the revision of documents while maintaining complete respect for the protection measures accorded by the Court. These individuals would be in charge of communication via the Internet site for documents submitted to a judge or a Chamber.

Post reclassification**1 P-5 (Head of Section)**

279. The position of Head of the Court Management Unit has been classified at the P-5 level at ICTY and ICTR, based on the responsibilities inherent in the position. During the establishment of the Special Court for Sierra Leone, the description of the task also placed this position at the P-5 level. Over and above these relationships with other existing posts, it should be noted that the principal responsibilities of the Head of the Court Management Unit lie in the area of judicial administration, which would in fact be a better definition of his title. Furthermore, in the framework of the Court, the incumbent of this post is called upon to supervise the Defence Counsel Unit, the Detention Unit, the Audio-visual Unit and the Court Interpretation Unit. He or she could also be allocated responsibility for supervising the Audio-visual Production Unit attached to the management of electronic operations in the courtrooms, including re-transmission of images of the hearings.

Reasons for redeployment**3 P-4 (Interpreter) — formerly Interpreters, redeployed from the Conference and Language Support Section**

280. It is the responsibility of the Judicial Administration Section to provide court interpreters and court reporters for the provision of transcripts for the plenaries currently being held with the judges and also for pre-trial hearings.

2 P-3 (Translator) — formerly Translators, redeployed from the Conference and Language Support Section

281. The Section has the responsibility of providing translations for all current documents, e.g., for the Regulations of the Court, the Code of Conduct, any documents necessary for the defence, for the pre-trial hearings, as well as to meet the particular needs of the judges. Translations must be provided for documents in the six official languages.

1 General Service (Other level) (Administrative Assistant) — formerly Language Assistant, redeployed from the Conference and Language Support Section

282. It is necessary to have one assistant linguist to support the above posts.

Other resources

283. The total funding request for other resources amounts to €2,597,100. The costs for travel, training, general temporary assistance and consultancy listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- Notices and enforcement of decisions: €21,423
- *Travel for site visits for one Chamber: €27,103*
- *Travel for implementation of database development for court management: €9,250*
- *Travel for purposes of cooperation with international jurisdictions: €13,875*
- *Travel to meetings: €27,750*
- *Travel: €21,978*
- Legal aid, including costs for translation for defence counsel: €58,050
- *Training for lawyers: €102,500*
- Detention: €269,370
- Interpretation from/into non-working languages: €738,000
- Translation: €705,200
- Provision of hearing transcripts in English and French: €102,500
- *General temporary assistance — 20 months (Professional level): €91,800*
- *General temporary assistance — 30 months (General Service level): €80,730*
- *Training: €30,750*
- *Consultants: €10,250*

(h) Subprogramme 3280: Witnesses Protection and Victims Participation Section

<i>Post table</i>			
<i>Staffing</i>	<i>Posts</i>	<i>Resources</i>	<i>€</i>
Professional	10	Staff costs	799 400
General Service	3	Non-staff costs ^a	529 300
Total	13	Total	1 328 700

^a See also table B above.

284. **The objective of the subprogramme of the Section is, firstly, in accordance with article 43, paragraph 6, of the Rome Statute, to provide protective**

measures and security arrangements, counselling and other appropriate assistance for witnesses and victims who appear before the Court and to others who are at risk as a result of testimony given by such witnesses. Secondly, systems and mechanisms for reparations to victims have to be developed and implemented. Participation at all stages of the proceedings has to be ensured in accordance with articles 15, 19, 68, 75 and 82 of the Rome Statute and the necessary assistance has to be provided to the Victims Trust Fund in accordance with resolution ICC-ASP/1/Res.6 of the Assembly of States Parties.

Tasks planned for 2004

- Establishing secured databases for the purpose of victims and witnesses management
- Establishing training programmes for all organs of the Court and the parties to the proceedings
- Organizing medical and psychological assistance for the victims and witnesses, especially for the children and the victims of sexual violence
- Establishing a code of conduct on security and confidentiality for investigators of the Court and of the defence and all intergovernmental and non-governmental organizations acting at the request of the Court
- Establishing short- and long-term plans for the protection of victims and witnesses
- Establishing the necessary links between the seat of the Court and field offices on all issues related to the protection of victims and witnesses, including all the necessary infrastructure for those offices in relation to the protection of victims and witnesses
- Organizing all the infrastructure at the seat of the Court so as to be able to receive victims and witnesses in a secure way
- Establishing cooperation with intergovernmental and non-governmental organizations on all matters related to the protection of victims and witnesses
- Establishing cooperation with non-governmental organizations, intergovernmental organizations and States to facilitate the access of victims to the Court
- Establishing contacts with national bar associations and the International Criminal Bar Association in order to assist the victims in organizing their legal representation in conformity with rule 90 of the Rules of Procedure and Evidence
- Assisting the victims and witnesses in obtaining legal advice and organizing their legal representation for the purpose of protecting their rights during all stages of the proceedings, in accordance with rules 16 and 89 to 91 of the Rules of Procedure and Evidence
- Providing the legal representatives of victims with adequate support, assistance and information
- Establishing a training programme for the legal representatives of victims

-
- Establishing databases and standard forms to facilitate the presentation of victims' requests for participation and reparations to the Court in conformity with rules 89 and 94 of the Rules of Procedure and Evidence
 - Establishing procedures in coordination with the Victims and Witnesses Unit and the Office of the Prosecutor to ensure confidentiality and protection of victims with respect to communications between victims and the Court
 - Providing assistance for the proper functioning of the Board of Directors of the Victims Trust Fund, if need be, and organizing the participation of the Registrar in the meetings of the Board in an advisory capacity in conformity with resolution ICC-ASP/1/Res.6 of the Assembly of States Parties
 - Establishing systems and procedures for cooperation between the Court and the Victims Trust Fund in accordance with articles 75 and 79 of the Rome Statute and rules 98, 148 and 221 of the Rules of Procedure and Evidence

Expected results

- Avoiding threats and retaliation against victims and witnesses appearing before the Court
- Ensuring the psychological and physical well-being of victims and witnesses appearing before the Court
- Ensuring that victims and witnesses can give their testimony in a safe and comfortable environment
- Awareness by victims of the proceedings before the Court and their rights in relation thereto
- Effective participation of victims in the proceedings without causing unnecessary delays or difficulties
- Effective registration and presentation of victims' claims for participation and reparations
- Effective legal representation for victims before the Court taking into consideration their different interests and the limited resources of the Court
- Effective assistance to the Victims Trust Fund and good cooperation between the Court and the Fund

Performance indicators

- Number of victims and witnesses who have testified before the Court under safe and comfortable circumstances
- Number of victims and witnesses the Section has taken care of
- In cases where special protective measures are required, number of successful relocations of victims and witnesses organized by the Section
- Number of victims and witnesses who have returned to and remained safely in their country of origin
- Number of victims aware of the proceedings before the Court, asking to participate and claiming reparations

- Number of claims dealt with by the Section
- Effective handling by the Section of mass claims for participation and reparations coming from victims without causing unnecessary delays or difficulties in the proceedings
- Efficiency of the Section in dealing with all requests submitted by victims
- Cost-effective and appropriate legal representation of victims

New posts

- 1 P-4 (Chief, Victims and Witnesses Unit)
- 1 P-3 (Support Officer)
- 1 P-2 (Associate Reparations Officer)
- 2 General Service (Other level) (Secretary/Data Entry Clerk)

Redeployed post

- 1 P-3 (Trust Fund Officer)

Post justifications**1 P-5 (Chief of the Section)**

285. For the purpose of this budget and in view of the anticipated workload in 2004, it is proposed to change the function of the P-5 Chief of the Witnesses and Victims Unit to that of Chief of the Witnesses Protection and Victims Participation Section, with responsibility for the overall management and coordination of the work of both units. This post is necessitated by the fact that the two units of the Section, although dealing with different matters concerning victims and witnesses, interrelate in many subject matters. The proposal is also part of an effort to maximize efficiency through avoidance of duplication and streamlining of the work of the units.

1 P-4 (Chief, Victims and Witnesses Unit)

286. Due to the requirement that the Chief of the Unit must have substantive experience as well as broad knowledge in the support and protection of victims and witnesses and the logistical/administrative/operational functioning of such a unit, it is proposed that the Chief be recruited at the P-4 level. The incumbent will be responsible for the daily management of the Unit, for the establishment of appropriate procedures and policies and for liaising with and providing support to the Office of the Prosecutor as well as defence counsel regarding these matters, in close consultation with and under the overall supervision of the Chief of Section.

1 P-3 (Support Officer)

287. In the budget for the first financial period, a support officer was not provided for because no witnesses were expected to arrive. It is anticipated that an average of 30 witnesses and accompanying persons will come to the Court in 2004. Mechanisms must be put in place to facilitate victims' and witnesses' travel, entry into, liaison with and stay in the host State. A significant amount of preparatory set-up work is required before the appropriate support structures can be put in place. It

is therefore essential to recruit a Support Officer at the P-3 level who will be responsible for providing medical and psychological support to victims and witnesses who appear before the Court, in particular, although not exclusively, victims of crimes of sexual violence. According to article 43, paragraph 6, of the Rome Statute and rules 17 to 19 of the Rules of Procedure and Evidence, the provision of medical and psychological support is a key function of the Victims and Witnesses Unit. Those provisions also stipulate that the Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence.

1 P-2 (Associate Reparations Officer)

288. In line with the subprogramme objectives (see para. 284 above), the Associate Reparations Officer will have to establish and implement procedures, databases and standard forms to facilitate the requests for reparation of victims. In addition, he/she will handle the “judicial administration” of the cases before the Court, interface with the legal representatives of the victims, assist the lawyers where necessary and organize relevant training for them, liaise with local bar associations and the International Criminal Bar Association and, within the Court, liaise with the other units/sections, in particular the Victims and Witnesses Unit, the Judicial Administration Section and the Legal Advisory Services Section.

2 General Service (Other level) (Secretary/Data Entry Clerk)

289. In line with the subprogramme objectives (see para. 284 above), the four sub-units of the Victims Participation and Reparations Unit will need secretarial support (in the budget for the previous period, no provision was made for a General Service staff in the Unit); it is the only unit in the entire Court which does not have secretarial support). The Unit will also need assistance for receiving communications and requests from victims and entering all this information into databases (data entry clerk function).

Reasons for redeployment

1 P-3 (Trust Fund Officer) — formerly Legal Research/Assistant Officer, redeployed from Chambers Legal Support Section

290. The P-3 Trust Fund Officer, who was only given a six-month mandate in the budget for the previous period, needs to be maintained in the budget for 2004 in order to assist the Board of Directors of the Victims Trust Fund in accordance with resolution ICC-ASP/1/Res.6 of the Assembly of States Parties.

Other resources

Victims and Witnesses Unit

291. The total funding request for other resources amounts to €195,100. The costs for travel, general temporary assistance, consultancy and training listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

Direct expenses relating to witnesses

- Travel for witnesses to The Hague: 30 witnesses and accompanying persons coming from Latin America and Africa for an average of seven full days of stay in The Hague: €100,782
- *Travel in the field*: €9,250
- Accommodation for witnesses in The Hague for seven full days (at €135 per night inclusive full board and lodging in The Hague): €29,059
- Incidental expenses (pocket money, €30 per witness per night): €6,458
- Lost wages: there is a need to pay an “attendance allowance” based on G-1, step I, United Nations net salary for each day spent on travel and stay in The Hague (two days are therefore added for travel to the seven full days of stay in The Hague), on average €25 per day per witness: €6,919
- Medical insurance: estimate of €4 per witness per day in The Hague: €861
- Medical expenses: funds will have to be reserved for medical treatment not covered by the medical insurance: €3,075
- Clothing allowance: funds will have to be reserved to provide appropriate clothing for witnesses: €3,075
- Dependency allowance: funds will have to be reserved for providing care for dependants not travelling to The Hague when the witness goes to the Court (nine days per witness going to The Hague, i.e. seven full days at The Hague and two days for travel); the cost should be around €25 per day: €6,919
- Extraordinary loss: funds will have to be reserved for extraordinary economical loss as a result of testimony given in The Hague: €5,125
- Funds for documents: funds will have to be reserved for passport or ID fees: €1,025
- Witness assistant accommodation costs: this is to cover the costs for accommodation for assistants (staff of the Court) who are going to be at the same location of the witness to provide round-the-clock assistance to the witness; this is indeed necessary for witnesses who have never travelled before and who are completely lost when they arrive at The Hague; on an average the cost will be €110 per night for bed and breakfast only; an alternative is to rent a safe house (at a cost of €33,000 per year on average): €21,525

Material set-up costs for The Hague and in the field

- Funds will be reserved for the travel of witnesses to the field office, accommodation, meals and incidental and dependency allowance: €10,250

Staff travel for specific purposes

- *Extensive travel of the Chief of Section for negotiating relocation agreements well before witnesses start arriving; this will be one of the core responsibilities of the Chief of Section*: €7,707
- *Extensive travel of the Protection Officer with the Chief of Section for negotiating relocation agreements; travel to visit witness protection*

programmes of States Parties to establish relations with the programmes and increase awareness of the Court; travel to witness protection conferences: €7,707

- *Extensive travel of the Support Officer to attend victim/witness seminars and conferences and to establish relations with relevant States Parties and Non-governmental organizations in order to create a network of contacts and services to facilitate provision of support to victims and witnesses: €6,778*

Other expenses

- *General temporary assistance — 16 months (P-2 level): €73,584*
- *General temporary assistance — 32 months (General Service (Other level)): €86,112*
- *Consultants for the development and elaboration of a code of conduct for investigators and others acting at the request of the Court:¹¹ €30,750*
- *Training of all organs of the Court and parties to the proceedings on issues of trauma, sexual violence, security and confidentiality¹¹ and the continuous training of the staff of the Victims and Witnesses Section:¹² €76 875*

Victims Participation and Reparations Unit

292. The total funding request for other resources amounts to €334,150. The costs for consultancy, general temporary assistance and travel listed below in italics are shown and only budgeted for under the Immediate Office of the Registrar (see table B above).

- Financial assistance for private lawyers for victims: €270,600
- *Consultants: €20,500*
- *General temporary assistance — 12 months (P-3): €67,273*
- *General temporary assistance — 32 months (General Service (Other level)): €86,112*
- *Travel: €8,179*
- Meetings of the Board of Directors of the Victims Trust Fund; €53,300
- Printing standard forms and leaflets for victims: €10,250

¹¹ See Rules of Procedure and Evidence, rule 17.

¹² Ibid., rule 18.

Part Two

Permanent secretariat

E. Major programme 4: Secretariat of the Assembly of States Parties

1. Establishment of a permanent secretariat

(a) Proposed mandate of the Secretariat

293. In defining the mandate of the permanent secretariat of the Assembly of States Parties (hereafter referred to as “the Secretariat”), the present proposals have taken into account a number of considerations, including:

- The scope of the mandate of the Secretariat, in particular the relevant bodies that will be entitled to receive Secretariat services
- The functions of the Secretariat
- The legal status of the Secretariat, including the institutional linkage of the Secretariat and its staff to the Court and the seat of the Secretariat

(i) *Scope of the mandate*

294. Rule 37 of the Rules of Procedure of the Assembly of States Parties¹³ envisages that:

“The Secretariat shall receive, translate, reproduce and distribute documents, reports and decisions of the *Assembly, the Bureau and any subsidiary bodies that may be established by the Assembly*; interpret speeches made at the meetings; prepare, print and circulate, if so decided by the Assembly or the Bureau, the records of the sessions; have the custody and proper preservation of the documents in the archives of the Assembly; distribute all documents of the Assembly and the Bureau; and, generally, perform all other work which the Assembly or the Bureau may require.” (emphasis added)

295. So far, the Assembly has established its Bureau and a Credentials Committee as standing committees. In addition, a Special Working Group on the crime of aggression¹⁴ and, as a subsidiary body, the Committee on Budget and Finance¹⁵ have been established.

296. The Assembly has also established a Board of Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims (Victims Trust Fund).¹⁶ However, pursuant to the annex to resolution ICC-ASP/1/Res.6, the Registrar is responsible for providing such assistance as is necessary for the proper functioning of the Board.

297. By virtue of article 112, paragraph 4, of the Rome Statute, the Assembly may establish further subsidiary bodies, as may be necessary.

¹³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.C.

¹⁴ *Ibid.*, part IV, resolution ICC-ASP/1/Res.1.

¹⁵ *Ibid.*, resolution ICC-ASP/1/Res.4.

¹⁶ *Ibid.*, resolution ICC-ASP/1/Res.6.

298. Although the extension of Secretariat functions to “any subsidiary bodies that may be established by the Assembly” explicitly refers only to the “receipt, translation, reproduction, and distribution of documents, reports and decisions”, it may be assumed that the Secretariat would also be involved to a considerable extent in substantive servicing. From the practice of the Secretariat of the United Nations in its capacity as provisional secretariat of the Assembly, conference-servicing functions on the one hand, and legal and substantive functions on the other hand, cannot and should not be separated. It is therefore recommended, in the interest of quality and economy, that the Secretariat render the full range of secretariat services to the Assembly and all the bodies mentioned in paragraph 295, and, as a rule, to any further subsidiary bodies that the Assembly may wish to establish in the future.

(ii) *Functions of the Secretariat*

299. The Rules of Procedure of the Assembly contain a broad definition of Secretariat functions in rule 37 (see para. 299). In addition, specific references to the Secretariat are contained in rules 6 and 9 (notification of regular and special sessions), 10 and 11 (communication of the provisional agenda and its drawing up), and in rule 62 (preparation of programme budget implications reports). Moreover, it may be assumed that substantive Secretariat functions are implied from the Statute and the Rules, in particular with regard to disciplinary proceedings in accordance with articles 46 and 47 of the Statute and rules 81 and 82 of the Rules of Procedure of the Assembly, issues of non-cooperation under article 87 of the Statute as read with article 112, or the settlement of disputes between States Parties in accordance with article 119, paragraph 2, of the Statute. Furthermore, the Secretariat could assist in decision-making procedures (rules 60 et seq.), electoral processes, including the preparation of ballot papers, advice on the application of voting rules and, if necessary, legal interpretation of such rules.

300. However, this non-exhaustive compilation of explicit or implicit references does not constitute a sufficiently clear description of the functions to be performed by the Secretariat. Drawing notably on the experience of the Secretariat of the United Nations, the range of functions that could be envisaged for the Secretariat includes:

- (a) Conference-servicing functions:
 - (i) Planning, coordination and servicing of meetings, including the provision of interpretation services;
 - (ii) Preparation and processing of documentation, including the editing, translation, printing and distribution of documents;
 - (iii) Ongoing editorial and publishing functions;
- (b) Core legal and substantive functions:
 - (i) Coordination of the effective functioning of conference and support services (staff, interpretation/translation, conference rooms, supplies, equipment, security services) before and during meetings;
 - (ii) Substantive secretariat servicing, including: provision of documentation, preparation of pre-session and in-session documents, reports and analytical summaries, preparation of notes and statements for the President or chairpersons of subsidiary bodies, provision of

interpretation, provision of legal advice on rules of procedure and the conduct of business, liaising with delegations and making arrangements, upon request, for informal consultations among delegations;

(iii) In-house advice on legal and substantive aspects and on the ramifications of the activities and decisions of the serviced bodies;

(iv) Corresponding with Governments, *Non-governmental organizations*, other parts of the Court and other relevant bodies and individuals;

(v) Protocol and credentials, including the administration of the solemn undertakings by judges, the Prosecutor and the Registrar and the management of participation rights (credentials of States Parties, observers, non-observers, non-governmental organizations), travel arrangements;

(vi) Public relations, including through the electronic (Assembly web site) and printed media;

(vii) Cooperation with the host country;

(viii) Bringing to the attention of the serviced bodies any matter which the Secretariat deems necessary as requiring their consideration;

(ix) Performance of other functions that the serviced bodies entrust to the Secretariat;

(c) Core financial functions:

(i) Provision of financial and budgetary advice to the Committee on Budget and Finance, including: advice on the Financial Regulations and Rules, drafting of statements on budgetary implications, preparation of draft resolutions on financial and budgetary matters;

(ii) Preparation of the section of the Court's budget related to the Secretariat;

(d) Administrative functions:

(i) Secretarial work (typing, telephone, etc.);

(ii) Management of the Secretariat personnel;

(iii) Administration of the budget of the Secretariat;

(iv) Building and property management;

(v) Maintenance of records and archives, library.

301. The Secretariat could also keep and maintain a record of the ratification, acceptance, approval of or accession to the Statute and of implementing legislation, and it could assist the Assembly in promoting ratification and implementation, and monitoring compliance. The Secretariat should do so in liaison with the depositary and with other relevant parts of the Court, so as to avoid duplication, bearing in mind that the Court needs to perform monitoring of its own, in the framework of establishing jurisdiction and addressing cases of non-cooperation under article 87 of the Statute.

302. Some of the functions mentioned in paragraph 300 are of a technical nature. Their performance would require skilled personnel, particularly in interpretation/translation, protocol and document handling.

303. Other functions are clearly substantive and will require special expertise, particularly in the legal and financial fields, including a high degree of familiarity with the legislative history, purposes, policies and procedures of the Court. For example, the Committee on Budget and Finance will expect the Secretariat to have a broad understanding of the issues before the Committee and to assist it in formulating any draft decisions, as well as in drafting comments and recommendations that the Committee submits to the Assembly on the proposed programme budget, by virtue of regulation 3.5 of the Financial Regulations and Rules.¹⁷ In the same vein, the Special Working Group on the crime of aggression will need highly qualified legal staff to provide substantive servicing, including preparation of adequate records, studies and other background documentation.

304. The Secretariat shall work under the guidance of the Assembly, bearing in mind that the core functions of the Court under the Statute, as contemplated by the Assembly in the current phase of institution-building, have been assigned, budgeted for and staffed. There is no policy vacuum that the Secretariat would have to fill. This does not preclude that, in the future, the Assembly may, subject to the Statute, assign to the Secretariat any new functions that may be necessary for the proper functioning of the Court. Such eventualities do not, however, need to be contemplated at this time.

(iii) *Institutional linkage of the Secretariat to the Court; seat*

305. In article 112, the Rome Statute explicitly provides for the Assembly as a central governance instrument, but the Statute does not have any express provision concerning a body that should provide secretariat services to the Assembly. However, the Rules of Procedure of the Assembly and various other decisions adopted by it leave no doubt that the Assembly views a secretariat as an indispensable operational tool of the Assembly. Therefore, once constituted, the Secretariat should be conceptualized as being a part of the overall architecture of the Court system, as established by the Statute. To define the exact institutional linkage of the Secretariat, it may be useful to distinguish between the *authority* of the Secretariat, which is derived from the Assembly (and thus independent from authority exercised by the organs of the Court), and the *functions* of the Secretariat, which are in the field of non-judicial administration and servicing and could thus be linked to the Registry. Arrangements would therefore be required to ensure that the Secretariat and its staff are institutionally integrated into the Court's overall structure under the Statute. Such an institutional linkage would allow the Secretariat and its staff to enjoy the same privileges and immunities as the staff of the Court and as are necessary for the independent performance of their functions. In this context, the present proposal contemplates the concept of a system-wide career, encompassing staff of both the Court and the Secretariat (see para. 310), integrating the staff of the Secretariat, in administrative matters, into the Registry. At the same time, it would be necessary to ensure that in matters of substantive functions, i.e. servicing of the Assembly and its subsidiary bodies, the Secretariat operates under

¹⁷ Ibid., part II.D.

the full authority of the Assembly, as exercised by the Head of the Secretariat, independently of the authority of the Court.

306. The Secretariat will need permanent premises (office) for its staff and its archives. Ideally, the Secretariat office should be located adjacent to the Court in The Hague, but designed in such a way as to demonstrate its distinct status (see para. 333).

307. It is to be anticipated that the Court as such will establish a presence in New York, for a variety of purposes, e.g. political liaison with the United Nations and its Member States, interface with the Security Council, inter alia, with regard to referrals in accordance with article 13 of the Rome Statute. For meetings of the Assembly and its subsidiary bodies held in New York, the Secretariat could rely on such presence for any practical arrangements for the meetings (hiring of temporary staff, printing facilities, liaising with the Secretariat of the United Nations on arrangements for the meetings and any financial matters). Consequently, it will not be necessary for the Secretariat as such to maintain an office in New York.

(b) Resource requirements of the Secretariat

308. The workload of the Secretariat can be expected to be quite uneven, with peak periods before, during and soon after meetings of the serviced bodies alternating with periods of lesser workload. Consequently, the Secretariat can prudently be kept fairly small through:

- Flexibility with regard to its personnel structure
- Pooling personnel and equipment with the Court, whenever this is feasible without compromising the quality of the service and the independence that the Secretariat will need on substantive issues

(i) Flexibility with regard to the personnel structure

309. As a rule, the hiring policy of the Secretariat should strive for maximum flexibility, within the bounds of preserving its independence and efficiency, and maintaining high levels of professionalism, competence and integrity.

310. A major element of such flexibility, from both an administrative and a career perspective, would be to constitute the staff of the Secretariat and the staff of the Court as a single staff body. This would enhance the attractiveness of employment with the Secretariat (which would otherwise offer few career opportunities, considering its limited size). It would increase the chances for temporary personnel “loans”, especially from the Court to the Secretariat, in response to situations of increased workload. As a useful by-product, it would promote mutual understanding of each other’s concerns and thus contribute towards smoother cooperation. The existence of a single staff body would not preclude staff working in the Secretariat from operating with regard to all substantive matters under a distinct line of authority, i.e. under the authority of the Head of the Secretariat. In a true spirit of professionalism, staff members habitually develop a genuine sense of loyalty towards the unit for which they are currently working.

311. Another major aspect of this flexibility would be teamwork and versatility it would afford among Secretariat staff. In particular, officers working on substantive issues (legal, financial/budgetary, see paras. 326-328 below) should have sufficient

knowledge in the expertise of the other substantive officer(s) to allow them to substitute or assist one another in times of temporarily increased workload. In the same vein, the Head of the Secretariat should have sufficient legal and financial expertise to provide direction in all substantive matters, should be able to assume responsibilities in the field of protocol and liaise on a regular basis with officials of the Court and with members of the Bureau and of the serviced subsidiary bodies.

312. A third aspect of flexibility is that it would allow the Secretariat, through appropriate budget lines, to hire general temporary assistance, notably in areas of technical and logistical support, in response to fluctuating demands. This refers in particular to the short-term hiring of interpreters and conference officers, but could also apply to legal and financial advisers if such requirements could not be met through the exchange of staff between the Court and the Secretariat.

(ii) *Pooling of resources*

313. Taking into account that the Court possesses a broad range of expertise as well as infrastructural requirements similar to those needed by the Secretariat, the pooling of resources between them is a dictate of efficiency and economy. It should be limited only by the need to guarantee the ability of the Secretariat to take its decisions in an independent manner, and by the desire to avoid competing claims on certain resources. If a “senior management group” is established as a coordination mechanism of various organs of the Court, it would be prudent to include the Head of the Secretariat.

314. With regard to the exchange of staff envisaged in the framework of the single staff concept, the Court and the Secretariat should reach appropriate understandings in anticipation of upcoming fluctuating demands.

315. Furthermore, it flows from the concept of a single staff body that most personnel services should be pooled. In particular, the Personnel Services Section in the Common Services Division should handle advertising of vacancies, contracting, maintaining the payroll and payment of salaries and other benefits. This also implies that the selection of Secretariat staff should be in accordance with Staff Regulations of the Court and, ad interim, the guidelines contained in the Assembly resolution on the Selection of the Staff of the Court.¹⁸ However, the Secretariat would be involved in personnel issues concerning recruitment of its own staff (assisting in the preparation of job descriptions, selection, etc.). The Head of the Secretariat would participate in the Selection Committee provided for in paragraph 5 of the annex to resolution ICC-ASP/1/Res.10 and would be consulted when Court staff was assigned to the Secretariat.

316. Technical functions that arise in the context of document handling (printing, distribution) as well as the required hardware should be pooled. It should be pointed out in this context that the volume of documents that will need to be processed may at times be considerable. For example, it should be anticipated that the Committee on Budget and Finance will receive, particularly on the occasion of its meetings devoted to considering the proposed programme budget, a large number of documents from the Registrar, from the Auditor and possibly from other sources (States Parties). These documents will need to be translated, reproduced and distributed to Committee members, to the Court and eventually to the Assembly.

¹⁸ Ibid., part IV, resolution ICC-ASP/1/Res.10.

317. Procurement, property management and general operating functions of the Secretariat should be handled to the extent feasible by the Common Services Division (see para. 335). The Secretariat shall keep its own property inventories (see para. 338) and shall be involved in procurement decisions that relate to its requirements.

318. Translation and interpretation services should also be pooled, in spite of the possibility that there will be competing demands for such services, even within the organs of the Court.¹⁹ But a separate translation/interpretation unit (language unit) for the Secretariat would be too costly, notably in view of the fact that the Secretariat's respective demands will in all likelihood fluctuate considerably. The Court and the Secretariat should solve conflicts of demand through joint planning, with the objective of ascertaining well in advance which language requirements can be met from within a joint language service and which need to be outsourced. A Language Desk in the Secretariat, reinforced when necessary by a temporary language support coordinator, should enable the Secretariat to participate effectively in such planning exercises and to coordinate the outsourcing of language services whenever this becomes unavoidable (see paras. 330 and 332).

319. Financial and budgetary administration of the Secretariat, notably financial transactions, should also be handled to the extent feasible by the Common Services Division. The Secretariat should be included in the Court's internal audit system. However, the Secretariat must be capable of determining its own budgetary requirements and formulating its own programme budget proposals upon request by the Registrar, in accordance with rule 103.2 (1) of the Financial Regulations and Rules.²⁰ The Secretariat will make arrangements with the Chief Financial Officer of the Court concerning the establishment of a sub-account for the Secretariat as part of the Court's bank account, and a Secretariat staff member shall be given bank signatory authority for that sub-account (cf. financial rule 108.2) and should be designated as Certifying Officer for budget sections related to the Secretariat, under the terms of financial rule 110.4.

320. For practical reasons, the Secretariat archives should be kept separate from those of the Court. Financial rule 111.9 should apply *mutatis mutandis* to this archive.

(iii) *Personnel structure of the Secretariat*

321. The legal, financial/budgetary, technical (conference-servicing), and administrative requirements identified in paragraph 299 above offer guidance on a possible staff structure of the Secretariat. It is proposed that a small Secretariat be established consisting of four Professional staff members and three General Service staff, with an ability to employ temporary assistance at times when there is an upsurge of activities. The Secretariat staff would be under the authority of the Head of the Secretariat. In addition to the Head of the Secretariat there would be three Professional staff: one dealing with legal matters (Legal Officer), one with financial and budgetary matters (Finance Officer) and one with conference servicing, protocol and administration (Conference Servicing and Protocol Officer). The latter would be

¹⁹ *Ibid.*, part III, footnote 34 to para. 98.

²⁰ *Ibid.*, part II.D.

supported by a General Services Unit, consisting of one Administrative Assistant (General Service (Other level)) and two General Service staff (General Service (Principal level)). Either the Legal Officer or the Financial Officer should also act as Deputy Head of the Secretariat.

Head of the Secretariat

322. The Head of the Secretariat (Director), at the D-1 level, would be responsible for the proper administration of the Secretariat (without prejudice to the authority of the Registrar for ensuring the coherent administration of the Financial Regulations and Rules; see financial rule 101.1 (b)), and would have the overall responsibility for ensuring the servicing of the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Working Group on the crime of aggression and any subsidiary body that the Assembly may establish.

323. The incumbent would also be responsible for reporting to the Assembly on the work of the Secretariat. He/she should be able to make oral or written statements to the Assembly concerning any question under consideration by the Assembly, in accordance with rule 48. He/she would also act as Secretary of the Assembly and in that connection act as focal point for communications and consultations with the Court, representatives of States Parties and members of the serviced bodies.

324. Furthermore, the incumbent should be able to elaborate or to direct the elaboration of any study on policy, legal or financial matters that the Assembly, its Bureau or any of the serviced bodies may wish to entrust to the Secretariat. With regard to additional functions that the Head of the Secretariat might assume as a part of the Secretariat team, see paragraph 316 above.

325. Following his/her selection by the Bureau of the Assembly, the Head of the Secretariat should be appointed by the Registrar.

Legal and financial/budgetary expertise

326. The **Legal Officer** would assist in servicing the Assembly (with the exception of financial and budgetary issues), its Bureau, the Credentials Committee and the Special Working Group on the crime of aggression. He/she would also act as adviser in internal legal matters concerning the operations of the Secretariat. He/she would be expected to have an understanding of all issues on the agenda of the serviced bodies, with a view to assisting in preparing studies, documentation and notes, as well as accurate records of the meetings. In particular, he/she would need to have a general understanding of the norms and procedures of the Court, including detailed knowledge of the rules of procedure and the rules governing elections. He/she should have a solid understanding of the ongoing negotiations on the crime of aggression and should be able to give advice on legal issues that could arise at times, including on procedures under articles 46 and 47 of the Rome Statute (disciplinary proceedings); article 119 of the Statute (settlement of disputes); or on any other legal issue with which the Assembly might be seized.

327. The **Finance Officer** would assist in providing servicing to the Assembly on financial and budgetary issues and the Committee on Budget and Finance. The incumbent would be responsible for giving independent advice on the financial and budgetary implications of activities and decisions of the relevant bodies. He/she would be expected to have an understanding of all issues on the agenda of those

bodies, with a view to assisting in preparing studies, documentation and notes, as well as accurate records of the meetings. In particular, he/she would need to have a detailed understanding of the Financial Regulations and Rules, notably those related to the budgeting process and to matters that would involve the Committee on Budget and Finance. The incumbent should also be able to calculate and formulate draft statements on budgetary implications. He/she will be responsible for the preparation of the Secretariat's programme budget proposals, act as a Certifying Officer and deal with banking matters.

328. The officer that would also act as Deputy Head of the Secretariat (see para. 321) should be ranked at the P-5 level, whereas the other officer would be ranked at the P-4 level.

Conference servicing, protocol and administration

329. The provision of technical conference servicing, including protocol and language services, should be coordinated, under the authority of the Head of the Secretariat, by a **Conference Services and Protocol Officer** (P-4) who could also be in charge of non-pooled administration functions of the Secretariat. A core coordinating function would consist of making the necessary arrangements for the deployment of required resources, including through initiating the hiring of temporary assistance staff in response to anticipated increased temporary demands.

330. The Conference Services and Protocol Officer should be supported by a **General Services Unit**, which should perform the following service functions:

(a) Protocol: receipt and, in conjunction with the Legal Officer, examination of credentials and other requests for participation; seating arrangements; administration of solemn undertakings; social events and obligations; travel and accommodation arrangements;

(b) Conference: coordination of the production and distribution of documents; logistical preparations for conferences (coordinating room, sound, other equipment, floor services);

(c) Language: making arrangements for translation and interpretation;

(d) Administration and property management;

(e) Archiving: maintenance of records and documents; reception and sending of documents;

(f) Secretarial functions and telephone services, available to the entire Secretariat.

331. The General Services Unit should consist of one **Administrative Assistant (General Service (Other level))** and two **General Service staff (General Service (Principal level))**. The Administrative Assistant should also be responsible for maintaining the web site of the Assembly and act as a Protocol Assistant to the Conference Services and Protocol Officer. During meeting times of the bodies receiving Secretariat services, the General Service staff would also perform, to the extent possible, the duties of a Conference Room Officer (including document desk).

332. During meeting times of those bodies, the General Services Unit may need to be reinforced by additional temporary staff. This applies in particular to the Language Desk, where it may be necessary to contract not only external interpreters and translators, but also a temporary language support coordinator.

(iv) *Physical resource requirements of the Secretariat*

Premises, furniture and equipment

333. Initially, there may be a need to lease additional office space for the Secretariat, considering the limited office space available at the temporary premises of the Court. In the long term, it would be necessary that the permanent premises of the Court provide for Secretariat offices that are adjacent to, but distinct from, the premises of the rest of the Court (cf. para. 16 of the Budget for the first financial period of the Court,²¹ expressing, for similar reasons, the hope that facilities hosting the Prosecutor and the rest of the Court could be architecturally separated).

334. The furniture and equipment of the Secretariat is not included in the initial host country contribution and needs to be budgeted in full. It is estimated that these requirements will be as follows:

<i>Item(s)</i>	<i>Number of units</i>	<i>Unit cost (€)</i>	<i>Total cost per item (€)</i>
Office furniture			
Workstations	9	2 850	25 650
Filing cabinet	9	440	3 960
Bookcases	4	165	660
Notice boards	5	55	275
Subtotal			30 545
Meeting place (one)			
Table	1	1 190	1 190
Chairs	10	190	1 900
Hat stand	1	140	140
Subtotal			3 230
Archive			
Table	1	1 190	1 190
Chairs	2	190	380
Storage cabinets (lockable, steel)	4	880	3 520
Shredder (medium-size)	1	2 200	2 200
Subtotal			7 290

²¹ Ibid., part III.

<i>Item(s)</i>	<i>Number of units</i>	<i>Unit cost (€)</i>	<i>Total cost per item (€)</i>
Office automation			
Computers	9	1 700	15 300
Printer	9	500	4 500
Laptop	1	2 600	2 600
Software (anti-virus, MS Office)	9	500	4 500
Network server including software	1	30 000	30 000
Personal devices	4	600	2 400
Integrated copier/scanner/fax	2	5 000	10 000
Mobile phones and subscription	4	400	1 600
Switchboard and telephone sets	8	500	4 000
Link-up to ICC network		30 000	30 000
Additional maintenance contract for office automation		20 000	20 000
Subtotal			124 900
Total			165 965

335. For procurement of these requirements, see paragraphs 317 and 345 (c).

General operating expenses, building and property management

336. Considering the small size of the Secretariat, general operating services and building management of the Secretariat should be pooled with those of the Court (see paras. 313, 316 and 317). This applies to the maintenance of the premises, including cleaning; insurance, including personal property and general liability for Secretariat facilities; transportation, including vehicle insurance; security services; maintenance/servicing contracts for office equipment including support contracts for software; and library services. Computers, telephones and fax machines installed at the Secretariat should be compatible with and connected to the Court's local area network server(s) and telephone system. As long as it is not possible to accommodate the Secretariat and the Court in the same premises, the pooling of general operating and management services, as well as connecting the computer and communication systems of the Secretariat and the Court, will involve additional costs.

337. General operating expenses that should be clearly identified as expenses of the Secretariat are:

(a) Telephone and fax communications, in order to keep track of the volume and nature of calls originating from the Secretariat;

(b) Miscellaneous operating expenses, in particular to cover eventual rentals of vehicles or taxis for protocol purposes and other miscellaneous protocol expenses.

338. The Secretariat should keep its own property inventories, which shall be governed by financial rules 110.20 et seq., including the survey through the Property Survey Board (financial rule 110.22).

(c) Programme budget proposal for the Secretariat

339. According to financial regulation 3.1, funding for the expenses of the Assembly, including its Bureau and subsidiary bodies, shall be included in the programme budget of the Court. Therefore, the budget should henceforth contain a separate programme entitled “Secretariat of the Assembly of States Parties”.

340. A programme budget proposal for the financial period 2004 has been prepared for consideration by the Assembly pursuant to resolution ICC-ASP/1/Res.9. The estimated costs for the establishment and the operation of the Secretariat are included in annex I to the present document. These costs can be broken down into non-recurrent start-up costs (furniture, equipment) and recurrent costs, which are the costs for servicing the Assembly and the other bodies mentioned in paragraph 295, as well as the personnel and general operating costs. The non-recurrent (start-up) costs amount to €165,965, and the recurrent costs amount to €2,712,121.

341. As of the subsequent financial period, the programme budget for the Secretariat should be prepared in accordance with financial rule 103.2, i.e. the Head of the Secretariat should transmit to the Registrar, upon his/her request, a proposal which the Registrar will then include in his/her consolidated draft programme budget for the Court and submit to the Committee on Budget and Finance.

2. Progressive replacement of the provisional secretariat

342. The decision on a permanent secretariat will be taken by the Assembly at its second session in September 2003. It should be anticipated that when the decision is taken, the Secretariat could be established as of 1 January 2004, the beginning of the next financial period of the Court. Assuming that there will not be a special session of the Assembly in the first half of 2004, the three major activities of the Secretariat would be the servicing of the Committee on Budget and Finance, in August 2004, the third regular session of the Assembly and the simultaneously held Special Working Group on the crime of aggression, in September 2004.

343. The first half of the year 2004 will therefore be the time that is available to the Secretariat to establish itself to full capacity. It will have to recruit its staff, organize its work, consult with the Court in respect of logistical requirements related to anticipated activities (translation/interpretation, document handling), start making logistical and protocol arrangements, and formulate its draft programme budget for the financial period of 2005. It may also be required to perform some servicing tasks, such as the servicing of Bureau meetings.

344. To cope with this mixture of institution-building and substantive work, it will be necessary to address the following key elements of preparedness:

- The early identification of the future Head of the Secretariat and, at least, of the Conference Services and Protocol Officer
- Early arrangements for handover with the provisional secretariat, including briefings on the activities already accomplished

- Assistance of the Court (notably the Registrar and the Common Services Division) to facilitate the smooth establishment of the office infrastructure (procurement and installation of furniture and equipment)

345. To this effect, the Bureau proposes the following:

(a) As soon as the establishment of the Secretariat has been decided by the Assembly, the Registrar should start the procedure for identifying suitable candidates for the post of Head of the Secretariat. The Bureau should make every effort to select such a person, by the end of October 2003, so that the incumbent could start to work in January 2004;

(b) The Court should be encouraged to arrange for the timely handover and smooth transfer of secretariat operations with the United Nations Secretariat;

(c) The Registrar and the Common Services Division should be requested to prepare, before the end of 2003, all administrative procedures necessary for the establishment of the Secretariat (procurement, technical and electronic installations, personnel services, etc.), so that these procedures can take effect immediately at the beginning of 2004.

3. Conclusion

346. The Bureau recommends to the Assembly to adopt a resolution establishing a permanent Secretariat, in the terms set out in annex II to the present document, and to approve the corresponding costs, in annex I, which have already been included ad referendum in the draft programme budget for 2004 that has been submitted to the Assembly.

4. Budget estimates for the Secretariat by object of expenditure (in euros)

Secretariat of the Assembly of States Parties

<i>Expenditure (estimated)</i>	<i>Requirements</i>
Posts	531 145
1 D-1	113 240
1 P-5	106 155
2 P-4	178 200
2 General Service (Principal level)	97 670
1 General Service (Other level)	35 880
Conference costs (A + B + C + D + E)	2 102 476
A. <i>Third session of the Assembly of States Parties</i> (5 days, 10 meetings, 6 languages)	
Rental of conference hall ²² (including space for Special Working Group on the crime of aggression)	290 000
External conference interpretation ²³	72 280

²² Nederlands Congress Gebouw.

²³ Three interpreters each for French, English, Spanish and Russian; four interpreters each for Chinese and Arabic. Costs include travel costs from Paris and Geneva.

<i>Expenditure (estimated)</i>	<i>Requirements</i>
Language support coordinator (temporary assistance) ²⁴	12 460
Pre-session documentation (250 pages) ²⁵	325 000
In-session documentation (50 pages)	65 000
Post-session documentation (250 pages)	325 000
Security	8 500
Other temporary assistance (administrative, conference room) ²⁶	7 600
Other requirements (e.g. external sound technicians)	8 000
Subtotal	1 113 840
B. Meeting of the Committee on Budget and Finance (5 days, 10 meetings, 6 languages)	
Rental of conference venue	6 320
External conference interpretation	72 280
Other temporary assistance (administrative, conference room) ²⁷	3 800
Pre-session documentation (150 pages)	195 000
In-session documentation (20 pages)	26 000
Post-session documentation (100 pages)	130 000
Subtotal	433 400
C. Meeting of the Special Working Group on the crime of aggression (1 day, 2 meetings, 6 languages)	
External conference interpretation	14 500
Pre-session documentation (50 pages)	65 000
In-session documentation (25 pages)	32 500
Post-session documentation (50 pages)	65 000
Subtotal	177 000
D. Two meetings of the Bureau of the Assembly (each: 1 day, 2 meetings, 2 languages)	
Pre-session documentation (2 x 20 = 40 pages)	52 000
Post-session documentation (2 x 20 = 40 pages)	52 000
Subtotal	104 000

²⁴ Temporary assistance for two months, at P-3 level.

²⁵ €1,300 per page, including external translation.

²⁶ General temporary assistance (10 persons, at G-4 step I).

²⁷ General temporary assistance (5 persons, at G-4 step I).

<i>Expenditure (estimated)</i>	<i>Requirements</i>
E. <i>Contingency reserve</i> (15% of A + B + C + D = 1 828 240)	274 236
Building costs	32 500
Rental of office space (200 square metres) ²⁸	25 000
General operating expenses (cleaning, building insurance)	7 500
Start-up costs²⁹	165 965
Furniture	41 065
Office automation and communication equipment	124 900
Communications	2 000
Office materials	4 000
Miscellaneous (protocol, transportation)	40 000
Total	2 878 086

²⁸ Assumed location: in Voorburg (close to the Court). Assumed rent: €125/m².

²⁹ See para. 334.

Annex I

Draft resolution of the Assembly of States Parties on the 2004 draft programme budget and the Working Capital Fund in 2004

The Assembly of States Parties

1. *Appropriates* an amount of 55,089,200 euros for the expenses of the International Criminal Court and for the expenses of the Secretariat of the Assembly of States Parties in 2004, as follows:

	€
Major programme 1: The Presidency, Chambers	6 034 500
Major programme 2: Office of the Prosecutor	14 294 400
Major programme 3: Registry	31 882 200
Major programme 4: Secretariat of the Assembly of States Parties	2 878 100

2. *Approves* a level of €4,600,000 for the Working Capital Fund, and authorizes the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations.

Annex II

Post redeployments effected in 2003

<i>Number of posts</i>	<i>Level</i>	<i>From</i>	<i>To</i>	
			<i>First financial period budget</i>	<i>2004 budget</i>
Registry/Chambers/Presidency				
1	P-4	Administrative Unit	Human Resources	Human Resources
1	P-3	Administrative Unit	Human Resources	Human Resources
1	P-5	Chambers Legal Support	Legal Advisory Section	Legal Advisory Section
1	P-3	Chambers Legal Support	Public Information and Documentation Section	Public Information and Documentation Section
1	P-3	Chambers Legal Support	-	Witnesses Protection and Victims Participation Section
4	GS (OL)	Chambers Legal Support	General Services Section	Administrative Services Section
4	GS (OL)	Chambers Legal Support	-	Chambers
1	P-5	Conference and Language Support Section	Public Information and Documentation Section	Public Information and Documentation Section
3	P-4	Conference and Language Support Section	-	Judicial Administration Section
2	P-3	Conference and Language Support Section	-	Judicial Administration Section
1	GS (OL)	Conference and Language Support Section	-	Judicial Administration Section
1	GS (OL)	Conference and Language Support Section	Information Technology and Communications Services Section	Information Technology and Communications Services Section
1	P-3	General Services	Information Technology and Communications Services Section	Information Technology and Communications Services Section
1	P-2	Information Technology and Communications Services Section	General Services	Administrative Services Section
1	D-1	Office of the Director of Common Services	-	Immediate Office of the Deputy Registrar
1	GS (OL)	Office of the Director of Common Services	-	Immediate Office of the Deputy Registrar
Office of the Prosecutor				
1	D-1	Investigation Division	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor
1	P-4	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor
1	P-3	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor
1	P-3	Administrative Unit	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor

<i>Number of posts</i>	<i>Level</i>	<i>From</i>	<i>To</i>	
			<i>First financial period budget</i>	<i>2004 budget</i>
1	P-3	Administrative Unit	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor
1	GS (OL)	Investigation Section	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor
1	P-5	Evidence Management Officer	-	Knowledge Base Section
1	P-5	Investigation Section	-	Services Section, Office of the Prosecutor
1	P-4	Investigation Section	-	Analysis Section
3	GS (OL)	Information Evidence Section	-	Services Section, Office of the Prosecutor
1	P-4	Conference and Language Support Section	Office of the Prosecutor	Services Section, Office of the Prosecutor
3	P-3	Conference and Language Support Section	Office of the Prosecutor	Services Section, Office of the Prosecutor
1	GS (OL)	Conference and Language Support Section	Office of the Prosecutor	Services Section, Office of the Prosecutor

Annex III

Summary of total resources by subprogramme and item of expenditure: Judiciary: Presidency and Chambers

(In euros)

Major programme 1. Judiciary: Presidency and Chambers

TOTAL 2004	6 034 500
Staff costs	4 986 800
Non-staff costs	1 047 700

<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Programme 1100. The Presidency			1 195 200
Established posts (including elected officials)	1 013 224		1 013 200
Remuneration for judges	597 319		
Established posts — Professional and above	319 026		
Established posts — General Service	96 879		
Special allowances		38 000	38 000
Travel		83 150	83 200
Consultants		30 750	30 800
Overtime		19 700	19 700
Hospitality		10 250	10 300
Programme 1200. Chambers			4 839 300
Established posts (including elected officials)	3 973 637		3 973 600
Remuneration for judges	2 986 590		
Established posts — Professional and above	735 881		
Established posts — General Service	251 166		
Travel and relocation costs for 9 judges		585 000	585 000
General temporary assistance		193 158	193 200
Travel		36 231	36 200
Training of staff		20 500	20 500
Consultants		30 750	30 800

Annex IV

Summary of total resources by subprogramme and item of expenditure: Office of the Prosecutor

(In euros)

Major programme 2. Office of the Prosecutor

TOTAL 2004	14 294 400
Staff costs	6 976 800
Non-staff costs	7 317 600

<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Programme 2100. The Prosecutor			9 423 600
Established posts (including elected officials)	3 113 344		3 113 300
Established posts — Professional and above	2 418 305		
Established posts — General Service	695 039		
General temporary assistance		3 961 432	3 961 400
Overtime		62 535	62 500
Travel of staff		1 260 995	1 261 000
Training of staff		185 952	186 000
Translation and interpretation		633 450	633 500
Other costs		103 448	205 900
Subprogramme 2110. Immediate Office of the Prosecutor			6 567 100
Established posts	1 085 916		1 085 900
Established posts — Professional and above	937 262		
Established posts — General Service	148 654		
General temporary assistance		3 961 432	3 961 400
Travel for the Prosecutor and staff		1 260 995	1 261 000
Training of staff		185 952	186 000
Overtime		62 535	62 500
Hospitality		10 250	10 300
Subprogramme 2120. Services Section			1 950 700
Established posts	1 124 634		1 124 600
Established posts — Professional and above	641 041		
Established posts — General Service	483 593		
Contractual services, translation services		633 450	633 500
Other costs		192 598	192 600
Subprogramme 2130. Legal Advisory and Policy Section			569 400
Established posts	566 274		566 300
Established posts — Professional and above	532 187		
Established posts — General Service	34 087		
Other costs		3 100	3 100

<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Subprogramme 2140. Knowledge-Base Section			336 500
Established posts	336 520		336 500
Established posts — Professional and above	307 815		
Established posts — General Service	28 705		
Programme 2200. Investigation Division			3 681 300
Established posts	2 674 006		2 674 000
Established posts — Professional and above	2 427 024		
Established posts — General Service	246 982		
Other costs		1 007 268	1 007 300
Subprogramme 2210. Deputy Prosecutor (Investigations)			172 100
Established posts	172 111		172 100
Established posts — Professional and above	138 024		
Established posts — General Service	34 087		
Subprogramme 2220. Analysis Section			1 294 800
Established posts	1 023 322		1 023 300
Established posts — Professional and above	903 120		
Established posts — General Service	120 202		
Other costs		271 523	271 500
Subprogramme 2230. Investigation Section			2 214 300
Established posts	1 478 573		1 478 600
Established posts — Professional and above	1 385 880		
Established posts — General Service	92 693		
Equipment		735 745	735 700
Programme 2300. Prosecution Division			1 189 500
Established posts	1 189 455		1 189 500
Established posts — Professional and above	1 024 402		
Established posts — General Service	165 053		
Subprogramme 2310. Deputy Prosecutor (Prosecutions)			172 100
Established posts	172 111		172 100
Established posts — Professional and above	138 024		
Established posts — General Service	34 087		
Subprogramme 2320. Prosecution Section			797 800
Established posts	797 782		797 800
Established posts — Professional and above	700 903		
Established posts — General Service	96 879		
Subprogramme 2330. Appeals Section			219 600
Established posts	219 562		219 600
Established posts — Professional and above	185 475		
Established posts — General Service	34 087		

Annex V

Summary of total resources by subprogramme and item of expenditure: Registry

(In euros)

Major programme 3. Registry

TOTAL 2004	31 882 200
Staff costs	11 068 100
Non-staff costs	20 814 100

<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Programme 3100. Registrar			5 022 400
Established posts	1 054 493		1 054 500
Established posts — Professional and above	843 047		
Established posts — General Service	211 446		
General temporary assistance		1 090 891	1 090 900
Travel of staff		1 455 790	1 455 800
Training of staff		710 308	710 300
Consultants		524 014	524 000
Overtime (except for drivers, security staff)		160 805	160 800
Other costs		26 138	26 100
Subprogramme 3110. Immediate Office of the Registrar			4 335 200
Established posts	367 242		367 200
Established posts — Professional and above	286 762		
Established posts — General Service	80 480		
General temporary assistance		1 090 891	1 090 900
Travel of staff		1 455 790	1 455 800
Training of staff		710 308	710 300
Consultants		524 014	524 000
Overtime (except for drivers, security staff)		160 805	160 800
Hospitality		18 963	19 000
Lease of office space for meetings in New York		7 175	7 200
Subprogramme 3120. Office of Internal Audit			134 900
Established posts	134 930		134 900
Established posts — Professional and above	100 843		
Established posts — General Service	34 087		
Subprogramme 3130. Legal Advisory Section			417 400
Established posts	417 391		417 400
Established posts — Professional and above	354 599		
Established posts — General Service	62 792		

<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Subprogramme 3140. Budget Section			134 900
Established posts	134 930		134 900
Established posts — Professional and above	100 843		
Established posts — General Service	34 087		
Programme 3200. Deputy Registrar			26 859 800
Established posts	10 013 607		10 013 600
Established posts — Professional and above	5 961 928		
Established posts — General Service	4 051 679		
Investments including IT investments		6 624 063	6 624 100
Translation and interpretation		1 545 700	1 545 700
Overtime (drivers, security staff)		305 029	305 000
Other costs		8 319 412	8 371 400
Subprogramme 3210. Immediate Office of the Deputy Registrar			190 700
Established posts	190 718		190 700
Established posts — Professional and above	156 631		
Established posts — General Service	34 087		
Subprogramme 3220. Administrative Services Section			6 456 900
Established posts	2 501 264		2 501 300
Established posts — Professional and above	1 217 632		
Established posts — General Service	1 283 632		
Contractual services		601 753	601 800
Rental of premises		129 150	129 200
Maintenance services		469 860	469 900
Utilities		171 385	171 400
Freight charges and miscellaneous services		170 560	170 600
Maintenance of furniture and equipment		95 841	95 800
Vehicle repairs liability and insurance		66 461	66 500
Postage and pouch services		82 000	82 000
Stationery and office supplies		192 683	192 700
IT supplies		15 613	15 600
Robes, uniforms		123 697	123 700
Office furniture and equipment		1 118 634	1 118 600
Purchase of vehicles		108 445	108 400
Alterations and improvements to premises		97 375	97 400
Overtime for drivers		15 446	15 400
Subsidy for Arc restaurant		211 880	211 900
Other costs		284 704	284 700
Subprogramme 3230. Human Resources Section			974 600
Established posts	874 819		874 800
Established posts — Professional and above	471 916		

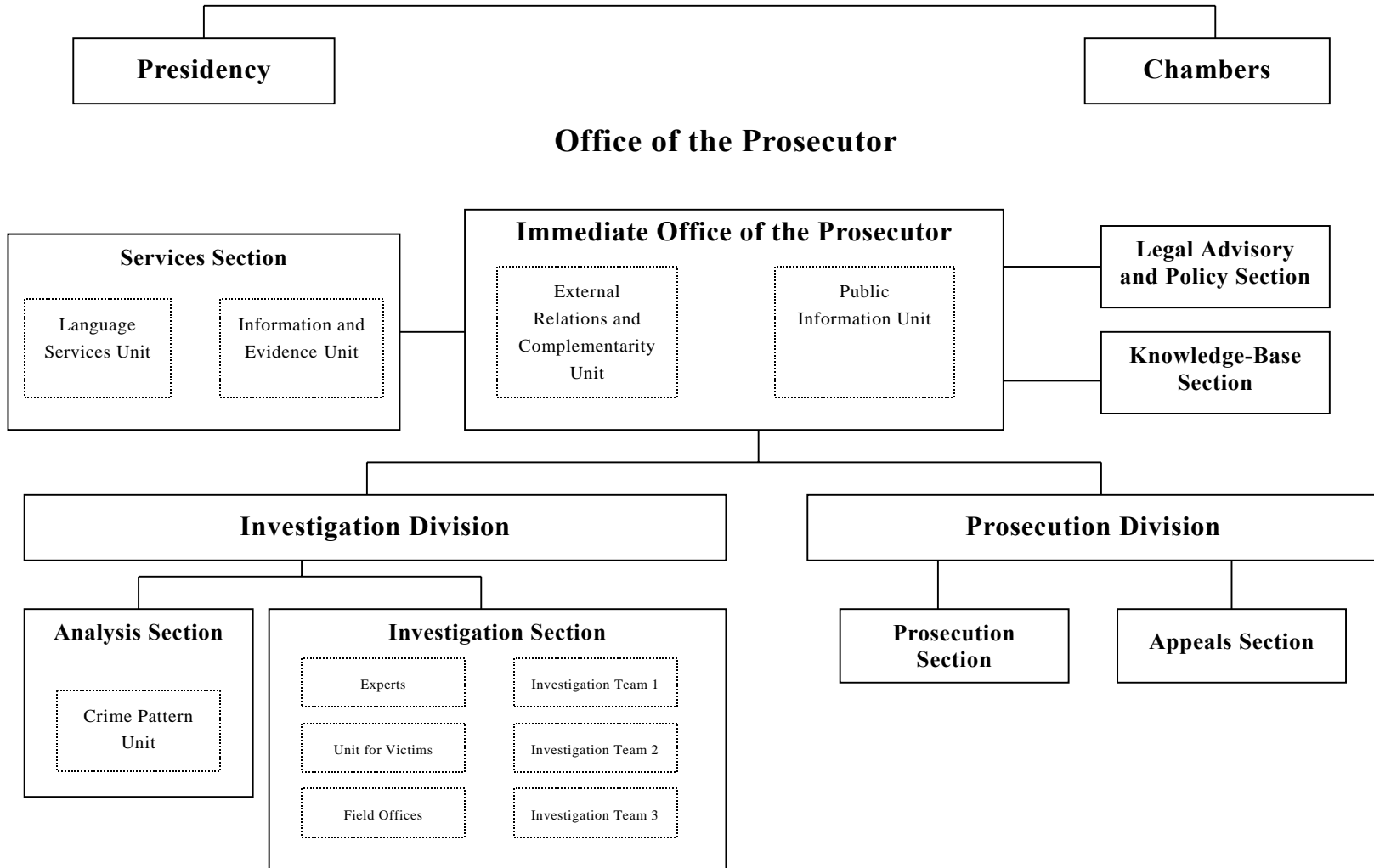
<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Established posts — General Service	402 903		
Medical Service requirements		99 755	99 800
Subprogramme 3240. Information Technology and Communications Section			8 339 900
Established posts	1 289 817		1 289 800
Established posts — Professional and above	753 397		
Established posts — General Service	536 420		
Office automation systems, hardware, software		615 000	615 000
Secure communications infrastructures		307 500	307 500
IT infrastructures		512 500	512 500
Maintenance contracts for infrastructure		666 250	666 300
Training infrastructure		51 250	51 300
Organization Relationship (ERP) System		1 435 000	1 435 000
Court Management System		410 000	410 000
Systems for field operations		102 500	102 500
Database infrastructure		399 750	399 800
Web site and Intranet		235 750	235 800
Secure field operations		102 500	102 500
Security review of all systems		102 500	102 500
Videoconferences		15 806	15 800
Courtroom audio-visual equipment		1 273 563	1 273 600
Audio-visual equipment to support users		307 500	307 500
Remote courtroom set in flight cases (for video-link)		512 500	512 500
Subprogramme 3250. Security and Safety Section			2 928 100
Established posts	1 464 630		1 464 600
Established posts — Professional and above	279 166		
Established posts — General Service	1 185 464		
Overtime security staff		121 975	122 000
Night differentials		167 608	167 600
Outsourced security contracts		615 000	615 000
X-ray machines and metal detectors		133 250	133 300
Screening equipment for field offices		92 250	92 300
Pistols, firearms		10 250	10 300
Key control system		15 375	15 400
Information security requirements		30 750	30 800
Other costs		276 750	276 800
Subprogramme 3260. Public Information and Documentation Section			1 859 200
Established posts	708 366		708 400
Established posts — Professional and above	515 010		
Established posts — General Service	193 356		
Investments Media Centre		307 500	307 500

<i>Programme, Subprogramme</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>2004 budget</i>
Library Management Systems		205 000	205 000
Contractual services		404 926	404 900
Library collections and subscriptions		184 500	184 500
Rental of space for major events		25 625	25 600
Publications		21 013	21 000
Subscriptions		2 255	2 300
Subprogramme 3270. Judicial Administration Section			4 781 700
Established posts	2 184 606		2 184 600
Established posts — Professional and above	1 860 285		
Established posts — General Service	324 321		
Notice and enforcement of decisions		21 423	21 400
Legal aid		658 050	658 100
Training for lawyers		102 500	102 500
Detention		269 370	269 400
Interpretation, non-working languages		738 000	738 000
Hearing transcripts in English and French		102 500	102 500
Translation and interpretation		705 200	705 200
Subprogramme 3280. Witnesses Protection and Victims Participation Section			1 328 700
Established posts	799 387		799 400
Established posts — Professional and above	707 891		
Established posts — General Service	91 496		
Travel of witnesses		195 073	195 100
Meetings of Board of Directors of Victims Trust Fund		53 300	53 300
Other costs		280 850	280 900

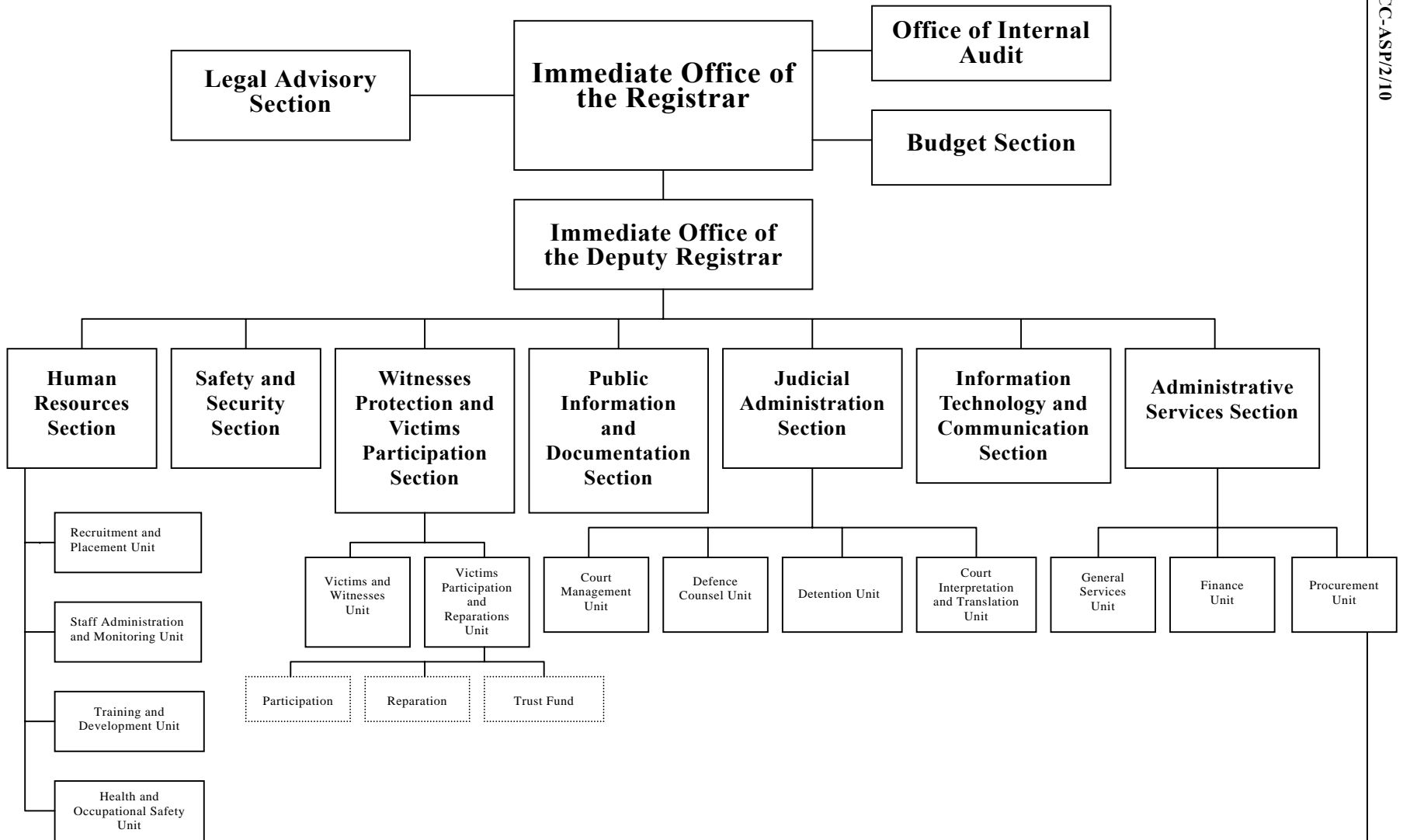
Annex VI

Organizational structure

Judiciary



Registry



6. Report of the Committee on Budget and Finance*

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* Previously issued as ICC-ASP/2/7.

I. Introduction

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

1. The Committee on Budget and Finance was convened in accordance with a decision of the Assembly of States Parties taken at its 3rd meeting, on 9 September 2002, and met at United Nations Headquarters from 4 to 8 August 2003. The Committee held 10 meetings.

2. The session was opened by the Permanent Representative of New Zealand to the United Nations, Don MacKay, on behalf of the President of the Assembly of States Parties to the International Criminal Court.

3. At its 1st meeting, on 4 August 2003, the Committee elected Karl Paschke (Germany) as Chairman. At its 2nd meeting, on the same day, the Committee elected Hahn Myung-jae (Republic of Korea) as Vice-Chairman. The Committee decided not to elect a Rapporteur for the current session.

4. The Codification Division of the Office of Legal Affairs provided the substantive servicing for the Committee; the Senior Legal Officer of the Office, Serguei Tarassenko, acted as Secretary of the Committee.

5. Also at its 1st meeting, the Committee on Budget and Finance adopted the following agenda (ICC-ASP/2/CBF.1/L.1):

1. Opening of the session.
 2. Election of officers.
 3. Adoption of the agenda.
 4. Organization of work.
 5. Participation of observers.
 6. Rules of procedure of the Committee on Budget and Finance.
 7. Consideration of the draft programme budget for 2004 (ICC-ASP/2/2).
 8. Modalities for funding the participation of members of the Committee on Budget and Finance in its meetings.
 9. Other matters.
6. The following members attended the first session of the Committee:¹
1. Lamber Dah Kindji (Benin)
 2. David Dutton (Australia)
 3. Eduardo Gallardo (Bolivia)
 4. Fawzi A. Gharaibeh (Jordan)
 5. Hahn Myung-jae (Republic of Korea)

¹ Two other members of the Committee, representing the Group of Eastern European States, were elected by the Assembly of States Parties during its second session.

6. Peter Lovell (United Kingdom of Great Britain and Northern Ireland)
7. John F. S. Muwanga (Uganda)
8. Karl Paschke (Germany)
9. Michel Tilemans (Belgium)
10. Santiago Wins (Uruguay)

7. The Registrar of the International Criminal Court, Bruno Cathala, and the Deputy Director of Common Services, Sam Muller, accompanied by the Senior Information and Evidence Adviser, Klaus Rackwitz, and the Finance Officer, Marian Kashou, were invited to participate in the meetings of the Committee for the purpose of the introduction of the draft programme budget for 2004.

B. Participation of observers

8. At its 1st meeting, the Committee decided that, in accordance with paragraph 2 of rule 42 of the rules of procedure of the Assembly of States Parties, its meetings should be held, as a general rule, in private. It was decided not to admit observers. The Committee, however, decided to consider, on a case-by-case basis, requests from representatives of interested States, organizations and other interested entities to address the Committee on any particular issue on its agenda.

9. At the same meeting, the Committee decided to accept the request of the Coalition for the International Criminal Court for a 45-minute presentation to be made by its representatives William Pace, Jonathan O'Donohue and John Washburn.

C. Draft rules of procedure of the Committee

10. At its 2nd meeting, the Committee reached an understanding on the desirability of having its own rules of procedure, and in this connection reviewed the rules of procedure of selected similar bodies. At its 6th meeting, on 6 August 2003, the Committee adopted by consensus its draft rules of procedure and decided to transmit them to the Assembly of States Parties for approval (for the text, see annex III to the present report).

II. Consideration of the draft programme budget for 2004

A. Recommendations of a general nature

1. General observations

11. The Committee observed that the 2004 programme budget was based to an unusual extent on assumptions about the possible activities of the Court in 2004. The Committee recognized that in the early stages of the Court's development, while its structures and policies were still being defined and before any investigation or trial had commenced, the programme budget would necessarily be somewhat theoretical. The Committee appreciated the transparent presentation of the assumptions on which the budget was predicated and the specific manner in which estimates were derived. The Committee agreed that the Court's workload

assumptions were reasonable and emphasized that the budget must provide sufficient resources to bring the Court to a state of readiness and for the Court to commence its substantive work when required.

12. The Committee was impressed with the Court's efforts to design efficient and flexible ways to conduct its work. In particular, the Committee welcomed the attention to "scalability", by which the Court intends to be able to adapt its resource and staffing levels to its workload. The Committee noted that the structure of the Court would continue to evolve as the Court began its substantive work. It welcomed the approach outlined in paragraph 8 of the programme budget, where the Court stated that the fulfilment of its functions and the performance of its tasks, rather than its organizational structure, will drive and define the Court's actions.

13. In reviewing the programme budget, the Committee recognized that estimates in many instances were unlikely to be realistic, since likely expenditure needs were unforeseeable. The Committee felt that many provisions were unlikely to be fully utilized unless the Court quickly commenced extensive investigative and judicial activity. Given the high level of contingency built into the major programmes for the three arms of the Court, the Committee recommended that a few specific reductions be made where it felt that estimates were excessive. However, the Committee did not recommend major reductions because it concluded that the programme budget was reasonable in the circumstances and because it wished to ensure that the Court had sufficient resources to cover a range of realistic eventualities in 2004.

14. At the same time, the Committee was concerned about the possibility of overbudgeting. The Committee strongly believed that, in general, the level of resources available to the Court should be sufficient for it to fulfil its role while requiring all activities to be managed efficiently and cost-effectively. If a high degree of contingency were to be built into the budget on an ongoing basis, then efficient and cost-effective management could be undermined. In the event that the assumptions on which the budget is based are not realized in 2004, or if the Court does not commence investigations, then the Committee expected that the programme budget should be significantly underspent. The Committee expected that future programme budgets would be increasingly accurate, as activities and expenditures became real rather than theoretical. Recognizing the likelihood that the Court's resource needs would always depend heavily on the nature of the particular situations with which it is dealing, the Committee recommended that the Court consider options for presenting resources in connection with each major situation. A capacity for the Court to seek additional resources arising from unexpected developments, or the commencement of a new situation, may also be needed.

15. The Committee welcomed the close cooperation achieved so far among the President, the Prosecutor and the Registrar. Recognizing the potential for lack of cooperation among the three arms of the Court to cause serious inefficiencies and ineffectiveness, the Committee strongly encouraged the President, Prosecutor and Registrar to continue, and where possible improve, their cooperation on management and budgetary issues.

16. The Committee noted with appreciation the ongoing positive discussions between the Court and the host country regarding the interim premises requirements (construction of an interim multifunctional pre-trial courtroom; construction of an additional courtroom and adjacent facilities; creating supplementary storage space for supplies; security measures; building an additional vault in the offices assigned

to the Office of the Prosecutor) as well as the permanent premises of the Court, and expressed the hope that all projects would be executed in a timely manner with a view to enabling the Court to carry out its activities effectively.

17. The breakdown of expenditures for the major programmes showing reductions in accordance with the recommendations of the present report is set out in the annex.

2. Results-based budgeting and budget presentation

18. The Committee commended the efforts of the Court to present the programme budget for 2004 in a results-based format, while recognizing the difficulty of fully and effectively implementing results-based budgeting in a new and rapidly growing organization. The Committee concluded, however, that the results framework, in most cases, did not yet constitute an adequate basis for reporting. In particular, concerns were expressed about the low level of many performance indicators, the excessive number of performance indicators in some subprogrammes and the form of objectives in some instances.

19. The Committee recommended that the Court develop further the results framework in the programme budget for 2005. It emphasized that this was essential for ensuring both effective management of the Court and effective oversight by the Committee and the Assembly. In particular, the Committee wanted to see a clear link between each objective, its expected results, its performance indicators and required resources; it also wanted to see a smaller number of performance indicators, and to see performance indicators that were measurable. The Committee also recommended that the results framework should provide the basis of self-evaluation within the Court and reporting on performance to the Committee.

20. The Committee also recommended that the Court develop the performance assessment system for all its staff and that the fulfilment of specific objectives be integrated with the results framework of the relevant section of the Court.

21. The Committee recommended that the Assembly should receive, at its September 2003 meeting, an annex to the programme budget document that would compare staff and non-staff estimates in 2003 and 2004, in accordance with rule 103.2, paragraph 3.3, of the Financial Regulations and Rules. It also recommended that year-on-year comparisons be included in future proposed programme budgets.

3. Monitoring

22. The Committee concluded that effective oversight of the Court's activities would require periodic reporting to the Committee, and that an annual report would not be sufficient, especially during the next few years when the Court will be evolving rapidly. Accordingly, the Committee recommended that the Court provide quarterly reports to the Committee, which should cover, inter alia, expenditure, significant progress in each major programme and contributions.

4. Recruitment/staffing

23. The Committee received details from the Court on its implementation of ICC-ASP/1/Res.10, by which the Assembly specified that the highest standards of efficiency, competency and integrity should serve as the basis for the employment of staff, while taking into account the need for the representation of the principal legal systems of the world, equitable geographic representation and a fair representation

of men and women. The Committee was informed that as at 1 August 2003 the Court employed 34 Professional staff, who were nationals of 21 States parties and 1 non-State party, and that no more than 3 such staff were nationals of a single State party. At the same date, there were 11 women and 23 men among the Professional staff, and 33 women and 31 men among the General Service staff.

24. The Committee commended the Court for its adoption of fixed-term contracts for all staff. It also commended the Court's decision to use flexible staffing arrangements, including general temporary assistance, to meet the fluctuating demands that the Court was likely to face.

25. The Committee noted that the Court had already shown its willingness to redeploy staff as its structure and needs evolved. In that context, the Committee noted that there were likely to be instances in which the Court would wish to reclassify posts. The Committee recommended that the Court be permitted to reclassify posts within the Professional grades and within the General Service grades, in such a way that the overall number of posts in each grade remained the same. The Court should subsequently report such changes to the Committee. The Committee concluded that this mechanism would provide the Court with greater flexibility in its staffing arrangements while ensuring cost neutrality.

26. The Committee also recommended that the Court consider the use of banded grades where appropriate.

27. The Committee noted with concern the sizeable provisions for overtime in several subprogrammes. While the Committee considered that the Court would incur unavoidable overtime requirements in peak periods, it recommended that the Court institute staffing practices to ensure that all staff keep as far as possible to their regular working hours. Staff should not, as a normal practice, accrue overtime. Accordingly, the Committee recommended that overtime provisions throughout the programme budget be reduced by 50 per cent.

5. Internal controls

28. The Committee felt strongly about the necessity of effective, internal controls within the Court. It considered the functions of the external auditor and the Office of Internal Audit to be of prime importance, and it expressed appreciation for the fact that the two would work hand in hand. The Committee recommended that, in order to enhance the weight and independence of the internal auditor, the post should be created at the D-1 level. Given the volume of oversight work that the internal auditor is supposed to perform, the Committee also recommended that an auditor post be added at the P-3 level.

29. The Committee recommended that the internal auditor should be able to decide his or her annual work programme independently, including any issues raised by the Committee, and that the internal auditor should submit an annual report about the activities of the office to the Assembly, through the Committee.

6. Procurement

30. Regarding procurement, the Committee drew the attention of the Court to rule 110.18 of the Financial Regulations and Rules of the Court.

B. Recommendations relating to major programmes

1. The Judiciary — the Presidency and Chambers

Introduction of major programme 1: The Judiciary — the Presidency and Chambers

31. At its 3rd meeting, on 5 August 2003, the Committee reviewed major programme 1: The Judiciary — the Presidency and Chambers. In introducing major programme 1, the Registrar of the Court and the Deputy Director of Common Services of the Court pointed out that major programme 1 was based on the assumption that the Court would be faced in 2004 with two situations — one situation under investigation and one under analysis. Each situation might necessitate the initiation of three cases, followed by three trials, with two to three defendants sitting per trial. They explained the requirements for the Court to be operational prior to investigations as well as the requirements to be met for effective investigations, which should include the analytical capacity within the Office of the Prosecutor, a fully functioning Pre-Trial Chamber and Appeals Chamber (and possibly a Trial Chamber), defence capacity, capacity to deal with victims and witnesses, court management capacity, translation capacity, capacity to establish field offices, and administrative and operational support capacity. The breakdowns of financial and staff requirements of the two main components of the Judiciary, namely, the Presidency and the Chambers, were also explained.

Recommendations of the Committee

32. With regard to programme 1200, “Chambers”, the Committee was informed that the President would call judges to The Hague during 2004 as required by the Court’s workload and in accordance with article 35 (3) of the Rome Statute. Accordingly, the Committee recommended that the allocation for salaries of judges be reduced by 20 per cent, which is considered a better estimate of likely expenses in 2004. Given that the 15 P-2 legal assistants will be employed no sooner than the arrival of the judges, the Committee recommended that the relevant allocation also be reduced by 20 per cent. This would reduce the allocation of salaries for judges from €2,986,590 to €2,389,276, and for the staff costs for Professionals within the programme from €735,881 to €588,704.

33. The Committee noted that the general temporary assistance allocation for additional legal support staff was unlikely to be fully utilized and accordingly recommended that it be reduced by 50 per cent.

2. Office of the Prosecutor

Introduction of major programme 2: Office of the Prosecutor

34. At its 4th meeting, on 5 August 2003, the Committee heard the introduction by the representative of the Office of the Prosecutor regarding the general functions of the Office. The flexible structure of the 2004 programme budget of the Office of the Prosecutor was highlighted, in particular the use of core permanent staff at the senior level and teams of variable sizes to deal with specific situations. The assumptions on which the 2004 programme budget was based were the following: one investigation under article 53 of the Rome Statute regarding one situation,

covering three case investigations with up to five suspects per case; and two parallel analyses of information (preliminary examinations under article 15). The role and functions of the Office of the Prosecutor under the Rome Statute were also described (article 15, defining the legal authority of the Office of the Prosecutor; article 17, illustrating complementarity between national judicial systems and the Office of the Prosecutor; and article 53, establishing the legal basis for investigations and prosecutions). It was emphasized that, under article 53, the Office of the Prosecutor was required to conduct investigations even if there was a lack of funding and that many decisions of the Prosecutor made under article 53 may be reviewed by a Pre-Trial Chamber.

35. The breakdowns of proposed staff placement by section, together with general principles regarding recruitment and staffing of the Office of the Prosecutor, were also explained. The latter principles were to be understood to mean that no recruitment would start unless there was sufficient workload for new staff, and that recruitment would follow the pace of integration. In addition, the Office of the Prosecutor's team-building strategies were outlined. Proposed general temporary assistance expenditures and details of non-staff costs, including equipment and travel costs, were also explained. It was further noted that the travel regulations of the Office of the Prosecutor would differ from the United Nations regulations, in that only economy-class travel would be provided for staff.

Recommendations of the Committee

36. With regard to subprogramme 2210, "Deputy Prosecutor (Investigations)", the Committee considered that the external relations posts were more numerous than was likely to be required, and recommended that the post of the Associate Analyst (P-2), referred to in paragraph 78 of the programme budget, and of the External Relations Adviser (P-3), referred to in paragraph 82, not be approved.

37. With regard to subprogramme 2230, "Investigation Section", the Committee noted that the third proposed investigation team was budgeted to commence in November 2004. Given the uncertainty as to the need for a third team in 2004, the Committee considered that the creation of the third team should be deferred until 2005. Accordingly, the Committee recommended that resources for the third team not be approved. This would reduce the staff costs for the subprogramme from €1,478,600 to €1,406,670.

3. Registry

Introduction of major programme 3: Registry

38. At its 5th meeting, on 6 August 2003, the Committee heard the presentation of the Registrar of the Court on the proposed programme budget for 2004 for major programme 3, regarding the Registry. The Registrar drew the Committee's attention to the functions of the Registry as provided for under the Rome Statute and the Rules of Procedure and Evidence, adopted in 2001, namely, providing administrative support for the Court (articles 43 and 44 of the Rome Statute); serving as a channel of communication for the Court (rule 13 (1) of the Rules of Procedure and Evidence); providing internal security for the Court (rule 13 (2) of the Rules of Procedure and Evidence); setting up and servicing a Victims and Witnesses Unit (article 43); assisting with the preparation of a Code of Professional

Conduct and providing administrative support for defence attorneys (rules 8, 14, 20, 21 and 22 of the Rules of Procedure and Evidence); and maintaining records of Court proceedings (rules 15, 131, 137, 138 and 151 of the Rules of Procedure and Evidence). The Registrar also described the proposed structure of the Registry.

39. The Registrar outlined the total costs per item of expenditure for the Registry and itemized the staff costs and other expenditures per section.² A comparison of non-staff costs for the period 2002-2003 and for 2004 was also provided. In addition, the Registrar indicated the proposed staff allocation and non-staff costs per section in each of the three “platforms” of the Registry: the Common Administrative Services Platform (encompassing internal audit, legal advisory, budget, finance, procurement, general services, human resources, information technology and communication, security and public information and documentation); the Common Judicial Services Platform (including court management, interpretation and translation and detention); and the Quasi Judicial Functions Platform (covering witnesses, victims’ reparation, victims’ participation, and defence). In so doing, the Registrar emphasized and itemized the proposed major investment expenditures in information technology and communication, security, public information and documentation, and administrative services. He also noted the complexities and costs associated with operating in many languages and providing assistance to witnesses and victims, as required by the Rome Statute.

Recommendations of the Committee

40. The Committee noted that the considerable number of posts requested might not be required beyond the initial peak of legal work associated with procurement and other legal agreements. Accordingly, the Committee recommended that the Court re-justify these posts in the budget for 2005 with information as to the actual and expected workload.

41. With regard to the Immediate Office of the Registrar (subprogramme 3210), the Committee recommended that the P-2 post referred to in paragraph 203 not be approved, taking into account the tasks of the Legal Advisory Section. The Committee further recommended that the travel expenses in this subprogramme be reduced by 20 per cent.

42. Regarding subprogramme 3220, “Administrative Services Section”, the Committee expressed concern about the high proportion of staff proposed for the general administrative services platform. While this was partly a consequence of the need to establish a support apparatus in advance of operational activities, the Committee remained concerned that 167 of the proposed 395 posts were devoted to finance, human resources, information technology, security and public information. The Committee was of the view that a ratio of one Administrative Services Section post for each seven posts in the Court was not justified, especially given the Court’s commendable efforts to put in place efficient information technology processing systems. Accordingly, the Committee recommended that 10 General Service posts not be approved, and that the Registrar should decide how to spread this reduction.

43. The Committee expressed concern over the notion that States parties should subsidize the cafeteria for Court staff, and recommended that the subsidy of

² The Registrar further drew the Committee’s attention to an error contained in the itemization relating to the travel expenditures for the Security and Safety Section, and provided a corrected version.

€11,880 not be approved. Although the Committee recognized the benefit to staff and other Court users of providing an automated teller machine (ATM), it was concerned about the level of the leasing cost. The Committee urged the Court to explore methods by which the ATM could be obtained at no or reduced cost, including sharing any cost with other occupiers of the Arc building.

44. The Committee was informed that unit prices for many hardware supplies and equipment items had been calculated at list prices, and did not take account of the Court's bulk bargaining power. Accordingly, the Committee recommended that the items in paragraphs 122, 140, 226 and 259 be reduced by 10 per cent, with the exception of overtime, general temporary assistance and travel. The Committee noted the Court's intention to purchase the vehicles outright. The Committee was of the view that the Court should also consider leasing vehicles and pursue whichever method of securing vehicles was most consistent with rule 110.12 of the Financial Regulations and Rules.

45. With respect to subprogramme 3230, "Human Resources Section", the Committee again noted the high number of staff required. The Committee was informed that the current post numbers were sufficient only for recruitment, and that it had been necessary to defer policy development. While the Committee recognized that the recruitment workload would be high in 2003 and 2004, it expected that the load would then begin to fall. Thus, the Committee had reservations about approving 18 human resources posts (a ratio of 1 human resources post for each 22 posts in the Court), plus substantial general temporary assistance. Accordingly, the Committee recommended that the Assembly not approve three of the proposed new General Service posts, and that the Registrar should decide how to spread this reduction.

46. Regarding subprogramme 3250, "Security and Safety Section", the Committee observed that possible requirements for field security were highly uncertain. The Committee expressed concern that field security could quickly become very expensive, given the likelihood that investigations would take place in a conflict situation or shortly after hostilities. The Committee urged the Court to explore possibilities to share common security arrangements with other international and regional organizations. The Committee recommended that the Court consider the possibility of States parties contributing security capabilities in support of field investigations.

47. The Committee welcomed the Court's proposal contained in subprogramme 3260, "Public Information and Documentation", to build a media centre and its efforts to strengthen the web site by expanding content in all official languages. However, the Committee expressed concern that some aspects of the proposed public information programme were excessive. It cautioned against pursuing activities that could not be effectively evaluated and stressed the need for activities to be tightly focused and for resources to be devoted to activities with the greatest impact. Accordingly, the Committee recommended that the Court's proposed communications products (pamphlets, posters, audio and visual materials) be reassessed and reduced. The Committee also recommended that the contractual services referred to in paragraph 268 be reduced by 20 per cent. The Committee did not agree that 13 posts would be required in 2004, especially given the additional posts for media work in the Office of the Prosecutor. It recommended that the Assembly not approve the creation of two of the proposed General Service (Other

level) posts. It further recommended that the P-3 post proposed for redeployment to the Section be abolished, and that the Registry utilize one of the other six Professionals as the spokesperson for the Presidency. Given the number of General Service posts in the Section, the Committee did not agree that general temporary assistance for an additional two years of General Service support (€64,584) was justified, and it recommended that this not be approved. Finally, the Committee did not agree that 12 trips abroad to promote the Court were required, and recommended that the travel allocation of €36,372 be reduced by 50 per cent.

48. In subprogramme 3270, “Judicial Administration Section”, the Committee noted that translation costs were estimated to be substantial. In this context, the Committee recommended that the Court introduce productivity standards for translation, taking into account benchmarks used by international organizations and other relevant bodies.

49. With respect to subprogramme 3280, “Witnesses Protection and Victims Participation Section”, the Committee was advised of the Court’s unprecedented responsibilities under the Rome Statute to assist victims to participate in proceedings and for reparations to victims. The Committee emphasized the need for the Court to proceed carefully and in consultation with the Assembly, given the potential for these areas to become costly. The Committee recommended that the Court provide a separate report to the Assembly, through the Committee, on its plans for participation of and reparations to victims. The report should clearly delineate resources dedicated to such reparations work, and the administrative costs of assistance to the Victims Trust Fund. The Committee also felt that the organizational structure of this subprogramme was not clear and recommended that the Court provide clarification regarding its structure in the next programme budget.

50. The Committee observed that the estimates for the Section were higher than was likely to be required. For instance, it did not agree that it was likely that 30 witnesses would need to go to The Hague in 2004. Accordingly, the Committee recommended that the provisions for the direct expenses of witnesses be reduced by 30 per cent. Further, the Committee recommended that the sizeable allocations for general temporary assistance (€73,584 at the P-2 level and €86,112 at the General Service level) be reduced by 50 per cent.

51. With respect to the Victims and Witnesses Unit, the Committee recommended that financial assistance for private lawyers for victims (€270,600), and the allocations for general temporary assistance (€7,273 at the P-3 level and €86,112 at the General Service level) be reduced at this stage by 50 per cent.

52. The Committee furthermore welcomed the Court’s proposed model for defence costs referred to in paragraph 181. However, given the importance of the subject and the potential for high costs to be incurred, the Committee recommended that the Court provide a separate report to the Assembly, through the Committee, presenting possible options for ensuring adequate defence counsel for accused persons.

53. The Committee noted the significant information technology programme and welcomed the investment in technology to improve the Court’s efficiency. Once the information technology programme is implemented, the Committee will expect to see the benefits reflected in future programme budgets, through a reduction in General Service posts.

4. Permanent secretariat of the Assembly of States Parties

Introduction of major programme 4: secretariat of the Assembly of States Parties

54. At its 6th meeting, the Committee heard a presentation on the budget for major programme 4, relating to the permanent secretariat of the Assembly of States Parties. It was recalled that the Assembly of States Parties was still to consider, at its second session in September 2003, the question of the establishment of such a permanent secretariat to replace the United Nations Secretariat. Hence, the 2004 proposed programme budget would be conditional on the Assembly's deciding to establish such a permanent secretariat. In his presentation, the Registrar outlined the proposed structure and functions of the permanent secretariat. In particular, the Registrar emphasized that, constitutionally, it would remain independent of the Court, therefore requiring a separate infrastructure. However, the Registry would render assistance to the secretariat where possible. He also drew the Committee's attention to the proposed staff allocation and non-staff expenditures for the Secretariat. In addition, the Secretary of the Committee made a statement on the functions and scope of the proposed secretariat.

55. In its consideration of the proposed budget for the permanent secretariat, the Committee considered, inter alia, the grade of the head of the secretariat (D-1 versus P-5); the level of general temporary assistance spending; the possible sharing of resources between the Court and the secretariat; the lack of provision for security expenditures; the secretariat's contingency reserve fund; and the appropriate level of staffing for the Secretariat. The difficulty of considering the programme budget for an entity that the Assembly had not yet decided to establish was also noted.

Recommendations of the Committee

56. Should the Assembly of States Parties decide to establish a separate secretariat, the Committee believed that the four requested Professional posts would not all be required. Accordingly, the Committee recommended that the Assembly not approve the proposed P-5 post, with the understanding that the size of the core staff of the secretariat would be reviewed in the next programme budget in the light of the experience gained in 2004.

57. The Committee did not regard the proposed contingency reserve fund as an appropriate means of providing resources for the secretariat. Accordingly, the Committee recommended that the reserve fund not be approved.

III. Status of contributions and expenditure

58. At its 7th meeting, held on 7 August 2003, the Committee heard the presentation of the Registrar regarding the status of contributions from States parties. The Registrar recalled the applicable parts of the Financial Regulations and Rules governing the provision of funds to the Court by the States parties (financial regulations 5.2, 5.4 and 5.6) and the distribution of contributions into a General Fund and a Working Capital Fund (financial regulations 6.1 and 6.2). The Registrar also outlined the status of contributions for the first financial period, noting that 39 States parties to the Rome Statute had paid their contributions in full, 11 had made partial payments and 39 had not yet made any contribution to the budget of the Court. It was pointed out that the contributions received thus far made up 85 per

cent of the budget for the first financial period. Concern was expressed that delays in the receipt of contributions from States parties could affect the functioning of the Court in the future.

59. In addition, the Committee was informed about the performance of the Court with respect to the implementation of the budget for the first financial period. It was noted that, as at 31 July 2003, the overall expenditures of the Court constituted 27 per cent of that budget. A breakdown of the expenditures by programme was also presented to the Committee. It was explained that the delayed commencement of full-time work by the judges, the Prosecutor and related staff reduced the level of expenditures. Another factor mentioned was the complexity of procurement and contractual processes that the Common Services Division had to initiate. The Committee also heard a short presentation regarding the Court's proposed information technology infrastructure.

60. The Registrar further forwarded to the Committee the initial report by the External Auditor, National Audit Office of the United Kingdom of Great Britain and Northern Ireland, relating to the implementation of the budget for the first financial period of the Court. The Committee was also informed of the substance of the Court's comments and observations on the initial report.

IV. Modalities for funding the participation of members of the Committee on Budget and Finance in its meetings

61. At its 7th meeting, held on 7 August, the Committee discussed the modalities for funding the participation of members in its meetings.

62. In response to financial difficulties experienced by some members in attending the Committee's meetings and in the informal visit to The Hague made by some members, and the likely need for an additional session in 2004, the Committee considered the issue of payment of members' expenses from the programme budget. While the Committee recognized that the Assembly had decided when establishing the Committee that expenses of members should be defrayed by their respective Governments, the Committee was concerned that this arrangement would not allow equal participation by all Committee members or all States parties in the nomination of qualified candidates. The Committee believed that payment of expenses from the programme budget would ensure that all members were able to participate on an equal basis, consistent with other expert budgetary and financial bodies.

63. Accordingly, the Committee recommended that the Assembly decide that the travel, accommodation and subsistence expenses of Committee members should be met from the programme budget in the future. The Committee emphasized the need for the costs of such a decision to be minimized. Should the Assembly agree to this proposal, then an additional appropriation of €30,336 would be required for travel, accommodation and subsistence expenses of Committee members, and €17,500 would be required for conference and non-conference services (a total of €47,836) under major programme 4, "Secretariat of the Assembly of States Parties", for an additional session, as referred to in paragraph 63 below.

V. Other matters

Future meetings

64. Given the speculative nature of important aspects of the Court's proposed programme budget, and that the Court's activities are evolving quickly, the Committee felt, at this stage, that a single annual session would not be sufficient for it to exercise an appropriate level of oversight. The Registrar also expressed his preference for the Committee to be available more regularly, so that the Court could draw on the advice of the Assembly, through the Committee. Thus, the Committee recommended that it hold, on a trial basis, an additional session in the spring of 2004, of no more than three days, at which it would consider the Court's performance and look in greater depth at important issues. It would not be possible for the Committee to hold this additional session if the Assembly were not to agree to its recommendation on the expenses of members, since many members would be unable to attend.

Annex

Breakdown of expenditure for major programmes showing reductions in accordance with the recommendations of the Committee on Budget and Finance

(Euros)

<i>Programme</i>	<i>Total</i>	<i>Staff costs</i>	<i>Non-staff costs</i>	<i>Reduction</i>
The Judiciary — the Presidency and Chambers	5 183 659	4 242 509	941 150	850 841
Office of the Prosecutor	14 041 441	6 855 811	7 185 630	252 959
Registry	30 370 210	10 797 915	19 572 295	1 511 990
Assembly of States Parties secretariat	2 724 531	424 990	2 299 541	153 555

B. Related documents

1. Programme of work and initial report of the External Auditor

Summary

The present paper is submitted to inform the Assembly of States Parties on the scope and approach of the External Auditor's work for 2003; and to invite the Assembly's comments.

The paper covers:

- The context, scope and approach of the financial audit
- Initial observations on financial issues
- Initial observations on management and governance
- Reporting arrangements

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Introduction and executive summary

Introduction

1. This paper is presented to provide the Assembly of States Parties with an overview of the External Auditor's planning and initial work on the audit of the International Criminal Court's financial statements and activities covering the financial period September 2002 to 31 December 2003. This report sets out our audit strategy and approach, and provides States Parties with an indication of the Court's progress in establishing key systems.
2. Our observations are based on an introductory visit to the Court where we met key officials and began the process of familiarization with the Court's structure and business systems. As such these observations precede our detailed planning, being finalized in September 2003, and further substantive audit work which will take place during autumn 2003. Following this, we will complete the audit of the Court's financial statements in spring 2004.
3. This report provides an executive summary of findings; information on the background, context and scope of the audit; our initial observations on financial, management and governance issues; and an outline of the audit reporting arrangements.

Executive summary

4. **We are pleased to report that our initial discussions and observations did not reveal any significant or immediate risks. We were encouraged by the Court's progress in developing its arrangements and the priority that appears to be given by management to efficient and effective procedures. We were also encouraged by the way in which the Court is seeking to develop flexible arrangements, allowing it to tailor costs according to its level of activity and to avoid unnecessary institutional costs.**
5. As with any new entity there are some issues which will need to be addressed by management to ensure the establishment of a robust internal control environment. We have made a number of initial observations to management on financial issues; and on management and governance.
6. **In relation to financial issues**, we have identified a number of areas which the Court may wish to consider further. In particular, the Court should seek to ensure that adequate systems are established to secure the collection of outstanding contributions, where we noted that in late June, some 8 million euros of assessed contributions for the first financial period remained uncollected. Management further need to ensure the completeness and accuracy of the main accounting system, which currently is being populated with financial transactions made prior to the system's implementation. While these aspects do not pose significant risks while satisfactory progress is achieved, they could give rise to problems if not fully addressed by the end of the financial period. Notwithstanding these observations, we are satisfied that on current evidence the Court is adequately managing these potential risks and we will continue to monitor progress.

7. We have made further observations to management on:
 - The Victims Trust Fund, where we have suggested that the Court should clarify the status, reporting and audit arrangements of the Fund.
 - Payroll, where we have commented on potential risks in the use of manual payroll procedures; and on the extent to which the adoption of interim arrangements on the United Nations model (for example in relation to allowances) might reduce the scope for adopting alternative policies in the future.
 - The investment of surplus funds, where the Court may wish to establish appropriate policies for the investment of cash resources.
 - The format of the financial statements, where the Court still needs to decide on an agreed set of accounting policies and the form of financial reporting it requires.
8. **In relation to management and governance issues**, our initial audit review considered the Court's progress in developing sound governance arrangements. We noted the positive development of introducing the Committee on Budget and Finance, which will have a scrutiny role to fulfil on behalf of States Parties. Such developments are a positive contribution to the establishment of good governance arrangements. We noted from our review that individual managers have a positive attitude to controlling risk but that this might be developed further by ensuring that States Parties are fully informed of all business risks and the way in which management are controlling and minimizing the risks identified. This type of reporting is now at the forefront of good practice in corporate governance and is a positive development which can reduce and help manage the impact of risks.
9. We note the present absence of an internal audit or oversight function and have suggested that outsourcing this key function might offer the Court best value for money, and be more flexible and economical than direct employment of an auditor to the staff. Our audit will routinely monitor the progress of the emerging arrangements and we will review their effectiveness on an annual basis.
10. We have also provided observations to management in relation to Human Resources and Information Technology, where initial developments have been positive. We have, for example, suggested that it is important to the Court's operations and reputation that adequate employee reference checks should be made prior to appointment; and that all staff clearly evidence their receipt and acceptance of relevant Codes of Conduct.
11. **In summary**, the Court has made a very positive start to establishing its operational and management infrastructure; and management are clearly keen to learn from the experience of other organizations during their start-up phases. We will, of course, continue to monitor these developments; and our more detailed audit testing and review work may raise other issues for the Court to consider. Our intention is to provide the Assembly of States Parties with the independent audit assurance required under the Financial Regulations; and to support the Court's development and progress through constructive and cost-effective recommendations.

Background to the audit

Context

12. The Comptroller and Auditor General of the United Kingdom is the independent External Auditor of the International Criminal Court, appointed by the Assembly of States Parties under financial regulation 12.1. He is required to examine, certify and report on each of the statements comprising the financial accounts of the Court, in accordance with generally accepted common auditing standards, namely those established by the Auditing Standards Committee of the International Organization of Supreme Audit Institutions. Under the provisions of the Annex to the Financial Regulations, Additional Terms of Reference Governing External Audit (paragraphs 6c and 7, as appended to this paper), the External Auditor may also report on matters relating to wasteful or improper use of the Court's financial or other assets.

Scope

13. Under the terms of engagement agreed by the Assembly, we will be responsible for delivering a report on the Court's financial statements. In addition to this we will provide an annual management letter, summarizing the key issues arising from our annual audit. As specified in Regulation 12.5 we are also committed to providing reports on specific matters requested by the Assembly. We will also provide an interim report to management based on the findings from our interim audit visit to be conducted in the autumn.
14. Our audit will take account of the particular nature and circumstances of the Court as a developing organization and we will address all aspects of its activities, operations and the development of systems. Our audit will include a comprehensive review of the financial systems, which will provide comments recommendations to add value to the development of the Court's processes and systems.

Audit approach

15. The primary objective of our financial audit is to provide the Assembly, the main users of the financial statements, with assurance that the accounts and underlying financial transactions are free from material error and comply with the Court's Financial Regulations. Our audit opinion will also confirm whether expenditure and income has been applied to the purposes intended; and whether the transactions conform to the authorities which govern them.
16. We apply the highest professional auditing standards and our approach adopts a clear focus on risks and controls, producing an audit designed to:
 - Add value for our clients.
 - Provide opportunities for improving efficiency and generating savings for the client organization.
17. Our audit approach is based on obtaining a thorough understanding of the operations and activities of the Court in order to identify the key risk areas. Significant or material risks may affect the ability of the Court to achieve its business objectives and may influence the reliability and accuracy of the

financial statements. Our audit approach therefore focuses on the concepts of materiality and risk, and on the needs of the main users of the financial statements.

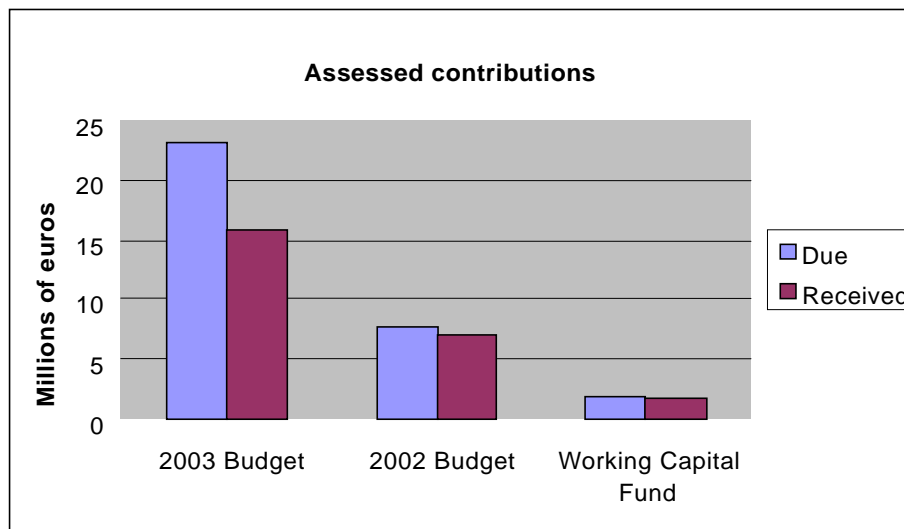
18. Materiality is a concept which recognizes that financial statements can rarely be absolutely correct. A matter is regarded as material if its inclusion, omission, misstatement or non-disclosure is likely to distort the overall view given by the financial statements. Our work therefore concentrates on all key areas of activity, and the External Auditor's report on the financial statements is confined to substantive issues. Less important matters will be dealt with in discussion and correspondence with the Registrar.
19. We carry out a thorough risk evaluation, which includes an assessment of the strengths and weaknesses of controls within the organization's financial systems. This enables us to determine the likelihood of the occurrence of material error, including fraud. The results of the assessment help to determine the level of audit evidence needed to support the audit opinion; to concentrate our efforts towards high-risk areas; and to maintain the cost-effectiveness of audit testing.
20. We will obtain direct audit evidence to support the audit opinion; and we attach importance to testing the regularity of expenditure, to ensure that the purposes for which the Assembly approved funding have been observed.
21. As part of our audit approach, we will liaise with any internal oversight services which the Court may establish in order to avoid duplication of effort. We will evaluate the work of the internal oversight services, once such systems have been introduced, and seek to place reliance on that work where appropriate.
22. Our audit procedures are designed to achieve a cost-effective audit to a high professional standard. We have well-established review procedures to ensure that appropriate audit work is undertaken efficiently and in accordance with auditing standards. The National Audit Office's standard procedures include a routine independent internal quality control process, carried out by experienced audit staff unconnected with the audit, which provides additional assurance that standards and efficiency are being maintained.
23. We will present our audit report to the Committee on Budget and Finance and, at the request of the Court, to the annual Assembly of States Parties.

Initial observations on financial issues

24. As the Court establishes its systems and procedures there will inevitably be areas which may present particular audit risks. Our audit approach and testing is designed to ensure that these potential risks are adequately addressed. Our initial visit identified a number of areas where we feel that the Court needs to consider the adequacy of its current arrangements. However, we are conscious of the significant progress made towards establishing processes and that, in many of the areas we identified, management was already active in addressing potential risks.

Assessed contributions

25. We reviewed the collection of assessed budget contributions for the first financial period and noted that some 8 million euros remained outstanding at the end of May 2003, representing a collection rate of only 75 per cent. The majority of outstanding contributions related to the current financial year. The potentially adverse financial position arising from this shortfall in collections was moderated by a number of approved posts which had not yet been filled and which gave rise to lower expenditure than might otherwise have been the case.



Source: ICC schedule of assessed contributions (as at May 2003).

26. The Court will need to be mindful of the gap between assessments and the current collection rate. Failure to address this shortfall in receipts could affect the Court's ability to bring its development phase to a satisfactory conclusion, as it may need to reduce its recruitment plans to ensure the retention of adequate funds for running costs. To encourage prompt payment of assessed contributions, the Court may wish to consider reporting formally and regularly to States Parties on the details of contributions assessed and collected.

Victims Trust Fund

27. In order to offer compensation to victims of war crimes and other injustices, under Resolution ICC-ASP/1/6 States Parties established a Victims Trust Fund, to be administered by a separate Board of Trustees. In our opinion these funds, though intended to be handled through the Court's financial systems, will not constitute the Court's own resources and potentially might require a separate audit opinion. Under the terms of our engagement, we were not appointed as auditors for these funds and the Assembly will need to consider how it wishes the transactions of the Fund to be reported.
28. The Victims Trust Fund does not yet have any significant reserves and as such there is some risk that achievement of the objectives set by the Court might be

at risk in the event of significant demands being made on the Fund. This could have potential to damage the reputation of the Court, although Court officials are clearly mindful of this and have been in discussion with a number of parties to research potential contributors.

General accounting systems

29. In common with most other newly established international organizations, the Court has carried out financial transactions prior to the establishment of a comprehensive accounting system. This can lead to significant problems in completely and accurately identifying expenditure and income for reporting purposes and to support an unqualified audit opinion. From our discussions with Court staff, we noted that the Court had established a process for inputting all such transactions to its new accounting system but that some backlog remained.
30. This situation prevented the Court from being able to produce statements of income and expenditure to report to States Parties, although finance staff considered that it will be possible to produce such statements from late summer 2003. A key aspect of our further audit examination will be to confirm that this work has been sufficient to provide the necessary information in support of the Court's financial statements as at 31 December 2003. The Court's approach to this issue appears sound and management have a clear understanding of the risks associated with failing to achieve an accurate and complete accounting system.
31. We will review the accounting system as part of our audit process and use computer techniques to interrogate the accuracy of the system and the transactions held within it. These processes will be useful in providing assurance that the new system is both adequate and effective. The use of computer techniques in support of our audit enables us to analyse greater amounts of information than would be possible using manual techniques; and helps us to facilitate efficient working arrangements and secure best value from the audit fee.
32. In order to reduce the costs associated with manual, cheque-based payments, the Court endeavours to make automated payments where possible. Our further audit work will review the controls established by management to prevent unauthorized access or payments through the system. We will also review other aspects of the Court's financial systems and procedures, such as accounts receivable and payable.

Payroll

33. The Court currently operates a manually based payroll system but may seek, as part of its Information Technology Strategy, a solution which would allow integration with the personnel, accounting and other business systems. By its nature, the existence of a manual payroll system can present an increased risk of error, and our audit will focus on the controls established to identify and prevent errors. Our testing will provide added assurance on the accuracy of payroll costs by ensuring these are accurately recorded in the accounting systems. Our standard audit procedures will focus on verifying the accuracy of information held on the manual system to provide assurance that payroll costs are incurred only in relation to staff employed by the Court. Our initial

discussions confirmed that checks are being made by management to ensure the accuracy of these payroll transactions.

34. The nature of the Court's work is likely to result in periods of fluctuating activity and the ability to apply flexible arrangements will help management to demonstrate that the high standards of efficiency expected by States Parties are being achieved. This has been demonstrated, for instance, by the structured way in which recruitment to posts has taken place on the basis of the Court's current needs. Where possible staff have been appointed on shorter term contracts; and temporary staff have been used to fill posts where future demand is less certain.
35. The Court is currently exploring arrangements to replace the complex United Nations system of allowances with its own lump sum arrangements. However, the Court has adopted United Nations-type arrangements as an interim measure to secure membership of the United Nations Pension Fund. Care needs to be taken to ensure that decisions made now on these arrangements do not prevent the Court from pursuing its goal of flexible and controllable cost structures. In the course of our work we will seek to identify opportunities where the Court can seek additional efficiencies.

Investment of surplus funds

36. The Court has not yet established a policy for managing income from surplus funds. The Court may therefore wish to consider establishing a policy on the investment of funds which are surplus to immediate operational requirements. The application of an appropriate policy would generate income from interest, even where security of funds rather than maximization of income were the underlying investment principle. This investment may be managed internally or through external investment brokers. It is important that States Parties — potentially through the Committee on Budget and Finance — establish clear parameters within which such funds can be invested. A policy should be predicated on the basis of ensuring that any risk is spread across a number of financial institutions whose financial health has been properly considered; and that adequate arrangements are maintained to ensure that the process is properly controlled. The returns made on these investments and the overall operation of the policy should be reported to and reviewed by States Parties.

Format and content of financial statements

37. The Financial Regulations specify that the Court's accounts should be compiled in accordance with generally accepted accounting principles. We consider such principles to be embodied in International Accounting Standards, as established by the International Accounting Standards Board. Adoption of International Accounting Standards would place the Court in the forefront of best practice and ensure maximum transparency in its financial affairs: qualities which are in keeping with the overall aims of the Court.
38. We have advised the Court that consideration should be given to establishing a clear set of accounting policies and the overall format of the financial statements as soon as possible. This should allow States Parties to provide valuable input on the nature and format of the statements they wish to be reported to them.

Initial observations on management and governance

39. In considering the Court's management arrangements, we have drawn on our understanding of its business and its key objectives, selecting areas for audit which are of significance to the efficient and effective operation of the organization and in the scale of resources devoted to them. Given that the Court is a new entity, we will carry out reviews as part of a flexible programme to cover key activities over the course of our appointment, focusing on key priorities and risks.
40. Initially our primary focus will be to review key financial systems and the Court's approach in areas such as information technology and human resources. Subsequently, other areas may be covered, such as procurement and systems to monitor the achievement of the Court's organizational objectives. We are happy to consider the views of the Assembly of States Parties on areas of interest to the Assembly; and, in addition to our basic audit, to consider any additional work which the Assembly may wish to commission in relation to specific areas of concern, under the arrangements provided for in the Financial Regulations (Regulation 12.5).

Corporate governance

41. We propose to review the Court's present governance framework, examining the arrangements for securing accountability; and for addressing and managing organizational and operational risk. As a matter of course, we will review the internal control environment and assess how the organization compares with current good practice arrangements for international and United Nations organizations. The review will look at financial monitoring and accountability, including reporting to donors; and will examine the level of assurance provided to donors on the regularity of the funds utilized on their behalf.
42. The adequacy of governance arrangements is an important and topical issue in most organizations and provides a vital contribution to an organization's overall control environment. The importance of these arrangements has been highlighted by corporate failures and stakeholder interest in management practices in both the private and public sectors. Robust governance arrangements are central to sound financial stewardship and the management of reputational risk; and thus are crucial to maintaining the positive profile of the Court, as well as increasing the efficiency and effectiveness of its use of resources.
43. The Court's creation of a Committee on Budget and Finance is a positive development in managing and controlling these risks. The effectiveness of the Committee will be further enhanced when the full introduction of the accounting system and financial reporting will allow it to regularly review the financial performance of the Court. Such regular scrutiny will enable States Parties to review the way in which resources are being utilized and managed against the objectives established by the Assembly. This review function will increase the accountability of officers to the governing body and strengthen the link between management and the Assembly.
44. The Court may wish to consider developing its governance arrangements still further by establishing mechanisms to review business risks. The latest

developments in public sector organizations have focused on the identification, reporting and management of business risk. These assessments have been used to inform governing bodies of the potential risks faced by the organization and how management has either mitigated these risks or designed contingency plans to reduce their impact. Such analysis would enable States Parties to gain assurance that potential risks, which could give rise to political or financial embarrassment, are being appropriately managed and controlled. Our discussions with the Court's staff indicated that individual managers have a clear understanding of risks and are managing these in their areas; however, a more corporate approach to identifying and managing risk would enhance the existing arrangements.

Internal audit

45. A key component of internal control and governance is the existence of an appropriate and adequate internal audit function. We noted that no appointment had yet been made to the post of internal auditor. We discussed with management the options which the Court could consider to address this vacancy, in particular that benefit and greater value for money might be available from obtaining the internal audit service from an external provider. This would allow the Court to obtain access to a greater range of skills and experience than might be secured through an in-house provision; and also reduce the risk of reliance on a single employed individual. The establishment of an adequate internal audit function should be viewed as a priority. A prompt appointment would also enable the Court to benefit from internal audit review of new and developing systems, allowing a greater degree of input in the formulation of systems and processes than is possible from the independent external audit process.

Human resources

46. The Court has embarked on an ambitious programme to recruit staff to provide the skills and qualities to enable it to achieve its goals. Good progress has been made but a number of posts remain unfilled. Human resources managers are clearly conscious of the need to continue the recruitment process for key posts within a suitably controlled framework. A key objective which the Court has established is to introduce a comprehensive Human Resources Strategy, a process which is important to ensure that staff skills and resources match the evolving circumstances of the Court's activities. The strategy will also help to establish and encourage the development and retention of the Court's most important resource, its employees.
47. In our initial review we did not identify any significant weaknesses with regard to the Court's processes in this area, but made two observations where potential improvements might enhance the existing arrangements. The Court may wish to review the prudence of appointing staff prior to the completion of full pre-employment checks, in particular the receipt of full references and security checks. While the attendant risks may not be seen as significant, we believe it would be preferable, in the current international climate and with the Court's profile, that all required checks and references are expedited as soon as possible and prior to appointment. The Court may also wish to ensure that appointed staff clearly evidence receipt and acceptance of the relevant Codes

of Conduct. This would ensure that employees are fully aware of and accountable for the high standards expected of them.

Information technology

48. The Court has maximized its IT resources and obtained significant support from the host country in the acquisition of IT equipment. It is also considering innovative solutions to fund future acquisitions, which demonstrates management's approach to maximizing the effective use of resources. In our initial discussions at the Court, IT managers demonstrated a clear awareness of the principles of good project management and we were encouraged by the initial steps taken in managing current IT projects and developments. We noted that the Court is considering the acquisition of an integrated business system. Such systems can increase the effectiveness of management processes and are being acquired by other international bodies. Care needs to be taken to ensure that such packages cover all key systems, since risks and costs can increase where packages have to be specifically tailored to enable subsequent integration of free standing systems.

External Auditor's report

49. Each year we will produce a report for consideration by the Committee on Budget and Finance and for presentation to the Assembly of States Parties. This report will accompany the financial statements and audit opinion, and comply with the Financial Regulations.
50. The published report of the External Auditor on the Court's financial statements will include significant matters arising from our financial and management report work, as provided for in the Financial Regulations. Where necessary we draw on the services of specialists within the National Audit Office to augment the skills of the audit team.
51. In accordance with the requirements of the Financial Regulations, the Registrar will be given the opportunity to comment on audit findings before transmission of our reports to the Committee on Budget and Finance. The procedure for clearing our reports is a well-established feature of our work in the United Kingdom and in the international environment. We operate a "no surprises" policy of fully discussing our audit findings with the organization, and seeking to agree the facts on which the conclusions and recommendations of the audit report are based. This facilitates governing body consideration of the issues raised in the External Auditor's report in the confident knowledge that they are based on sound, reliable and fairly presented facts. In addition, the process will give the Registrar and his staff the earliest possible opportunity to act on practical recommendations made by the External Auditor.
52. As provided by the Financial Regulations, we would be fully prepared to carry out additional specific examinations, and issue separate reports on the results, at the request of the Assembly.

Acknowledgement

53. We are grateful for the assistance and cooperation provided by the Registrar and his staff, and by the officials of the Court, in facilitating our preliminary familiarization and understanding of the Court's structure, activities and systems.

John Bourn
Comptroller and Auditor General
United Kingdom of Great Britain and Northern Ireland
External Auditor

Annex

Relevant extracts from the Financial Regulations and Rules relating to the role of the External Auditor

[Extracts omitted]*

* Previously issued in *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II, sect. D, regulation 12 and annex.

2. Comments of the International Criminal Court on the initial report of the External Auditor

1. These comments are submitted by the Registrar in consultation with other organs of the Court pursuant to financial regulation 12.8 of the Financial Regulations and Rules of the Court.
2. **The Court appreciates the detailed and helpful assessment of the Court's current situation prepared by the External Auditor, and the fact that this report was prepared on short notice. The Court commits itself to stay in a permanent dialogue with the External Auditor, to provide complete and up-to-date information whenever so requested, and to follow-up on the recommendations and suggestions made by the Auditor.**
3. At this stage, the Court merely wishes to note that the report raises some issues of a constitutional nature, which touch upon the delimitation of competences between the Assembly of States Parties and the Court, as follows:

Outstanding assessed contributions

4. The Court agrees with the observation of the External Auditor regarding the status of the assessed budget contributions for the first financial period and with his view that regular reporting to the Assembly of States Parties could be a useful controlling instrument. The Court notes, however, that it is not itself in the position to take measures regarding the collection of outstanding assessed contributions, and considers this mainly a matter for the Assembly of States Parties.

Victims Trust Fund

5. The Court also agrees with the observation of the External Auditor that the Victims Trust Fund will not constitute the Court's own resources and that its management requires consideration by the Assembly of States Parties, in accordance with article 79 of the Statute. In addition, in the view of the Court, the constitution of reserves of the Fund should also be considered by the Assembly of States Parties.

Investment of surplus funds

6. On the basis of the general policy on investment of surplus funds as laid out in rule 109.1 (b) of the Financial Rules and Regulations, the Court will establish appropriate guidelines for investments which will be subject to the auditing process. This will be done in close consultation with the Committee on Budget and Finance of the Assembly of States Parties.

(Signed) Bruno **Cathala**
Registrar

Part III
Conditions of service and compensation and staff regulations

A. Conditions of service and compensation of the judges of the International Criminal Court

1. At its 4th meeting, on 11 September 2003, the Assembly decided to align the various language versions of paragraph 11 of the document on the conditions of service and compensation of the judges of the International Criminal Court (previously issued in ICC-ASP/1/3, part III, annex VI), with the negotiated English text and to have the Conditions reissued:

Conditions of service and compensation of the judges of the International Criminal Court

I. Full-time judges

A. Salaries

1. The annual remuneration of full-time judges will be €180,000 net.

B. Special allowance for the President

2. A special allowance will be paid at the rate of 10 per cent of the President's annual remuneration. Based on the salary above of €180,000, the special allowance will be €18,000.

C. Special allowance for the First or Second Vice-President if acting as President

3. A special allowance of €100 per day will be paid, subject to a cap of €10,000 per year, to the First or Second Vice-President if acting as President.

D. Non-salary benefits/allowances

Educational assistance

4. When the judges take up residence in the host country, they will be entitled to assistance for the education of dependants, in accordance with terms and conditions similar to those applicable to the United Nations (see administrative issuances ST/AI/2002/1; ST/AI/1999/4; ST/IC/2002/5).

Pension

5. The judges are entitled to a pension benefit similar to that applicable to judges of the International Court of Justice. The following are the principal features:

(a) The pension scheme is non-contributory, i.e., pensions are a direct charge to the budget;

(b) A retirement pension equal to half the annual salary, at the time of retirement, is paid to a judge who has completed a full nine-year term;

(c) A proportional reduction is applied if the judge has not completed a nine-year term, provided the judge has served for at least three years, but no additional pension is paid if the judge has completed more than nine years of service;

(d) A surviving spouse receives 50 per cent of the late judge's pension. If he or she remarries, he or she will receive a final lump-sum benefit equal to twice the amount of the spouse's benefit;

(e) Pensions in payment are revised by the same percentage and at the same date as salary adjustments.

Health insurance

6. Judges will be responsible for their own health insurance.

Travel/relocation costs¹

7. When judges take up residence in the host country, they are entitled to:

(a) A trip from his or her declared home² to the seat of the Court, in connection with the transfer of his or her residence;

(b) An assignment grant to cover relocation expenses, in accordance with terms and conditions identical to those applicable to the United Nations (see ST/AI/2000/17);

(c) A round trip every second calendar year after the year of appointment from the seat of the Court to his or her declared home;

(d) A trip upon termination of appointment from the seat of the Court to his or her declared home, or to any other place, provided that the cost of the trip is not greater than the cost of the trip to his or her declared home, which was established at the time of appointment;

(e) Reimbursement by the Court for the travel expenses of the spouse and/or dependent children of the judge for trips undertaken in conjunction with the above where the spouse and/or dependent children reside with the judge at the seat of the Court.

8. All travel shall be by business-class travel between the declared home and the seat of the Court by the most direct route.

¹ The Rome Statute does not specifically address the issue of the residence of judges. Article 35 of the Rome Statute provides that full-time judges of the Court "shall be available to serve on that basis from the commencement of their terms of office". Moreover, article 40 provides that judges "required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature". The question of the residence of full-time judges and their availability to serve on that basis at the seat of the Court is a matter which the Rome Statute has entrusted to the judges. Article 52 sets out the manner in which the Regulations of the Court are to be elaborated and adopted. In considering the issue of the residence of full-time judges, the judges themselves will take a decision as to whether or not residence at the seat of the Court is required for full-time service, bearing in mind the permanent character of the Court.

² "Home" is defined as the residence declared by the judge at the time of appointment or as modified subsequently.

II. Non-full-time judges

A. Allowances

Annual allowance

9. An annual allowance, payable monthly, of 20,000 euros.

10. In addition to an annual allowance, a judge who declares, on an annual basis to the President of the Court, that his or her net income, including the annual allowance referred to in paragraph 9 above, is less than the equivalent of 60,000 euros per annum will receive an allowance, payable monthly, to supplement his or her declared net income up to 60,000 euros.

Special allowance when engaged on the business of the Court

11. A special allowance of 270 euros for each day that a judge is engaged on the business of the Court, as certified by the Presidency.

Subsistence allowance

12. A subsistence allowance, at the United Nations rate in euros, applicable to judges of the International Court of Justice, for each day that a judge attends meetings of the Court.

B. Benefits

Pension

13. The judges on non-full-time status are not entitled to a pension benefit. Once they are called to serve as a full-time judge, the pension benefit provisions of a full-time judge will be applicable.

Health insurance

14. Judges will be responsible for their own health insurance.

Travel costs

15. Travel to official meetings of the Court. All travel shall be by business-class travel between the declared home and the seat of the Court by the most direct route.

B. Staff regulations

2. At its 5th plenary meeting, on 12 September 2003, the Assembly of States Parties adopted by consensus resolution ICC-ASP/2/Res.2, approving the staff regulations for the International Criminal Court (for the text, see part IV of the present report).

Part IV
Resolutions adopted by the Assembly of States Parties

Resolution ICC-ASP/2/Res.1

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.1

Programme budget for 2004, Working Capital Fund for 2004, scale of assessments for the apportionment of expenses of the International Criminal Court and financing of appropriations for 2004

A. Programme budget for 2004

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the draft programme budget of the International Criminal Court for 2004¹ and the related conclusions and recommendations of the Committee on Budget and Finance contained in its report,²

1. *Approves* appropriations totalling 53,071,846 euros for the following purposes:

<i>Major programme</i>	<i>Euros</i>
Major programme 1 The Judiciary — the Presidency and Chambers	5 780 873
Major programme 2 Office of the Prosecutor	14 041 441
Major programme 3 Registry	30 650 360
Major programme 4 Secretariat of the Assembly of States Parties	2 599 172
Total expenditure	53 071 846

2. *Further approves* the following staffing tables for each of the above major programmes:

¹ ICC-ASP/2/2 (see also part II.A.5 of the present report).

² ICC-ASP/2/7 (see also part II.A.6 of the present report).

	<i>Presidency and Chambers</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat of the Assembly of States Parties</i>	<i>Total</i>
USG	-	1	-	-	1
ASG	-	2	1	-	3
D-2	-	-	-	-	-
D-1	-	1	2	1	4
P-5	1	10	9	0	20
P-4	-	22	21	2	45
P-3	1	17	39	-	57
P-2/P-1	18	35	23	-	76
Subtotal	20	88	95	3	206
GS (PL)	-	3	10	2	15
GS (OL)	11	31	111	1	154
Subtotal	11	34	121	3	169
Total	31	122	216	6	375

3. *Requests* the Court, in preparing its programme budget for 2005, to take into account the related comments and recommendations of the Committee on Budget and Finance, in particular those contained in paragraphs 14, 15, 16, 19, 20, 21, 46, 48, 49, 52 and 53 of the report of the Committee;³

4. *Further requests* the Court, in implementing the approved programme budget, to provide concise reports every six months to the Committee on Budget and Finance on the implementation of the programme budget;

5. *Authorizes* the Court, in implementing the approved programme budget for 2004, to reclassify posts within the Professional grades and within the General Service grades provided that, for each programme, the overall number of posts in each grade, as set out in paragraph 2 above, remains the same, and provided further that any such reclassifications comply with the relevant internal procedures developed in pursuance of the Staff Regulations of the Court;

6. *Takes note with appreciation* of the preliminary information provided by the External Auditor on the scope of his work for 2003, and looks forward to receiving, in 2004, the External Auditor's report on the financial statements for the first financial period of the Court.

B. Working Capital Fund for 2004

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Resolves that the Working Capital Fund for 2004 shall be established in the amount of 4,425,000 euros, and authorizes the Registrar to make advances from the

³ Ibid.

Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court.

C. Scale of assessments for the apportionment of expenses of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Decides that, for the year 2004, the International Criminal Court shall adopt the scale of assessments of the United Nations applicable for the year 2004, with adjustments to take into account the difference in membership between the United Nations and the Assembly of States Parties to the Rome Statute, in accordance with the principles upon which the scale of the United Nations is based.

D. Financing of appropriations for the year 2004

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Resolves that, for the year 2004, budget appropriations amounting to 53,071,846 euros and the amount for the Working Capital Fund of 4,425,000 euros, approved by the Assembly under part A, paragraph 1, and part B, respectively, of the present resolution, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

Resolution ICC-ASP/2/Res.2

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.2

Staff regulations for the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Considering article 44, paragraph 3, of the Rome Statute, according to which the Registrar, with the agreement of the Presidency and the Prosecutor, shall propose to the Assembly of States Parties to the Statute staff regulations which include the terms and conditions upon which the staff of the Court shall be appointed, remunerated and dismissed,

Considering article 38, paragraph 3, of the Rome Statute, according to which the Presidency shall be responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor,

Considering article 42, paragraph 2, of the Rome Statute, according to which the Prosecutor shall have full authority over the management and administration of the Office, including staff, facilities and other resources thereof,

Considering article 43, paragraphs 1 and 2, of the Rome Statute, according to which the Registrar shall be the principal administrative officer of the Court exercising his functions under the authority of the President of the Court, and on the basis of which he shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42 of the Rome Statute,

Considering the Rules of Procedure and Evidence adopted by the Assembly of States Parties on 9 September 2002,

Emphasizing the need to establish a flexible, efficient and fair system for the appointment, remuneration and dismissal of staff of the Court taking into account the requirements of each of the organs of the Court,

Bearing in mind its resolution ICC-ASP/2/Res.3 on the establishment of the permanent secretariat of the Assembly of States Parties to the International Criminal Court,

Noting and encouraging the ongoing coordination and cooperation between the Organs of the Court,

1. *Approves* the Staff Regulations for the International Criminal Court, which are contained in the annex to the present resolution;

2. *Decides* that its resolution ICC-ASP/1/Res.10, which is annexed to the Staff Regulations, shall continue to apply as an integral part of the Staff Regulations.

Annex

Staff Regulations for the International Criminal Court⁴

Scope and purpose

The Staff Regulations, promulgated in accordance with article 44, paragraph 3, of the Rome Statute of the International Criminal Court, embody the fundamental conditions of service and the basic rights and obligations of the staff of the International Criminal Court (hereinafter “the Court”). They represent the broad principles of personnel policy for the staffing and administration of the Registry, of which the Secretariat of the Assembly of States Parties to the Rome Statute of the Court is an integral part, the Presidency, the Chambers and the Office of the Prosecutor.

For the purpose of these Regulations, the expression “staff member” and “staff” shall refer to all staff members of the Court within the meaning of article 44 of the Rome Statute.

In the exercise of his functions and duties under these Regulations and the rules in relation to the staff of the Secretariat, the Registrar shall act in consultation with and upon the advice of the Director of the Secretariat.

In the exercise of his functions and duties under these Regulations and the rules in relation to the Director of the Secretariat, the Registrar shall act in consultation with and upon the advice of the Bureau acting in consultation with the Assembly of States Parties.

The Staff Regulations and Rules shall apply to all staff of the Court.

Article I

Duties, obligations and privileges

Regulation 1.1

Status of staff

(a) Staff members of the Court are international civil servants. Their responsibilities as staff members of the Court are not national but exclusively international.

(b) Staff members of the Court shall make the following written declaration, which shall be witnessed by the Registrar or the Prosecutor, as appropriate, or an authorized representative of the Registrar or the Prosecutor, in accordance with Rule 6 of the Rules of Procedure and Evidence of the Court:

“I solemnly undertake that I will perform my duties and exercise my powers as [title] of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions.”

(c) The Registrar or the Prosecutor, as appropriate, shall ensure that the rights and duties of staff members, as set out in the Rome Statute and the Staff

⁴ Resolution ICC-ASP/1/Res.10 of the Assembly of States Parties to the International Criminal Court shall comprise an integral part of these Regulations.

Regulations and Rules and in the relevant resolutions and decisions of the Assembly of States Parties, are respected.

(d) The Registrar or the Prosecutor, as appropriate, shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff of the highest standards of efficiency, competence and integrity.

(e) The Staff Regulations shall apply to all staff at all levels.

(f) The privileges and immunities enjoyed by the Court by virtue of article 48 of the Rome Statute are conferred in the interests of the Court. Those privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe applicable laws and police regulations of the State in which the offices of the Court are located or in which the Court is operating, nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of those privileges and immunities, the staff member shall immediately report the matter to the Registrar or the Prosecutor, as appropriate, in accordance with the provisions of the Statute, the Agreement on Privileges and Immunities of the Court and the Headquarters Agreement, who may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the relevant instruments.

Regulation 1.2

Core values

(a) Staff members of the Court shall uphold and respect the principles embodied in the Rome Statute, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them.

(b) Staff members of the Court shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, compliance with the relevant standards on confidentiality established by the Court, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

General rights and obligations

(c) Staff members of the Court are subject to the authority of the President, the Registrar or the Prosecutor, as appropriate, and to assignments by them to any of the relevant activities or offices of the Court. In exercising that authority, the President, the Registrar and the Prosecutor shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them.

(d) In the performance of their duties, staff members of the Court shall neither seek nor accept instructions from any Government or from any other source external to the Court.

(e) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interest of the Court only in view. Loyalty to the aims, principles and purposes of the Court, as set forth in the Rome Statute, is a fundamental obligation of all staff members by virtue of their status as international civil servants.

(f) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interest of the Court. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the Court. They shall avoid any action, in particular any kind of public pronouncement, that may adversely reflect on their status or on the integrity, independence and impartiality that are required by that status.

(g) Staff members of the Court shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour.

(h) Staff members of the Court may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants.

(i) Staff members of the Court shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official employment with the Court that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Registrar or the Prosecutor, as appropriate. Those obligations do not cease upon separation from service.

Confidentiality

(j) Staff members shall uphold the highest standards of confidentiality in the discharge of their duties. Those standards include:

(i) Full conformity to policies and procedures of the Court regarding confidentiality of documents, proceedings and other matters;

(ii) Preservation of the integrity of information and evidence in whatever form held by the Court and refusal to compromise the effective retention, storage and security of information and evidence in whatever form it may exist;

(iii) Discernment and vigilance regarding all communications that may raise issues of confidentiality, particularly communications with persons outside the Court;

(iv) Immediate reporting of suspected breaches of confidentiality, especially where such suspected breaches would pose a danger to the safety, well-being or privacy of staff, victims, witnesses, the accused and their families;

- (v) Containment of reported breaches of confidentiality by refraining from unnecessary discussions thereof in any context.

Honours, gifts and remuneration

(k) No staff member of the Court shall accept any honour, decoration, favour, gift or remuneration from any Government or from any non-governmental source without first obtaining the approval of the Registrar or the Prosecutor, as appropriate.

(l) If refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Court, the staff member may receive it on behalf of the Court and then report and entrust it to the Registrar or the Prosecutor, as appropriate, who will either retain it for the Court or arrange for its disposal for the benefit of the Court or for a charitable purpose.

Conflict of interest

(m) Staff members shall not be actively associated with the management of, or hold a financial interest in, any profit-making business or other concern, if it is possible for the staff member or the profit-making business or other concern to benefit from such association or financial interest by reason of his or her position with the Court.

Outside employment and activities

(n) Staff members of the Court shall not engage in any outside occupation or employment, whether remunerated or not, without the prior approval of the Registrar or the Prosecutor, as appropriate.

(o) The Registrar or the Prosecutor, as appropriate, may authorize staff members of the Court to engage in an outside occupation or employment, whether remunerated or not, if:

- (i) The outside occupation or employment does not conflict with the staff member's official functions or the status of an international civil servant;
- (ii) The outside occupation or employment is not against the interest of the Court; and
- (iii) The outside occupation or employment is permitted by local law at the duty station or where the occupation or employment occurs.

Use of property and assets

(p) Staff members of the Court shall only use the property and assets of the Court for official purposes and shall exercise reasonable care when utilizing such property and assets.

(q) Staff members of the Court must respond fully to requests for information from those authorized by the Court or the Assembly of States Parties to investigate possible misuse of funds, waste or abuse.

Regulation 1.3

(a) Staff members of the Court are accountable to the President, the Registrar or the Prosecutor, as appropriate, for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions, and their performance will be appraised periodically to ensure that the required standards of performance are met.

(b) Staff members of the Court shall be at the disposal of the Registrar or the Prosecutor, as appropriate, for the performance of official functions; however, the Registrar, in consultation with the Prosecutor, shall establish a normal working week and shall establish official holidays for the Court. Exceptions may be made by the Registrar or the Prosecutor, as appropriate, and staff members shall be required to work beyond the normal working hours when requested to do so.

Article II**Classification of posts and staff****Regulation 2.1**

In conformity with principles laid down by the Assembly of States Parties, the Registrar, in consultation with the Prosecutor, shall make appropriate provision for the classification of posts according to the nature of the duties and responsibilities required and in conformity with the United Nations common system of salaries, allowances and benefits (hereinafter “the United Nations common system standards”).

Article III**Salaries and related allowances****Regulation 3.1**

Salaries and allowances of staff members of the Court shall be fixed by the Registrar, in consultation with the Prosecutor, and they shall be in conformity with the United Nations common system standards.

Regulation 3.2

The Registrar, in consultation with the Prosecutor, shall establish the applicable gross pensionable salary scales for the General Service category of staff of the Court as well as the scale of pensionable remuneration for staff in the Professional and higher categories of the Court, in conformity with United Nations common system standards.

Regulation 3.3

Staff members of the Court shall be entitled to receive a dependency benefit and/or dependency allowances, in conformity with United Nations common system standards.

Regulation 3.4

(a) The Registrar, in consultation with the Prosecutor, shall, in conformity with United Nations common system standards, establish terms and conditions under

which an education grant shall be available to staff members of the Court residing and serving outside their recognized home country.

(b) The Registrar, in consultation with the Prosecutor, shall, in conformity with United Nations common system standards, establish terms and conditions under which an education grant shall be available to staff members whose children are unable, by reason of physical or mental disability, to attend a normal educational institution or, while attending a normal educational institution, require special teaching or training to assist them in overcoming the disability.

Regulation 3.5

The Registrar may, in consultation with the Prosecutor, conclude bilateral tax reimbursement agreements with States, where it is appropriate and in the operational interests of the Court.

Article IV Appointment and promotion

Regulation 4.1

In accordance with articles 42 and 43 of the Rome Statute, the power of appointment of staff members rests with the Registrar and the Prosecutor, respectively. Upon appointment, each staff member shall receive a letter of appointment signed by the Registrar or the Prosecutor, as appropriate, or by an official in the name of the Registrar or the Prosecutor.

Regulation 4.2

The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to representation of the principal legal systems of the world, equitable geographical representation and fair representation of female and male staff members.

Regulation 4.3

In accordance with the principles of the Rome Statute, selection of staff members shall be made without distinction as to race, sex or religion. The selection shall normally be made on a competitive basis.

Regulation 4.4

Subject to the provisions of article 44 of the Rome Statute and without prejudice to the recruitment of new talent at all levels, the fullest regard shall be paid, in filling vacancies, to the requisite qualifications and experience of staff members already in the service of the Court.

Regulation 4.5

(a) Staff members shall be granted such fixed-term and short-term appointments that are consistent with the present Regulations as the Registrar or the Prosecutor, as appropriate, may prescribe. An appointment may be extended or renewed at the discretion of the Registrar or the Prosecutor, as appropriate, if the

staff member is willing to accept such extension or renewal. At no time shall an appointment be deemed to carry any expectation or right to extension or renewal.

(b) An initial fixed-term appointment may be subject to a probationary period, as determined by the Registrar or the Prosecutor, as appropriate.

Regulation 4.6

The Registrar, in consultation with the Prosecutor, shall establish appropriate medical standards that staff members shall be required to meet before appointment.

Regulation 4.7

Consultants, individual contractors, interns and other personnel may be engaged under such terms and conditions as the Registrar or the Prosecutor, as appropriate, may determine and shall not be staff members for the purposes of the present Regulations.

Article V

Annual and special leave

Regulation 5.1

Staff members shall be allowed appropriate annual leave, in conformity with United Nations common system standards.

Regulation 5.2

Special leave may be authorized by the Registrar or the Prosecutor, as appropriate, in exceptional cases.

Regulation 5.3

Eligible staff members shall be granted home leave in conformity with United Nations common system standards. Staff members whose home country is either the country of their official duty station or the country of their normal residence while in the Court's service shall not be eligible for home leave.

Article VI

Social security

Regulation 6.1

(a) Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund.

(b) The United Nations Administrative Tribunal shall, under the conditions prescribed in its statute, hear and pass judgement upon application from staff members concerning all pension matters.

Regulation 6.2

The Registrar, in consultation with the Prosecutor, shall establish a scheme of social security for the staff, including provision for health protection, sick leave and

maternity leave and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Court, in conformity with United Nations common system standards.

Article VII

Travel and removal expenses

Regulation 7.1

Subject to conditions and definitions prescribed by the Registrar, in consultation with the Prosecutor, the Court shall pay the travel expenses of staff members and their spouses and dependent children.

Regulation 7.2

Subject to conditions and definitions prescribed by the Registrar, in consultation with the Prosecutor, the Court shall pay removal costs for staff members.

Article VIII

Staff relations

Regulation 8.1

(a) The Registrar or the Prosecutor, as appropriate, shall establish and maintain continuous contact and communication with the staff in order to ensure the effective participation of the staff in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies.

(b) A staff representative body shall be established by the Registrar, in consultation with the Prosecutor. It shall be entitled to initiate proposals to the Registrar or the Prosecutor, as appropriate, for the purpose set forth in subparagraph (a) above. It shall be organized in such a way as to afford equitable representation to all staff members, by means of elections that shall take place at least biennially under electoral regulations drawn up by the respective staff representative body and agreed to by the Registrar, in consultation with the Prosecutor.

Article IX

Separation of service

Regulation 9.1

(a) The Registrar or the Prosecutor, as appropriate, shall give their reasons for the termination of the appointment of a staff member.

(b) The Registrar or the Prosecutor, as appropriate, may terminate the appointment of a staff member prior to the expiration date of his or her contract:

- (i) If the necessities for the service require the abolition of the post or reduction of the staff;
- (ii) If the services of the individual concerned prove unsatisfactory;
- (iii) If he or she is, for reasons of health, incapacitated for further service;

- (iv) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, had they been known at the time of his or her appointment, should, under the standards established in the Statute, have precluded his or her appointment;
- (v) For any other reasons specified in the letter of appointment; or
- (vi) If in their opinion such termination would be in the interest of the Court.

Regulation 9.2

If the Registrar or the Prosecutor, as appropriate, terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under the present Regulations and the Staff Rules. Payments of termination indemnity shall be made by the Registrar or the Prosecutor, as appropriate, in conformity with United Nations common system standards.

Regulation 9.3

Staff members may resign from the Court upon giving the Registrar or the Prosecutor, as appropriate, the notice required under the terms of their appointment.

Regulation 9.4

The Registrar, in consultation with the Prosecutor, shall establish a scheme for the payment of repatriation grants, in conformity with United Nations common system standards.

Regulation 9.5

Staff members shall not be retained in active service beyond the age of sixty-two years. The Registrar or the Prosecutor, as appropriate, may, in the interest of the Court, extend that age limit in exceptional cases.

Article X**Disciplinary measures****Regulation 10.1**

The Registrar or the Prosecutor, as appropriate, shall establish administrative machinery with staff participation which will be available to advise them in disciplinary cases.

Regulation 10.2

- (a) The Registrar or the Prosecutor, as appropriate, may impose disciplinary measures on staff members whose conduct is unsatisfactory.
- (b) The Registrar or the Prosecutor, as appropriate, may summarily dismiss a member of the staff for serious misconduct, including breach of confidentiality.

Article XI

Appeals

Regulation 11.1

The Registrar or the Prosecutor, as appropriate, shall establish administrative machinery with staff participation to advise them in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of appointment, including all pertinent regulations and rules.

Regulation 11.2

The Administrative Tribunal of the International Labour Organization shall, under conditions prescribed in its statute, hear and pass judgement upon applications from staff members alleging non-observance of their terms of appointment, including all pertinent regulations and rules.

Article XII

Amendment and implementation

Regulation 12.1

The present Regulations may be supplemented or amended by the Assembly of States Parties, on the proposal of the Registrar, with the agreement of the Presidency and the Prosecutor, without prejudice to the acquired rights of staff members.

Regulation 12.2⁵

The Registrar, with the agreement of the Presidency and the Prosecutor, shall provide such staff rules that are consistent with the present Staff Regulations as they consider necessary. The full text of provisional staff rules and amendments shall be reported annually to the Assembly. Should the Assembly, upon consideration, find that a provisional rule and/or amendment is inconsistent with the intent and purpose of the Regulations, it may direct that the rule and/or amendment be withdrawn or modified.

Appendix

Selection of the staff of the International Criminal Court⁶

The Assembly of States Parties,

Bearing in mind articles 44, paragraph 2, and 36, paragraph 8, of the Rome Statute of the International Criminal Court, whereby in the employment of the staff of the International Criminal Court the highest standards of efficiency, competency and integrity shall be ensured and account shall be taken of the need for the

⁵ The Staff Regulations were adopted on the understanding that the staff rules of the Court to be provided by the Registrar in accordance with regulation 12.2 of the Staff Regulations shall specify instances when the Registrar or the Prosecutor, as appropriate, may terminate the appointment of a staff member in accordance with regulation 9.1 (b) (vi); as well as disciplinary measures referred to in regulation 10.2 (a).

⁶ Previously issued as resolution ICC-ASP/1/Res.10.

representation of the principal legal systems of the world, equitable geographic representation and a fair representation of men and women,

Bearing in mind also article 50 of the Statute, according to which the official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish and the working languages shall be English and French,

Noting that the Staff Regulations provided for in article 44, paragraph 3, of the Statute, embodying these principles cannot be enacted by the Assembly of States Parties before the second half of 2003,

Desiring to set interim guidelines for the application of these principles during the transitional period of the establishment of the Court,

Decides that the guidelines contained in the annex to the present resolution shall be applied in the selection and appointment of the staff of the Court until the Staff Regulations are adopted in accordance with the Statute.

Annex to the resolution

1. **General principle.** The requirements of article 36, paragraph 8, article 44, paragraph 2, and article 50, paragraphs 1 and 2, of the Statute shall apply to the recruitment of the entire staff of the Court, without any distinction as to category. However, with regard to geographical representation, the system described in paragraph 4 below shall apply only to staff in the Professional category (level P-1 and above).

2. **Notifications.** All vacancies to be filled, and requirements to be met by candidates to such vacancies, shall be notified to all States Parties and to those States which, having engaged in the process of ratification of or accession to the Statute, have expressed an interest in receiving such notifications. All such vacancies shall also be posted on the web site of the Court.

Where appropriate in order to achieve a better balance in gender or geographical representation, such notifications may include preferential consideration of candidates of given nationalities or gender.

3. **Competency.** As a general rule, the competency of candidates shall be determined through an initial evaluation of their background and experience. This should, wherever possible and appropriate, include examples of the candidate's capacity of analysis and drafting ability in one or both of the working languages of the Court. This evaluation may, where appropriate, be of a competitive nature. The second stage of the evaluation shall consist of an oral interview in one or both of the working languages.

In the case of candidates from similar institutions, the initial evaluation may consist of an assessment of the candidate's experience and record in the releasing organization. This would be followed by an oral interview in one or both of the working languages.

In both cases, knowledge of at least another official language shall be considered as an additional asset.

4. **Geographical representation.** For established (i.e., budgeted) posts, and in the case of appointments of at least 12 months' duration, the selection of staff in the Professional category shall be guided in principle by a system of desirable ranges

based on that of the United Nations.⁷ Nationals from States Parties and from those States having engaged in the process of ratification of or accession to the Statute should have adequate representation on the staff of the Court; however, applications from nationals from non-States Parties may also be considered.

5. **Selection Committee.** The Director of Common Services shall establish a Selection Committee of not more than three individuals to provide advice on the selection of staff in accordance with these guidelines. The officer in charge of human resources shall be the convener of the Committee.

⁷ See A/56/512 and General Assembly resolution 55/258.

Resolution ICC-ASP/2/Res.3

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.3

Establishment of the Permanent Secretariat of the Assembly of States Parties to the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Bearing in mind article 112 of the Rome Statute of the International Criminal Court,

Recalling rule 37 and other relevant provisions of its Rules of Procedure, in which specific functions regarding servicing of the Assembly and subsidiary bodies established by the Assembly are assigned to, or contemplated for, the secretariat,

Recalling also its resolution ICC-ASP/1/Res.9 of 9 September 2003, by which it expressed its desire to ensure that adequate secretariat services are provided to the Assembly on a permanent basis, and requested the Bureau to study this question and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, so that the Assembly may take a decision thereon at its current regular session,

Noting that the Assembly has established, as of now, its Bureau, the Credentials Committee, the Committee on Budget and Finance and the Special Working Group on the Crime of Aggression, and that it may establish further subsidiary bodies, by virtue of article 112, paragraph 4, of the Rome Statute,

Considering that permanent secretariat services are necessary for the exercise of the functions of the Assembly and its subsidiary bodies and the fulfilment of the purposes of the Court,

1. *Takes note with appreciation* of the proposals submitted by the Bureau on the establishment of a permanent secretariat, including the assessment of the budgetary implications for the 2004 budget, and on the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat;⁸

2. *Decides* to establish the Secretariat of the Assembly of States Parties (the Secretariat) in accordance with the provisions of the annex to the present resolution;

3. *Resolves* that the Secretariat shall operate under the full authority of the Assembly and report directly to the Assembly;

4. *Also resolves*, without prejudice to paragraph 3 of the present resolution, that the Secretariat shall be an integral part of the International Criminal Court and that, for administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court.

⁸ See ICC-ASP/2/3; and ICC-ASP/2/2, sect. II, part two.

Annex

1. The Assembly of States Parties to the International Criminal Court hereby establishes the Secretariat of the Assembly of States Parties to the International Criminal Court (the Secretariat), which shall begin its operations on 1 January 2004.

2. The seat of the Secretariat shall be established at The Hague.

3. The Secretariat shall operate under the full authority of the Assembly and report directly to the Assembly in matters concerning its activities. The Secretariat shall be an integral part of the Court. For administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court. As a part of the staff of the Registry and, as such, of the Court, the staff of the Secretariat shall enjoy the same rights, duties, privileges, immunities and benefits.

4. The functions of the Secretariat shall be to provide the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Working Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities under the Rome Statute, where applicable by means of pooling with resources available with the Court, as provided in paragraph 8 below.

5. Within the framework established in paragraphs 3 and 4 above, the functions of the Secretariat shall include:

5.1 Conference-servicing functions:

(a) Planning, coordination and servicing of meetings, including the provision of interpretation services;

(b) Preparation, processing and publishing of documentation, including the editing, translation, printing and distribution of documents;

(c) Coordination of the effective functioning of conference and support services (staff, interpretation/translation, conference rooms, supplies, equipment, security services) before and during meetings;

5.2 Core legal and substantive functions:

(a) Substantive secretariat servicing, including: provision of documentation; preparation of pre-session and in-session documents, reports and analytical summaries; preparation of notes and statements for the President of the Assembly or chairpersons of the serviced bodies; provision of interpretation; provision of legal advice on rules of procedure and the conduct of business; liaising with delegations; and making arrangements, upon request, for informal consultations among delegations;

(b) Advice within the Secretariat on legal and substantive issues relating to the work of the Secretariat and on the ramifications of the activities and decisions of the serviced bodies;

(c) Corresponding with Governments, the Court, non-governmental organizations and other relevant bodies and individuals;

(d) Protocol and credentials, including the administration of the solemn undertakings by judges, the Prosecutor and the Registrar and the management of participation rights (credentials of States Parties, observers, other invited States, non-governmental organizations), travel arrangements;

(e) Public relations;

(f) Cooperation with the host country;

(g) Bringing to the attention of the serviced bodies any matter which in the opinion of the Secretariat requires their consideration;

5.3 Core financial functions:

(a) Provision of advice on the Financial Regulations and Rules, drafting of statements on budgetary implications, and assistance in the preparation of texts on financial and budgetary matters;

(b) Preparation of the section of the draft budget of the International Criminal Court that relates to the Assembly and its Secretariat;

5.4 Administrative functions:

(a) Secretarial work;

(b) Management of Secretariat personnel;

(c) Administration of the budget of the Secretariat;

(d) Building and property management;

(e) Maintenance of records and archives, and library;

5.5 Any other functions that the serviced bodies entrust to the Secretariat.

6. The Secretariat shall be directed by the Director of the Secretariat, who will be selected by the Bureau of the Assembly, in consultation with States Parties, on the basis of a competitive procedure, initiated by the Registrar, and thereupon appointed by the Registrar.

The Director of the Secretariat shall have a comprehensive knowledge of the purposes, principles and procedures of the International Criminal Court and shall demonstrate that he/she possesses, if possible through experience gained at the international level, broad managerial and administrative skills.

7. Other personnel resources shall include staff necessary to provide the substantive, administrative and technical assistance specified in paragraphs 4 and 5 above.

8. The functions of the Secretariat shall be exercised in a manner consistent with the Statute and with the principles of effective financial administration and economy. To that end:

8.1 The Secretariat shall operate under the Financial Regulations and Rules and the Staff Rules and Regulations, in a manner that secures the adequate participation of the Secretariat in decisions on matters that affect its staffing and its operations. The Secretariat shall be subject to the internal and external auditing established for the Court;

8.2 The Secretariat and the other sections of the Court shall attempt, within the bounds of mutual respect for the independent exercise of their respective functions and of maintaining high levels of professionalism, integrity and competence, to find joint responses to situations of increased workload at the Secretariat, by making available to the Secretariat, to the greatest possible extent, the relevant expertise and physical resources of the other sections of the Court, whenever possible based on arrangements that the Secretariat and the other sections of the Court should agree in anticipation of such situations;

8.3 In situations where increased workload at the Secretariat cannot be met through cooperation with the other sections of the Court as called for in paragraph 8.2 above or through other means, the Secretariat shall respond to such situations, within the established budgetary framework, by outsourcing certain administrative, protocol or logistical services;

8.4 General operating services, building and property management, procurement services, library services and personnel services shall be pooled to the maximum extent with corresponding services of the Court.

9. The Secretariat shall be funded from the budget of the International Criminal Court. It shall have no income of its own and may not receive voluntary contributions directly from Governments or international organizations unless the Assembly decides otherwise.

10. The Director of the Secretariat shall be responsible to the Bureau of the Assembly for the proper functioning of the Secretariat.

Resolution ICC-ASP/2/Res.4

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.4

Travel and subsistence expenses of members of the Committee on Budget and Finance

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Bearing in mind its resolution ICC-ASP/1/Res.5 on the procedure for the nomination and election of members of the Committee on Budget and Finance,

Taking into account the recommendations contained in paragraph 63 of the report of the Committee on Budget and Finance⁹ and paragraph 21 of the report of the Working Group on the Programme Budget for 2004,¹⁰

Decides to amend paragraph 15 of its resolution ICC-ASP/1/Res.5, which reads:

“The State Party which submitted the nomination of a member of the Committee on Budget and Finance shall defray the expenses of that member while in performance of Committee’s duties”

to read:

“Travel and subsistence expenses of members of the Committee on Budget and Finance while in performance of the Committee’s duties shall be met from the programme budget.”

⁹ ICC-ASP/2/7 (see also part II.A.6 of the present report).

¹⁰ ICC-ASP/2/WGPB/L.1.

Resolution ICC-ASP/2/Res.5

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.5

Term of office of the members of the Committee on Budget and Finance

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Recalling its resolution ICC-ASP/1/Res.4 of 3 September 2002 on the establishment of the Committee on Budget and Finance,

Wishing to amend paragraph 2 of the annex to the said resolution,

Decides to amend the last sentence of paragraph 2 of the annex to its resolution ICC-ASP/1/Res.4 of 3 September 2002 on the establishment of the Committee on Budget and Finance, to read as follows:

“Of the 12 members who are initially elected, 6 shall be elected for a period of two years and the remaining 6 for a period of three years.”

Resolution ICC-ASP/2/Res.6

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.6

Establishment of a trust fund for the participation of the least developed countries in the activities of the Assembly of States Parties

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Recalling General Assembly resolutions 51/207 of 17 December 1996 and 57/23 of 19 November 2002,

Recalling also its resolution ICC-ASP/1/Res.8 of 9 September 2002 on the provisional arrangements for the secretariat of the Assembly of States Parties,

Having decided in its resolution ICC-ASP/2/Res.3 to establish the secretariat of the Assembly,

1. *Requests* the Registrar to establish a trust fund under the authority of the secretariat of the Assembly for the participation of the least developed countries in the work of the Assembly and its subsidiary bodies, and calls upon States, international organizations, individuals, corporations and other entities to contribute voluntarily to the fund;

2. *Decides* to request the Secretary-General of the United Nations to close the special fund established pursuant to General Assembly resolution 51/207 of 17 December 1996, the mandate of which was expanded by General Assembly resolutions 53/105 of 8 December 1998 and 57/23 of 19 November 2002, and to take the necessary steps to facilitate the transfer, as appropriate, of any funds remaining to the trust fund established pursuant to the present resolution.

Resolution ICC-ASP/2/Res.7

Adopted at the 5th plenary meeting, on 12 September 2003

ICC/ASP/2/Res.7

Strengthening the International Criminal Court and the Assembly of States Parties

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Mindful that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world and that the need to prevent the most serious crimes of concern to the international community, and to put an end to the impunity of the perpetrators of such crimes, is now widely acknowledged,

Convinced that the International Criminal Court is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations,

Convinced also that justice and the fight against impunity are, and must remain, indivisible, and that in this regard universal adherence to the Rome Statute of the International Criminal Court is essential,

Welcoming the progress that has been achieved thus far, owing, not least, to the dedication of the Court staff in establishing, within only one year, a functioning institution, and recognizing at the same time that the Court continues to rely on sustained and undiminished support by States, international organizations and civil society,

Desirous of assisting the Court and its organs, notably through management oversight and other appropriate action, in performing the duties assigned to them,

A. Rome Statute of the International Criminal Court and other agreements

1. *Welcomes* the fact that the number of States Parties to the Rome Statute of the International Criminal Court has continued to rise, the number having now reached ninety;

2. *Invites* States that are not yet parties to the Rome Statute to become so as soon as possible;

3. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of penal law and judicial cooperation with the Court, and in this regard encourages States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority;

4. *Decides*, without prejudice to the functions of the Secretary-General in his capacity as depositary of the Rome Statute, to keep the status of ratifications under review, and to monitor developments in the field of implementing legislation, inter alia, with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas;

5. *Stresses* that the integrity of the Rome Statute must be preserved and that treaty obligations emanating therefrom must be fully adhered to, and encourages States Parties to the Rome Statute to exchange information and to support and assist each other to that end, particularly in situations where its integrity is being challenged;

6. *Recalls* that the beginning of Court operations has added urgency to the need for States to sign and ratify the Agreement on the Privileges and Immunities of the Court, and encourages those States that have not yet done so to sign and ratify the Agreement as a matter of priority and to implement it in their national legislation;

7. *Looks forward* to rapid progress in the negotiations between the Court and the United Nations on the Draft Relationship Agreement between the Court and the United Nations,¹¹ and requests the Court to keep the Assembly of States Parties to the Rome Statute of the International Criminal Court informed thereon;

B. Institution-building

1. General

8. *Takes note* of the report of the International Criminal Court to the Assembly of States Parties, 2003;¹²

9. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and urges all States Parties to the Rome Statute to transfer as soon as possible and in full their assessed contributions in accordance with relevant decisions taken by the Assembly of States Parties;

10. *Welcomes* the steps undertaken by the President, the Prosecutor and the Registrar to coordinate activities at all appropriate levels on management and budgetary issues, encourages those involved to continue, and where possible improve, this practice, and recommends that the Director of the Secretariat of the Assembly of States Parties should be associated with such coordination, when appropriate;

11. *Recommends* that the Court consider the desirability and feasibility of establishing, at United Nations Headquarters, a small representation common to all parts of the Court, and requests the Registrar to report to the Assembly of States Parties on this question, including its budgetary implications;

¹¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2), part II.G.

¹² See document ICC-ASP/2/5 and Corr.1.

2. Administration

12. *Notes* that the Committee on Budget and Finance has initiated its work, inter alia, by adopting its draft internal rules of procedure,¹³ and reaffirms the independence of its members;

3. Judges

13. *Notes* that the judges have made considerable progress in drafting the Regulations of the Court, and looks forward to their circulation to States Parties for comments immediately after their adoption, in accordance with article 52, paragraph 3, of the Rome Statute;

4. Office of the Prosecutor

14. *Notes* that the Office of the Prosecutor is elaborating draft regulations to govern the operation of the Office, welcomes the effort undertaken by the Prosecutor to develop in a transparent manner, inter alia, through the convening of public hearings on 17 and 18 June 2003 and during the second session of the Assembly, on 11 September 2003, a sound prosecutorial strategy, and expresses its readiness to maintain a constant dialogue with the Prosecutor on his strategy, with full respect for the independent, impartial and conscientious exercise of his functions;

5. Victims Trust Fund

15. *Expresses its confidence* that, following the establishment of the Board of Directors of the Victims Trust Fund, the Trust Fund will then be able to initiate its functions, and requests the Board to report to the Assembly of States Parties, at its next session, within the framework of the report on activities, projects and voluntary contributions requested in paragraph 11 of the annex to resolution ICC-ASP/1/Res.6 of 9 September 2002, on the build-up of the Trust Fund;

6. Host country

16. *Takes note with appreciation* of the statement made by the representative of the host country on 8 September 2003¹⁴ on arrangements for the interim and permanent premises of the Court and on the negotiations on the headquarters agreement between the Court and the host country;

C. Assembly of States Parties

17. *Takes note* of the report of the Special Working Group on the Crime of Aggression and recalls that the Special Working Group shall continue to hold two to three meetings, as necessary, during annual sessions of the Assembly of States Parties;

18. *Requests* the Bureau of the Assembly of States Parties to examine ways and means to ensure an efficient structuring of meetings of the Assembly of States Parties, inter alia, the use of a limited number of additional working groups in

¹³ See ICC-ASP/2/7, annex II (see also annex III to the present report).

¹⁴ See annex VI to the present report.

certain well-defined areas that would meet within the framework of the sessions of the Assembly of States Parties, and to submit proposals thereon, including an assessment of the budgetary implications, to the Assembly of States Parties;

19. *Decides* that it will hold its next ordinary session from 6 to 10 September 2004 in The Hague and that the Committee on Budget and Finance will also hold its sessions in The Hague, from 29 to 31 March 2004 and from 2 to 6 August 2004.

Resolution ICC-ASP/2/Res.8

Adopted at the 4th plenary meeting, on 11 September 2003, by consensus

ICC-ASP/2/Res.8

Recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court

The Assembly of States Parties,

Recalling United Nations General Assembly resolutions 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 9 December 1999, 55/155 of 12 December 2000 and 56/85 of 12 December 2001, which provided for the participation of non-governmental organizations in the work of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and the Preparatory Commission for the International Criminal Court,

Acknowledging the important contribution of all participating non-governmental organizations, including the NGO Coalition for the International Criminal Court, to the establishment of the International Criminal Court throughout the meetings of the Preparatory Committee on the Establishment of an International Criminal Court, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Preparatory Commission for the International Criminal Court and the first session of the Assembly of States Parties to the Rome Statute of the International Criminal Court,

Welcoming the cooperative relationship between the NGO Coalition for the International Criminal Court and the host State, including the commitment of the host State to enable the establishment and functioning of the NGO Coalition for the International Criminal Court in its territory,

Stressing the role of public awareness and the involvement of universal civil society in furthering the objects and purposes of the International Criminal Court,

1. *Notes with appreciation* the coordinating and facilitating role that the NGO Coalition for the International Criminal Court will perform between the community of non-governmental organizations and the Assembly and between that community and the International Criminal Court, by encouraging and facilitating the participation of non-governmental organizations from all regions, particularly from developing countries; by assisting the Assembly of States Parties with accreditation and dissemination of information and official documents to accredited non-governmental organizations; by encouraging cooperation between Governments and non-governmental organizations, including by organizing meetings; by conveying the expertise of non-governmental organizations to Governments; and by promoting worldwide awareness of and support for the Rome Statute of the International Criminal Court and the International Criminal Court;

2. *Also notes with appreciation* the steps being taken by the host State to enable relevant non-governmental organizations, including the NGO Coalition for the International Criminal Court, to operate effectively in the host State;

3. *Recalls* that rules 93 and 95 of the rules of procedure of the Assembly of States Parties provide for the participation of non-governmental organizations in the meetings of the Assembly and its subsidiary bodies;

4. *Notes* that the present resolution is without prejudice to efforts undertaken by other non-governmental organizations that operate outside the ambit of the NGO Coalition for the International Criminal Court.

Resolution ICC-ASP/2/Res.9

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.9

Role of the United Nations in the establishment of the International Criminal Court

The Assembly of States Parties,

Recalling all relevant resolutions of the General Assembly relating to the establishment of the International Criminal Court, including resolution 57/23 of 19 November 2002,

Bearing in mind its resolution ICC-ASP/1/Res.8 of 9 September 2002 on the provisional arrangements for the secretariat of the Assembly of States Parties as well as its resolution ICC-ASP/1/Res.9 of 9 September 2002 on the permanent secretariat of the Assembly of States Parties,

Having decided in its resolution ICC-ASP/2/Res.3 to establish the secretariat of the Assembly,

1. *Acknowledges* the important role played by the United Nations in the establishment of the International Criminal Court;

2. *Expresses* its deep appreciation to the Secretary-General and Secretariat of the United Nations for their outstanding support in the establishment of the International Criminal Court, and also acknowledges with satisfaction the dedication and professionalism of the staff of the Codification Division of the Office of Legal Affairs, which served in an exemplary manner as secretariat, and in particular of the Ad Hoc Committee and Preparatory Committee on the establishment of an International Criminal Court, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Preparatory Commission for the International Criminal Court and the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Annex I

Report of the Credentials Committee

Chairman: Mr. Dejan Šahović (Serbia and Montenegro)

1. At its 1st plenary meeting, on 3 September 2003, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee for its first session, consisting of the following States Parties: Benin, Fiji, France, Honduras, Ireland, Paraguay, Serbia and Montenegro, Slovenia and Uganda.

2. For the second session of the Assembly of States Parties, the Credentials Committee held its meeting on 11 September 2003.

3. The Committee had before it a memorandum by the Secretary-General dated 9 September 2003 concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the second session of the Assembly of States Parties. The representative of the Legal Counsel made a statement updating the information contained therein.

4. As noted in paragraph 1 of the memorandum and the statement relating thereto, formal credentials of representatives to the second session of the Assembly of States Parties, in the form required by rule 24 of the Rules of Procedure, had been received as of the time of the meeting of the Credentials Committee from the following 40 States Parties: Australia, Austria, Belgium, Bulgaria, Cambodia, Croatia, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Liechtenstein, Luxembourg, Marshall Islands, Mauritius, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Republic of Tanzania and Uruguay.

5. As noted in paragraph 2 of the memorandum and the statement relating thereto, information concerning the appointment of the representatives of States Parties to the second session of the Assembly of States Parties had been communicated to the Secretary-General, as of the time of the meeting of the Credentials Committee, by means of a cable or a telefax from the head of State or Government or the Minister for Foreign Affairs, or by means of a letter or note verbale from the permanent mission concerned, by the following 50 States Parties: Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Barbados, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Canada, Central African Republic, Colombia, Costa Rica, Cyprus, Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, Gabon, Gambia, Ghana, Honduras, Lesotho, Lithuania, Malawi, Mali, Malta, Mongolia, Namibia, Nauru, Netherlands, Niger, Nigeria, Panama, Paraguay, Peru, Samoa, San Marino, Sierra Leone, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Venezuela and Zambia.

6. The Chairman recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretary-General's

memorandum and the statement relating thereto, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretary-General as soon as possible.

7. On the proposal of the Chairman, the Committee adopted the following draft resolution:

“The Credentials Committee,

“Having examined the credentials of the representatives to the second session of the Assembly of States Parties to the Rome Statute of the International Criminal Court referred to in paragraphs 4 and 5 of the present report;

“Accepts the credentials of the representatives of the States Parties concerned.”

8. The draft resolution proposed by the Chairman was adopted without a vote.

9. The Chairman then proposed that the Committee recommend to the Assembly of States Parties the adoption of a draft resolution (see para. 11 below). The proposal was adopted without a vote.

10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

“Credentials of representatives to the Second Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

“The Assembly of States Parties to the Rome Statute of the International Criminal Court,

“Having considered the report of the Credentials Committee and the recommendation contained therein,

“Approves the report of the Credentials Committee.”

Annex II

Discussion paper on the definition and elements of the crime of aggression prepared by the Coordinator of the Working Group on the Crime of Aggression during the Preparatory Commission of the International Criminal Court*

I. Definition of the crime of aggression and conditions for the exercise of jurisdiction

1. For the purpose of the present Statute, a person commits a “crime of aggression” when, being in a position effectively to exercise control over or to direct the political or military action of a State, that person intentionally and knowingly orders or participates actively in the planning, preparation, initiation or execution of an act of aggression which, by its character, gravity and scale, constitutes a flagrant violation of the Charter of the United Nations.

Option 1: Add “such as, in particular, a war of aggression or an act which has the object or result of establishing a military occupation of, or annexing, the territory of another State or part thereof”.

Option 2: Add “and amounts to a war of aggression or constitutes an act which has the object or the result of establishing a military occupation of, or annexing, the territory of another State or part thereof”.

Option 3: Neither of the above.

2. For the purpose of paragraph 1, “act of aggression” means an act referred to in United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, which is determined to have been committed by the State concerned,

Option 1: Add “in accordance with paragraphs 4 and 5”.

Option 2: Add “subject to a prior determination by the Security Council of the United Nations”.

3. The provisions of articles 25, paragraphs 3, 28 and 33 of the Statute do not apply to the crime of aggression.

4. Where the Prosecutor intends to proceed with an investigation in respect of a crime of aggression, the Court shall first ascertain whether the Security Council has made a determination of an act of aggression committed by the State concerned. If no Security Council determination exists, the Court shall notify the Security Council of the situation before the Court so that the Security Council may take action, as appropriate:

Option 1: under Article 39 of the Charter of the United Nations.

Option 2: in accordance with the relevant provisions of the Charter of the United Nations.

5. Where the Security Council does not make a determination as to the existence of an act of aggression by a State:

* Previously issued as PCNICC/2002/2/Add.2

Variant (a) or invoke article 16 of the Statute within six months from the date of notification.

Variant (b) [Remove variant a.]

Option 1: the Court may proceed with the case.

Option 2: the Court shall dismiss the case.

Option 3: the Court shall, with due regard to the provisions of Articles 12, 14 and 24 of the Charter, request the General Assembly of the United Nations to make a recommendation within [12] months. In the absence of such a recommendation, the Court may proceed with the case.

Option 4: the Court may request

Variant (a) the General Assembly

Variant (b) the Security Council, acting on the vote of any nine members,

to seek an advisory opinion from the International Court of Justice, in accordance with Article 96 of the Charter and Article 65 of the Statute of the International Court, on the legal question of whether or not an act of aggression has been committed by the State concerned. The Court may proceed with the case if the International Court of Justice gives an advisory opinion that an act of aggression has been committed by the State concerned.

Option 5: the Court may proceed if it ascertains that the International Court of Justice has made a finding in proceedings brought under Chapter II of its Statute that an act of aggression has been committed by the State concerned.

II. Elements of the crime of aggression (as defined in the Rome Statute of the International Criminal Court)¹

Precondition

In addition to the general preconditions contained in article 12 of the present Statute, it is a precondition that an appropriate organ² has determined the existence of the act of aggression required by element 5 of the following Elements.

Elements

- 1: The perpetrator was in a position effectively to exercise control over or to direct the political or military action of the State which committed an act of aggression as defined in element 5 of these Elements.
- 2: The perpetrator was knowingly in that position.
- 3: The perpetrator ordered or participated actively in the planning, preparation or execution of the act of aggression.
- 4: The perpetrator committed element 3 with intent and knowledge.

¹ The elements in part II are drawn from a proposal by Samoa and were not thoroughly discussed.

² See options 1 and 2 of paragraph 2 of part I. The right of the accused should be considered in connection with this precondition.

5: An “act of aggression”, that is to say, an act referred to in United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, was committed by a State.

6: The perpetrator knew that the actions of the State amounted to an act of aggression.

7: The act of aggression, by its character, gravity and scale, constituted a flagrant violation of the Charter of the United Nations,

Option 1: Add “such as a war of aggression or an aggression which had the object or result of establishing a military occupation of, or annexing the territory of another State or part thereof”.

Option 2: Add “and amounts to a war of aggression or constitutes an act which has the object or the result of establishing a military occupation of, or annexing, the territory of another State or part thereof”.

Option 3: Neither of the above.

8: The perpetrator had intent and knowledge with respect to element 7.

Note:

Elements 2, 4, 6 and 8 are included out of an abundance of caution. The “default rule” of article 30 of the Statute would supply them if nothing were said. The dogmatic requirement of some legal systems that there be both intent and knowledge is not meaningful in other systems. The drafting reflects these, perhaps insoluble, tensions.

Annex III

Rules of procedure of the Committee on Budget and Finance

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I. Sessions

Rule 1

Frequency of sessions

The Committee on Budget and Finance (hereafter referred to as “the Committee”) shall meet when required and at least once per year.

Rule 2

Place of sessions

The Committee shall normally meet at the seat of the Court. Sessions of the Committee may be held at another place if the Committee and/or the Assembly of States Parties so decides.

Rule 3

Convening of sessions

1. Sessions of the Committee shall be convened at the request of:
 - (a) The Assembly of States Parties;
 - (b) The majority of the members of the Committee;
 - (c) The Chairperson of the Committee.
2. Before the Chairperson makes a request to convene a session of the Committee, he/she shall consult the members of the Committee, including on the date and duration of the session.
3. Any session of the Committee called pursuant to a request of the Assembly of States Parties shall be convened as soon as possible but no later than sixty days from the date of the request.

Rule 4

Notification of members

The Chairperson shall notify the members of the Committee as early as possible of the date and duration of each session.

II. Agenda

Rule 5

Drawing up of the provisional agenda

The provisional agenda for each session of the Committee shall be drawn up by the Secretariat of the Assembly of States Parties (hereinafter referred to as “the Secretariat”) in consultation with the Chairperson of the Committee, whenever possible, and shall include:

- (a) All items proposed by the Assembly;
- (b) All items proposed by the Committee;
- (c) All items proposed by the Chairperson;

- (d) All items proposed by any members of the Committee;
- (e) All items proposed by the Court.

Rule 6
Communication of the provisional agenda

The provisional agenda for each session of the Committee shall be communicated to the members of the Committee and the Court as early as possible in advance of the session, but at least twenty-one 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 Committee and to the States Parties of the Assembly sufficiently in advance of the session.

Rule 7
Adoption of the agenda

1. At the beginning of each session the Committee shall adopt its agenda for the session, on the basis of the provisional agenda.
2. The Committee may, if necessary, amend the agenda, provided that no item referred to it by the Assembly be deleted or modified.

III. Functions of the Committee

Rule 8
Incompatible activities and confidentiality

1. Members of the Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Committee.
2. Members of the Committee shall not be eligible to assume any other functions at the International Criminal Court.

Rule 9
Functions

The Committee shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature as may be entrusted to it by the Assembly of States Parties. In particular, it shall review the proposed programme budget of the Court, prepared by the Registrar, in consultation with the other organs referred to in article 34, subparagraphs (a) and (c), of the Rome Statute, and shall make the relevant recommendations to the Assembly concerning the proposed programme budget. It shall also consider reports of the Auditor concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments that it may deem appropriate.

IV. Officers

Rule 10

Election and term of Chairperson and Vice-Chairperson

1. Each year at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson and the Vice-Chairperson shall be elected for a term of one year. They shall be eligible for re-election twice.

Rule 11

Acting Chairperson

1. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place.
2. If the Chairperson ceases to hold office pursuant to rule 15, the Vice-Chairperson shall take his/her place until the election of a new Chairperson.

Rule 12

Powers of the Acting Chairperson

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

Rule 13

Rapporteur

The Committee may appoint, if necessary, one of its members as Rapporteur for any particular question.

Rule 14

General powers of the Chairperson

1. The Chairperson, in the exercise of his/her functions, remains under the authority of the Committee.
2. 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 Committee, direct the discussions, ensure 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 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 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.
3. The Chairperson shall represent the Committee at meetings of the Assembly of States Parties.

Rule 15**Replacement of the Chairperson or the Vice-Chairperson**

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 Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

V. Secretariat**Rule 16****Duties of the Head of the Secretariat**

1. The Head of the Secretariat shall act in that capacity in all meetings of the Committee. He/she may designate a member of the Secretariat to act as his/her representative. He/she shall perform such other functions as are assigned to him/her by the Committee.
2. The Head of the Secretariat shall provide and direct the staff required by the Committee, taking into account to the greatest extent possible the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.
3. The Head of the Secretariat shall keep the members of the Committee informed of any questions that may be brought before it for consideration.
4. The Head of the Secretariat shall provide to the Committee, at its request, information and reports on questions specified by the Committee.

Rule 17**Duties of the Secretariat**

The Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of, and provided to, the Committee, interpret statements made at meetings, prepare and circulate, when it is so decided, records of the session, have custody and proper preservation of the documents in the archives of the Committee and, generally, perform all other work that the Committee may require.

VI. Conduct of business**Rule 18****Conduct of business**

As far as conduct of business is concerned, the proceedings of the Committee shall be governed by general practice as reflected in the Rules of Procedure of the Assembly of States Parties.

VII. Decision-making

Rule 19

Voting rights

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

Rule 20

Decision-making

1. As a general rule, decision-making in the 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.
2. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Rule 21

Meaning of the phrase “members present and voting”

For the purposes of these rules, the phrase “members present and voting” means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

Rule 22

Conduct of voting

The Committee shall apply *mutatis mutandis* the rules relating to the conduct of voting in the Rules of Procedure of the Assembly of States Parties.

Rule 23

Elections

All elections in the Committee shall be held by secret ballot.

Rule 24

Conduct of elections

The Committee shall apply *mutatis mutandis* the rules relating to elections in the Rules of Procedure of the Assembly of States Parties.

VIII. Languages

Rule 25

Languages of the Committee

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Committee.

Rule 26
Interpretation

Statements made in any of the six languages of the Committee shall be interpreted into the other five languages.

Rule 27
Other languages

Any member may make a statement in a language other than the languages of the Committee. In this case, he/she shall himself/herself provide for interpretation into one of the languages of the Committee. Interpretation into the other languages of the Committee by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 28
Languages of recommendations and documents

All recommendations and other documents of the Committee shall be published in the languages of the Committee.

IX. Meetings

Rule 29
Private and public meetings

1. The meetings of the Committee shall be held in private unless the Committee decides otherwise.
2. At the close of a private meeting of the Committee, the Chairperson may, if the Committee so decides, issue a communiqué through the Secretariat.

Annex IV

Statement of the Registrar of the International Criminal Court at the 3rd meeting of the Assembly, on 10 September 2003

1. The Court is strongly convinced that, without a defence worthy of the name, a fair trial is not possible. After the judges and the Prosecutor, the defence is the third pillar of a court of justice.
2. Under the provisional Rules of Procedure, it is for the Registrar to organize the work of the Registry “in a manner that promotes the rights of the defence, consistent with the principle of fair trial as defined in the Statute” (rule 20). The Registry is, moreover, the only organ of the court which cannot encounter any conflict of interest in addressing these subjects.
3. From the outset, therefore, first in my capacity as Director of Common Services, and now as Registrar, I have endeavoured, together with my staff, to develop this aspect of the Court.
4. How, therefore, can we design an organization capable of producing a quality defence? What does this mean in terms of the means needed to organize the Registry, and of the financial means to be made available to the defence?
5. I would like to tell you this morning, first, about the areas in which our work on the defence structure has developed and then about the working modalities we have chosen.

1. Areas

6. We had to begin by working on some very practical elements.
7. First, it was necessary to anticipate the working conditions of the Court’s defence counsel and counsel representing victims in the context of the building currently made available to us by the host country, such as:
 - problems of access by counsel:
 - to the Court and their movement within the building in terms of the security problems that arise
 - to the library
 - to the cafeteria
 - problems concerning the type of premises needed for the practice of their profession:
 - etc. ...
8. However, the working conditions of counsel also include their ease of access to documents used in the trial and to information on the status of proceedings when they remain abroad. How can we facilitate, for example, the transmission of what can amount to several million document pages? How can we organize hearings in the form of video conferences in order to avoid making people come to the Court for a hearing lasting only one morning?

9. Beyond that, we have more important and urgent issues to resolve.

10. Such issues concern the preparation of a draft Code of Professional Conduct which the Registrar is to propose to the President of the Court for submission to the Assembly for consideration (rule 8). The Registrar shall also propose to the judges the criteria and procedures for assignment of legal assistance, for inclusion in the Regulations (rule 21). Finally, it shall be necessary to determine the criteria for inclusion of Counsel in the list of assigned defence counsel.

11. Although these are the most urgent issues, this is only the beginning of a lengthy task aimed at providing the International Criminal Court with a defence structure worthy of the name.

12. In the months and years to come the urgent subjects I have mentioned will be followed by many others. These include the design of the Court's permanent buildings and the definition of equality of arms between the prosecution and the defence, a very complex concept that cannot be reduced to have mathematical sums and which will need intensive work by all of us together.

2. Method used

13. As in all areas, we were determined not to take any positions until we had held discussions with the lawyers. Their expertise is essential to enable the Court to take the most appropriate decisions.

14. Our determination is strengthened by the fact that, in this area, the Provisional Rules of Procedure logically provide that the Registrar shall "consult, as appropriate, with any independent representative body of counsel or legal associations, including any such body the establishment of which may be facilitated by the Assembly of States Parties" (rule 20 (3)).

15. With regard to working conditions, in November 2002 we engaged contacts with lawyers, especially those who plead or have pleaded before international criminal courts, to identify any difficulties that might arise. We have drawn the appropriate conclusions as regards the Court's organization. We must continue to work on this subject to improve the Court's reception of defence counsel and counsel representing victims in the context of existing constraints.

16. Concerning the remaining three subjects, we held numerous consultations.

17. In January 2002 we asked 10 or so international associations their opinion on the preparation of the code of conduct for counsel and on issues relating to legal aid. We received two draft codes of conduct sent by the International Bar Association and the International Criminal Bar Association respectively and also received documents through other associations (UIBA, European criminal bar). With these documents in mind we began to prepare a draft that was submitted to the judges at their plenary session in June for a first informal consultation. Following those discussions, in July 2002 we sent a questionnaire addressing all of these issues to 60 experts representing 25 different nationalities and belonging to different legal traditions. The closing date for submission of experts' opinions has been set at 15 September. A document will be drafted reproducing all the replies, to be discussed at The Hague during the two days of consultations which the experts will hold on these issues. The judges will have these drafts before them at their November

session. The final version of the draft code of conduct for counsel will be submitted for discussion by the Assembly at its next meeting.

18. We shall obviously continue to work closely with the counsel and with existing associations or those specially established for the needs of the International Criminal Court, provided they contain both the necessary geographic representation for a universal court and representation of the different legal systems, as does the International Criminal Bar Association, for example.

19. In this same spirit I plan to establish an advisory body, composed of high-ranking individuals recognized for their expertise in this area, which I will convene semi-annually and whose goal will be to provide me with advice to enable me to carry out the important mission entrusted to me in the resolutions adopted by the Assembly.

20. I thank you and remain available for any questions you may wish to ask me.

Annex V

Summary of the statement of the focal point on the establishment of an international criminal bar, issued at the 5th meeting of the Assembly, on 12 September 2003

1. The focal point indicated that, since his appointment as the Bureau focal point on issues related to an international criminal bar, he had contacted all missions to the United Nations in New York on three occasions: October 2002, February and April 2003. In those communications, delegations were invited to participate in the ongoing consultations relating to the creation of the International Criminal Bar (ICB). Some responses were received, although more would have been welcomed. All responses received were positive and encouraging. In addition, constructive comments were also received from the NGO Coalition, which had itself since joined the International Criminal Bar and chose to be represented on its Council.
2. In the absence of a high number of comments, the focal point, on his own initiative, approached a number of the most interested delegations, and subsequently received a series of substantive comments on the issue. This discussion continued during the second session of the Assembly, where a number of informal consultations were held on matters related to the agenda item “establishment of an international criminal bar” and related issues. Furthermore, the Registrar of the Court made a presentation on his approach to matters related to the defence (see annex IV to the present report) at the 3rd meeting of the Assembly, on 10 September 2003. The presentation was followed by a question and answer session. In addition, two information briefings were held by representatives of interested organizations.
3. The focal point reported that, in his view, it had become clear that some delegations had concerns regarding the International Criminal Bar, particularly relating to questions of representativeness and transparency. Furthermore, while several texts of a draft resolution were circulated, notably by France and Spain (on behalf of several interested Governments), respectively, no agreement was reached.
4. It was, however, generally understood that, regardless of whether or not the Assembly took any action on the item, the Registrar would still be duty bound, under the Rules of Procedure and Evidence of the Court, to continue consultations with relevant organizations on his responsibilities relating to the rights of the defence. The focal point encouraged the Registrar to include in his report to the next session of the Assembly a detailed overview of his efforts in relation to the defence, including the legal representation of victims, as well as an explanation of the consultation process followed.
5. The focal point further reported that some delegations had raised the possibility of amending the scope of the agenda item with a view to expanding it to include all matters related to the defence, including the legal representation of victims, or that an additional agenda item be added to that effect. He recommended that the suggestion be considered.

Annex VI

Statement of the representative of the host country at the 1st meeting of the Assembly, on 8 September 2003

1. The two years since the Statute entered into force have been tempestuous. Remarkable progress has been made, demonstrating the ability of the international community to act effectively and coherently.

2. When the Court started operating on 1 July 2001, there was neither an agreed budget nor staff to implement policies. An advance team financed by other means bridged the gap hand in hand with the host nation. Now, more than a year later, the Arc building in The Hague is bustling with activity.

3. Although we should not spend too much time on self-congratulation, it would be amiss not to highlight your role and your leadership, Mr. President. It is a privilege for the Netherlands to work with you.

4. Similarly, the business-like and fruitful relationship that has existed between the Netherlands and the Court from the outset has been further enhanced since the senior officials took up their positions. With the President, the Prosecutor and the Registrar all in The Hague, the Court can present a united face to the world, and indeed speak with one voice. It can now also liaise effectively with the host country. On 25 June, I was privileged to present a detailed update to the plenary meeting of the Court and the Prosecutor on the work that had been done prior to their arrival and on our proposals to take them further.

5. The Registrar and I have successfully established the practice of weekly bilateral meetings to coordinate day-to-day matters. And we will continue to do so as long as work goes on to improve the Court's interim premises and adapt them to its needs. Matters like detention, security, protocol and the headquarters agreement are also regularly on the agenda.

6. I would like to take this opportunity to brief the Assembly on some of the issues that the Netherlands has been working on.

7. Let me once again emphasize the importance of close collaboration and open lines of communication between the Court and the Netherlands. And I am very pleased that our pledge and good intentions have been reciprocated. The setting up of this global organization is unique. There are no precedents. Together we are entering uncharted territory.

8. Transparency on all matters is of the utmost importance in the Netherlands' relationship with the Assembly as well. The Court belongs to us and we need to build it up together, as a shared responsibility. I am always available to any of you if you need information.

9. As the Court has informed you, many projects at the interim premises are either finished or are under way. We work to tight schedules, which may sometimes unavoidably cause a certain degree of inconvenience to the Court. Many of the requirements set by the Court needed tailor-made solutions. These include high-technology security measures, and complete state-of-the-art recabling of the buildings.

10. The Netherlands has agreed to the construction of a multifunctional room on the interim premises, to be used as both a pre-trial room and a regular meeting room. This project has expanded to include security installations, access for the public and the disabled, interpreters' booths and audio-visual installations.

11. The design of the main courtroom is ready and the construction work has started. It will be an essential and prominent addition to the existing building. The main courtroom was designed in close cooperation with the Court's officers. It will include extensive media facilities, a library, holding cells, a protected witness entrance and a safe room. A "shell" will be constructed for a second full courtroom, to be fitted out later by the Court at its own expense, if the need arises. I expect the main courtroom to be ready by the summer of 2004.

12. Allow me, Mr. President, to say a few words about the permanent premises and their location in The Hague. Over the past year, the architectural project manager in my team and consultants from our Government Buildings Service, together with experts from the Court and elsewhere, have developed a detailed brief for the construction of the permanent premises. This was done in anticipation of the arrival of the Court officials, who will need to take the lead in the follow-up to and finalization of this extremely difficult and complex process. The brief is now ready for a first full reading and review by the Court. The Court has to decide how and where the brief should be further elaborated. This seems to me to be one of the urgent topics the Court's senior management needs to tackle. The work already completed must be endorsed before the Court can submit it to the Assembly for approval and the international architects' competition can be started. We agree with the Court that it is more important to be thorough than to act in haste. However, I hope that, with our assistance, the Court will be in a position to start the competitive bidding procedure in 2004. On the basis of requirements stemming from the assumed workload currently foreseen by the Court, we estimate that the costs of the permanent premises will be at least 300 million dollars. These requirements include office space for up to 2,000 staff, courtrooms, detention facilities, a library, public areas, storage facilities, records and reception rooms.

13. A few words on the location of the permanent premises. A decision on the site was taken in 1999 on the basis of the data available to us at the time. But as we acquire new insight into the nature of the Court and the complexities of the accommodation it requires, there is a growing possibility that the site meets many, but perhaps no longer all, of the Court's requirements. I am therefore actively planning for contingencies, in close cooperation with the Court's management. Should a larger site be necessary, the host country will either expand the selected site or make a new site available.

14. A final word on the permanent premises. Together with the brief, two more important and urgent matters need to be discussed: the ownership of the land and the buildings, and how construction is to be financed. Once we have reached agreement on these issues, we will need to consider them again in the Assembly.

15. As you are aware, there is a provisional headquarters agreement between the Court and the Netherlands. I am pleased to report that ICC experts and my staff have made good progress in negotiating a draft for a definitive agreement, based on existing instruments and the "basic principles". A "rolling text" was submitted to the plenary session of the Court in June 2003. A few issues have not yet been discussed. The Registrar is presently reviewing the text and will comment on it at a meeting to

be held on 30 September 2003. At that meeting we will agree on the modalities for subsequent meetings with a view to finalizing a draft text at the earliest possible date. As you know, the outcome of the negotiations will be presented to the Assembly and to Parliament for their approval before the agreement can enter into force.

16. I am also pleased to tell you that my Government has agreed to the Agreement on Privileges and Immunities, and that I have been mandated to sign it in the course of this week. The Netherlands will conduct the parliamentary ratification process together with the ratification of the headquarters agreement. I would like to reiterate the Court's appeal and urge all fellow States parties to sign and ratify as soon as possible.

17. This meeting of the Assembly will need to deal with many issues. I would like to quickly point out two that are of specific concern to me.

18. First, the draft resolution on the Coalition for the International Criminal Court. The Netherlands supports this resolution fully. It does not invoke any form of exclusivity or give the Coalition a special legal status in the Netherlands. It does, however, acknowledge the contribution of the Coalition to the negotiations on the Statute and the establishment of the Court, and recognizes the active role the Coalition will continue to play. I am convinced that we will all be able to agree on the text of the draft resolution.

19. Second, the budget. Compared to the budget of the first financial period, this budget has more than doubled. This is of course only acceptable because the organization is being set up. An often used standard of a zero-growth rate would be very detrimental to the effective setting up of new policies and organizational structures. We also accept that the caseload may dictate further increases in the future. The Committee on Budget and Finance has made some very useful recommendations, most of which I can agree to. My line is to monitor policy and leave detailed management decisions to the Court management. I do feel, however, that I should highlight one particular issue on this occasion: the financing of the new Assembly of States Parties secretariat, which will be housed in The Hague as of 1 January 2004. I would like to ask all of you to carefully review the figures. My concern is that the functions and responsibilities of the Assembly of States Parties secretariat, which also include to support the working group on aggression, should not be underestimated, and that I need to be convinced that the proposed budget does sufficiently guarantee support from the Court for this otherwise independent institution. We need to ensure that you, Mr. President, and indeed the Assembly itself are well supported in your duties.

20. Be assured of the continued firm commitment of the Netherlands, both as the host country and as a State party, to the integrity of the Statute and the effective functioning of the Court in The Hague.

21. Senior management of the Court has hit the ground running and I can report from my privileged view on the operations of the Court that we feel confident with the progress made and that we have trust in the capabilities of all being involved to take it even much further.

Annex VII

List of documents

Plenary

ICC-ASP/2/1	Provisional agenda
ICC-ASP/2/1/Add.1	Note by the Secretariat containing an annotated list of items included in the provisional agenda
ICC-ASP/2/2	Draft programme budget for 2004
ICC-ASP/2/3	Note by the Secretariat on proposals by the Bureau on the establishment of a permanent secretariat of the Assembly of States Parties
ICC-ASP/2/4	Note by the Secretariat on the election of members of the Committee on Budget and Finance
ICC-ASP/2/5 and Corr.1	Note by the Secretariat transmitting the report of the International Criminal Court
ICC-ASP/2/6	Note by the Secretariat on draft staff regulations for the International Criminal Court
ICC-ASP/2/7 and Corr.1	Report of the Committee on Budget and Finance
ICC-ASP/2/8 and Add.1	Note by the Secretariat on the election of the Deputy Prosecutor of the International Criminal Court
ICC-ASP/2/9 and Add.1	Note by the Secretariat on the election of members of the Board of Directors of the Victims Trust Fund
ICC-ASP/2/L.1	Note by the Secretariat on the establishment of an international criminal bar
ICC-ASP/2/L.2	Draft resolution submitted by Sierra Leone: Recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court
ICC-ASP/2/L.3	Draft resolution proposed by the Bureau: Term of office of the members of the Committee on Budget and Finance
ICC-ASP/2/L.4	Draft resolution proposed by the Bureau: Role of the United Nations in the establishment of the International Criminal Court
ICC-ASP/2/L.5	Draft resolution proposed by the Bureau: Establishment of the Permanent Secretariat of the Assembly of States Parties to the International Criminal Court

ICC-ASP/2/L.6	Draft resolution proposed by the Bureau: Establishment of the trust fund for the participation of the least developed countries in the activities of the Assembly of States Parties
ICC-ASP/2/L.7	Draft resolution proposed by the Bureau: Strengthening the International Criminal Court and the Assembly of States Parties
ICC-ASP/2/L.8	Report of the Credentials Committee
ICC-ASP/2/L.9	Draft report of the Assembly of States Parties
ICC-ASP/2/INF/2	Delegations to the second session of the Assembly

Working Group on the draft Programme budget

ICC-ASP/2/WGPB/L.1/Rev.1	Report of the Working Group on the programme budget for 2004
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Working Group on Staff Regulations

ICC-ASP/2/WGSR/L.1/Rev.1	Report of the Working Group on Staff Regulations
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Special Working Group on the Crime of Aggression

ICC-ASP/2/SWGCA/DP.1 ¹	Proposal submitted by Cuba: definition of the crime of aggression and conditions for the exercise of jurisdiction
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¹ Revised version of the proposal by Cuba previously issued as document ICC-ASP/1/L.4.