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**Report of the Committee on Budget and Finance  
on the work of its eighteenth session**

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## I. Introduction

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

1. The eighteenth session of the Committee on Budget and Finance (“the Committee”), comprising ten meetings, was held at the seat of the Court in The Hague, from 23 to 27 April 2012. The President of the Court, Mr. Sang-Hyun Song, delivered welcoming remarks at the opening of the session.

2. For the eighteenth session, the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at the 9<sup>th</sup> plenary meeting of its tenth session on 21 December 2011.

#### Election of officers

3. For the eighteenth session, the Committee elected Mr. Gilles Finkelstein (France) as Chairperson, and elected Mr. David Banyanka (Burundi) as Vice-Chairperson by consensus, in accordance with rule 10 of its Rules of Procedure and following the practice of the yearly rotation of the Vice-Chair. The Committee expressed its appreciation of the outstanding contribution of the former Chairperson, Mr. Santiago Wins (Uruguay), and Vice-Chairperson, Mr. Juhani Lemmik (Estonia). The Committee also expressed its appreciation of the work of former members Mr. Masud Husain (Canada) and Ms. Rossette Nyirinkindi Katungye (Uganda). In accordance with rule 13, the Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur.

4. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and the Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as the Secretary of the Committee.

5. At its 1st meeting, the Committee adopted the following agenda (CBF/18/1):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Participation of observers
5. Organization of work
6. Review of financial issues
7. Audit matters
8. Budgetary matters
9. Administrative matters
10. Human resources
11. Legal aid
12. Premises of the Court
13. Other matters

6. The following members attended the eighteenth session of the Committee:

1. Hugh Adsett (Canada)
2. David Banyanka (Burundi)
3. Carolina María Fernández Opazo (Mexico)
4. Gilles Finkelstein (France)
5. Fawzi A. Gharaibeh (Jordan)
6. Samuel P.O. Itam (Sierra Leone)

7. Juhani Lemmik (Estonia)
8. Mónica Soledad Sánchez Izquierdo (Ecuador)
9. Gerd Saupe (Germany)
10. Ugo Sessi (Italy)
11. Elena Sopková (Slovakia)
12. Masatoshi Sugiura (Japan)

7. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

8. On 26 April 2012, the Committee heard presentations by the Coordinator of The Hague Working Group, Ambassador Markus Börlin (Switzerland) and the Chair of the Study Group on Governance, Ambassador Pieter de Savornin Lohman (Netherlands), respectively. In addition, the Committee heard a briefing on Cluster II (Budgetary process) of the Study Group on Governance by its focal point, Mr. Cary Scott-Kemmis (Australia).

## **B. Participation of observers**

9. The Committee accepted the request of the Coalition for the International Criminal Court to make a presentation to the Committee. In addition, Committee members met informally with representatives of the Staff Council.

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

10. As a preliminary matter, the Committee expressed regret at the number of reports submitted to it very late. Late submission of reports had a particularly negative impact on the ability of the Committee to manage its workload. The Committee stressed the importance of the Court producing quality reports, and answers to questions, in a timely manner to allow their consideration by the Committee members prior to the session. For its next session, the Committee decided that it would not consider any reports submitted to it later than the deadlines set for their submission.

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

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

11. The Committee reviewed the status of contributions as at 31 March 2012 (annex I). The Committee noted that the outstanding contributions were of €1,495,000. In addition, the Committee noted that as at 31 March 2012, similar to 2011, only 47 per cent of the contributions due in 2012 had been paid, and expressed concern that only 37 States had fully paid all their contributions. The Committee encouraged all States Parties to make best efforts to ensure that the Court had sufficient funds throughout the year, in accordance with regulation 5.6 of the Financial Regulations and Rules.

12. According to article 112, paragraph 8, of the Rome Statute, “A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.” The Committee observed that, as at 31 March 2012, eight States Parties were in arrears and would therefore not be able to vote, in accordance with article 112, paragraph 8. The Committee noted that the Secretariat had informed States Parties in arrears three times in 2011, of the minimum payment required to avoid application of article 112, paragraph 8, of the Statute, and of the procedure for requesting an exemption from the loss of voting rights. **The Committee requested the Secretariat to again notify States Parties in arrears. The Committee recommended that all States in arrears settle their accounts with the Court as soon as possible.**

## 2. Cash holdings

13. The Committee was informed that, as at 15 February 2012, the Court held approximately €75.2 million. This included cash for the Working Capital Fund in the amount of €7.4 million and for the Contingency Fund in the amount of €8.7 million.

## 3. Investment of liquid funds

14. The Court updated the Committee on the status and management of its liquid funds. It explained that, in 2011, average monthly cash balances had amounted to €61.5 million with a yearly return of €0.7 million. The Court had concentrated its efforts on the preservation of investment principal, and secondarily on interest gains. To achieve risk diversification, it had spread investments among six banks in four European countries of high credit standing. However, the Committee noted that almost 70 per cent of total cash funds were concentrated in one single country.<sup>1</sup>

15. The Committee invited the Court to continue monitoring financial markets and to avoid and, where necessary, mitigate undue concentration of counterparty and country risk. Noting the relatively large yield differential of the placements at different banks, **the Committee recommended that the Court consider guidelines for achieving satisfactory returns without prejudice to the first priority of safeguarding its funds, and determine which banks should be used taking into consideration its cash flow needs and the credit rating of such banks, especially in unstable financial market conditions, and report to the Committee at its twentieth session.**

16. **The Committee noted that the Office of Internal Audit had included the Court's treasury management in the 2012 audit plan, and looked forward to being informed by the Auditor of the outcome of the audit at its twentieth session.**

## 4. Scale of assessment and replenishment of the Contingency Fund

17. The Committee noted that the reference chosen for replenishment of the Contingency Fund in 2012 was the scale of assessment as at 31 December 2011. The Committee noted that section E of resolution ICC-ASP/10/Res.4 did not specify which scale of assessment would be applicable for the replenishment. **As replenishment of the Contingency Fund was forward-looking, the Committee recommended that the scale of assessment chosen for replenishment of the Contingency Fund in future years be not that of the budget year when the replenishment is approved by the Assembly but that of the corresponding budget year when the replenishment is apportioned among States Parties.**

18. The Committee also noted that, in accordance with article 117 of the Rome Statute, the scale of assessment for the Court was based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale was based. The Committee noted that there was a lack of clarity on the way in which the Court currently calculates the scale of assessment. **The Committee thus recommended that the Court provide the Committee at its nineteenth session with the methodology it uses for establishing the scale. The Committee also recommended that the Assembly ask the Court to publish the scale of assessment that it applied and send that information to States Parties with their annual notification of assessment.**

<sup>1</sup> The Court's funds are spread across six banks in four countries:

1. ABN AMRO, Netherlands:	€26.4 million (35%)
2. ING Bank, Netherlands:	€12.0 million (16%)
3. Rabobank, Netherlands:	€13.8 million (18%)
4. Deutsche Bank, Germany:	€17.0 million (23%)
5. BNP Paribas, France:	€3.0 million (4%)
6. HSBC, United Kingdom:	€3.0 million (4%)
Total:	€75.2 million

## 5. Contingency Fund

19. The Committee noted that the initial balance of the Contingency Fund in 2010 was €9,168,567 and, after it was accessed in the same year for the amount of €412,000, the balance as at 1 January 2011 was €8,756,567.

20. During 2011, the Court submitted notifications to access the Contingency Fund in the amount of €8,544,384, of which €5,125,349 was considered as expenditure. Taking into consideration that the 2011 unaudited figures, which are subject to change, state a surplus of €1,326,756 after implementation of the approved regular budget for 2011, the actual drawdown on the Contingency Fund would be €3,798,593.

21. With regard to the replenishment of the Contingency Fund, the Committee noted that after the surplus was applied, the balance of the Contingency Fund as at 31 December 2011 would be €4,957,974 and that the €2.2 million approved at the tenth session of the Assembly would be sufficient to restore the fund to its €7 million minimum balance.<sup>2</sup>

22. The Committee took note of the report on the criteria for the utilization of the Contingency Fund and welcomed the development of a standard operating procedure setting out the steps necessary to access the Fund.

23. The Committee noted that it had already received three requests till the end of its April session to access the Contingency Fund, totaling €2,377,400.<sup>3</sup> **The Committee emphasized the need for the Court to exercise the utmost care in requesting access to the Contingency Fund and to ensure access was requested only when absolutely necessary. The Contingency Fund should not be viewed as an alternative form of financing.**

## 6. Audit matters

24. The Committee heard an oral presentation from the Director of the Office of Internal Audit (OIA). It was informed that, while management's receptiveness to audit recommendations had improved, it appeared there was still an implementation backlog. **The Committee proposed that in future presentations the Director of the OIA should include information on management's response to the OIA's recommendations.**

25. The Committee was presented with the OIA's three-year audit plan based on its risk register. **The Committee suggested that the OIA explore the possibility of an evaluation study of legal aid.**

## B. Budgetary matters

### 1. Programme performance of the 2011 budget

26. The Committee considered the Report on activities and programme performance of the International Criminal Court for the year 2011<sup>4</sup> and expressed appreciation of its format. The Committee took note of the intense activity of the Court in 2011 and observed

<sup>2</sup> The Contingency Fund balance as at 31 December 2010	€9,168,567
Less: Amount accessed in 2010	€412,000
The Contingency Fund balance as at 1 January 2011	€8,756,567
Less: Expenditures (unaudited) during 2011	€5,125,349
Net balance	€3,631,218
Add: Surplus from 2011 approved regular budget	€1,326,756
Available balance as at 31 December 2011	€4,957,974
Add: Replenishment approved by the Assembly in its tenth session	€2,200,000
The Contingency Fund balance as at 31 December 2011 after replenishment	€7,157,974

<sup>3</sup> The Court provided supplementary budget notifications to access the Contingency Fund in 2012 to the Committee in the following instances:

(a) By letter dated 4 January 2012, the Registrar submitted a notification for the sum of €391,800 to cover the costs in the situation of Côte d'Ivoire;

(b) By letter dated 14 March 2012, the Registrar submitted a short supplementary budget notification for the sum of €417,800 to cover the costs of extension of mandates; and

(c) By letter dated 12 April 2012, the Registrar submitted a notification for the sum of €1,567,800 to cover the costs relating to the decision on the Confirmation of Charges in Kenya.

<sup>4</sup> ICC-ASP/11/8.

with satisfaction that, for the first time, the budgetary assumptions had proved accurate. Thus, based on preliminary, unaudited numbers, the overall implementation rate had been 98.7 per cent, or a total of €102.28 million,<sup>5</sup> against an approved budget of €103.61 million. The Committee recognized that the Court's actual expenditures, taking together the regular budget and the total Contingency Fund application, was €107.4 million, representing an overspend of €3.8 million against the 2011 approved budget.

27. The Committee noted that there was significant overspending on general temporary assistance (GTA) and legal aid. The implementation rate for GTA was 135.6 per cent of the approved budget, representing an additional €3,183,000 (actual expenditure in 2011 was €12,134,000, against the approved budget of €8,950,000). The Committee was informed that the overspend was due to the increase in activities relating to judicial activities and to the Court's current accounting practice of booking against the GTA budget line the costs of engaging GTA staff to perform the functions of established posts that were vacant by reason of maternity leave, temporary separation, etc. **In order to improve the transparency of budget implementation, the Committee recommended that resources spent on staffing permanent posts with GTA should be reported in a separate budget line.**

28. The Committee noted that there was a significant risk that the budget estimates on legal aid would be exceeded. Extending the procedural deadlines in the Lubanga case and maintaining the defense team unchanged is likely to lead to a new Contingency Fund request by the end of the first half of 2012. The Committee therefore recommended that the Registrar provide a financial report to Chambers on the impact of upcoming decisions.

## 2. Organizational structure of the Court

29. The Committee considered the report of the Court on its organizational structure. It recalled its recommendation that the Court undertake a thorough evaluation/review of its organizational structure with a view to streamlining functions, processes and corresponding structures, reducing spans of control where necessary, identifying responsibilities that could be delegated and rationalizing lines of reporting. Furthermore, the Committee had recommended that the Court present a report on the complete structure of the Court, and not at the position level, for its eighteenth session, with a view to identifying clear managerial and reporting lines, as well as any needs, current or future, to modify the Court's structure and post requirements. The Committee took note of the report, but also noted that it did not specifically address the issues above. **The Committee requested that the Court use internal resources to provide a response to the questions above for its nineteenth session.**

## 3. Performance of the 2012 approved budget (first quarter)

30. The Committee had before it the report on budget performance of the International Criminal Court as at 31 March 2012.<sup>6</sup> The Committee noted that the Assembly had approved a budget of €108,800,000 for the year 2012. The Committee observed that the implementation rate at the end of the first quarter of 2011 was 29.7 per cent, while at the end of the first quarter of 2012 it was already at 31.5 per cent (or €34.22 million). The Committee agreed to continue to monitor the situation at its nineteenth session.

## 4. Budget assumptions 2013

31. The Committee heard an oral presentation on the provisional budget assumptions for 2013. The Court informed the Committee that it had extended the number of assumptions from 11 to 21. The Court indicated that the provisional major cost drivers for the 2013 proposed programme budget were staff costs, with an increase of about 6 per cent (€4 million); rent of the interim premises (€6 million); permanent premises (2gv) (€0.2 million); and delayed capital investment (about €1 million).

<sup>5</sup> Subject to final revision by the External Auditor.

<sup>6</sup> CBF/18/16.

## 5. Budget process

32. The Committee considered the report of the Court on its budgeting process.<sup>7</sup> The Committee recalled the recommendation it had made at its seventeenth session that **the Court should reconsider its budgeting process to ensure that the fiscal context was well understood by all programmes and sub-programmes and that a real prioritization process was established.** Against that background, the Committee was of the view that the Court's report did not address some of the key issues of concern, **and, therefore, requested the Court to address the following issues and report to the Committee at its nineteenth session:**

(a) How to compress the timeline of the budget process so that the assumptions for the following year's budget could be set later in the year and thus be based on a more accurate estimation of conditions determining the funding needs; and

(b) Whether and when the Court intended to phase in zero-based budgeting for all remaining sections of the Court.

33. The Committee observed that the Court's proposed 'scenario-based' approach to budgeting was no substitute for zero-based budgeting, but rather described additional requirements that might arise as a result of an increased level of judicial activity in the following fiscal year, thus giving rise to a supplementary budget. While the 'scenario-based' approach was a welcome initiative capable of increasing budget transparency and facilitating planning, it did not by itself have the potential to deliver budget savings. The Committee stressed that the budget process of individual sections must be based on comprehensive guidance, analysis from previous years and review by top-level management in order to enforce strong fiscal discipline and ensure that requests were subject to rigorous examination before being passed on for budget submission.

34. The Committee noted the connection between the subject matter of the report on the budgeting process and its recommendations on the re-justification of posts, the freeze on established posts and the report of the Court on its organizational structure.

## C. Administrative matters

### 1. Efficiency measures

35. The Committee considered the Seventh Status Report on the Court's progress regarding efficiency measures.<sup>8</sup> The Committee noted the efforts made by various parts of the Court to increase coordination and make more flexible use of the resources available to the Court. According to the Registrar, actual savings realized as a result in 2011 were valued at €2.9 million, of which €1.3 million was for the second half of 2011. The Committee underlined the importance for the Court of continuing to look for other sources of saving. The Committee drew attention to resolution ICC-ASP/10/Res.4, section H, paragraph 2, according to which any proposed increase of the budget for 2013 would need to be compensated by reductions elsewhere, in order to bring the budget into line with the level of the approved budget for 2012. Noting that the report on efficiency measures did not show the impact of these measures on the 2012 approved budget, **the Committee recommended that the Court submit a report on efficiency measures showing the impact of these measures on the 2012 approved budget at its twentieth session.**

### 2. Analytic accountability

36. The Committee considered the report of the Court on analytic accountability.<sup>9</sup> The Committee recalled the Court's previous discussions with the Committee and with the External Auditor on the Court's current inability to provide specific costs per trial. The Committee noted that the Court was still in the process of establishing the costs of individual trials and suggested the implementation of a gap analysis. The gap analysis could

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

<sup>8</sup> ICC-ASP/11/9.

<sup>9</sup> CBF/18/13.



involve a review of the various costs of one trial, in order to determine what information was readily available and what was not, and whether the latter was of significance. The Committee noted that ‘real time’ reporting was not required, but an ability to regularly obtain reports as required. The Committee also noted that some key cost drivers, such as the unit costs of defence counsel, translation, legal representation for victims, technical support and others were well established. **The Committee requested the Court to provide a report at the Committee’s nineteenth session on its ability to establish analytical accountability, noting that the absence of such information made it more difficult to demonstrate that cost assumptions had been met.**

### 3. International Public Sector Accounting Standards

37. The Committee considered the Progress report of the Court on the implementation of International Public Sector Accounting Standards (IPSAS).<sup>10</sup> **The Committee requested the Court to submit, in advance of the Committee’s nineteenth session, further explanation of the implications of each of the three main options for the transition to accrual accounting from the perspective of the budget. Since the Court referred to its current budget practice as “modified cash”, the Committee requested clarification on what elements of accruals were used in the current budget practice.**

38. The Committee also noted a slight overspend in the first IPSAS budget year. **The Committee recalled that the project should be within the approved budget of €1,917,550, and requested an updated budget at its nineteenth session.**

39. The Committee took note of the report of the Court on proposed amendments to the Financial Regulations and Rules.<sup>11</sup> Pending a preliminary consideration of this matter by the Audit Committee and the External Auditor, the Committee deferred consideration of this matter to its twentieth session. Moreover, the Committee noted that due to the technical nature of the amendments, it might not be in a position to approve or disapprove the amendments. In that regard, **the Committee requested the Court to provide a thorough overview of the implications of implementing IPSAS for external users of financial information at its nineteenth session.**

### 4. Procurement

40. The Committee considered the report of the Court on procurement.<sup>12</sup> While welcoming the establishment of a system to address conflicts of interest, the Committee noted that this step had been long overdue and requested further clarification on whether the conflict of interest system incorporated a requirement for a declaration of assets. **The Committee requested that the Court place the Administrative Instructions relating to its anti-fraud and anti-retaliation policies on its website in order to ensure that the policy was widely known and easily accessible, and report to the Committee at its twentieth session.**

## D. Human resources

41. The Committee had before it the reports of the Court on human resources management,<sup>13</sup> a new approach to classification of posts and a proposal for a retiree health insurance subsidy scheme. The Committee expressed concern about the status of the implementation of its recommendations and the continued imbalance in geographical representation in the Court. The latter was evidenced by the statistics on human resources submitted to the Committee (see annex II).

<sup>10</sup> ICC-ASP/11/3.

<sup>11</sup> ICC-ASP/11/4.

<sup>12</sup> CBF/18/5.

<sup>13</sup> ICC-ASP/11/7.

## 1. Recruitment

42. The Committee noted the procedures available to increase the representation of non-represented or under-represented States and regions, and welcomed the efforts made by the Court to include qualified nationals from such States in recruitment shortlists. The Committee stressed the need to raise awareness of available posts in non-represented or under-represented States and regions and to explore other possible ways while applying a uniform recruitment process, with a view to extending the benefits of wider geographical representation to the Court. In this regard, **the Committee recommended that the Court describe, in the context of its human resources management report, the measures taken, the outcomes and proposals, and submit it at its twentieth session.**

43. **The Committee noted the progress made towards re-establishing the Selection Committee. It looked forward to receiving the terms of reference of the Selection Committee in advance of its twentieth session.**

## 2. Policy on General Temporary Assistance

44. The Committee underscored its request, originally contained in paragraph 69 of the report on its fifteenth session and reiterated in paragraph 62 of the report on its sixteenth session, for a standard policy and written directives on the use of the General Temporary Assistant (GTA) in each organ and on the criteria applied in their recruitment.

45. The Committee drew particular attention to the scope and purpose of the Staff Rules of the Court, which state that: “Staff members of the Court holding a short-term appointment shall be governed by separate rules drawn up by the Registrar, with the agreement of the Presidency and the Prosecutor.”<sup>14</sup> **The Committee recommended that the Court submit a draft proposal on the use of GTA and the rules for short-term staff at the twentieth session of the Committee.**

46. The Committee noted the Court’s view that applying a common vacancy rate to GTA staff in each organ and with different terms might result in a shortfall of services. **The Committee invited the Court to refine application of vacancy rates to each category of GTA in the context of its 2013 proposed programme budget.**

## 3. Consultants

47. The Committee noted that the Court was finalizing a policy on the employment of consultants and individual contractors under the Special Services Agreement (SSA) including detailed criteria for the use of consultants and a template for evaluation of the services rendered. The Committee stressed that consultants and individual contractors should not be employed as substitutes and could not discharge the functions of established posts and GTA. **The Committee recommended that the Court provide, in the context of its human resources management report for its twentieth session, information on the development of a new policy in that regard.**

## 4. Managerial accountability

48. The Committee welcomed the list, drawn up by the Court, of priority policies to be developed and promulgated, and publication on the Court’s intranet of a Topical Index of Administrative Issuances relating to human resources management. **The Committee recommended that the Court utilize its in-house capacity and publish the Index on the Internet with a view to enhancing transparency on its human resources management policy before the twentieth session of the Committee.**

49. The Committee took note of the Court’s view on the review of the current performance appraisal system. The Committee recalled resolution ICC-ASP/10/Res.4 in which the Assembly called upon the Court “to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed.” **The Committee recommended that the Court develop proposals to introduce a culture**

<sup>14</sup> ICC-ASP/4/3, “Scope and purpose” (page 9 of the English version).

**of personal accountability including rewards for good performance and sanctions for poor performance, and report to the Committee for consideration at its twenty-second session.**

50. The Committee took note of the Court's report on a new approach to classification of posts. **The Committee reiterated its view that the reclassification of posts at the Professional level needed to be approved by the Assembly, at the Court's request, and recommended that the Assembly continue to hold final approval authority in this regard for the time being, pending further experience with the application of criteria under the Court's new approach.** The Committee stressed that reclassification should only be used for increased responsibility in relation to functions, not as a promotion tool or to justify increased workloads. The Committee noted that the development of clear criteria for evaluation of classification could enhance managerial accountability and that granting limited flexibility for reorganization to the Court within the approved numbers and grades of posts could result in budgetary control and increased efficiency of the Court. **The Committee recommended that the Court review its proposal carefully and report to the Committee for consideration at its twenty-second session.**

#### **5. Conditions of service in the field**

51. The Court informed the Committee that it had decided to harmonize the conditions of service for Professional staff serving at field duty stations with the United Nations common system and was working on the transitional arrangements for staff already on board. The Committee recalled that any proposals with budget implications must be explicitly approved by the Assembly, after consideration by the Committee. The Committee expressed its concern at repeated instances of non-compliance with the established budgetary procedures. **The Committee recommended that the Court develop its policies on harmonization of the conditions of service and report to the Committee for consideration at its nineteenth session together with the possible reductions and increases in the 2013 proposed programme budget of the Court.**

#### **6. Retiree health insurance subsidy scheme**

52. The Committee considered the Proposal by the Court for a retiree health insurance subsidy scheme.<sup>15</sup> The Committee thanked the Court for having included in its report, in response to requests by the Committee, the cost implications of a 50/50 subsidy and a comparison with United Nations system organizations.

53. Taking into account the fact that the first retiree to meet the ten-year continuous coverage criterion might appear in the near future and the Court's view that the cost for a 50 per cent subsidized scheme would be in the moderate and affordable range for the next 15 years and expected to level out after that, **the Committee recommended that the Court refine the proposal, to include the longer-term financial implications and foreseeable risks in the increase of premiums, and report to the Committee for consideration at its nineteenth session.**

#### **7. Junior Professional Officer programme**

54. The Committee took note of the information from the Court about its proposal to establish a Junior Professional Officer (JPO) programme and the cost of administering it, which, as is the custom in all United Nations system organizations, would be recovered from the sponsoring countries, as well as an overhead charge and other payments for each JPO. The proposed JPO programme was particularly timely and relevant in view of the discontinuation in 2012 of the EU's internship programme, which had provided over 200 interns a year as an additional human resource for the Court. In that regard, **the Committee invited the Court to provide a transparent policy applied inside the Court and to present confirmation that the financial policy of other international organisations would be applied in full to this programme, for final consideration by the Committee during its nineteenth session.**

<sup>15</sup> CBF/18/9.

## E. Legal aid

55. The Committee heard a presentation by the Registrar on the efforts undertaken to review the legal aid system, pursuant to the terms of resolution ICC-ASP/10/Res.4, section J. The Court had submitted a proposal, which had formed the basis of discussions in The Hague Working Group and had led to the adoption by the Bureau of a decision on legal aid on 23 March 2012. The Committee noted that the Bureau decision on legal aid contained two categories of reforms: those to be implemented as of 1 April 2012, and those measures that had been deferred to the eleventh session of the Assembly. The Committee was informed that it remained to be seen whether the measures adopted would achieve the expected tentative savings of €1.5 million, quantified during the tenth session of the Assembly.<sup>16</sup>

56. The Committee noted the recent changes to the legal aid system undertaken by the Bureau and the Registrar. That represented the first phase of the review of legal aid requested by the Assembly at its tenth session.<sup>17</sup> The objective of the requested reforms was to find a balance between the need for the Court to exercise good management of its resources, and the need to ensure respect for due process and the rights of indigent accused to legal representation. **The Committee recommended that the Court examine other aspects of the legal aid system, for example the test for determining the indigence of accused, and the question of the method of representation of the accused during the reparations phase, and report to the Committee at its nineteenth session.**

57. The Committee noted that a strengthening of the role of the Office of Public Counsel for Victims could lead to an overall reduction of costs, if sufficient resources were provided. The Committee recalled that rule 90 of the Rules of Procedure and Evidence provided that “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.” The Committee observed that this also provided a possible source of savings, while ensuring appropriate representation for victims.

58. The Committee noted that the prolongation of the Lubanga trial had led to increased legal aid costs. For the defence, the actual costs for 2012 rose to €126,203, notably because the Chamber remained seized of the matter, and, in its decision 2800, the pre-trial Chamber had decided that the defence should retain the same team.

59. During its sixteenth session, the Committee had noted its concern at the lack of information on the cost consequences of judicial decisions. **The Committee recommended that, in order to increase transparency, the Registrar provide the Chambers with an indication of the financial impact of matters before it, preferably before decisions were taken. The Committee also recommended that the President inform Chambers of the need to appropriately consider the question of costs during their deliberations, taking into account the independence of the judges. The Committee renewed its recommendation that the Registrar prepare a report to the Committee and the Assembly, in the context of preparing the 2013 proposed programme budget, on all judicial decisions taken in 2010, 2011 and from January - August 2012 having a significant impact on the budget, taking into account the need, as appropriate, to protect confidentiality.**

<sup>16</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth session, New York, 12-21 December 2011* (ICC-ASP/10/20), part III, ICC-ASP/10/Res.4, section J. (reference was made to the Registry’s discussion paper on the review of the ICC legal aid system (ASP10/01P13 and Add.1).

<sup>17</sup> *Ibid.*

## F. Premises of the Court

### 1. Interim premises

60. The Committee received an update from the Court on the status of the interim premises. The Committee noted that a significant cost, around €6 million,<sup>18</sup> would need to be covered in future budgets for the payment of rent for the interim premises until such time as the Court moved into its permanent premises.

### 2. Office space for translation teams

61. The Committee recalled its prior recommendations that the Court continue to provide the requisite office space for the translation teams of the Secretariat in the Haagse Veste, which had been possible during the prior years, thus avoiding any budgetary implications for the rental of office space.

### 3. Permanent premises

62. The Committee had before it the Interim report on the activities of the Oversight Committee<sup>19</sup> and heard presentations by its Chairperson, Mr. Roberto Bellelli (Italy), the Project Director for the Permanent Premises project and a project consultant. They briefed the Committee on the activities of the Oversight Committee, the activities of the Project Director's Office and the total cost of ownership, respectively.

63. The Oversight Committee sought the advice of the Committee on how to approach the funding costs of the total cost of ownership. The Chairman of the Oversight Committee and the Project Director explained that the annual total cost of ownership – estimated at €14.2 million in 2016 – comprised: (i) the financial costs (interest on and repayment of the host State loan); (ii) the operating costs (maintenance, energy, utilities, insurance, taxes); and (iii) the funding costs. These funding costs resulted from investments needed for the replacement of materials and to prevent functional ageing of the building. With a share of 44 per cent, the funding costs represented a significant part of the total cost of ownership. With completion of the project expected in 2015, the 2016 financial year would be the first to be impacted by these costs. However, the issue should be addressed in a timely manner.

64. Given the size of the funding costs, the Oversight Committee suggested that the Assembly should consider a strategic decision on how to handle these costs, i.e. either through an annual approach or a lifetime approach.

65. Under the annual approach, the cash requirements would be estimated and budgeted each year. However, annual approval entailed a higher risk of not managing the premises properly and therefore causing a decrease in asset value. Alternatively, under the lifetime approach, the cash required over the lifetime of the premises (e.g. 50 years) would be estimated. Based on this estimate, an investment fund would be created with sufficient resources to finance capital replacements at the time they occurred. This would entail higher initial costs to create the fund, but would facilitate more comprehensive planning for proper maintenance.

66. The Committee shared the concern of the Oversight Committee that the financial arrangements should allow for the proper maintenance of the premises and the preservation of asset value.

67. To prepare a proposal for consideration by the Assembly, however, **the Committee invited the Oversight Committee, in cooperation with the Project Director, to flesh out its present qualitative analysis with quantitative assumptions, options and scenarios, including risk assessments and illustrations of the costs.**

<sup>18</sup> The host State had agreed to extend payment of the rent for the Haagse Arc and the Court's additional interim premises from 1 July 2012 until 31 December 2012. A renewal of the lease agreement for the Haagse Arc will be signed for duration of 45 months, starting 1 July 2012 and ending on 31 March 2016.

<sup>19</sup> ICC-ASP/11/8.

68. The Committee welcomed the statement of the chairperson of the Oversight Committee concerning the ongoing efforts to keep the project within the limits of the approved budget.

## **G. Other matters**

### **1. Trust Fund for Victims**

69. The Committee considered the Report of the Secretariat of the Trust Fund for Victims on the usage of programme support costs<sup>20</sup> and heard a presentation by the Executive Director of the Secretariat of the Trust Fund for Victims.

70. The Committee recognized the importance of victims and the Trust Fund for Victims in the Rome Statute and took note of the possibility for private donors to contribute to the Trust Fund. The Committee also noted the Executive Director's concern that the present level of contributions could not safely be assumed to be maintained. The Committee was informed that a number of key donors would be in a position to continue contributions in 2012, while others would not.

71. **The Committee recalled that it had recommended at its seventeenth session that the Secretariat for the Trust Fund for Victims undertake a review of the possibility of using some percentage of voluntary contributions to cover costs for the delivery of programmes and projects in the field.**<sup>21</sup> Regarding the programme support costs, the Executive Director expressed the view that setting aside a part of voluntary contributions to cover the operational cost of the Trust Fund Secretariat could have a disproportionate negative effect on the availability of funding for the actual benefit of victims. The Committee also noted that the Trust Fund's Board of Directors, aware of the pressure on the regular budget, had indicated that it would carefully monitor the Fund's institutional and financial development with a view to possible future consideration of applying a percentage of voluntary contributions to the operational cost. Furthermore, at its March 2012 meeting, the Board of Directors had indicated that the Secretariat of the Trust Fund for Victims operated as a financial mechanism and should therefore be considered by the Assembly as an administrative/management tool.

72. The Committee noted that the Board of Directors had allocated funds in the Trust Fund towards reparations. As regards the elaboration of the principles on reparations referred to in article 75 of the Rome Statute, the Committee was informed that the Court had decided not to develop Court-wide principles relating to reparations, but would proceed on a case-by-case basis. The Executive Director noted that, for reparations, it would engage not only with victims but with their communities, and that process would have to be managed in consultation with Chambers and together with the Registry.

### **2. Dates for the nineteenth session of the Committee**

73. The Committee decided to hold its nineteenth session in The Hague from 24 September to 3 October 2012.

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<sup>20</sup> CBF/18/14.

<sup>21</sup> *Official Records... Tenth session... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 132.

## Annex I

## Status of contributions as at 31 March 2012

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
1 Afghanistan	25.146	25.146	-	6.449	-	6.449	6.449
2 Albania	78.460	78.460	-	16.123	16.114	9	9
3 Andorra	79.425	79.425	-	11.286	-	11.286	11.286
4 Antigua and Barbuda	28.382	22.929	5.453	3.225	-	3.225	8.678
5 Argentina	6.834.471	6.834.471	-	462.732	-	462.732	462.732
6 Australia	21.271.213	21.271.213	-	3.116.592	3.116.592	-	-
7 Austria	10.591.420	10.591.420	-	1.372.074	1.372.074	-	-
8 Bangladesh	24.349	-	24.349	16.123	-	16.123	40.472
9 Barbados	108.250	108.250	-	12.898	-	12.898	12.898
10 Belgium	13.191.168	13.191.168	-	1.733.231	1.733.231	-	-
11 Belize	12.152	12.152	-	1.612	-	1.612	1.612
12 Benin	23.001	23.001	-	4.837	-	4.837	4.837
13 Bolivia (Plurinational State of)	89.458	89.458	-	11.286	-	11.286	11.286
14 Bosnia and Herzegovina	84.045	84.045	-	22.572	-	22.572	22.572
15 Botswana	171.794	171.794	-	29.022	-	29.022	29.022
16 Brazil	16.433.395	16.433.395	-	2.597.428	-	2.597.428	2.597.428
17 Bulgaria	281.833	281.833	-	61.268	61.268	-	-
18 Burkina Faso	25.045	20.619	4.426	4.837	-	4.837	9.263
19 Burundi	10.528	8.487	2.041	1.612	-	1.612	3.653
20 Cambodia	23.001	18.483	4.518	4.837	-	4.837	9.355
21 Canada	35.957.384	35.957.384	-	5.170.672	5.170.672	-	-
22 Cape Verde	-	-	-	1.611	-	1.611	1.611
23 Central African Republic	12.152	11.717	435	1.612	-	1.612	2.047
24 Chad	10.530	1.689	8.841	3.225	-	3.225	12.066
25 Chile	802.688	802.688	-	380.505	354.118	26.387	26.387
26 Colombia	1.640.848	1.640.848	-	232.172	227.340	4.832	4.832
27 Comoros	7.721	578	7.143	1.612	-	1.612	8.755
28 Congo	17.046	17.046	-	4.837	-	4.837	4.837
29 Cook Islands	4.843	3.309	1.534	1.612	-	1.612	3.146
30 Costa Rica	379.421	379.421	-	54.818	-	54.818	54.818
31 Croatia	692.317	692.317	-	156.394	-	156.394	156.394
32 Cyprus	516.704	516.704	-	74.166	74.166	-	-
33 Czech Republic	1.174.000	1.174.000	-	562.695	562.695	-	-
34 Democratic Republic of the Congo	37.073	37.073	-	4.837	468	4.369	4.369
35 Denmark	8.892.048	8.892.048	-	1.186.658	1.186.658	-	-
36 Djibouti	11.956	5.219	6.737	1.612	-	1.612	8.349
37 Dominica	12.152	9.340	2.812	1.612	-	1.612	4.424
38 Dominican Republic	310.404	181.210	129.194	67.717	-	67.717	196.911
39 Ecuador	307.938	307.938	-	64.492	-	64.492	64.492
40 Estonia	248.226	248.226	-	64.492	64.492	-	-
41 Fiji	44.227	43.028	1.199	6.449	-	6.449	7.648
42 Finland	6.707.708	6.707.708	-	912.566	912.566	-	-
43 France	75.022.145	75.022.145	-	9.872.161	9.872.161	-	-
44 Gabon	123.454	51.213	72.241	22.572	-	22.572	94.813
45 Gambia	12.152	12.152	-	1.612	-	1.612	1.612
46 Georgia	44.021	44.021	-	9.674	9.674	-	-
47 Germany	103.597.451	103.597.451	-	12.927.484	6.900.268	6.027.216	6.027.216
48 Ghana	55.376	55.376	-	9.674	-	9.674	9.674
49 Greece	7.230.587	6.206.795	1.023.792	1.114.105	-	1.114.105	2.137.897
50 Grenada	641	-	641	1.612	-	1.612	2.253
51 Guinea	23.916	20.926	2.990	3.225	-	3.225	6.215
52 Guyana	10.528	10.528	-	1.612	1.612	-	-
53 Honduras	69.828	40.670	29.158	12.898	-	12.898	42.056
54 Hungary	2.551.662	2.551.662	-	469.182	469.182	-	-
55 Iceland	450.270	450.270	-	67.717	67.717	-	-
56 Ireland	5.089.995	5.089.995	-	802.929	802.929	-	-
57 Italy	60.676.387	60.676.387	-	8.059.927	-	8.059.927	8.059.927
58 Japan	84.487.695	84.487.695	-	20.202.216	-	20.202.216	20.202.216
59 Jordan	145.418	145.418	-	22.572	-	22.572	22.572

<i>States Parties</i>	<i>Prior Years' Assessed Contributions</i>	<i>Prior Years' Receipts</i>	<i>Prior Years' Outstanding Contributions</i>	<i>2012 Assessed Contributions</i>	<i>2012 Contributions Received</i>	<i>2012 Outstanding Contributions</i>	<i>Total Outstanding Contributions</i>
60 Kenya	102.343	102.343	-	19.348	-	19.348	19.348
61 Latvia	263.067	263.067	-	61.268	61.268	-	-
62 Lesotho	12.152	12.150	2	1.612	-	1.612	1.614
63 Liberia	10.528	6.500	4.028	1.612	-	1.612	5.640
64 Liechtenstein	95.568	95.568	-	14.511	14.511	-	-
65 Lithuania	436.826	436.826	-	104.800	-	104.800	104.800
66 Luxembourg	1.012.518	1.012.518	-	145.108	145.108	-	-
67 Madagascar	13.657	11.076	2.581	4.837	-	4.837	7.418
68 Malawi	12.533	12.533	-	1.612	-	1.612	1.612
69 Maldives	128	-	128	1.612	-	1.612	1.740
70 Mali	23.001	20.440	2.561	4.837	-	4.837	7.398
71 Malta	190.146	190.146	-	27.409	-	27.409	27.409
72 Marshall Islands	12.152	8.418	3.734	1.612	-	1.612	5.346
73 Mauritius	133.665	133.665	-	17.735	17.735	-	-
74 Mexico	20.139.394	20.139.394	-	3.798.597	-	3.798.597	3.798.597
75 Mongolia	15.227	15.227	-	3.225	-	3.225	3.225
76 Montenegro	17.615	17.615	-	6.449	-	6.449	6.449
77 Namibia	79.678	79.678	-	12.898	12.898	-	-
78 Nauru	12.152	12.152	-	1.612	1.169	443	443
79 Netherlands	21.876.125	21.876.125	-	2.990.831	2.990.831	-	-
80 New Zealand	3.011.296	3.011.296	-	440.160	440.116	44	44
81 Niger	15.227	7.986	7.241	3.225	-	3.225	10.466
82 Nigeria	661.526	543.207	118.319	125.760	-	125.760	244.079
83 Norway	9.272.839	9.272.839	-	1.404.320	1.404.320	-	-
84 Panama	256.997	256.997	-	35.471	-	35.471	35.471
85 Paraguay	102.261	91.842	10.419	11.286	-	11.286	21.705
86 Peru	1.066.703	905.950	160.753	145.108	-	145.108	305.861
87 Philippines	23.064	23.064	-	145.108	-	145.108	145.108
88 Poland	6.845.205	6.845.205	-	1.334.991	1.334.991	-	-
89 Portugal	6.082.460	6.082.460	-	823.889	823.889	-	-
90 Republic of Korea	24.571.323	24.571.323	-	3.643.815	3.643.815	-	-
91 Republic of Moldova	3.075	-	3.075	3.225	-	3.225	6.300
92 Romania	1.131.697	1.131.697	-	285.378	127.382	157.996	157.996
93 Saint Kitts and Nevis	7.721	7.721	-	1.612	1.612	-	-
94 Saint Lucia	1.794	-	1.794	1.612	-	1.612	3.406
95 Saint Vincent and the Grenadines	11.956	11.956	-	1.612	-	1.612	1.612
96 Samoa	12.034	12.034	-	1.612	1.612	-	-
97 San Marino	35.836	35.836	-	4.837	4.837	-	-
98 Senegal	59.456	59.456	-	9.674	-	9.674	9.674
99 Serbia	295.621	295.621	-	59.655	59.655	-	-
100 Seychelles	3.588	3.588	-	3.225	-	3.225	3.225
101 Sierra Leone	12.152	9.338	2.814	1.612	-	1.612	4.426
102 Slovakia	947.242	947.242	-	228.948	228.948	-	-
103 Slovenia	1.121.679	1.121.679	-	166.068	-	166.068	166.068
104 South Africa	3.897.663	3.897.663	-	620.738	620.738	-	-
105 Spain	34.606.025	34.606.025	-	5.122.301	-	5.122.301	5.122.301
106 Suriname	10.995	10.995	-	4.837	4.837	-	-
107 Sweden	12.668.679	12.668.679	-	1.715.495	1.715.495	-	-
108 Switzerland	14.469.761	14.469.761	-	1.821.908	1.821.908	-	-
109 Tajikistan	15.227	15.227	-	3.225	3.225	-	-
110 The former Yugoslav Rep. of Macedonia	71.605	51.629	19.976	11.286	-	11.286	31.262
111 Timor-Leste	12.034	12.034	-	1.612	50	1.562	1.562
112 Trinidad and Tobago	353.187	353.187	-	70.942	70.942	-	-
113 Tunisia	15.376	-	15.376	48.369	-	48.369	63.745
114 Uganda	59.157	59.153	4	9.674	-	9.674	9.678
115 United Kingdom	77.814.612	77.814.612	-	10.647.681	2.661.978	7.985.703	7.985.703
116 United Republic of Tanzania	77.508	65.532	11.976	12.898	-	12.898	24.874
117 Uruguay	446.660	446.660	-	43.532	-	43.532	43.532
118 Vanuatu	-	-	-	1.478	-	1.478	1.478
119 Venezuela (Bolivarian Rep. of)	2.667.903	2.667.903	-	506.265	209.042	297.223	297.223
120 Zambia	25.682	13.450	12.232	6.449	-	6.449	18.681
<b>Total</b>	<b>713.988.744</b>	<b>712.284.227</b>	<b>1.704.517</b>	<b>108.800.000</b>	<b>51.398.909</b>	<b>57.401.091</b>	<b>59.105.608</b>



## Annex II

### Human resources tables

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

Status as at 31 March 2012

Total number of professionals: 324\*

Total number of nationalities: 77

**Distribution per region:**

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>Africa</b>	Algeria	1
	Benin	1
	Burkina Faso	1
	Cameroon	1
	Côte d'Ivoire	2
	Democratic Republic of the Congo	2
	Egypt	4
	Gambia	2
	Ghana	2
	Guinea	1
	Kenya	3
	Lesotho	1
	Malawi	1
	Mali	2
	Mauritius	1
	Niger	3
	Nigeria	4
	Rwanda	1
	Senegal	3
	Sierra Leone	3
South Africa	10	
Togo	1	
Uganda	2	
United Republic of Tanzania	2	
Zimbabwe	1	
	<b>Total</b>	<b>55</b>
<b>Asia</b>	China	1
	Cyprus	1
	Iran (Islamic Republic of)	4
	Japan	4
	Jordan	1
	Lebanon	2
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	2
	Republic of Korea	1
	Singapore	2
Sri Lanka	1	
	<b>Total</b>	<b>21</b>

\* Excluding elected officials and 38 language staff.

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>Eastern Europe</b>	Albania	1
	Bosnia and Herzegovina	1
	Bulgaria	1
	Croatia	4
	Georgia	1
	Poland	1
	Romania	5
	Russian Federation	2
	Serbia	5
	The former Yugoslav Republic of Macedonia	1
Ukraine	1	
	<b>Total</b>	<b>23</b>
<b>GRULAC</b>	Argentina	5
	Brazil	1
	Chile	2
	Colombia	6
	Costa Rica	1
	Ecuador	2
	Mexico	2
	Peru	4
	Trinidad and Tobago	4
	Venezuela (Bolivarian Republic of)	2
	<b>Total</b>	<b>29</b>
<b>WEOG</b>	Australia	12
	Austria	3
	Belgium	11
	Canada	15
	Denmark	1
	Finland	3
	France	44
	Germany	14
	Greece	3
	Ireland	7
	Italy	10
	Netherlands	18
	New Zealand	4
	Portugal	3
	Spain	10
	Sweden	1
	Switzerland	1
	United Kingdom	27
United States of America	9	
	<b>Total</b>	<b>196</b>

**Table 2: Geographical representation of Professional staff**

Status as at 31 March 2012

**Number of staff per post, per region\***

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>	
<b>D-1</b>	Africa	Lesotho	1	
		<i>Africa Total</i>	<i>1</i>	
	GRULAC	Ecuador	1	
		<i>GRULAC Total</i>	<i>1</i>	
	WEOG	Belgium	2	
		France	1	
		Italy	1	
		Netherlands	1	
		United Kingdom	1	
	<i>WEOG Total</i>	<i>6</i>		
	<b>D-1 Total</b>			<b>8</b>
	<b>P-5</b>	Africa	Kenya	1
			Mali	1
Senegal			1	
South Africa			3	
<i>Africa Total</i>			<i>6</i>	
Asia		Philippines	1	
		Singapore	1	
<i>Asia Total</i>		<i>2</i>		
Eastern Europe		Russian Federation	1	
		Serbia	1	
<i>Eastern Europe Total</i>		<i>2</i>		
GRULAC		Argentina	1	
		Ecuador	1	
<i>GRULAC Total</i>		<i>2</i>		
WEOG		Australia	1	
		Canada	1	
		Finland	1	
		France	3	
		Germany	4	
		Ireland	1	
		Italy	1	
		Spain	2	
		United Kingdom	1	
		United States of America	2	
		<i>WEOG Total</i>	<i>17</i>	
		<b>P-5 Total</b>		
<b>P-4</b>		Africa	Côte d'Ivoire	1
			Democratic Republic of the Congo	1
			Niger	1
	Nigeria		1	
	Sierra Leone		1	
	South Africa		1	
	<i>Africa Total</i>	<i>6</i>		
	Asia	Iran (Islamic Republic of)	2	
		Japan	1	
		Jordan	1	
	<i>Asia Total</i>	<i>4</i>		
	Eastern Europe	Croatia	1	
		Romania	1	
	<i>Eastern Europe Total</i>	<i>2</i>		
	GRULAC	Colombia	1	
		Peru	1	
		Trinidad and Tobago	3	
	<i>GRULAC Total</i>	<i>5</i>		
	WEOG	Australia	3	
		Belgium	1	
		Canada	2	
		Denmark	1	
		Finland	1	
		France	6	

\* Excluding elected officials and 38 language staff.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Germany	3
		Ireland	1
		Italy	2
		Netherlands	6
		Portugal	1
		Spain	1
		United Kingdom	9
		United States of America	1
		<i>WEOG Total</i>	<i>38</i>
		<b>P-4 Total</b>	<b>55</b>
<b>P-3</b>	Africa	Algeria	1
		Benin	1
		Burkina Faso	1
		Côte d'Ivoire	1
		Egypt	1
		Kenya	1
		Malawi	1
		Mali	1
		Niger	2
		Nigeria	2
		South Africa	6
		United Republic of Tanzania	1
		<i>Africa Total</i>	<i>19</i>
	Asia	Iran (Islamic Republic of)	1
		Lebanon	1
		Mongolia	1
		Palestinian Territory, Occupied	1
		Philippines	1
		Singapore	1
		<i>Asia Total</i>	<i>6</i>
	Eastern Europe	Albania	1
		Poland	1
		Serbia	1
		Ukraine	1
		<i>Eastern Europe Total</i>	<i>4</i>
	GRULAC	Argentina	1
		Chile	1
		Colombia	4
		Costa Rica	1
		Mexico	1
		Peru	1
		Trinidad and Tobago	1
		Venezuela (Bolivarian Republic of)	1
		<i>GRULAC Total</i>	<i>11</i>
	WEOG	Australia	5
		Austria	2
		Belgium	7
		Canada	5
		Finland	1
		France	14
		Germany	5
		Greece	1
		Ireland	4
		Italy	4
		Netherlands	3
		New Zealand	2
		Portugal	2
		Spain	3
		Switzerland	1
		United Kingdom	7
		United States of America	4
		<i>WEOG Total</i>	<i>70</i>
		<b>P-3 Total</b>	<b>110</b>
<b>P-2</b>	Africa	Cameroon	1
		Democratic Republic of the Congo	1
		Egypt	3
		Gambia	1
		Ghana	2
		Kenya	1
		Rwanda	1

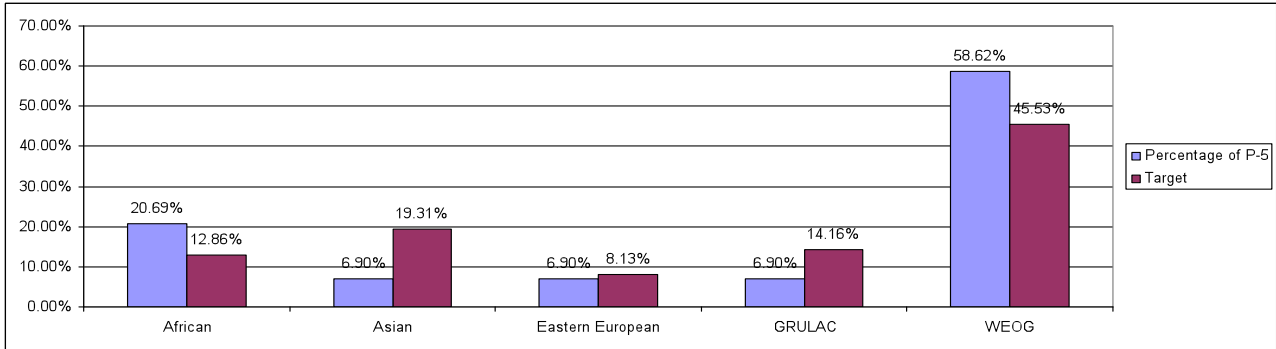
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Senegal	2
		Sierra Leone	2
		Togo	1
		Uganda	1
		United Republic of Tanzania	1
		Zimbabwe	1
		<i>Africa Total</i>	<i>18</i>
Asia		China	1
		Cyprus	1
		Iran (Islamic Republic of)	1
		Japan	3
		Lebanon	1
		Republic of Korea	1
		Sri Lanka	1
		<i>Asia Total</i>	<i>9</i>
Eastern Europe		Bulgaria	1
		Croatia	2
		Georgia	1
		Romania	3
		Serbia	3
		<i>Eastern Europe Total</i>	<i>10</i>
GRULAC		Argentina	3
		Brazil	1
		Colombia	1
		Mexico	1
		Peru	1
		<i>GRULAC Total</i>	<i>7</i>
WEOG		Australia	3
		Austria	1
		Canada	6
		France	16
		Germany	2
		Greece	2
		Italy	1
		Netherlands	7
		New Zealand	2
		Spain	3
		Sweden	1
		United Kingdom	8
		United States of America	2
		<i>WEOG Total</i>	<i>54</i>
		<b>P-2 Total</b>	<b>98</b>
<b>P-1</b>	Africa	Gambia	1
		Guinea	1
		Mauritius	1
		Nigeria	1
		Uganda	1
		<i>Africa Total</i>	<i>5</i>
Eastern Europe		Bosnia and Herzegovina	1
		Croatia	1
		Romania	1
		Russian Federation	1
		The former Yugoslav Republic of Macedonia	1
		<i>Eastern Europe Total</i>	<i>5</i>
GRULAC		Chile	1
		Peru	1
		Venezuela (Bolivarian Republic of)	1
		<i>GRULAC Total</i>	<i>3</i>
WEOG		Belgium	1
		Canada	1
		France	4
		Ireland	1
		Italy	1
		Netherlands	1
		Spain	1
		United Kingdom	1
		<i>WEOG Total</i>	<i>11</i>
		<b>P-1 Total</b>	<b>24</b>
		<b>Grand total</b>	<b>324</b>

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

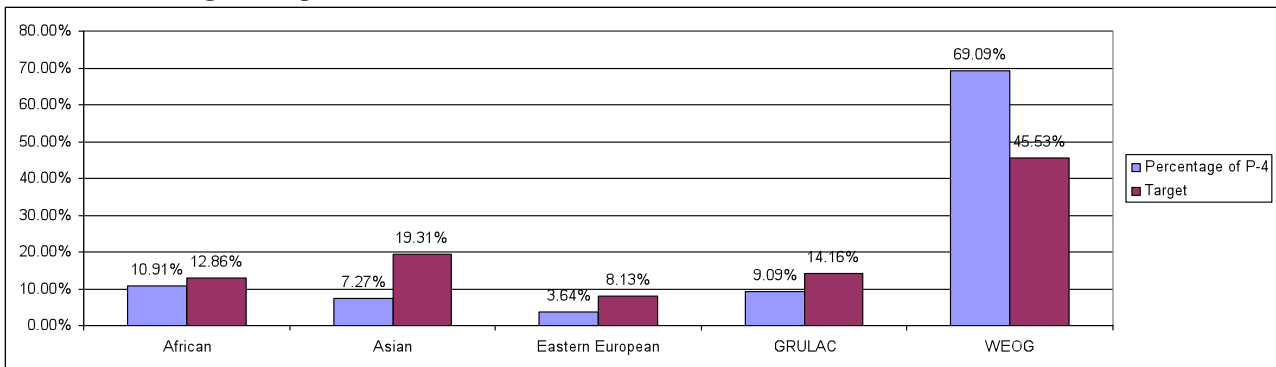
**Chart 1: Percentage – D-1 posts**

Due to the limited number of posts (eight), statistical and graphical representations could be misleading. Please refer to the exact numbers in table above.

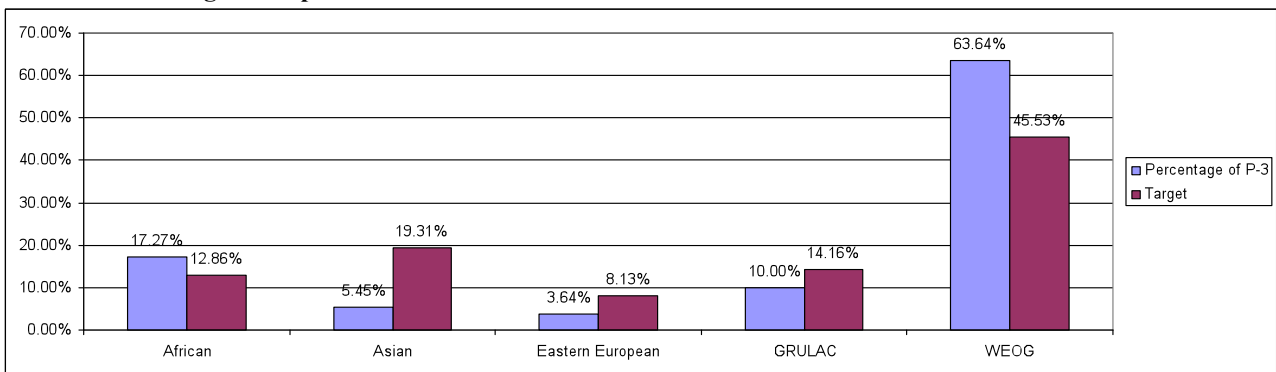
**Chart 2: Percentage – P-5 posts**



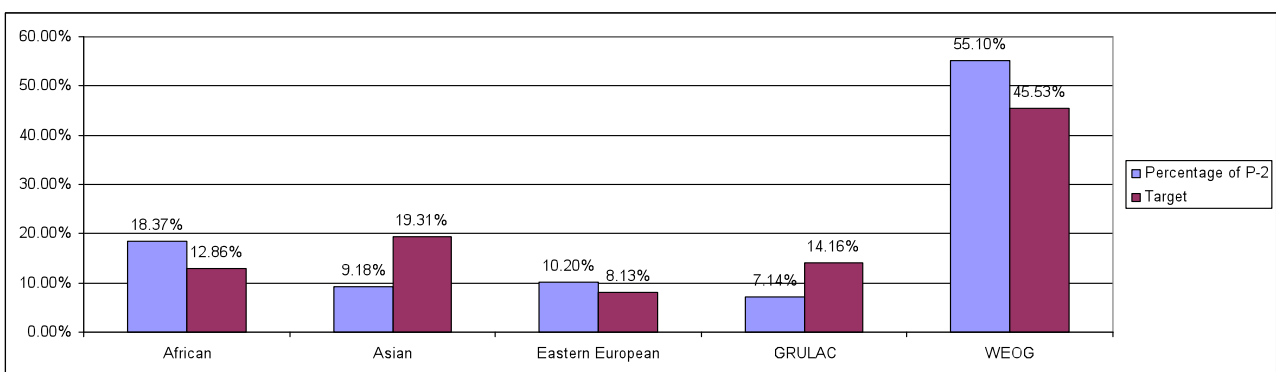
**Chart 3: Percentage – P-4 posts**

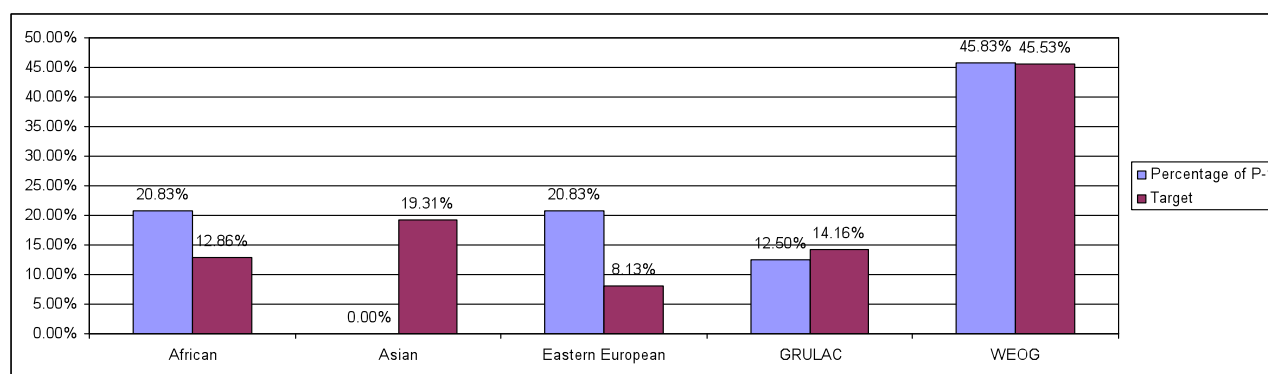


**Chart 4: Percentage – P-3 posts**



**Chart 5: Percentage – P-2 posts**



**Chart 6: Percentage – P-1 posts****Table 3: Geographical representation of Professional staff**

Status effective 31 March 2012

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>
<b>African</b>	Benin	0.00445%	1.06 - 1.43	1.25	1
	Botswana	0.02667%	1.05 - 1.42	1.23	
	Burkina Faso	0.00445%	1.11 - 1.50	1.30	1
	Burundi	0.00148%	1.05 - 1.42	1.24	
	Cape Verde	0.00148%	1.00 - 1.35	1.17	
	Central African Republic	0.00148%	1.02 - 1.39	1.20	
	Chad	0.00296%	1.07 - 1.45	1.26	
	Comoros	0.00148%	1.00 - 1.35	1.17	
	Congo	0.00445%	1.02 - 1.39	1.20	
	Democratic Republic of the Congo	0.00445%	1.45 - 1.96	1.70	2
	Djibouti	0.00148%	1.00 - 1.35	1.18	
	Gabon	0.02075%	1.04 - 1.40	1.22	
	Gambia	0.00148%	1.01 - 1.36	1.18	2
	Ghana	0.00889%	1.17 - 1.58	1.37	2
	Guinea	0.00296%	1.06 - 1.44	1.25	1
	Kenya	0.01778%	1.29 - 1.75	1.52	3
	Lesotho	0.00148%	1.01 - 1.36	1.19	1
	Liberia	0.00148%	1.02 - 1.38	1.20	
	Madagascar	0.00445%	1.13 - 1.53	1.33	
	Malawi	0.00148%	1.10 - 1.49	1.29	1
	Mali	0.00445%	1.09 - 1.47	1.28	2
	Mauritius	0.01630%	1.03 - 1.39	1.21	1
	Namibia	0.01185%	1.03 - 1.39	1.21	
	Niger	0.00296%	1.10 - 1.49	1.30	3
	Nigeria	0.11558%	2.23 - 3.02	2.62	4
	Senegal	0.00889%	1.09 - 1.48	1.28	3
	Seychelles	0.00296%	1.00 - 1.35	1.17	
	Sierra Leone	0.00148%	1.03 - 1.40	1.22	3
	South Africa	0.57051%	2.26 - 3.06	2.66	10
	Tunisia	0.04446%	1.13 - 1.53	1.33	

\* Established Professional posts, excluding elected officials and language staff. 34 other Professional staff members are nationals of States not party to the Rome Statute.

<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>
	Uganda	0.00889%	1.23 - 1.66	1.45	2
	United Republic of Tanzania	0.01185%	1.31 - 1.77	1.54	2
	Zambia	0.00593%	1.09 - 1.47	1.28	
<b>Asian</b>	Afghanistan	0.00593%	1.19 - 1.62	1.41	
	Bangladesh	0.01482%	2.11 - 2.85	2.48	
	Cambodia	0.00445%	1.10 - 1.49	1.29	
	Cook Islands	0.00148%	0.99 - 1.35	1.17	
	Cyprus	0.06817%	1.11 - 1.50	1.30	1
	Fiji	0.00593%	1.01 - 1.36	1.18	
	Japan	18.56766%	32.22 - 43.59	37.90	4
	Jordan	0.02075%	1.07 - 1.45	1.26	1
	Maldives	0.00445%	1.00 - 1.35	1.18	
	Marshall Islands	0.00148%	0.99 - 1.35	1.17	
	Mongolia	0.00296%	1.01 - 1.37	1.19	1
	Nauru	0.00148%	0.99 - 1.35	1.17	
	Philippines	0.13337%	1.83 - 2.48	2.15	2
	Republic of Korea	3.34900%	6.79 - 9.19	7.99	1
	Samoa	0.00148%	1.00 - 1.35	1.17	
	Tajikistan	0.00296%	1.04 - 1.41	1.23	
	Timor-Leste	0.00148%	1.00 - 1.36	1.18	
	Vanuatu	0.00136%	1.00 - 1.35	1.17	
<b>Eastern European</b>	Albania	0.01482%	1.04 - 1.40	1.22	1
	Bosnia and Herzegovina	0.02075%	1.05 - 1.42	1.24	1
	Bulgaria	0.05631%	1.13 - 1.53	1.33	1
	Croatia	0.14374%	1.26 - 1.70	1.48	4
	Czech Republic	0.51717%	1.91 - 2.58	2.24	
	Estonia	0.05927%	1.10 - 1.48	1.29	
	Georgia	0.00889%	1.03 - 1.40	1.22	1
	Hungary	0.43122%	1.76 - 2.39	2.07	
	Latvia	0.05631%	1.10 - 1.49	1.29	
	Lithuania	0.09632%	1.17 - 1.58	1.38	
	Montenegro	0.00593%	1.01 - 1.36	1.18	
	Poland	1.22698%	3.25 - 4.40	3.83	1
	Romania	0.26229%	1.56 - 2.11	1.84	5
	Republic of Moldova	0.00296%	1.02 - 1.38	1.20	
	Serbia	0.05483%	1.15 - 1.55	1.35	5
	Slovakia	0.21042%	1.37 - 1.86	1.61	
	Slovenia	0.15263%	1.25 - 1.70	1.48	
	The former Yugoslav Rep. of Macedonia	0.01037%	1.02 - 1.38	1.20	1
<b>GRULAC</b>	Antigua and Barbuda	0.00296%	1.00 - 1.35	1.17	
	Argentina	0.42529%	1.96 - 2.65	2.30	5
	Barbados	0.01185%	1.01 - 1.37	1.19	
	Belize	0.00148%	1.00 - 1.35	1.17	
	Bolivia (Plurinational State of)	0.01037%	1.08 - 1.45	1.26	
	Brazil	2.38727%	6.19 - 8.38	7.29	1
	Chile	0.34972%	1.68 - 2.27	1.97	2



<i>Region</i>	<i>Country</i>	<i>Assessment 2011</i>	<i>Desirable range</i>	<i>Midpoint</i>	<i>No. of staff*</i>
	Colombia	0.21339%	1.65 - 2.23	1.94	6
	Costa Rica	0.05038%	1.10 - 1.49	1.30	1
	Dominica	0.00148%	0.99 - 1.35	1.17	
	Dominican Republic	0.06224%	1.16 - 1.57	1.37	
	Ecuador	0.05927%	1.18 - 1.60	1.39	2
	Grenada	0.00148%	0.99 - 1.35	1.17	
	Guyana	0.00148%	1.00 - 1.35	1.18	
	Honduras	0.01185%	1.06 - 1.44	1.25	
	Mexico	3.49125%	7.44 - 10.06	8.75	2
	Panama	0.03260%	1.07 - 1.45	1.26	
	Paraguay	0.01037%	1.05 - 1.42	1.24	
	Peru	0.13337%	1.41 - 1.90	1.65	4
	Saint Kitts and Nevis	0.00148%	0.99 - 1.35	1.17	
	Saint Lucia	0.00148%	1.00 - 1.35	1.17	
	Saint Vincent and the Grenadines	0.00148%	0.99 - 1.35	1.17	
	Suriname	0.00445%	1.00 - 1.36	1.18	
	Trinidad and Tobago	0.06520%	1.11 - 1.50	1.30	4
	Uruguay	0.04001%	1.08 - 1.46	1.27	
	Venezuela (Bolivarian Republic of)	0.46530%	1.95 - 2.63	2.29	2
<b>WEOG</b>	Andorra	0.01037%	1.01 - 1.37	1.19	
	Australia	2.86443%	5.82 - 7.88	6.85	12
	Austria	1.26106%	3.11 - 4.21	3.66	3
	Belgium	1.59300%	3.67 - 4.96	4.32	11
	Canada	4.75231%	8.99 - 12.17	10.58	15
	Denmark	1.09065%	2.81 - 3.81	3.31	1
	Finland	0.83873%	2.40 - 3.25	2.82	3
	France	9.07341%	16.27 - 22.01	19.14	44
	Germany	11.88153%	20.98 - 28.38	24.68	14
	Greece	1.02396%	2.74 - 3.71	3.23	3
	Iceland	0.06224%	1.10 - 1.48	1.29	
	Ireland	0.73796%	2.23 - 3.02	2.62	7
	Italy	7.40780%	13.51 - 18.28	15.90	10
	Liechtenstein	0.01334%	1.01 - 1.37	1.19	
	Luxembourg	0.13337%	1.21 - 1.64	1.43	
	Malta	0.02519%	1.04 - 1.40	1.22	
	Netherlands	2.74884%	5.60 - 7.58	6.59	18
	New Zealand	0.40455%	1.68 - 2.28	1.98	4
	Norway	1.29070%	3.14 - 4.24	3.69	
	Portugal	0.75723%	2.30 - 3.11	2.71	3
	San Marino	0.00445%	1.00 - 1.35	1.18	
	Spain	4.70786%	9.00 - 12.17	10.58	10
	Sweden	1.57670%	3.63 - 4.92	4.27	1
	Switzerland	1.67450%	3.78 - 5.12	4.45	1
	United Kingdom	9.78618%	17.42 - 23.57	20.49	27
<b>Total</b>		<b>100.00%</b>		<b>350.00</b>	<b>290</b>

**Table 4: Gender balance of Professional staff by gender\***

Status as at 31 March 2012

**Judiciary**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1	1	2
P-4	1	2	3
P-3	12	9	21
P-2	5	0	5

**Office of the Prosecutor**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG	0	1	1
ASG	1	0	1
D-1	0	2	2
P-5	3	7	10
P-4	9	16	25
P-3	15	28	43
P-2	26	16	42
P-1	12	6	18

**Registry**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1	0	1
D-1	1	3	4
P-5	7	9	16
P-4	19	16	35
P-3	23	37	60
P-2	33	25	58
P-1	5	3	8

**Secretariat of the Assembly of States Parties**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-4	1	1	2
P-3	1	0	1

**Secretariat of the Trust Fund for Victims**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-5	1	0	1
P-3	1	2	3

**Project Director's Office**

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	0	1	1
P-4	1	0	1

**Grand total**

	<i>F</i>	<i>M</i>	<i>Grand Total</i>
	<b>179</b>	<b>187</b>	<b>366</b>

\* Including elected officials and language staff.

**Table 5: Staff count, actual**

As at 31 March 2012, the Court's staff count is as follows:

<i>Staff count</i>	
Established posts	702
Approved GTA	188
Interns	82
Visiting professionals	5
Consultants	44
Elected officials / judges	23
<b>Total</b>	<b>1,044</b>

**Table 6: Staff count, projected**

Based on the approved budget for 2012, on the current projection as at 31 March 2012 and on averages for interns, visiting professionals and consultants in previous years, the Court's headcount at the end of 2012 could be expected to be as follows:

<i>Staff count</i>	
Established posts	761
Approved GTA	209
Interns*	70
Visiting professionals	7
Consultants	35
Elected officials / judges	23
<b>Total</b>	<b>1,105</b>

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\* The number of interns fluctuates. It comprises EU-funded internships and unpaid internships.

**Table 7: Vacant posts - established posts**

Status as at 31 March 2012

<i>Major Programme</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level</i>	<i>Post Title</i>	<i>Total</i>	<i>Comments</i>		
MP I	Presidency	Presidency	P-5	Chef de Cabinet	1	Post vacated due to resignation.		
MP II	Investigation Division	Planning & Operations Section	GS-OL	Field Operations Coordinator	(1)*	Post re-deployed to Ivory Coast. Post to be advertised.		
			GS-OL	Field Operations Coordinator	1	Post planned to be redeployed. Post to be filled in 2013.		
			GS-OL	Field Operations Assistant	1	Post planned to be redeployed. Post to be filled in 2013.		
			GS-OL	Data Processing Assistant	1	To be filled in January 2013.		
			P-3	Investigator (FIU)	1	Post vacated due to resignation. Post to be advertised.		
			P-2	Associate Analyst	1	Post vacated due to resignation. Post to be advertised.		
	Prosecution Division	Prosecution Section	P-5	Senior Trial Lawyer	1	Post to be filled in January 2013.		
MP III	Office of the Registrar	Security and Safety Section	GS-OL	Security Lieutenant (Field)	1	No funding approved, following ASP decision on 2012 budget.		
			GS-OL	Local Security Assistant (Field)	1	No funding approved, following ASP decision on 2012 budget.		
			GS-OL	Administrative Assistant (Field)	1	Post to be re-deployed to Abidjan in 2012 after closure of Chad operations on 31 December 2011.		
			GS-OL	Senior Driver (Field)	1	Post to be re-deployed to Abidjan in 2012 after closure of Chad operations on 31 December 2011.		
			GS-OL	Driver (Field)	2	Post to be re-deployed to Abidjan in 2012 after closure of Chad operations on 31 December 2011.		
			P-3	Field Office Manager	1	Post vacated due to resignation. Pending streamlining of operations.		
		Information Technology and Communications Section	GS-OL	Field ICT Technician	1	Pending streamlining operations. Post planned to be redeployed to Ivory Coast. Post to be advertised and filled in 2012.		
		General Services Section	GS-OL	Travel Assistant	1	Post vacated due to internal movement. Post to be advertised.		
		Division of Court Services	Court Management Section	GS-PL	Senior Audio-Visual Assistant	1	Post blocked until further notice.	
				Victims and Witnesses Unit	GS-OL	Field Protection/Operations Assistant	1	Post redeployed to CAR. Post to be advertised and filled in 2012.
					GS-OL	Field Support Assistant	1	Post redeployed to CAR. Post planned to be re-profiled, advertised and filled in 2012.
		Court Translation and Interpretation Section	P-3	Translator (English)	1	Post vacated due to internal movement. Post to be advertised.		
		Office of the Registrar	Public Information and Documentation Section	GS-PL	Field Senior Outreach Assistant	1	Pending streamlining of operations. Post planned to be re-deployed to Ivory Coast in 2013.	
GS-OL	Field Outreach Assistant			1	Post re-deployed to Kenya. Post to be advertised and filled in 2012.			
GS-OL	Field Administrative Assistant			1	Pending streamlining of operations. Post planned to be re-deployed to Kenya in 2013.			
MP IV	Secretariat of the ASP	Secretariat of the ASP	P-2	Special Assistant to the Director	1	Post to be classified and advertised.		
<b>Grand Total:</b>					<b>25 (1)**</b>			

Note: 32 posts are under recruitment / recruitment completed (31) or advertised as of 31 March 2012. 1 ASG post under MP II is not currently under recruitment.

\* Post has been advertised as of 3 April 2012.

\*\* One post (Staff Council Officer) funding the Staff Council Representative will be no longer reported as vacant.

**Table 8: Staffing: approved versus filled posts (excluding elected officials)**

Status as at 31 March 2011

<i>Major Programme</i>	<i>Approved</i>	<i>Filled</i>	<i>Recruitment completed*</i>	<i>Under recruitment</i>	<i>Advertised not under recruitment</i>	<i>Vacant not advertised</i>	<i>% of established posts vacant</i>	<i>Vacancy rate (% of established posts)</i>
[1]	[2]	[3]	[4]	[5]	[6]	[7]	$[(2-3)/2] \times 100$	$[(AVG(3)-2)/2] \times 100$
<b>Judiciary</b>								
Major Programme I	48	47	0	0	0	1	2.08%	2.08%
<b>Office of the Prosecutor</b>								
Major Programme II	215	199	2	7	0	7	7.44%	7.44%
<b>Registry</b>								
Major Programme III**	477	439	1	19	1	17	7.97%	8.18%
<b>Secretariat of the ASP</b>								
Major Programme IV	9	7	0	1	0	1	22.22%	22.22%
<b>Secretariat of the TFV</b>								
Major Programme VI	7	7	0	0	0	0	0.00%	0.00%
<b>Project Director's Office</b>								
Major Programme VII.1	3	3	0	0	0	0	0.00%	0.00%
<b>Independent Oversight Mechanism</b>								
Major Programme VII.5	2	0	0	2	0	0	100.00%	100.00%
<b>Total ICC</b>	<b>761</b>	<b>702</b>	<b>3</b>	<b>29</b>	<b>1</b>	<b>26</b>	<b>7.75%</b>	<b>7.88%</b>

\* Recruitment completed indicates that the selected candidate has accepted the offer. Recruitment process has been finalized and the post is blocked until the arrival of the incumbent.

\*\* In MP-III, one post not vacant as such but funding a Staff Council Representative.

<b>Target recruitment</b>	<b>59</b>
<b>Under recruitment</b>	<b>32</b>
<b>Percentage of target</b>	<b>54.2%</b>

## Annex III

### List of documents

CBF/18/1	Provisional agenda
CBF/18/1/Add.1	Annotated list of items included in the provisional agenda
CBF/18/2	Report on cash balances and investment of liquid funds
CBF/18/3	Progress report of the Court on the implementation of International Public Sector Accounting Standards
CBF/18/4	Report of the Court on proposed amendments to the Financial Regulations and Rules
CBF/18/5	Report of the Court on Procurement
CBF/18/6	Report of the Court on its organizational structure
CBF/18/7	Report of the Court on human resources management
CBF/18/8	Report of the Court on the criteria for the utilization of the Contingency Fund
CBF/18/9	Proposal by the Court for a retiree health insurance subsidy scheme
CBF/18/10	A new approach to classification of posts at the International Criminal Court
CBF/18/11	Report on activities and programme performance of the International Criminal Court for the year 2011
CBF/18/12	Seventh Status Report on the Court's progress regarding efficiency measures
CBF/18/13	Report of the Court on analytical accountability
CBF/18/14	Report of the Secretariat of the Trust Fund for Victims on the usage of programme support costs
CBF/18/15	Interim report on the activities of the Oversight Committee
CBF/18/16	Report on budget performance of the International Criminal Court as at 31 March 2012
CBF/18/16/Corr.1	Report on budget performance of the International Criminal Court as at 31 March 2012 - Corrigendum
CBF/18/17	Report of the Court on its budgeting process

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