

**Fourteenth session**

The Hague, 18-26 November 2015

**Proposed Programme Budget for 2016  
of the International Criminal Court***Executive Summary***A. Key Messages**

1. The proposed budget for 2016 is based on the following parameters:
  - (a) Eight situations: Central African Republic (CAR); Côte d'Ivoire (CIV); Libya; Darfur; Democratic Republic of the Congo (DRC); Mali; Kenya and Uganda;
  - (b) Five active investigations<sup>1</sup>: CAR II (a) (Séléka); CAR II (b) (Anti-balaka); CIV 2; Libya new crimes; six months Uganda (Ongwen); followed by Darfur new crimes six months;<sup>2</sup>
  - (c) Nine hibernated investigations: Libya 1; Libya 2; Darfur 1, 2 & 4; Darfur 3; CIV 1Bis (Simone Gbagbo), Mali 1; DRC 3&4; Kenya Art.70; and Uganda (Kony);
  - (d) Four trial hearings (Ruto/Sang; Gbagbo/ Blé Goudé; Ntaganda; Bemba and four others (article 70), and one confirmation hearing (Ongwen); and
  - (e) Nine preliminary examinations: Afghanistan; Colombia; Georgia; Guinea; Honduras; Iraq; Nigeria; Palestine; and Ukraine.
2. The consequences of implementation of these parameters for the proposed budget for 2016 are as follows:
  - (a) Considerable increase in judicial and prosecutorial activities with four trial hearings running simultaneously, one confirmation of charges hearing, appeals in one case, one new parallel active investigative activity, and the corresponding substantial increase in services required from the Registry due to increase in judicial and prosecutorial activities;
  - (b) Increases associated with running the Court's new premises;
  - (c) Built-in increases, i.e. staff costs due to the application of the UN Common System and judges' pensions;
  - (d) Increase in TFV operations in light of reparations proceedings; and

<sup>1</sup> From a budgetary perspective, the net increase in the OTP proposed 2016 budget arising from new Libya and Darfur (six months) investigations relates to one new full investigation, and not one and a half. The costs related to the envisaged six months investigation with respect to the situation of Darfur will be absorbed within existing OTP resources.

<sup>2</sup> In case of the opening of a new situation in 2016, the OTP will have to consider reprioritizing cases or making use of the contingency fund.

- (e) The Court's proposed programme budget for 2016 amounts to **€153.32 million**, representing an **increase of €22.66 million, or 17.3 per cent**, over the 2015 approved budget.
3. Judiciary:
- (a) Total cost for Major Programme I will rise from €12.03 million in 2015 to **€12.70 million** in 2016, representing an increase of **5.6 per cent**.
- (b) The budget is based on judicial activities foreseen in the 2016 budget assumptions.
- (c) In 2016 the Pre-Trial Division will conduct confirmation proceedings in Ongwen and will continue to work on other situations and cases (in particular Côte d'Ivoire (The Prosecutor v. Simone Gbagbo); Libya (The Prosecutor v. Saif Al-Islam Gaddafi); Mali; and CAR II).
- (d) Trial hearings in four cases are projected to run simultaneously in 2016 (Ruto/Sang; Gbagbo/Blé Goudé, Ntaganda and Bemba and four others (article 70)).
- (e) The Court's 18 judges, all of whom will remain in office until at least March 2018, are covered by the current pension scheme.
- (f) Judiciary needs a new Head of Chambers function at P-5 level to strengthen the current limited senior legal advisory capacity and to ensure flexible deployment of Chambers resources to meet changing case needs.
- (g) As a result of the increased casework, it will be essential to strengthen Trial Division resources through GTA provision.
- (h) No additional resources have been requested in Presidency, the Pre-Trial or Appeals Divisions.
4. OTP:
- (a) The OTP's proposed programme budget reflects its actual resource needs, reduced to the minimum and the increase foreseen for 2016 reflects the Office's new Strategic Plan (2016-2018), building on the success of its current Strategic Plan (2012-2015), and aligns with the Office's plan to reach a sustainable size in the coming years, as envisaged in the OTP Basic Size model. The Office is committed to further develop the Office's high performance to continue to achieve positive results and to adapt to existing challenges.
- (b) As part of its core activities, and to the extent possible within its mandate, the Office continues to promote complementarity, and by doing so reduce the need for its direct intervention. In this regard, preliminary examinations and addressing request for assistance from States Parties under article 93(10) RS remain key to promoting national proceedings.
- (c) The OTP's proposed budget for 2016 is **€46.09 million**, representing an **increase of €6.47 million** over the previous year, or a **16.4 per cent**, compared to the 2015 approved budget of €39.61 million.
- (d) The proposed increase does not yet bring the Office to the required resource level which would allow it to properly staff all planned activities in line with the staffing model the OTP has applied for its strategic plans (2012-2015 and 2016-2018). In other words, the added resources for one extra active investigation and one trial team will allow the OTP to respond to the necessary increase in activities but not with the required depth and quality for all activities planned in 2016. The proposed budget does force the Office to postpone a needed sixth active investigation and to understaff the planned activities which leads to delays and extra costs.
- (e) 71 per cent of the total increase in the OTP is devoted to additional activities, i.e. one new active investigation and one more trial team.
- (f) The new active investigation, based on the planned activities for 2016, represents the OTP's main budget increase and amounts to **€3.4 million**.

- (g) The new trial team was already included as part of the 2015 contingency fund notification in relation to the Dominic Ongwen case, and will need to be continued in 2016. The resources required for the additional trial team amount to **€1.2 million**.
- (h) Other increases in the OTP relate mainly to the application of the UN Common System to the salary scales, as well as increases in non-staff costs linked to support OTP operations such as operating expenses in the field, travel and investment in specialized equipment and software and training.
5. Registry:
- (a) The Registry's proposed budget for 2016 is **€81.94 million**, representing an **increase of €16.91 million, or 26 per cent**.
- (b) For the past three years, and as a result of careful allocation, redeployment and reprioritization of resources, the Registry has been able to stabilize the level of its resources by offsetting the increase in previous years in the required level of support, as well as previous in-built increases in staff costs.
- (c) In 2016, however, it will no longer be possible for the Registry to continue absorbing increases at the same rate. In particular, the investigative and prosecutorial activities following the implementation of the OTP's strategy in combination with the increased level of trial activity will now have a tangible and considerable impact on the Registry as a service provider.
- (d) The total proposed increase needed in the Registry to sustain both its quality and the level of services required by the parties and participants in the proceedings amounts to approximately **€5.6 million**. This includes in particular approximately **€2.7 million** required to support field operations, as well as approximately **€2.1 million** in additional resources to provide protection and support to prosecution and defence witnesses.
- (e) Supporting the increased number of live trials expected in 2016 and ensuring adequate judicial and courtroom-related services for the smooth running of proceedings will also entail a significant increase in Registry resources, amounting to approximately **€2.5 million**.
- (f) Another main proposed increase relates to legal aid for indigent defendants and victims participating in proceedings, amounting to approximately **€3 million**, as a result of judicial decisions taken in 2015 and increased judicial activities foreseen for 2016.
- (g) In addition, the Registry will be required to assume maintenance and support functions for the Court's new premises, resulting in a net increase in the Registry budget of over **€3.5 million**.
- (h) Finally, other proposed increases relate to in-built increases in staff costs of over **€1.2 million**, and the resources necessary to support the confirmation of charges in the Ongwen case, of approximately **€600 thousand**.
6. Other Major Programmes:
- (a) Major Programme VI (Secretariat of the Trust Fund for Victims) has a proposed increase of **€663.4 thousand, or 36.5 per cent**, mainly in relation to the reparations activities taking place in 2016.
- (b) Major Programme VII-2 (Permanent Premises Interest) has an increase of **€1.13 million**.
- (c) Major Programme V (Premises) will see a reduction of approximately **€3 million, or almost 50 per cent**. Similarly, Major Programme VII-1 (Permanent Premises Office) will be reduced by approximately **€344 thousand, or 30.2 per cent**.
- (d) The proposed budgets for Major Programmes IV (Secretariat of the Assembly of States Parties) and VII-6 (Office of Internal Audit) has increased marginally by **€40.5 thousand or 1.3 per cent** and **€70.7 thousand or**

11.5 per cent respectively. Major Programme VII-5 (Independent Oversight Mechanism) remains largely unchanged.

## B. Introduction

1. The International Criminal Court's proposed programme budget for 2016 amounts to **€153.32 million**. This represents an increase of **€22.66 million**, or **17.3 per cent**, over the 2015 approved budget (€130.66 million). This is mainly due to the following factors:

- (a) following steady growth in the Court's overall workload in recent years, a further increase in judicial activities, in particular in relation to live trial proceedings, is foreseen in 2016;
- (b) a continued increase in the total workload of the Office of the Prosecutor ("OTP" or "the Office") with the addition of one active investigation in 2016, as well as an additional OTP trial team for the case against Dominic Ongwen, combined with the continued need to bring the Office's capacity closer to the basic size it needs to meet demand with the required quality and efficiency and an acceptable level of prioritization between its cases;
- (c) a corresponding substantial increase in the services provided by the Registry to support increased and enhanced investigative, prosecutorial and judicial activities, as well as the parties and participants to the proceedings, in particular in relation to witness protection and field operations;
- (d) additional new costs associated with maintaining, securing and running operations in the Court's new premises;
- (e) built-in increases, such as forward commitments in relation to staff costs through the application of the UN Common System.

2. After taking these drivers into account, the level of resources initially identified for the Court's 2016 proposed budget amounted to **€170.24 million**, which would have represented an **increase of almost €39.57 million** over the 2015 approved budget.

3. After a stringent, thorough-going internal review, which included harsh reprioritization of activities and redeployment of resources, a drastic **reduction of approximately €17 million** was achieved, lowering the level of the **net increase** in the proposed budget to **€22.66 million**.

### Internal budget development process

▪ Baseline (2015 Approved Budget)	€130.66 million
▪ Identified resource requirements	€170.24 million
▪ Growth linked to cost drivers	€39.57 million
▪ Internal review	- €16.91 million
<b>▪ Net 2016 proposed increase</b>	<b>€22.66 million</b>

4. In addition, at its last session, the Assembly exceptionally allowed the Court to resort in 2015 to the contingency fund for the additional resources required in relation to judicial developments in the *Bemba and four others (article 70)* and the *Blé Goudé* cases, which occurred after the 23<sup>rd</sup> session of the Committee on Budget and Finance, but that were known before the approval of the budget by the Assembly. Thus, increases in the proposed 2016 budget should also be considered in light of the resources needed to cater for twelve months for the activities currently funded under the contingency fund.

5. The Court's budget reflects its mandate as determined by the States, and the proposed programme budget for 2016 is what is required for an effective and efficient International Criminal Court. The budget proposal put forward for the consideration of the Assembly is the product of lengthy discussions and tough decisions taken by the organs of the Court balancing, on the one hand, the resources required for an efficiently and

effectively functioning and successful institution capable of pursuing its ambitious mandate of ending impunity, and on the other, the need for strict budgetary discipline mindful of the financial pressures faced by many States Parties.

6. The Court submits this proposed increase in full cognisance of the challenging financial times currently affecting the international community. However, the Court strongly believes that the proposed investments will result, *inter alia*, in tangible long-term efficiencies, mainly through larger economies of scale, more expeditious judicial proceedings ensuring full respect for the principle of fair trials, maintenance of the required quality of preliminary examinations, investigations and prosecutions, enhanced impact on the ground and greater capacity to cope with increases in its workload.

7. Important processes have been undertaken within the Court that have profoundly reshaped and redirected the institution. The *ReVision* process in the Registry has clarified and adapted the vision, mission, culture and values of the Registry to the current realities of the Court. As a result of this process, the Registry is more confident than ever of its capacity to ensure the continuous and efficient delivery of quality services in the most effective and sustainable manner. Likewise, implementation of the OTP Strategic Plans for 2012-2015 has resulted in a radical shift in prosecutorial policy, aimed at improving the quality of the Office's preliminary examinations, investigations and prosecutions, and has noticeably improved the OTP's organizational performance. The OTP's Strategic Plan for 2016-2018 will continue to build and strengthen on this approach. Furthermore, the ongoing reform process led by the Judiciary has allowed the Judges to reflect on past experiences and current practices and working methods in order to improve the quality and effectiveness of judicial proceedings, the very core and purpose of the Court.

### C. Budgetary assumptions for 2016

8. The 2016 budget assumptions have been developed on the basis of on judicial and prosecutorial work plans for the following year, insofar as these could be accurately estimated at the end of June 2015. However, the unpredictable nature of the Court's judicial work makes it difficult to produce fully reliable assumptions well in advance of the financial period for which the Court is budgeting. It is thus the Court's policy to budget only for events which are reasonably certain to occur in the following year and which can be accurately estimated.

9. The budget assumptions for judicial activities developed by the Court, which underpin the proposed programme budget for 2016, provide for the following:

- (a) confirmation of charges proceedings in one case (*Ongwen*, four months);
- (b) trial hearings in four cases (*Ruto/Sang*, twelve months; *Bemba and four others (article 70)*, twelve months; *Gbagbo/Blé Goudé*, twelve months; *Ntaganda*, twelve months); and
- (c) final appeal in one case (*Bemba*) and interlocutory appeals.

10. Taking into account the composition of the respective Trial Chambers, as well as the expected timeframes for these hearings, the assumptions regarding trial activities in 2016 have been developed on the basis that, for the most part, hearings will need to take place in parallel.

11. In relation to prosecutorial activities, the OTP envisages that in 2016, in addition to the four existing active investigations, it will conduct one additional active investigation. Four of these investigations will run for a whole year (CARI(a), CARI(b), CIV2 and Libya new crimes). The fifth will focus during the first six months on finalizing the investigation into Dominique Ongwen, after which the focus will be put on Darfur new crimes for the remainder of the year. The Office will continue its investigations in eight situation countries: Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Darfur (Sudan), Kenya, Libya, Mali and Uganda; and will continue to conduct preliminary examinations in nine other situations (Afghanistan, Colombia, Georgia, Guinea, Honduras, Iraq, Nigeria, Palestine and Ukraine).

Total ICC	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Judges	5,486.8	5,369.1	(117.7)	(2.1)
Staff Costs	65,744.5	75,541.6	9,797.1	14.9
Other Staff Costs	22,955.1	28,379.0	5,423.9	23.6
Non-Staff Costs	36,479.2	44,038.5	7,559.3	20.7
<b>Total</b>	<b>130,665.6</b>	<b>153,328.2</b>	<b>22,662.6</b>	<b>17.3</b>

## D. Main drivers in the proposed programme budget for 2016

12. Before analysing the impact of the proposed budget for 2016 in each of the Court's major programmes, it is important to understand the growth in the required resources from a more horizontal perspective, demonstrating the links and inter-relationship of the resource requirements in a cross-cutting manner throughout the different areas of the Court. The detailed analysis of the main Court-wide drivers of the budget show that the activities of the different organs and areas of the Court do not take place in isolation, but rather have a dynamic and complex inter-connection, tangibly impacting on one another's workload and ability to implement the respective mandates.

13. The main cost drivers identified in the 2016 proposed programme budget are divided into three general categories: (i) increases related to the foreseen judicial and prosecutorial developments; (ii) increases related to the new premises; and (iii) in-built increases in staff costs due to the application of the UN Common System. While these categories do not account for the full increase in the 2016 proposed budget, they provide concrete justifications for over 90 per cent of the total proposed increase.

### 1. Increases related to judicial and prosecutorial developments **€16.71 million**

14. Needless to say, judicial and prosecutorial activities constitute the core and purpose of the Court. It is thus to be expected that developments in relation to these activities would indeed be the main driver of the level of the Court's budget. Based on the 2016 budget assumptions described above, the Court has identified, in a cross-cutting manner, the proposed additional resources relating to different types of activities directly impacted by the increase in judicial and prosecutorial activities.

15. The overall volume of casework at the different stages of judicial proceedings, in particular confirmation of charges, trials, and final and interlocutory appeals, requires additional direct support in the Judiciary amounting to a proposed increase of approximately **€504.7 thousand**.

#### (a) Courtroom usage for the increased number of live trials

16. As a result of the expected increase in judicial activity, provision needs to be made to support four trials running in three courtrooms throughout 2016. Three of the four trials will run simultaneously in blocks of several weeks throughout the year. Requests for new staff arising from the increase in judicial activities are limited to the strict minimum required to support the hearings, with risks to business continuity.

17. The additional resources required to hold simultaneous trial hearings amount to approximately **€2.49 million**. Such an investment in courtroom capacity is required as 2016 will be the first year in which the Court will require the regular and parallel use of three courtrooms rather than the past use of only one. This investment will create the capacity to ensure that new courtroom activities will largely be absorbed in future, and unnecessary delays in trial proceedings will be avoided, resulting in medium and longer term efficiency gains in other costs such as legal aid, witness protection and detention.

*(b) New active investigation by the Office of the Prosecutor*

18. Based on the OTP's planned activities for 2016, a budget increase of **€3.40 million** is proposed for one new active investigation, bringing the total number of parallel active investigations in 2016 from four to five. Four of these investigations will run for a whole year (CARII(a), CARII(b), CIV2 Libya new crimes). The fifth will focus during the first six months on finalizing the investigation into Dominic Ongwen, after which the focus will be put on Darfur new crimes for the remainder of the year. These additional resources will not cater for the required depth and quality for all activities planned for 2016.

19. As regards the impact of this new active investigation on Registry resources, the Registry has not to include any resources in its budget to support these specific OTP activities. While additional resources in Registry's budget amounting to approximately **€1.2 million** were initially identified to cater for the additional services required to support OTP operations, mainly in the area of witness protection, in light of the already substantial proposed increase in Registry resources, the Registry has taken the calculated risk of absorbing these costs within existing resources in 2016.

*(c) Registry services to parties and participants in the proceedings*

20. As a neutral service provider to the parties and participants in the proceedings, the Registry is required to cater for all support required for the effective and efficient conduct of the judicial proceedings and related activities. The total increase in services to be provided by the Registry amounts to **€5.57 million**. Notably, the main increases correspond to Registry support to field operations (**€2.74 million**) and support and protection for both prosecution and defence witnesses (**€2.13 million**).

21. Any increase on activities on the OTP side usually has a protracted incremental impact on Registry resource requirements. This is because Registry support cost drivers tend to increase once an investigation is well underway (in particular regarding field support and VWS-related activities). This is why the Registry has been able to absorb increases in OTP resources over the last two years (e.g. dedicated resources for investigative activity in Mali and CAR II). However, additional resources are now required as a result of investigations and pre-trial proceedings having progressed, and the impact will be felt on the 2016 Registry budget.

*(d) Legal Aid*

22. In implementing its obligations under the Rome Statute, the Court is required to put in place a comprehensive legal aid scheme which balances the requirements for adequate, effective and efficient legal representation of indigent clients against the budgetary constraints of a publicly funded legal aid scheme. Simply put, without an effective legal aid system there can be no fair trial for indigent accused persons and, under the current structure, no effective participation of victims in the proceedings.

23. The Registry's increase in relation to legal aid amounts to **€2.94 million**. The proposed increase is the direct result of the application of the legal aid system to the current defence teams and teams of legal representatives of victims funded through legal aid, as provided for in the assumptions.

24. Much of this increase results from the implementation of a judicial decision to increase the resources afforded under the legal aid system to the defence teams in the ongoing CAR Article 70 trial proceedings. Taking into consideration the different nature and scope of these proceedings, the Registry had initially considered that it would not be appropriate to provide the defendants in this case with the same level of resources foreseen in the legal aid policy for the cases relating to Article 5 crimes. However, the Chamber found that the provisions of the Rome Statute governing the Court's legal aid scheme make no clear distinction between Article 70 and Article 5 offences.

25. As part of the *ReVision* process, a proposal on an alternative organizational design was developed for the Registry functions concerning victims and the defence (namely the Victim Participation and Reparations Section and the Counsel Support Section) including

the Office of Public Counsel for the Defence and the Office of Public Counsel for Victims. However, since the proposed organizational design envisaged potential amendments to the mandates of these offices, as stipulated in the Regulations of the Court, an outline proposal was submitted to the Court's judges for their consideration. Subject to further analysis and discussion, a revised structural framework for the Registry to provide support to defence and victims participating in proceedings, together with a thorough revamping of the legal aid system, could assist in containing such future increases in the legal aid budget.

(e) *Ongwen case*

26. Regarding the Ongwen case, an increase of **€1.20 million** for one additional trial team for the *Ongwen* case is foreseen in the OTP.

27. In light of the judicial assumptions for 2016 which envisage four months of confirmation of charges proceedings in the *Ongwen* case, Registry resources required to support the confirmation of charges proceedings in 2016 amount to **€598.9 thousand**, mainly in relation to legal aid resources and moderate resource needs to cater for courtroom support.

28. The total net proposed budgetary increase for 2016 in relation to the *Ongwen* case, based on current judicial assumptions, amounts to **€1.79 million**.

**2. Increases required for the Court's new premises €1.39 million**

29. The Court's new premises are approximately 25 per cent larger than the interim premises and incorporate three much larger courtrooms, more extensive public areas, and significant grounds. Although the new premises will be more energy efficient, the larger size means an increase in costs such as those for interior cleaning, façade and external window cleaning, insurance, utilities, and other general operating costs. Similarly, the size of the premises and the design require additional resources to secure the premises and thus provide a safe, secure and confidential working environment for the Court's judges and elected officials, as well as for staff members, counsel, accused persons, witnesses, experts, State representatives, visitors and others. The total increase in the Registry budget required to support these and other related functions amounts to **€3.56 million**. An increase of **€1.13 million** is also required for payment of interest on the Host State loan, which in 2016 must be received and paid to the host State no later than 1 February 2016.

30. The total increase of **€4.69 million** in relation to the permanent premises is partially offset by a decrease of **€2.96 million** in Major Programme V for the rent and maintenance of the interim premises, as well as a decrease of **€344.1 thousand** in the Permanent Premises Director's Office. The net increase in the 2016 proposed programme budget related to the new premises is **€1.39 million**.

**3. In-built costs due to the application of the UN Common System €2.17 million**

31. The United Nations Common System staff costs encompass salaries, allowances and benefits. The total impact of the in-built increases in staff costs due to the application of the UN Common System amounts to **€2.17 million**.

<i>Category</i>	<i>Increase (in thousands of euros)</i>
<b>Judicial and Prosecutorial Developments</b>	
Judiciary	€504.7
Courtroom usage	€2,493.5
New OTP investigation	€3,400.0
Registry services	€5,582.2
Legal aid	€2,940.2
<i>Ongwen case</i>	€1,798.9
<i>Sub-total</i>	€16,719.5



<i>Category</i>	<i>Increase (in thousands of euros)</i>
<b>Premises related costs</b>	
Registry costs new premises	€3,567.9
Interest permanent premises	€1,131.8
Rent and maintenance premises	- €2,969.6
Permanent Premises Office	- €344.1
<i>Sub-total</i>	<i>€1,386.0</i>
<b>United Nations Common System</b>	
Major Programme I: Judiciary	€165.8
Major Programme II: OTP	€705.0
Major Programme III: Registry	€1,200.0
Major Programme IV: SASP	€20.4
Major Programme VI: STFV	€49.8
Major Programme VII-1: PDO	€11.7
Major Programme VII-5: IOM	€2
Major Programme VII-6: OIA	€3
<i>Sub-total</i>	<i>€2,171.2</i>
<b>Total</b>	<b>€20,276.7</b>

## E. Proposed Programme Budget for 2016

### 1. Major Programme I: Judiciary

32. Major Programme I comprises the Presidency, Chambers and the Liaison Offices. The New York Liaison Office, while located within Major Programme I, is a common representative of all the organs of the Court and additionally provides logistical support for the Bureau of the Assembly of States Parties and its New York Working Group.

33. The budget is based on the judicial activities foreseen in the budget assumptions for 2016. The key driver for judiciary costs is the overall volume of casework at the different stages of judicial proceedings, in particular confirmation of charges, trials, and final and interlocutory appeals.

34. In 2016 the Pre-Trial Division will conduct confirmation proceedings in *Ongwen* and continue to work on other situations and cases (in particular, Côte d'Ivoire (*The Prosecutor v. Simone Gbagbo*), Libya (*The Prosecutor v. Saif Al-Islam Gaddafi*); Mali; and CAR II). In the Trial Division, the judgment in *Bemba* is expected before the end of 2015. The outcome will determine whether sentencing and reparations proceedings running into 2016 are needed. The *Ruto and Sang* case is projected to continue through 2016. In addition, confirmation decisions taken in 2014 have led to preparations in 2015 for three further trials (*Gbagbo/Blé Goudé*, *Ntaganda* and *Bemba and four others (article 70)*). Hearings will commence this year and are expected to continue throughout 2016. This unprecedented volume of trial activity is also likely to generate an increased number of interlocutory appeals and, in due course, final appeals.

35. In recent years, judges' costs have been unstable as a result of variations in the number of judges in full-time service, the progressive shift in the balance between judges on the original and revised pension scheme, market-driven changes in the cost of the revised scheme itself, and the costs of the arrival and departure of judges. From 2016 onwards, however, there should be greater predictability, as for the first time the Court will have a full complement of 18 judges, all on the current pension scheme, and all of whom will remain in office until at least March 2018. The total cost of judges in 2016 is estimated at **€5.36 million**, representing a **reduction of €17.7 thousand**, or **-2.1 per cent**.

36. The judges have concluded that the Judiciary needs to follow the example of other international courts and tribunals by establishing a new Head of Chambers function at P-5 level to strengthen the current limited senior legal advisory capacity, to ensure flexible deployment of Chambers resources to meet changing case needs (as requested by the Committee on Budget and Finance), and to push forward common projects aimed at improving the overall efficiency of Chambers' legal support. In addition, as a result of the increased casework, it will be essential to strengthen Trial Division resources through GTA provision. On this basis, the total cost of Judiciary staffing including the increase in UN common system costs is projected to rise from **€6.26 million** in the 2015 approved budget to **€7.02 million** in 2016, representing an **increase of €765.5 thousand, or 12.2 per cent.**

37. No additional resources have been requested in Presidency, the Pre-Trial or Appeals Divisions.

38. The total cost for Major Programme I will therefore increase from €12.03 million in 2015 to **€12.70 million** in 2016, or **5.6 per cent.**

Programme I Judiciary	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)		2016 vs 2015	
	Total	Total	Amount	%
Judges	5,486.8	5,369.1	(117.7)	(2.1)
Staff Costs	4,774.5	5019.3	244.8	5.1
Other Staff Costs	1,489.6	2010.3	520.7	35.0
Non-Staff Costs	283.2	305.9	22.7	8.0
<b>Total</b>	<b>12,034.1</b>	<b>12,704.6</b>	<b>670.5</b>	<b>5.6</b>

## 2. Major Programme II: Office of the Prosecutor

39. Under the Rome Statute, the fundamental mandate of the Office of the Prosecutor is to investigate and prosecute the most serious crimes of concern to the international community as a whole when crimes under the Court's jurisdiction have been committed and national authorities are either unable or unwilling to do so.

40. The OTP is seeking a budget increase of **€6.47 million, or 16.4 per cent,** for 2016, that is, an increase from €9.61 million granted by the Assembly for 2015 to **€16.09** for the coming year. This increase is indispensable to the ability of the OTP to continue to implement a successful prosecutorial strategy and achieve positive results in line with its Strategic Plan. In addition, activities funded via the contingency fund in 2015 will continue in 2016 and as such they had to be included in the 2016 budget proposal. Thus, the 2016 budget should be compared to the 2015 approved budget plus the resources needed to cater for twelve months for the activities previously under the contingency fund.

41. The OTP budget proposal for 2016 is based on three interlinked premises: (i) the new Strategic Plan for 2016-2018; (ii) a genuine and realistic assessment of the minimum required OTP's resource needs for 2016; and, (iii) the phased-in proposal to build over the next years toward the basic size of the OTP, required to meet the demands placed with the required quality and efficiency, and with a reasonable level of prioritization amongst cases.

42. The States Parties have supported the Strategic Plan for 2012-2015 and its implementation through a significant investment in OTP resources. The Strategic Plan for 2016-2018 builds upon the previous, maintaining its goal to produce high quality preliminary examinations, investigations and prosecutions. The Office has prioritized quality over quantity but this situation is not tenable. Needed investigations are being postponed, ongoing investigations are understaffed which leads to delays and extra costs (prolonged field presence, witness protection, etc). The OTP will always have to set priorities, but it must have the depth to absorb new activities, without unduly delaying, shelving or compromising previously ongoing activities.

43. Notably, 71 per cent of the total increase in the OTP's proposed budget for 2016 is devoted to additional activities (i.e. one more active investigation and an additional trial team). The non-staff costs element is strictly linked to supporting the OTP's operations, such as operating expenses in the field, travel costs and investment in quality developments (e.g. specialized equipment and software, and training). The other component of the increase is the UN salary scale.

44. The proposed budget for the OTP would allow the Office to reduce the existing resource gap without yet reaching the basic size that puts the Office in the position to meet the demand for its intervention with the required quality and efficiency and with an acceptable level of prioritization between its cases. The proposed budget does force the Office to postpone a needed sixth active investigation and to understaff the planned activities which leads to delays and extra costs.

Programme II Office of The Prosecutor	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	20,834.3	21,759.6	925.3	4.4
Other Staff Costs	14,670.5	19,450.2	4,779.7	32.6
Non-Staff Costs	4,107.8	4,882.1	774.2	18.8
<b>Total</b>	<b>39,612.6</b>	<b>46,091.9</b>	<b>6,479.2</b>	<b>16.4</b>

### 3. Major Programme III: The Registry

45. The proposed 2016 budget for the Registry amounts to **€1.94 million**, which represents an increase of **€16.91 million**, or **26 per cent**, compared to the 2015 approved budget of €5.02 million. Notably, out of this increase, approximately **€4.7 million** is owed to the fact that in 2016 Registry will be taking on board new responsibilities in relation to the running of the new premises, as well as the built-in increases in relation to the application of the UN Common System.

46. Throughout the 2013, 2014 and 2015 budget periods, and notwithstanding a steady substantial increase in the level of required Registry support, the approved programme budget of the Registry remained stable at essentially the same level, reflecting very minor increases and even decreases from one year to the next. The required increases in previous years were fully offset through a rigorous internal assessment of priorities and by reducing operational costs wherever possible, without jeopardizing the quality and efficiency of services, through careful allocation, redeployment and reprioritization of resources.

47. While the Registry's capacity to continue to absorb additional requirements wherever possible has been enhanced as a result of its new organizational structure and changes in its working methods and processes, in light of the significant investments in OTP in previous years and the corresponding increased judicial activities such investments have subsequently generated in the Court, it is simply unrealistic to expect that the Registry will be able to continue to absorb all increases in the level of support required from it. The investigative and prosecutorial activities following the implementation of the OTP's strategy in combination with the increased level of trial activity require substantial additional services from Registry.

Comparative growth analysis 2013 baseline	2013 Approved		2014 Approved		2015 Approved		2016 Proposed	
	(thousands of euros)		(thousands of euros)		(thousands of euros)		(thousands of euros)	
	Budget		Budget	%	Budget	%	Budget	%
Judiciary	€10,697.9		€10,045.8	(6.1)	€12,034.1	12.5	€12,704.6	18.8
Office of the Prosecutor	€8,265.7		€3,220.0	17.5	€9,612.6	40.1	€46,091.9	63.1
Registry	€4,520.9		€5,684.9	1.8	€5,025.9	0.8	€1,940.1	27.0

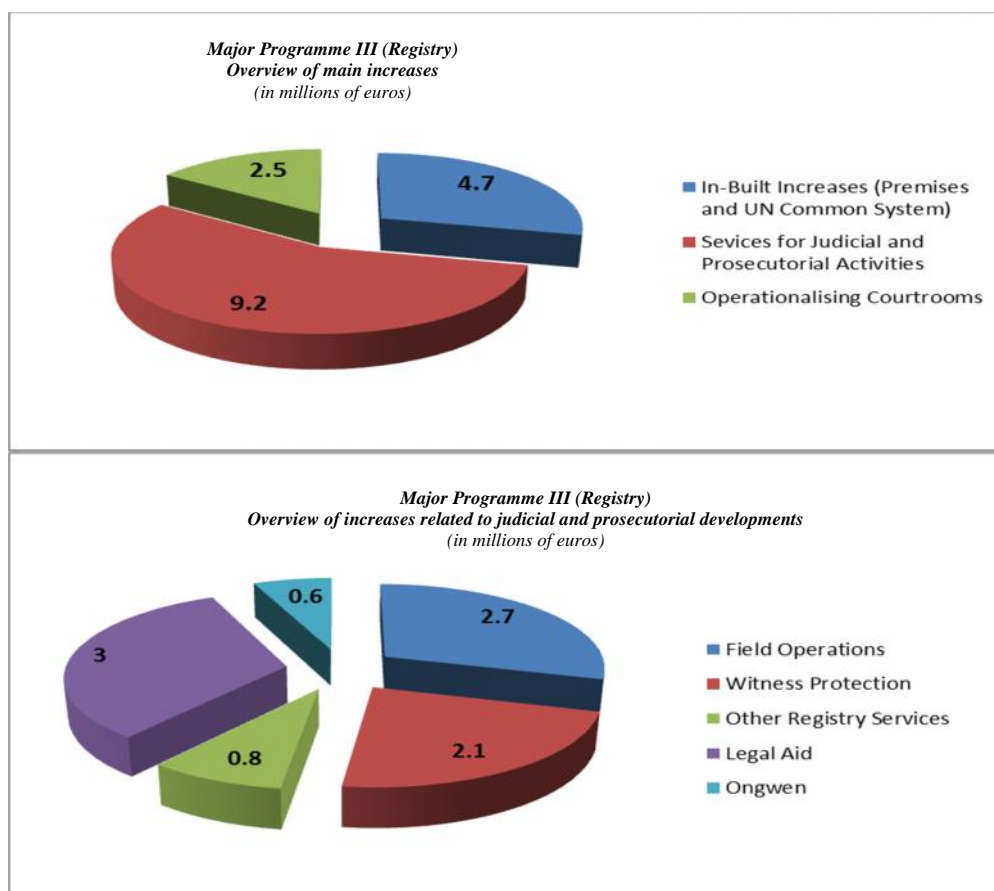
48. In fact, an initial assessment of additional Registry resources needed to support the added judicial, prosecutorial and administrative services required of it in 2016 resulted in an increase of more than €30 million over the Registry’s approved budget for 2016. A careful re-calculation of these requirements in light of the Registry’s new organizational structure and increased efficiency in processes benefitting the parties and participants to the proceedings and resulting from the *ReVision*, coupled with a strict re-evaluation and reprioritization of the services requested from the Registry, has substantially limited the proposed increase for 2016. The Registry continues to seek to apply a zero growth approach for all sections that are not directly affected by the increased service requirements of the other organs of the Court.

49. Furthermore, and as explained above, the Registry will require additional resources to maintain, secure and run the Court’s operations in the new building. The Court’s new premises are approximately 25 per cent larger than the interim premises and incorporate three much larger courtrooms, more extensive public areas, and significant grounds. The Registry will be required to assume the maintenance and support functions for the Court’s new premises, resulting in a net increase of over **€3.5 million** in the Registry’s budget.

50. The total proposed increase needed in Registry to sustain the level of services required by the parties and participants in the proceedings amounts to approximately **€5.6 million**. This includes resources to support field operations of approximately **€2.7 million**, as well as additional resources required to provide protection and support to prosecution and defence witnesses amounting to approximately **€2.1 million**.

51. Supporting the increased number of live trials expected in 2016 and ensuring adequate judicial and courtroom-related services for the smooth running of proceedings will also entail a significant increase in Registry resources, amounting to approximately **€2.5 million**.

52. Other main proposed increases relate to legal aid for indigent defendants and victims participating in proceedings, amounting to approximately **€3 million**, in-built increases in staff costs, amounting to over **€1.2 million**, and the resources necessary to support the confirmation of charges in the *Ongwen* case, amounting to approximately **€600 thousand**.



Programme III Registry	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	37,296.8	45,965.0	8,668.2	23.2
Other Staff Costs	5,349.1	5,102.1	(247.0)	(4.6)
Non-Staff Costs	22,380.0	30,873.0	8,493.0	37.9
<b>Total</b>	<b>65,025.9</b>	<b>81,940.1</b>	<b>16,914.2</b>	<b>26.0</b>

#### 4. Major Programme IV: Secretariat of the Assembly of States Parties

53. The Secretariat of the Assembly of States Parties is seeking a budget for 2016 of **€3.05 million**, which represents a small increase of **€0.5 thousand**, or **1.3 per cent**, compared to the 2015 approved budget of €3.01 million. This is due mainly to the in-built increase resulting from the application of the UN Common System.

54. The 2016 proposed budget for Major Programme VI remains virtually at the level approved by the Assembly for 2015. However, some internal reallocation of existing resources was made in order to better accommodate the needs of the Secretariat for 2016.

Programme IV Secretariat of the Assembly of States Parties	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	926.9	939.6	12.7	1.4
Other Staff Costs	808.3	870.8	62.5	7.7
Non-Staff Costs	1,277.6	1,242.9	(34.7)	(2.7)
<b>Total</b>	<b>3,012.8</b>	<b>3,053.3</b>	<b>40.5</b>	<b>1.3</b>

#### 5. Major Programme V: Premises Rent and Maintenance

55. The Court will complete its move from its interim premises in December 2015; however, the contract between the Court and the Federal Buildings Agency for the two buildings will expire at the end of first quarter 2015 and the end of the second quarter of 2015 respectively. The Court will assume responsibility for maintenance of its new premises as of 1 January 2016. There is no proposal for capital investment or replacements during 2016, as this is covered by the building warranty.

56. The reduction of **€2.97 million** or **49.5 per cent** in the proposed budget for Major Programme V is due to the expiration of the contracts for rent of the interim premises, resulting in a total proposed budget of **€3.03 million**. Of this amount, **€97.3 thousand** is for the rent of the Haagse Arc building until 31 March 2016 and **€27 thousand** is for the rent of the Haagseveste building until the expiry of its contract on 30 June 2016. In addition, the Court may be contractually obliged to pay **€205 thousand** in preventative maintenance costs for both buildings for the abovementioned respective periods. The remaining **€1.07 million** is the cost of maintenance of the new premises under the extended contract with Courtys, the construction company.

5100 Rent and Maintenance (Premises)	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	6,000.0	3,030.4	(2,969.6)	(49.5)
<b>Total</b>	<b>6,000.0</b>	<b>3,030.4</b>	<b>(2,969.6)</b>	<b>(49.5)</b>

## 6. Major Programme VI: Secretariat of the Trust Fund for Victims

57. The Secretariat of the Trust Fund for Victims (“the Fund” or “TFV”) is proposing a budget for 2016 of **€2.48 million**, with an **increase of €663.4 thousand**, or **36.5 per cent**, compared to the 2015 approved budget.

58. The proposed increases in the Secretariat’s budget are mainly the result of the anticipated need for consultants and contractual services in relation to the TFV’s implementation of reparation awards and to enhance private fundraising efforts. Similarly, the proposed increase in the TFV’s travel budget is largely due to activities related to the Trust Fund’s reparations mandate.

59. At the Annual Meeting of the TFV Board of Directors (17-19 March 2015), the Board adopted the TFV Budget Assumptions for 2016 in relation to Major Programme VI of the Court’s regular budget. The TFV budget assumptions were developed within the framework of the TFV Strategic Plan, including the budget drivers contained therein. The TFV notes that Board of Directors has decided to outsource activities related to the conduct of situational assessments under its assistance mandate, capacity building of TFV implementing partners and the design and implementation of a management information system (MIS), which will be funded from resources originating from voluntary contributions (total €900,000), therefore from outside the Major Programme VI budget.

60. The outcome of the *ReVision* process in 2015, both as regards the Registry and the TFV, will help the TFV leadership to determine the Secretariat’s future organizational, structural and, by implication, budgetary needs in order to ensure responsiveness to the challenges ahead in view of the TFV’s mission and mandates. In consideration of the above, the present budget proposal for Major Programme VI maintains staff costs at the 2015 level, pending a decision by the Board of Directors on the structure of the TFV Secretariat based on the *ReVision* recommendations; in which case a corrigendum of the proposed budget will be submitted for consideration of the Committee on Budget and Finance.

6100 Secretariat of the Trust Fund for Victims	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	740.2	784.0	43.8	5.9
Other Staff Costs	523.9	657.9	134.0	25.6
Non-Staff Costs	551.6	1,037.2	485.6	88.0
<b>Total</b>	<b>1,815.7</b>	<b>2,479.1</b>	<b>663.4</b>	<b>36.5</b>

## 7. Major Programme VII-1: Project Director’s Office (permanent premises, PDO)

61. The proposed 2016 budget for Major Programme VII-1 amounts to **€796.5 thousand**, which represents a **reduction of €344.1 thousand**, or **-30.2 per cent**, compared to the 2015 approved budget of approximately **€1.14 million**.

62. The reduction is mainly owed to the fact that the Project Director’s post (D-1) is only budgeted at 50 per cent in 2016, which results in a decrease of €65.7. In addition, as the new building will be in operation in January 2016, there is a reduction in non-staff costs of **€346.5 thousand** as there will be no need for the continuation of service agreements with the key Sections of the Court involved in the transition activities.

63. During 2016, the Project Director’s Office will finalize the administration and management of the general contractor’s contract and all related construction project tasks. The Office is also responsible for ensuring that the unified construction and transition budget, totalling **€206 million**, is finalized, reconciled and closed. The combined construction and transition budget is reported separately in the Court’s Financial Statements.

7100 Permanent Premises Offices	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	448.0	282.3	(165.7)	(37.0)
Other Staff Costs	-	168.1	168.0	
Non-Staff Costs	692.6	346.1	(346.5)	(50.0)
<b>Total</b>	<b>1,140.6</b>	<b>796.5</b>	<b>(344.1)</b>	<b>(30.2)</b>

## 8. Major Programme VII-2: Permanent Premises Interest

64. The proposed 2016 budget for Major Programme VII-2 amounts to **€2.20 million**, representing an increase of **€1.13 million** or **105.9 per cent** over the 2015 requirements of **€1.07 million**. Major Programme VII-2 manages the payment of interest on the Host State loan, which in 2016 must be received and paid to the host State no later than 1 February 2016.

65. In 2008, the Assembly accepted the host State's offer of a loan for the Permanent Premises Project of up to a maximum of €200 million, to be repaid over a period of 30 years at an interest rate of 2.5 per cent. The financial implications of Major Programme VII-2 are only applicable to those States Parties that did not opt for a one-time payment.

7200 Accrued Interest, Host State	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	1,068.7	2,200.5	1,131.8	105.9
<b>Total</b>	<b>1,068.7</b>	<b>2,200.5</b>	<b>1,131.8</b>	<b>105.9</b>

## 9. Major Programme VII-5: Independent Oversight Mechanism

66. The proposed budget for 2016 for the Independent Oversight Mechanism of **€345.7 thousand** is maintained at a level comparable to that of the approved budget for 2015 of €339.9 thousand. The marginal increase of **€5.8 thousand**, or **1.7 per cent**, in staff resources is due to the application of the UN Common System.

7500 Independent Oversight Mechanisms	Approved Budget 2015	Proposed Budget 2016	Resource growth	
	(thousands of euro)	(thousands of euro)	2016 vs 2015	
	Total	Total	Amount	%
Staff Costs	255.7	261.5	5.8	2.2
Other Staff Costs	-	-	-	-
Non-Staff Costs	84.2	84.2	0.0	0.0
<b>Total</b>	<b>339.9</b>	<b>345.7</b>	<b>5.8</b>	<b>1.7</b>

## 10. Major Programme VII-6: Office of Internal Audit

67. The Office of Internal Audit is seeking a budget for 2016 of **€686.0 thousand**, which represents a small increase of **€70.7 thousand**, or **11.5 per cent**, compared to the 2015 approved budget of €615.3 thousand. The marginal increase is mainly due to the application of the UN Common System.

68. The Office of Internal Audit reports to the Chair of the Audit Committee and assists the Court in achieving its strategic and operational objectives by systematically reviewing systems and operations across all areas of the Court. These reviews (audits) are aimed at identifying how well potential threats and opportunities (risks) are managed, including whether the right processes are in place, and whether agreed procedures are being adhered to.

<b>7600 Office Of the Internal Audit</b>	<i>Approved Budget 2015</i>	<i>Proposed Budget 2016</i>	<i>Resource growth</i>	
	<i>(thousands of euro)</i>	<i>(thousands of euro)</i>	<i>2016 vs 2015</i>	
	<i>Total</i>	<i>Total</i>	<i>Amount</i>	<i>%</i>
Staff Costs	468.0	530.4	62.4	13.3
Other Staff Costs	113.6	119.6	6.0	5.3
Non-Staff Costs	33.7	36.0	2.3	6.9
<b>Total</b>	<b>615.3</b>	<b>686.0</b>	<b>70.7</b>	<b>11.5</b>