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INTERNATIONAL CRIMINAL COURT**

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## Part A

### Proposed Programme Budget for 2017 of the International Criminal Court\*

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*List of abbreviations and acronyms*

2gv	Non-integrated user equipment
3gv	Integrated user equipment
ASG	Assistant Secretary-General
ASP	Assembly of States Parties
AU	African Union
AULO	African Union Liaison Office
AV	Audio-visual
BS	Budget Section
CAC	Classification Advisory Committee
CAR	Central African Republic (Bangui)
CBF	Committee on Budget and Finance
CIV	Côte d'Ivoire (Abidjan)
CMS	Court Management Section
CoCo	Coordination Council
CSS	Court Services Section
D	Director
DEO	Division of External Operations
DJS	Division of Judicial Services (formerly DCS:Division of Court Services)
DMS	Division of Management Services (formerly CASD: Common Admin. Services Div.)
DRC	Democratic Republic of the Congo (Kinshasa and Bunia)
DS	Detention Section
DSA	Daily subsistence allowance
DSS	Defence Support Section (integrated in Counsel Support Section - 2010)
DVC	Division of Victims and Counsel (abolished 2010 - sections moved to Office of the Registrar)
ECOS	e-Court operating system
EOSS:	External Operations Support Section
FO	Field Offices
FS	Finance Section
FSS	Forensic Science Section
FTE	Full-time equivalent
GAU	General Administration Unit
GCDN	Global Communications and Data Network
GEO	Georgia
GS	General Service
GS-OL	General Service (Other Level)
GS-PL	General Service (Principal Level)
GSS	General Services Section
GTA	General temporary assistance
HQ	Headquarters
HR	Human resources
HRS	Human Resources Section
IAS	Investigative Analysis Section
IATN	Inter Agency Travel Network
IBA	International Bar Association
ICC	International Criminal Court
ICCPP	International Criminal Court Protection Programme
ICS	International Cooperation Section
ICT	Information and communication technologies
ICTY	International Criminal Tribunal for the former Yugoslavia
IEU	Information and Evidence Unit
IGO	Intergovernmental organization
ILOAT	International Labour Organization Administrative Tribunal

IMSS	Information Management Services Section (formerly ICTS: Info. and Comm. Technologies Section)
INFM	Inter-agency Network of Facility Managers
INTERPOL	International Criminal Police Organization
IOM	Independent Oversight Mechanism
IOP	Immediate Office of the Prosecutor
IOR	Immediate Office of the Registrar
IPSAS	International Public Sector Accounting Standards
IRS	Initial Response Services
IT	Information technologies
JCCD	Jurisdiction, Complementarity and Cooperation Division
KBU	Knowledge-Base Unit
KEN	Kenya (Nairobi)
LAS	Legal Advisory Section (in OTP)
LBY	Libya
LO	Legal Office (formerly LASS: Legal Advisory Services Section (Registry))
LSS	Language Services Section (formerly STIC: Court Interp. and Transl. Section)
LSU	Language Services Unit
MAL	Mali (Bamako)
MIS	Management information system
MLI	Mali
MORSS	Minimum Operating Residential Security Standards
MOSS	Minimum Operating Security Standards
NGO	Non-governmental organization
NYLO	New York Liaison Office
OD-DEO	Office of the Director of the Division of External Operations
OD-DJS	Office of the Director of the Division of Judicial Services
OD-DMS	Office of the Director of the Division of Management Services
OIA	Office of Internal Audit
OPCD	Office of Public Counsel for the Defence
OPCV	Office of Public Counsel for Victims
OTP	Office of the Prosecutor
OU	Outreach Unit
P	Professional
PDO	Project Director's Office (permanent premises)
PIOS	Public Information and Outreach Section (formerly PIDS: Public Info. and Documentation Section)
POS	Planning and Operations Section
SAP	Enterprise Resource Planning System
SAS	Situation Analysis Section
SG	Strategic goal
SO	Strategic objective
SS	Services Section
SSS	Security and Safety Section
SUD	Darfur, Sudan
TFV	Trust Fund for Victims
TRIM	Total records information management
UGA	Uganda (Kampala)
UNDSS	United Nations Department of Safety and Security
UNDU	United Nations Detention Unit
UNON	United Nations Office at Nairobi
UNSMS	United Nations Security Management System
VPRS	Victims Participation and Reparations Section
VTC	Video teleconferencing
VWS	Victims and Witnesses Section (formerly VWU: Victims and Witnesses Unit)
WCF	Working Capital Fund

## Foreword by the Principals of the International Criminal Court

The Hague, Netherlands,

8 August 2016

As Principals of the International Criminal Court ("Court"), we are pleased to present the Proposed

Programme Budget for 2017 for the consideration of the Assembly of States Parties.

Mindful of the recommendations of the Committee on Budget and Finance and the resolution adopted by the Assembly at its fourteenth session, we have taken concrete steps to improve the Court's budget process by, first and foremost, providing clearer and coherent guidance on Court-wide budgetary priorities and needs through more frequent and efficient use of the Coordination Council and other inter-organ interactions. In doing so, we have considered the budgetary impact of the identified core priority activities, which has allowed us to set the formal assumptions for the 2017 budget considering both internal and external constraints and drivers. In addition, this approach has resulted in enhanced inter-organ consultations, and ultimately an improved and more coherent budget document that reflects more visibly the "One-Court" approach we adopted in defining the Court's budgetary requirements.

The Court is proposing a budget increase for 2017 of €9,860.6 thousand, or 7.2 per cent, over the approved budget for 2016. This represents a proposed budget amounting to €147,250.7 thousand. Importantly, the requested additional resources will allow for the efficient conduct and support of three trials and six high quality investigations. They will also ensure the Registry's capacity to deliver crucial support services by allowing the full implementation of its structure, as well as investments in key information management projects and improvements in information security capabilities. A number of savings, efficiencies, re-prioritizations and reductions have been achieved throughout the Court in order to contain the proposed increase and still retain sufficient capacity to effectively deliver on its complex mandate.

As Principals of the Court, and fully mindful of the challenging financial situation currently affecting the international community, we strongly believe that the proposed investments for 2017 will result in tangible results in Court-wide performance and long-term efficiencies, mainly through more expeditious judicial proceedings, while ensuring full respect for the principles of fair trial; maintenance of the required quality of preliminary examinations, investigations and prosecutions; enhanced impact on the ground and the requisite secure information environment for the Court's operations.

The Court was created with an objective, and indeed responsibility, of paramount importance: the mandate to provide meaningful accountability for atrocity crimes and a true sense of redress to the many victims of these serious crimes that for centuries have gone unpunished. As a result, the scourge of unchecked atrocities have left societies and the world more generally less stable and scarred by the lack of effective justice. For the Court's crucial mandate to be fulfilled, justice must be done in an effective, comprehensive and impactful manner, looking at all sides to the conflict and ensuring those most responsible are held accountable in a court of law.

We hope you find that the carefully reflected Proposed Programme Budget for 2017 aims to provide the Court with the necessary resources to enable us to effectively and efficiently exercise our respective mandates and respond to this important responsibility.

We thank you for your consideration.

Yours Sincerely,

*[Signed]*

Silvia Fernandez de Gurmendi  
President

*[Signed]*

Fatou Bensouda  
Prosecutor

*[Signed]*

Herman von Hebel  
Registrar

# I. Overview of proposed programme budget 2017, budget priorities and judicial assumptions

## A. Introduction

1. The International Criminal Court (“the Court”) is proposing a programme budget for 2017 amounting to **€147,250.7 thousand**. This represents an increase of **€9,860.6 thousand, or 7.2 per cent**, over the 2016 approved budget (€137,390.1 thousand). Following the recommendation of the Committee on Budget and Finance (“the Committee”) at its twenty-fifth session,<sup>1</sup> the figures for the proposed regular budget are presented separately from the interest on the host State loan for the permanent premises. As indicated by the Committee, this has been done with a view to improving transparency and allowing for a comparative assessment of the resources needed for the Court’s activities in 2017. When including the interest and capital repayment (under Host State Loan) in respect of the permanent premises project of **€2,987.3 thousand**, the Court’s proposed programme budget for 2017 amounts to **€150,238.0 thousand**, or an increase of **7.6 per cent**.

**Table 1: Overview of the proposed programme budget 2017**

ICC	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
MP I: Judiciary	12,430.6	813.1	6.5	13,243.7
MP II: OTP	43,233.7	3,046.5	7.0	46,280.2
MP III: Registry	72,759.2	6,843.8	9.4	79,603.0
MP IV: SASP	2,808.8	109.0	3.9	2,917.8
MP V: Premises	2,824.6	-1,369.7	-48.5	1,454.9
MP VI: STFV	1,884.5	617.6	32.8	2,502.1
MP VII-5: IOM	315.1	239.7	76.1	554.8
MP VII-6: OIA	681.8	12.4	1.8	694.2
<i>Sub-total</i>	<i>137,390.1</i>	<i>9,860.6</i>	<i>7.2</i>	<i>147,250.7</i>
MP VII-2: Host State Loan	2,200.5	786.8	35.8	2,987.3
<b>Total</b>	<b>139,590.6</b>	<b>10,647.4</b>	<b>7.6</b>	<b>150,238.0</b>

2. The Court submits this proposed increase being fully aware of the challenging financial situation currently affecting the international community. The Court is also fully mindful of the expectations on it to produce concrete results, including effective investigations, prosecutorial results and speedier trials. The Court strongly believes that the proposed investments will result in tangible long-term efficiencies, mainly through more expeditious judicial proceedings ensuring full respect for the principles of fair trial, maintenance of the required quality of preliminary examinations, investigations and prosecutions, enhanced impact on the ground and a secure information environment for the Court’s operations.

3. The proposed increase is largely the direct result of the implementation in 2017 of the strategic Court-wide priorities agreed by the Court’s Principals, the President, the Prosecutor and the Registrar, in the context of the Coordination Council (CoCo),<sup>2</sup> and is based on a genuine and realistic assessment of the Court’s needs for 2017. The high-level strategic priorities identified by the Principals for 2017 are: **(i) running and supporting**

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015* (ICC-ASP/14/20), vol. II, part B.3. para 12.

<sup>2</sup> Pursuant to regulation 3 of the Regulations of the Court, the Coordination Council is comprised of the President, the Prosecutor and the Registrar and coordinates, where necessary, the administrative activities of the organs of the Court.

**proceedings in three trials; (ii) conducting and supporting six active investigations; (iii) ensuring the Registry's capacity to deliver Court-wide services; and (iv) investments in key Court-wide information management projects and security capacity.** The CoCo further agreed to include in the Judiciary budget a revision of the judges' remuneration in implementation of Resolution ICC-ASP/3/Res.3.

4. In addition, and in line with standard practice, the proposed programme budget for 2017 includes an approximate increase of 2 per cent in its staff costs resulting from the application of the United Nations Common System, which amounts to an increase of approximately **€1.84 million**.

5. In order to better explain the rationale behind the proposed programme budget for 2017, as well as the Court-wide interactions between specific judicial and prosecutorial activities and the cross-cutting resource requirements in different organs of the Court, this part of the budget will first address the Court-wide high-level strategic budget priorities for 2017, thus reflecting on how investments, savings and efficiencies have been proposed throughout the Court to implement these essential goals. Moreover, the judicial assumptions for 2017 will be explained, followed by the enhanced budgetary process, including the strengthened role of the CoCo in setting the strategic framework on which budget requirements for 2017 have been built. Finally, an overview of the preliminary examinations, situations under investigation and cases before the Court will be provided, including an analysis of the environment in which the Court is expected to operate.

## **B. High-level strategic budget priorities for 2017**

6. Almost 15 years into its existence, the Court continues to face new challenges, both in and outside the courtroom. In the light of this, strategic vision and the setting of corresponding key priorities have become ever more essential. In addition, a number of recent inter-organ projects have also contributed to an ever more coherent and comprehensive joint strategic vision of the Court's Principals regarding the institution's main activities and key priorities, both long- and short-term. Projects such as the Court's basic size, synergies and the definition of performance indicators have led to increased strategic discussion of the Court's organs on a number of different levels. In addition, structural and workflow improvements in the Registry are yielding positive effects. This has generated a noticeable increase in internal streamlining, communication and efficiency of the institution as a whole.

7. The Court's strategic vision remains focused on generating fast and high-quality output in all its mandated activities, mindful of the overarching principle of fairness of proceedings. In the light of increasing pressure on a Court that is steadily intensifying its operations in various situations around the globe, the One-Court principle remains essential and all efforts of the Court's Principals are guided by this key postulate. This is also expressed in the present budget document, as will be briefly outlined below.

8. The Court's key priorities for 2017 are reflective of the institution's general strategic vision on the one hand, and the more immediate requirements on the other, in order for the Court to fulfil its mandate. Importantly, the Court's focus is geared towards its main -and most essential- activities and drivers, while being mindful of its budgetary constraints. As a result, the Court's Principals have agreed on activity assumptions which represent the necessary minimum for the Court to fulfil its judicial mandate while remaining within reasonable budgetary confines.

9. The Court's strategic vision translates into a list of key activities for each of the organs in 2017. Following a Court-wide strategic approach, all organ-specific activities are coordinated with all other organs concerned, leading to increased efficiency and synergies. This is manifest in an integrated, coordinated approach of the Office of the Prosecutor (OTP) and the Registry regarding field activities; close cooperation between Chambers and the Registry as regards courtroom needs in 2017; and also a more strategic, streamlined and coordinated approach on the budget.



foreseen in 2017 can be sustained with the existing resources for two courtroom teams, while minimal extra capacity will be required to provide for the additional 60 days when three courtroom teams will be required to run simultaneously.

(b) *Ensuring high-quality investigations: Conducting and supporting six active investigations*

16. In implementing the Strategic Plan for 2016-2018, the OTP continues to set priorities by balancing, as best as possible, operational demands against the resources made available by the States Parties. Support for cases that are being prepared for trial or that are at the trial stage is always the OTP's top priority. At the same time, as the Court often operates in highly volatile political and security environments, focus and resources are also devoted to active investigations in order to capitalize on opportunities when this is still achievable.

17. The proposed Court budget would allow the OTP to conduct its preliminary examinations, investigations, and prosecutions with sufficient quality and efficiency, with an acceptable level of case prioritization, without yet reaching the desired pace because the standard team compositions are not yet met. The requested resources will also enable the required support from Registry to OTP investigations, in particular in relation to field operations and witness protection.

18. In the face of increasing global demand the exercise of the Court's jurisdiction, the OTP will continue to prioritize its activities in line with its strategy to ensure high-quality investigations. In 2016, following the authorization granted by Pre-Trial Chamber I, the OTP opened a new investigation in the Georgia situation funded through the Contingency Fund. In 2017 the OTP will continue its active investigation in Georgia.

19. In addition to Georgia, the OTP will continue to conduct five active investigations in existing situations; one for a full year in Côte d'Ivoire (CIV II), one for a full year in CAR (CAR II.b), one for a full year also in CAR (CAR II.a), one for a full year in Darfur and one for a full year in Libya (LBY 3).

20. Recent experience has shown that, regrettably, offences against the administration of justice (article 70 offences) are becoming a common feature when cases are brought to the trial phase. In the event of such an occurrence in the course of one or more of the trials foreseen for 2017, the OTP will respond, to the extent possible, using the resources available in the approved budget (which, of course, will have an impact on the other cases).

**2. Overview of Court-wide needs regarding the six active investigations in 2017<sup>5</sup>**

21. The information below provides a summary overview of the Court-wide activities in relation to the six active investigations to be conducted by the OTP throughout 2017. For additional and more detailed information on Court-wide activities in relation to the different situations and cases before the Court, as well as OTP activities in relation to preliminary examinations, please refer to section II of this part, "*The Court in 2017*" (paras. 60 to 152).

22. **Georgia:** The OTP will continue active investigations in Georgia throughout 2017, which will, in turn, require enhanced support from the Registry, including the setting up of a small field office in Tbilisi, which will provide direct access to national and local authorities, facilitate victims' applications to participate in proceedings, enable outreach activities and support witness protection activities. One of the main challenges for the new field office will be to establish and maintain secure communications. Investments at both Headquarters and in the field will be required for enhanced physical and information security to safeguard the confidentiality of sensitive operations.

23. **CIV II:** Throughout 2017, the OTP will actively continue its investigation of CIV II. The start of the investigation in CIV II was delayed due to resource constraints, leading to substantial reputational damage for the Court, being perceived - incorrectly - as one-sided in its investigations. It is therefore crucial that in 2017 the Office has full resources to

<sup>5</sup> More detailed information on all the ongoing activities of the OTP can be found in section II below (paragraphs 59 to 152).



capitalize and build on the good progress made during 2016. For the Registry to support these activities, a continued field presence in Abidjan and a newly established satellite office in Western Côte d'Ivoire will be required.

24. **CAR II.a and CAR II.b:** In 2017, the OTP will continue its active investigations in relation to the two cases. Investigative activities will also include forensic missions, which will have a significant impact on resource requirements, including in the form of increased support from the Registry with respect to security and support to field operations. Significant changes in the political context as well as the security situation in CAR are elements that must be taken into account and increased measures are needed to protect staff on the ground on account of the volatile security situation and deficient infrastructure in the country. The Registry's VWS will also increase its operations in CAR to provide necessary services to the OTP.

25. **Darfur:** Alleged crimes falling under the Court's jurisdiction continue to be committed in Darfur, and the OTP cannot ignore this serious situation on which it has to report every six months to the UN Security Council. Additionally, investigative opportunities have arisen in recent months in relation to existing cases, resulting in the OTP's need for additional resources to be provided to the Darfur Integrated Team. In addition, a continued minimum level of staff resources for both the OTP and the Registry is required to monitor and track the movements of suspects and manage witnesses.

26. **LBY 3:** The investigative leads obtained and processed by the OTP in the past months are connected both to its investigations into officials linked to the reign of Mr Muammar Gaddafi (some of whom are still involved in ongoing crimes), but also to the ongoing crimes in Libya, such as those alleged to have been committed by ISIL and *Ansar Al-Sharia*. The current level of crime within Libya being committed by a variety of organizations and having an impact beyond the borders of Libya due to the transnational, organized, financial and terrorist nature of such crime, is also high. In order to maximize the impact of its activities, the OTP will continue its consultations with relevant international and regional partners and agencies for the purpose of exploring the possibility of cooperation, coordination and information sharing, where appropriate. Support will be needed from the Registry, including in terms of witness protection.

(a) *Ensuring the Registry's capacity to deliver crucial services in support of the Court's activities*

27. The staff costs component of the approved Registry budget for 2016 was reduced by approximately €3.8 million as a result of the proposed staggered approach to the implementation of the Registry structure. In its report on its twenty-fifth session, the Committee expressly noted that the reductions to the 2016 budget increase achieved by postponing staffing the Registry represented a delay in expenditure. As a result, the Committee anticipated that some of these costs would appear in the Court's 2017 budget.<sup>6</sup>

28. Owing to this reduction, the Registry was required to stagger the implementation of its new structure throughout the year. Such a slow build-up of its structure means that the Registry is operating below the necessary capacity to provide the services required by the Court, including, in particular, judicial and investigative activities.

29. In order to ensure the Registry's ability to support the level of activities estimated for 2017, the organ's approved structure must be fully implemented. In this regard, the Registry first needs to consolidate its current structural requirements so as to further support the foreseen increased workload of the institution next year.

30. In principle, in order to achieve this, the Registry would require the full restoration of staffing resources under established posts that were staggered in 2016, as well as the restoration of resources for the workload posts in the field. However, the Registry has taken a conservative approach, continuing the staggering to some degree into 2017 in order to contain the budgetary increases. In this regard, in the light of the continued recruitment expected to extend into 2017, the Registry is proposing a temporary increase in its vacancy rate from 10 to 12 per cent so as to accurately reflect the recruitment realities in the

<sup>6</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.III, para. 33.

Registry. This measure is aimed at containing the increase in the Registry's staff costs by further staggering recruitment in 2017 by approximately **€0.9 million** of the €3.8 million<sup>7</sup> that should, in principle, be restored in the Registry's staff costs, which will lead to a net increase of approximately **€2.6 million**. It is expected in this regard that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

(b) *Investment in key Court-wide information management projects and security capacity*

31. The move to the permanent premises allowed the Court to improve its core IT infrastructure and audio-visual systems in the courtrooms. The core IT infrastructure provides the necessary network and communications platform for all the hardware and software required to support Court activities. The upgrade of courtroom operational systems allows the Registry to support the Court's requirement to record and broadcast the proceedings. While these improvements will meet the needs of Court for the next decade, there are other components of IT in which no significant investment has been made: hardware and software used by Court staff in the course of daily activities. Since 2011 the central IT budget has decreased steadily from 9 per cent of the overall budget in 2012 to 6 per cent. As a consequence, software applications and hardware are out of date and provide more of a barrier to than an enabler for efficiency in Court operations.

32. The Court is an information-centric organization with information technology providing the foundation for all Court operations. Appropriate investment is therefore fundamental to its daily operations and achieving strategic priorities. Through extensive consultation with all organs of the Court, the Information Management Governance Board is being established for planning, implementing and supporting IT and information management is in progress. The goal is to coordinate amongst the organs to determine priorities in order to align IT investment and resources to deliver the best value for the Court. The consultation identified priority areas for investment in 2017 which underpin the Court's strategic priorities.

33. The 500 days of projected courtroom activity will produce more data in one year than several previous years of the Court's operations. Furthermore, the OTP's investigative activities have evolved to accommodate the increase in digital data, requiring forensic analysis of large volumes of digital data. As a consequence, the Court requires sufficient storage capacity to meet demand. Currently the Court has the capacity to store data by one method only, which is not cost-effective for the projected future volumes. The Court recognizes that efficiencies and savings can be achieved by implementing a tiered storage capacity which allows for more cost-effective options to store data that is either public or not actively in use.

34. Court staff and external parties in both at Headquarters and at the field offices, and those on mission rely on the Court's hardware and software to protect information, from voice communications through to transferring and accessing information. The active investigations undertaken by the OTP will be taking place in higher surveillance environments, with potential investigations of state and non-state actors which have the technical capabilities to disrupt the Court's activities and compromise operational security or the safety of, *inter alia*, witnesses with cyber-attacks, external viruses and leaked information. These developments have the capacity to threaten the image of the Court, the integrity of its proceedings, the security of witnesses and the security of staff. Accordingly, the Court must take all necessary measures to mitigate these threats and improve its capacity to identify and respond to threats.

35. In this regard, investments amounting to €1.8 million in the following three areas will be made throughout 2017:

(a) Augmentation of the Court's capacity for data storage required to support the increase in courtroom activities and thus digital recordings of all Court activities and the increase in investigation activities by the OTP;

<sup>7</sup> The total amount of €3.8 million corresponds to €3.4 million for established posts and an additional reduction of €0.4 million in GTA resources in 2016.

- (b) Improvements to the Court's information security capabilities to ensure the confidentiality and integrity of investigation activities in high-surveillance environments; and
- (c) Updating the Court's hardware and software to protect its information in a challenging environment with an increasingly mobile workforce.

### C. 2017 judicial assumptions and operating environment

36. It is expected that in 2017, the Court will continue operating in 10 situations under investigation: the Central African Republic (I and II) (CAR), Côte d'Ivoire (CIV), Darfur, the Democratic Republic of the Congo (DRC), Georgia, Kenya, Libya, Mali and Uganda.

37. In addition, the OTP will continue its analysis of nine situations under preliminary examination: Afghanistan, Burundi, Colombia, Guinea, Iraq, Nigeria, Palestine, Comoros and Ukraine.

38. It is important to note that, in the course of its preliminary examination activities, as per its policy on the issue and its 2012-2015 and 2016-2018 Strategic Plans, the OTP seeks to contribute to two overarching goals of the Rome Statute, i.e. the ending of impunity, by encouraging genuine national proceedings, and the prevention of crimes, thereby potentially obviating the need for the Court's intervention. Preliminary examination activities therefore constitute one of the most cost-effective ways for the Office to fulfil the Court's mission.

39. The OTP is expected to **increase the number of active investigations** from **four and a half** in 2016 to **six** in 2017, namely, CAR II.a (*Séléka*), CAR II.b (*anti-Balaka*), Libya (LBY 3), CIV II, Georgia and Darfur.

40. It is foreseen that the Court will maintain **10 field presences** in 2017 - two in the DRC (Kinshasa and Bunia), one in Kenya (Nairobi), one in CAR (Bangui), two in Côte d'Ivoire (Abidjan and Western Côte d'Ivoire), one in Mali (Bamako), two in Uganda (Kampala and Gulu) and one in Georgia (Tbilisi). A very limited capacity will be maintained in Nairobi, Kenya, with a view to closing the field office in the course of 2017. The presences in Western Côte d'Ivoire and Gulu act as small hubs to support focused operations in the respective areas of the countries.

41. In the light of the continued operations in all situations under investigation, the **number of persons under protective measures** will remain high in 2017. More than **110 witnesses** will remain under protection in 2017, including witnesses in the Court's protection programme, assisted moves and other types of support. This figure includes **49 internationally relocated witnesses** who are in the care of a third entity and under continued monitoring by the Registry's Victims and Witnesses Section (VWS). There are currently **575 persons under protective measures** (110 witnesses and 465 dependents). Similarly, it is expected that more than **14,100 individuals will apply to participate as victims** in the different ongoing judicial proceedings. Furthermore, in order to operate in the Court's situations under investigation, support will continue to be required for more than **24 situation-related languages** in 2017.

42. At the judicial level, it is foreseen that at least **nine accused persons** will be appearing before the Court in 2017, of whom **five will remain in detention**. **One cell-block of six cells** will thus be required in the Detention Centre. At least **three cases are expected to continue at the trial stage** throughout 2017, namely, *Gbagbo and Blé Goudé*, *Ntaganda* and *Ongwen*. The case of *Al Mahdi* (plea pursuant to article 65 of the Statute) is due to commence in August 2016. Pending a final decision, reparation proceedings may take place in 2016, continuing into 2017. In addition, another Trial Chamber is considering reparations in *Katanga* and in *Lubanga*. Finally, reparation proceedings in *Bemba* before a separate Trial Chamber will continue in 2017. In addition to trial proceedings, **two final appeals** are expected to be ongoing throughout 2017, alongside potential appeals against reparation decisions/orders in the aforementioned cases.

43. For the purpose of the proceedings in these three trials, **92 witnesses are expected to appear** to give testimony, requiring full support from the Registry's VWS. **Eight languages** will need to be supported in courtroom proceedings, in addition to English and French. Importantly, **12 defence teams** and up to **five teams of legal representatives of victims** will continue to be financed through legal aid in 2017.

## D. Budget process

44. In response to the recommendations of the Committee and the resolution adopted by the Assembly of States Parties at its fourteenth session,<sup>8</sup> the Principals of the Court have taken steps to re-design its budget process and improve the coherence of its annual budget document. The internal budget process has benefited from this review and as a result has become more streamlined, steered commonly and closely by the Principals following the One-Court-principle in a top-down approach setting clear strategic objectives, as well as having internal consultations within each respective organ.

### 1. Steps taken

45. In December last year, shortly after the Assembly session, the Principals of the Court agreed on the way forward in redefining the budget process and addressing the main issues which had been identified. As a result, a new budget process was crafted and agreed on, following the general rationale that:

(a) There is a necessary budgetary inter-connection between the organs, simply because there is a deep operational interaction between them in the realization of their respective mandates.

(b) Investigations of the OTP, as well as proceedings before the Chambers, require support from the Registry, from the most elemental levels of ensuring recruitment of qualified staff, to issues such as languages, field support, witness support, eCourt systems, security, detention, and victim participation.

46. The Principals' roadmap for an optimized, streamlined budget process was based on an early strategic involvement of the Principals through their main strategic discussion forum, the CoCo, and a Budget Working Group (BWG) led directly by the Registrar, in line with his budgetary responsibility under the Financial Regulations and Rules.

47. This new strategic approach on the budget process translated into a number of key steps which the organs followed through in the 2016 budget process:

(a) Definition of the organs' core priority activities for 2017 in direct, high-level consultation in early 2016 (January); establishment of a timeline for the 2017 programme budget process;

(b) Estimation of the budgetary impact of the core priority activities thus identified, followed by a reality check, considering both internal and external constraints and drivers; and

(c) Setting of the formal assumptions for the 2017 budget on the basis of the revised core priority activities.

48. In order to ensure the necessary drive and timely decisions from the Court's leadership, the Principals held frequent periodic meetings with the CoCo dedicated particularly to the 2017 budget process. The link between the CoCo and the BWG was intensified through more frequent and in-depth direct involvement by the Principals. The BWG continues to receive increased guidance and instructions from the CoCo on all operational tasks and reports back to the Principals periodically.

49. The composition of the BWG has been expanded for the purpose of designing an improved, more transparent and streamlined budget process and document. This new and expanded BWG is chaired by the Registrar and consists of representatives of the three

<sup>8</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part 3; and vol. I, part III, Resolution ICC-ASP/14/Res.1.

organs, including both staff with technical/budgetary expertise, as well as staff who focus on the development of the narratives of the budget document.

50. Court-wide coordination of organ-specific activities has been significantly enhanced, leading to increased efficiency and synergies. This is manifest in an integrated, coordinated approach of the OTP and the Registry regarding field activities; close cooperation between Chambers and the Registry as regards optimization of courtroom requirements in 2017; continued staggering of the completion of the Registry structure through prioritization of activities in coordination with the other organs; a temporary increase in the OTP and Registry vacancy rates; and continuous reviews of OTP service requirements to reach optimal results against minimal costs.

51. Simultaneously with the definition of core priority objectives and assumptions, the Court assessed key requirements regarding the improvement of the budget document as such, following the helpful guidance of the Committee. The common starting point is that the budget proposal should be a cohesive and consistent document guided by a common vision from the Principals on the Court-wide budgetary needs, expressed through key budget drivers. This vision creates the framework for the budget narrative, which will then be supported by the figures.

52. Notably, the following two steps were taken in relation to the budget document:

(a) Reshaping of the budget document so that it reflects more visibly the “One Court” approach by the Principals in defining the Court’s budgetary needs; and

(b) Improving the internal coherence of the budget document in terms of the clarity, consistency and relevance of the budget narratives and corresponding resource tables and figures.

53. To this end, the Court maintained close correspondence with the Committee at an early stage in 2016 for initial guidance, and presented its proposed new approach at a dedicated meeting with the Committee during its twenty-eighth session in April 2016. On that occasion, the Committee expressed its general approval of the suggested improvements subject to their consideration of the present budget document.

54. This experience has served as a catalyst for self-examination. Many lessons are being learned as the Court proceeds and experiences are being collected.

55. In sum, the 2017 budget process has been guided by a common vision of the Principals on Court-wide budgetary needs. This, in combination with other important ongoing Court-wide initiatives, has not only ensured a more coherent and coordinated proposed budget, but has also allowed for better identification and execution of efficiencies and synergies due to the avoidance of duplication and the streamlining of activities. Finally, the budget document has improved in terms of clarity and consistency with regard to the narratives and corresponding resource tables and figures.

## E. Synergies

56. Over the course of 2015-2016, the Court has engaged in a comprehensive synergies exercise as requested by the Assembly.<sup>9</sup> Reporting to the Committee, representatives of all organs of the Court formed a number of working groups focusing on a number of thematic areas to gauge whether potential overlap existed between the different entities of the Court. The overall objective of these working groups was to identify such possible duplication and promote synergies within the Court. The initial results of the reviews that have already taken place indicate that most inter-organ processes have already been carefully established to ensure that no duplication occurs.

57. During the Committee’s twenty-sixth session, a first report was presented focusing on the areas of analysis, languages, public information, human resources and external relations. Quantifiable efficiency gains and/or savings were identified and the working groups managed to streamline processes and clarify responsibilities for all reviewed areas.

<sup>9</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, J, para. 4.

58. For the Committee's twenty-seventh session, the Court focused on the areas of mission planning, information technology, witness management and procurement. The Court was able to finalize the review of procurement and mission planning. While this review did not result in quantifiable efficiency gains or savings, a favourable outcome was achieved. Improvements in processes and procedures were proposed and overall transparency between the different entities of the Court increased. Significant progress was made and reported upon in the areas of witness management and information technology, and additional work will continue to be required. Given the volume and complexity of both areas and the available resources for conducting the reviews, the Court did not manage to finalize the review. However, a report on the results will be included for the Committee's twenty-eighth session.

59. The Court will continue its common endeavour to identify synergies with a final report to be expected in 2017. As a testament to the One-Court-principle, the synergies exercise has enjoyed a highly collaborative inter-organ effort throughout and increased transparency and collaboration between the organs.

## II. The Court in 2017 - Preliminary examinations, situations and cases before the Court

### A. Situations under preliminary examination

60. The OTP conducts preliminary examinations of all situations that come to its attention to determine, on the basis of the legal criteria established by the Rome Statute ("the Statute") and the information available, whether the situations warrant investigation. The OTP is currently conducting preliminary examinations in nine situations - Afghanistan, Burundi, Comoros, Palestine, Iraq, Guinea, Nigeria, Ukraine, and Colombia.

61. The factors set out in article 53(1)(a)-(c) of the Statute establish the legal framework for a preliminary examination. In order to determine whether there is a reasonable basis to proceed with an investigation into the situation, the Prosecutor considers jurisdiction, admissibility and the interests of justice.

62. The preliminary examination process is conducted on the basis of the facts and information available mostly in open sources, such as public documents, reports, videos and other materials from any reliable source. The Office will also conduct missions, as required, to meet relevant stakeholders of all sides, from government officials to civil society representatives, for the purpose of receiving information, but also explaining the nature and scope of the preliminary examination process, which should not be mistaken for a fully fledged investigation.

63. All information gathered is subjected to a fully independent, impartial and thorough analysis. The Office's findings are preliminary in nature and may be reconsidered in the light of new facts or evidence. The goal of this process is to reach a fully informed determination of whether there is a reasonable basis to proceed with an investigation. No timelines are provided in the Statute for a decision on a preliminary examination.

64. To manage the analysis of the factors set out in article 53(1), the Office has established a filtering process comprising four phases. While each phase focuses on a distinct statutory factor for analytical purposes, the Office applies a holistic approach throughout the preliminary examination process.

65. **Phase 1** consists of an initial analysis and filtering of all information on alleged crimes received under article 15 ("communications"). **Phase 2**, which represents the formal commencement of a preliminary examination, focuses on whether the preconditions to the exercise of jurisdiction under article 12 are satisfied and whether there is a reasonable basis to believe that the alleged crimes fall within the subject-matter jurisdiction of the Court. The Office may further gather information on relevant national proceedings if such information is available at this stage. **Phase 3** focuses on the admissibility of potential cases in terms of complementarity and gravity. In this phase, the Office will also continue to collect information on subject-matter jurisdiction, in particular when new or ongoing crimes are alleged to have been committed within the situation. **Phase 4** examines the

interests of justice consideration in order to formulate the final recommendation to the Prosecutor on whether there is a reasonable basis to initiate an investigation.

66. In the course of 2017, the OTP will continue its analysis on the situations under preliminary examination.

## **B. Situations under investigation and cases before the Court**

67. As indicated, in 2017 the Court will continue operating in 10 situations under investigation, namely, the Central African Republic (I and II) (CAR), Côte d'Ivoire, Darfur, the Democratic Republic of the Congo (DRC), Georgia, Kenya, Libya, Mali and Uganda.

### **1. Situations in the Central African Republic I and II**

68. The Central African Republic (CAR) has twice referred a situation on its territory to the Court. Investigations with respect to CAR I focused on atrocities committed in CAR in 2002 and 2003. Investigations in CAR II focus on crimes committed during renewed violence in the country from 2012 onwards by the *Séléka* and *anti-Balaka* factions.

69. Since the second half of 2012, a serious escalation of violence has been visible in CAR. Clashes and attacks by government entities and various groups, including elements known as, or gathered under, the name *Séléka* and *anti-Balaka*, led to the commission of grave crimes within the jurisdiction of the Court. These attacks fueled a spiral of violence and revenge attacks between (groups linked to) the *Séléka* and (groups linked to) the *anti-Balaka*, which still continue today and remain a cause for the population to flee their homes and shelters.

70. Peaceful elections were held and a new government established under the leadership of President Faustin-Archange Touadera. The security environment however remains unstable; a situation aggravated by the inability of the army to ensure full security. Violence in the country has continued in 2016 with staff working in international assistance missions as targets for abductions. This in turn has necessitated an elevated level of security for the Court's operations in CAR.

#### *(a) Situation in Central African Republic I*

71. On 22 December 2004, the Government of CAR referred the first situation to the Court concerning crimes committed after 1 July 2002 in its territory, including an armed conflict between Government and rebel forces which took place in CAR from October 2002 to March 2003.

72. On 22 May 2007, the OTP opened an investigation into the first situation in CAR. Following the issuance of a warrant of arrest, Mr Jean-Pierre Bemba Gombo was arrested by the Belgian authorities and surrendered to the Court's custody. He was transferred to the Court's Detention Centre on 3 July 2008. Following confirmation of the charges, his trial started on 22 November 2010. On 21 March 2016, Trial Chamber III unanimously found Mr Jean-Pierre Bemba, as a commander of his armed troops, guilty beyond reasonable doubt of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging). He was sentenced to 18 years of imprisonment. The decision marked the first conviction in the Court's jurisprudence based on the mode of liability of command responsibility, following the OTP strategy to present cases on charges of sexual and gender-based crimes, as also reflected in its published policy paper of sexual and gender-based crimes.

73. On 20 November 2013, Pre-Trial Chamber II issued a warrant of arrest for Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido for offences against the administration of justice under article 70 of the Rome Statute, in connection with witness testimonies in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.

74. On 23 and 24 November 2013, the suspects were arrested with the cooperation of the authorities of Belgium, the Netherlands, France and the Democratic Republic of the Congo, and surrendered to the custody of the Court. On 29 September 2015 the trial opened

before Trial Chamber VII. With the exception of Jean-Pierre Bemba, who is detained by the Court, the other four co-accused are appearing voluntarily, pursuant to the interim release granted by Pre-Trial Chamber II on 21 October 2014. The parties presented their closing arguments between 31 May and 2 June 2016, and the case is currently at the judges' final deliberation stage.

75. The two abovementioned cases are expected to be in final appeals phase in 2017. In the first case, the reparations proceedings are expected to take place throughout 2017. Legal aid is provided to five defence teams in the context of these cases, and to one team of legal representatives for victims. Importantly, the Registry has adopted an amended reduced remuneration scheme for Counsel representing clients in cases concerning offences against the administration of justice in the post-trial phase.

76. Support will be required from the Registry in 2017 for these two judicial proceedings: a total of 5,000 individuals are participating in proceedings related to *Bemba*, a number which is expected to substantially increase as the case moves to the reparations phase. Outreach activities will continue to be organized in relation to all judicial proceedings to inform victims and affected communities of key developments, notably in relation to any such reparations proceedings in *Bemba*. In addition, field support, and in particular, security support is needed for missions outside the country's capital which rely on the Registry's country analysis capabilities.

(b) *Situation in Central African Republic II*

77. Following a second referral by CAR authorities in May 2014 and a thorough preliminary examination of the situation, the Prosecutor decided on 24 September to open a second investigation into the situation in CAR, in which crimes within the jurisdiction of the Court appear to have been committed since 1 August 2012. In doing so, the OTP identified two potential cases: CAR II a (*Séléka*) and CAR II b (*anti-Balaka*). The situation in CAR II is assigned to Pre-Trial Chamber II. Investigations are ongoing, with two teams of investigators working on the crimes that have allegedly been committed by the different sides to the conflict.

78. In line with the primary responsibility of States Parties to investigate and prosecute Rome Statute crimes, the OTP has encouraged and continues to encourage national proceedings in relation to all parties to the conflict, and closely follows developments regarding the establishment of a Special Criminal Court for the Central African Republic. The national judicial system, however, remains fragile and continues to suffer from a significant lack of capacity to conduct the necessary investigations and prosecutions successfully.

79. Despite a general decrease in the escalation of violence since late 2015, the security situation remains precarious and regular clashes continue between groups linked to the *Séléka* and groups linked to the *anti-Balaka*, as well as attacks on villages and displacement camps by both groups.

80. The OTP will continue its active investigations in relation to the two cases in 2017. Investigative activities will also include forensic missions, which will have a significant impact on resource requirements.

81. Cooperation from the CAR authorities as well as other key stakeholders in CAR and the wider region has thus far been forthcoming.

82. Significant changes in the political context and the security situation in CAR are, however, elements that must be taken into account, as they may severely impact the OTP's investigations and the Court's operations. Increased measures continue to be needed to protect staff on the ground on account of the volatile security situation and deficient infrastructure in the country.

83. Importantly, 1,200 individuals are currently participating in proceedings as victims in the CAR II situation. In this regard, during the ongoing OTP investigations, Registry outreach activities to inform victims and affected communities must also be intensified. A strengthened field presence in Bangui is required to support these activities in 2017. The increased investigative activities next year, in particular the missions outside the capital



city, will require increased security support. In addition, witness support and protection will become an increasingly important matter as investigations of the OTP progress.

## 2. Situation in Côte d'Ivoire

84. Post-election violence erupted in Côte d'Ivoire in 2010/2011 after results in the presidential elections contested by Mr Laurent Gbagbo and Mr Alassane Ouattara were disputed. Atrocities purportedly committed during the ensuing violence included murder, rape, other inhumane acts, attempted murder, and persecution.

85. Although Côte d'Ivoire was not party to the Rome Statute at the time, it accepted the Court's jurisdiction on 18 April 2003. After conducting a preliminary examination of the situation, on 23 June 2011, the OTP submitted a request for authorization to open investigations *proprio motu* into the situation in Côte d'Ivoire on 23 June 2011, and on 3 October 2011 was authorized to do so. On 15 February 2013, Côte d'Ivoire ratified the Rome Statute. The investigation has focused: the alleged crimes committed by the pro-Gbagbo forces (CIV I) and those committed by the pro-Ouattara forces (CIV II).

86. The investigation into CIV I resulted in warrants of arrest being issued for three suspects based on the evidence collected: Laurent Gbagbo, Charles Blé Goudé and Simone Gbagbo. All are suspected of crimes against humanity allegedly committed in the context of post-electoral violence in Côte d'Ivoire between 16 December 2010 and 12 April 2011. Laurent Gbagbo and Charles Blé Goudé are in the Court's custody. Following confirmation of the charges in 2014, a joined trial for the two suspects opened on 28 January 2016 and is currently proceeding.

87. On 27 May 2015, the Appeals Chamber rejected Côte d'Ivoire's admissibility challenge and appeal arguing that a case against the same person for the same crime is being prosecuted at the national level. The warrant of arrest for Simone Gbagbo remains outstanding, and the case will remain at the pre-trial stage until Simone Gbagbo is transferred to the Court's custody.

88. The prosecution case in the trial of Laurent Gbagbo and Charles Blé Goudé will be ongoing throughout 2017. Registry courtroom support will be required to ensure that the 175 days of planned trial hearings in 2017 can adequately take place in one of the operational courtrooms, alongside the proceedings in *Ongwen* and *Ntaganda*. Similarly, both Chambers and OTP will continue to require, respectively, a dedicated trial team for the duration of this trial. Both accused persons are detained in the Court's custody and both of their respective defence teams are being financed through legal aid. The 728 victims participating in these proceedings are being represented by the Office of Public Counsel for Victims (OPCV). 29 witnesses are expected to appear for testimony during 2017, with an average duration of five court-days per witness.

89. There are already visible signs of witness intimidation: this will be a challenge for the Court, requiring additional resources to be allocated to necessary measures regarding effective witness protection pursuant to article 68 of the Statute, as well as possible article 70 activities.

90. After considerable delays, mostly due to resource limitations, full-scale investigations into CIV II ("pro-Ouattara forces") began with an intensified focus in 2016.

91. Throughout 2017, the OTP will actively continue its investigation of CIV II. Investigative activities are expected to be conducted in various parts of Côte d'Ivoire and abroad, with possible forward operating bases rather than field offices. The delayed start of the investigation in CIV II led to substantial reputational damage for the Court, being erroneously seen as one-sided in its investigations. It is therefore imperative that in 2017, OTP has full resources to capitalize and build on the progress made during 2016.

92. For the Registry to support both the judicial activities and the OTP investigations, a continued field presence in Abidjan and a newly established satellite office in Western Côte d'Ivoire will be required, as well as support in two situation languages in the courtroom - Dioula and Bambara - and witness support and protection. Increased resources are required for the field office to provide security and logistical support to the missions

taking place in 2017. An increasing number of missions will necessitate more vehicular and security support, as well as language services.

### 3. Situation in Darfur

93. Sudan is not a State Party to the Rome Statute. An armed conflict emerged in Darfur between rebel movements and the Government of Sudan and other armed groups in February 2003. Attacks against civilians and other atrocities, including killings, rape, persecution and other inhuman acts purportedly became widespread. The UN Security Council referred the situation in Darfur, to the Prosecutor on 31 March 2005, pursuant to its resolution 1593 and in line with article 13(b) of the Statute.

94. The security situation in Darfur continues to be volatile despite calls by the UN Security Council for all parties to the conflict to immediately cease all acts of violence. As of mid-June 2016, 2.6 million people remain displaced across Darfur and 1.6 million civilians continue to reside in some 60 camps for internally displaced persons across the region, according to the UN.

95. On 6 June 2005, the OTP opened an investigation into the situation in Darfur, in relation to crimes within the jurisdiction of the Court committed since 1 July 2002. The OTP's investigations have focused on allegations of genocide, war crimes and crimes against humanity committed in Darfur:

(a) President Omar Al Bashir is facing five charges of crimes against humanity, two charges of war crimes, and three charges of genocide allegedly committed against the Fur, Masalit and Zaghawa ethnic groups in Darfur, from 2003 to 2008. The first warrant for arrest for Mr Al Bashir was issued on 4 March 2009, and the second on 12 July 2010;

(b) Mr Ahmad Muhammad Harun and Mr Ali Muhammad Abd-Al-Rahman ("Ali Kushayb") are facing 20 charges of crimes against humanity and 22 charges of war crimes. On 27 April 2007, warrants of arrest were issued for the suspects;

(c) Mr Abdel Raheem Muhammad Hussein is facing seven charges of crimes against humanity and six charges of war crimes committed in Darfur from 2002 onwards. A warrant was issued for his arrest on 1 March 2012; and

(d) Mr Abdallah Banda Abakaer Nourain is facing three charges of war crimes allegedly committed in an attack carried out on 29 September 2007 against the African Union Peacekeeping Mission in Sudan, at the Haskanita Military Group Site in the Umm Kadada locality of North Darfur. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought against Mr Banda and committed him to trial. The accused was not in the Court's custody as he was under a summons to appear during the pre-trial stage of the case. On 11 September 2014, Trial Chamber IV issued a warrant of arrest to ensure his presence at trial, a decision confirmed by the Appeals Chamber on 3 March 2015.

96. All the above-mentioned warrants of arrest remain outstanding. The cases either remain at the pre-trial stage, pending the suspects' arrest and surrender to the Court's custody or, in the case of Abdallah Banda Abakaer Nourain, before the Trial Chamber but pending the accused's arrest before the presentation of evidence can commence.

97. In addition, Mr Bahar Idriss Abu Garda was charged with three counts of war crimes. Following a confirmation of charges hearing, where Mr Abu Garda appeared voluntarily, on 8 February 2010, Pre-Trial Chamber I decided not to confirm the charges against him. In accordance with the Chamber's decision, the Prosecution may request anew the confirmation of charges by presenting additional evidence. Proceedings against Saleh Mohammed Jerbo Jamus were terminated by Trial Chamber IV on 4 October 2013 after evidence was received pointing to his death.

98. Due to the lack of arrests, and given the practical resource limitations of the Court, the OTP has had to deprioritize the resources dedicated to the Darfur situation and dedicate its efforts to other situations and cases. Indeed, the OTP has reported on the "hibernation" of the cases concerned in its public reports to the Security Council. However, this approach is not sustainable in the long term, given that serious crimes within the situation continue to be committed, and that the persons sought by the Court may be arrested at any time.

Moreover, reference to the “hibernation” of cases has reportedly led to fears among victims and affected communities that the OTP has abandoned its investigations altogether (despite OTP clarifications to the contrary), and appears to have emboldened the suspects.

99. Alleged crimes falling under the Court’s jurisdiction continue to be committed in Darfur, and the OTP cannot ignore this serious situation on which it has to report every six months to the UN Security Council. Additionally, investigative opportunities have arisen in recent months in relation to existing cases, which call for the OTP’s need for additional resources to the Darfur Integrated Team. This will also allow the OTP to meet its standard of being as trial-ready as possible from the earliest phases of the proceedings in accordance with the tenets of its strategic plans. It will also reduce the need to request postponement of the confirmation hearing in the event of an arrest, as has occurred in other cases where suspects connected to hibernated cases were arrested, thereby increasing the overall efficiency and pace of judicial proceedings before the Court.

100. In addition, a continued minimum level of staff resources for both the OTP and the Registry is required to monitor and track the movements of suspects and manage witnesses.

#### 4. Situation in the Democratic Republic of the Congo

101. On 3 March 2004, the Government of the DRC referred the situation in its territory since 1 July 2002 to the Court. The DRC situation has to date produced six cases, with six suspects involving numerous charges, which include crimes against humanity and war crimes. In one case (*Mbarushimana*) the charges were not confirmed and in another case (*Ngudjolo Chui*) the accused was acquitted. Two cases are currently in the reparations phase after final sentencing (*Lubanga* and *Katanga*); one case is in the trial phase (*Ntaganda*); and one case (*Mudacumura*) is pending execution of the warrant of arrest.

102. On 14 March 2012, Trial Chamber I found Thomas Lubanga Dyilo guilty, as co-perpetrator, of committing the war crimes of the enlistment and conscription of children under the age of 15 and using them to participate actively in hostilities. He was consequently sentenced to a total of 14 years of imprisonment, and was transferred to a prison facility in the DRC to serve his sentence. The judicial process for reparations to victims is ongoing.

103. On 7 March 2014, Trial Chamber II found Germain Katanga guilty, as an accessory, of one count of a crime against humanity (murder) and four counts of war crimes (murder, attacking a civilian population, destruction of property and pillaging). The judgment is final, as both the Defence and Prosecution withdrew their appeals. He was sentenced to a total of 12 years’ imprisonment, which was later reduced by the Appeals Chamber to three years and eight months, and was consequently transferred to a prison facility in the DRC to serve his sentence. Reparations proceedings are ongoing.

104. On 9 June 2014, Pre-Trial Chamber II unanimously confirmed the charges against Bosco Ntaganda and committed him for trial. Charges include crimes of conscripting, enlisting and using child soldiers; crimes against humanity: murder, rape and sexual slavery; and war crimes: murder, attacking a civilian population, rape and sexual slavery and pillaging. The trial opened on 2 September 2015. Following his voluntary surrender on March 2013, Mr Ntaganda has been in the Court’s custody. He is deemed indigent and thus benefits from legal aid from the Registry.

105. A warrant of arrest was issued on 13 July 2012 for Sylvestre Mudacumura on charges of war crimes (attack against a civilian population, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging and outrage upon personal dignity) and crimes against humanity (murder, inhumane acts, rape, torture and persecution). Until Mr Mudacumura is arrested and transferred to the seat of the Court in The Hague, the case will remain at the pre-trial stage.

106. In terms of judicial activities in the DRC situation, three important proceedings are foreseen to be ongoing throughout 2017, first, the trial proceedings in *Ntaganda*. Furthermore, there are currently two cases (*Lubanga* and *Katanga*) that have reached the reparations phase of proceedings. Being the first case to substantively address the topic of reparations, the *Lubanga* case has taken time to reach the implementation phase due to, *inter alia*, litigation on various points of law and procedure. In 2017, both

*Lubanga* and *Katanga* are expected to be in the implementation phase of the reparations proceedings and support is continued to be required in 2017 in this regard.

107. The trial proceedings against Bosco Ntaganda are expected to remain in the prosecutorial phase throughout 2017. Registry courtroom support will be required to ensure that the 160 days of planned trial hearings in 2017 can adequately take place in one of the courtrooms, alongside the proceedings for *Ongwen* and *Gbagbo and Blé Goudé*. Similarly, to ensure the smooth running of the trial, both Chambers and OTP will continue to require, respectively, a dedicated trial team for the duration of the trial. The accused is detained in the Court's custody and his defence team is being financed through legal aid. The 2,142 victims participating in these proceedings are being represented by the OPCV. An estimated 35 witnesses will appear to give testimony in 2017, with an average duration of five court-days per witness, while video link testimony remains an alternative.

108. To support activities in relation to this situation and the cases therein, the field presence in Kinshasa and Bunia will continue to be required, as well as support in four situation languages, including in the courtroom: Standard Swahili, Congolese Swahili, Kinyarwanda and Lingala. Outreach activities need to be enhanced in the light of the ongoing trial and reparation proceedings, and assistance and support to the defence and victims' representatives continues to be crucial. Witness support and protection remains a high priority.

## 5. Situation in Georgia

109. On 14 August 2008, the OTP opened a preliminary examination of the Situation in Georgia (a State Party since 5 September 2003). In the absence of effective proceedings at the national level concerning at least the majority of aforementioned alleged crimes, on 13 October 2015, the OTP submitted a request to Pre-Trial Chamber I (PTC) for authorization to open an investigation.

110. On 27 January 2016, the PTC granted the Prosecutor authorization to commence an investigation into the situation in Georgia in relation to crimes falling within the Court's jurisdiction, allegedly committed in and around South Ossetia between 1 July and 10 October 2008.

111. Following the authorization, the OTP and the Registry conducted joint missions to Georgia to assess the situation and Court-wide requirements. Preparations to visit other relevant authorities are also being made. The OTP started reviewing material already in its possession, drafting relevant plans and arrangements, and building up its investigative teams and other required resources, with a view to having a full Integrated Team in place by 2017 in order to conduct the investigations most effectively. The Registry has prepared the ground for the Court's operations in Georgia, including all required services, from security to new logistical requirements.

112. The OTP will continue active investigations in Georgia throughout 2017 and will require enhanced support from the Registry. The level of cooperation that the OTP receives will in part determine the effectiveness of the investigations.

113. In order to provide the required level of support to these activities, it will be necessary for the Registry to set up a small field office in Tbilisi. The limited field presence will allow direct and immediate access to national and local authorities on whose cooperation and assistance the Court relies for the implementation of its operations in the country. The setting up of a Georgia Field Office will, however, allow the Court to reduce costs for travel from Headquarters, which would have been significantly higher without a permanent presence in the country.

114. It is estimated that a large number of victims will apply to participate in proceedings. The Registry will prioritize outreach activities in Georgia. For the purposes of witness protection, the Registry will at this stage establish a limited situational team for Georgia to begin building capacity to provide the required support. One of the main challenges for the new field office will be to establish and maintain secure communications. Investments at both Headquarters and in the field will be required for enhanced physical and information security to safeguard the confidentiality of sensitive operations. Language support will be required in Georgian, Ossetian and Russian.

## 6. Situation in Kenya

115. Following preliminary examination, on 31 March 2010, the OTP was authorized to open an investigation *proprio motu* in the situation in the Republic of Kenya, in relation to crimes against humanity within the jurisdiction of the Court. The OTP's investigations focused on alleged crimes against humanity committed in the context of post-election violence in Kenya in 2007-2008. The investigation produced evidence on which charges were brought by the OTP for crimes against humanity of murder, deportation or forcible transfer of population, persecution, rape, and other inhumane acts.

116. Confirmation hearings were held in the case of *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* from 1 to 8 September 2011 and in the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, from 21 September 2011 to 5 October 2011. On 23 January 2012, the majority of Pre-Trial Chamber II (Judge Kaul dissenting) confirmed the charges against Ruto, Sang, Muthaura, and Kenyatta. Charges were not confirmed against Henry Kosgey and Mohammed Hussein Ali.

117. On 5 December 2014, the Prosecutor withdrew charges against Mr Kenyatta. The Prosecutor stated that, given the state of the evidence in the case against Kenyatta, she had no alternative but to withdraw the charges against Mr Kenyatta at that time. The Prosecutor's decision to withdraw the charges was taken without prejudice to the possibility of bringing a new case, should additional evidence become available.

118. On 5 April 2016, Trial Chamber V (A) vacated the charges against William Samuel Ruto and Joshua Arap Sang, without prejudice to the Prosecution bringing that case in the future, or in a different form, in the light of new evidence. The Chamber declined to acquit the accused due to the special circumstances of that case.

119. Additionally, three Kenyan nationals have been charged with alleged offences against the administration of justice (article 70), that is, corruptly influencing or attempting to corruptly influence the Court's witnesses in the Kenya cases. A warrant of arrest for Mr Walter Osapiri Barasa was issued on 2 August 2013. Mr Paul Gicheru and Mr Philip Kipkoech Bett are also charged with offences against the administration of justice pursuant to article 70 of the Statute. Warrants for the arrest of these two suspects were issued on 10 March 2015. The case remains at the pre-trial stage, pending the suspects' arrests or voluntary appearance before the Court.

120. Finally, litigation concerning cooperation between the OTP and the Government of Kenya is ongoing. On 19 August 2015, the Appeals Chamber remanded the matter to Trial Chamber V(B) to determine whether the Government of Kenya had failed to cooperate pursuant to article 87(7) and if so, whether or not to refer this to the Assembly of States Parties. That decision is pending.

121. Following these judicial developments, no further proceedings in relation to crimes under article 5 of the Statute will be taking place in 2017. The warrants of arrest for three individuals charged with offences against the administration of justice remain outstanding. As such, the Court's activities will be significantly curtailed in Kenya during 2017. Resources are still required for the ongoing article 70 investigations and prosecutions concerning alleged offences against the administration of justice. In addition, the Registry requires resources for the protection of witnesses at risk, an area in which the Court will continue to have responsibilities.

122. Unless unforeseen and compelling reasons dictate otherwise, the Court intends to close the field office in Nairobi in the course of 2017. Minimum capacity will be maintained for nine months to facilitate witness protection activities and prepare the closure of the field office. All residual functions pertaining to public information and outreach in Kenya will be handled from the Uganda Field Office.

## 7. Situation in Libya

123. The UN Security Council referred the situation in Libya since 15 February 2011 to the Court's Prosecutor (through its Resolution 1970 of 26 February 2011). Libya is not a State Party to the Rome Statute.

124. On 3 March 2011, the OTP opened an investigation in the situation in Libya, in relation to crimes within the jurisdiction of the Court committed since 15 February 2011. The OTP's investigations led to three cases, on charges of murder and persecution.

125. On 27 June 2011, warrants of arrest were issued for Mr Muammar Gaddafi, Mr Saif Al-Islam Gaddafi and Mr Abdullah Al-Senussi. On 22 November 2011, the warrant of arrest for Mr. Muammar Gaddafi was withdrawn due to his death. On 11 October 2013, Pre-Trial Chamber I decided that the case against Mr. Abdullah Al-Senussi was inadmissible before the Court, a decision later confirmed by the Appeals Chamber thus bringing the proceedings against Abdullah Al-Senussi before the Court to an end. The Trial Chamber's decision recalled the possibility for the Prosecutor to request a review of the admissibility decision under article 19(10) of the Statute in the event that new facts emerge that negate the basis of the Chamber's decision.

126. On 31 May 2013, Pre-Trial Chamber I rejected a challenge filed by the Government of Libya to the admissibility of the case against Mr Saif Al-Islam Gaddafi, a decision later confirmed by the Appeals Chamber. The surrender of Mr Saif Al-Islam Gaddafi is therefore pending and the warrant of arrest remains to be executed. On 10 December 2014, Pre-Trial Chamber I issued a finding of non-compliance by the Government of Libya for its failure to cooperate with the Court, including its failure to surrender Mr Saif Al-Islam Gaddafi to the Court, and decided to refer the matter to the UN Security Council. In its response of 20 August 2015 to the Prosecution request, Libya submitted to the Court that "Mr Gaddafi continues to be in custody in Zintan and is presently 'unavailable' to the Libyan State."

127. Since the issuance of the warrants of arrest, the OTP has continued to receive and process evidence on crimes committed in relation to the February 2011 revolution and more recent ones. While results are obtained at a slower pace than planned due to lack of sufficient resources and the prevailing precarious security situation in the country, the OTP has continued to carefully analyse and assess the evidence in its possession to determine whether the requisite legal standards are met to request additional warrants of arrest. It is also assessing the potential to expand its investigations into new crimes, such as those alleged to have been committed by the self-proclaimed Islamic State in Iraq and the Levant (ISIL) and *Ansar Al-Sharia*, while recalling that States have the primary responsibility to investigate and prosecute their nationals who have joined the ranks of ISIL, *Ansar Al-Sharia* and other militias operating in Libya.

128. There are currently no suspects or accused in relation to this situation appearing before the Court. However, in relation to the pending case against Mr Saif Al-Islam Gaddafi, limited financing through legal aid may be foreseen in this case for the defence team.

129. The OTP continues to carefully evaluate how to best utilize its limited resources to maximize its impact on the present situation in Libya. The investigative leads obtained and processed in the past months are connected both to its investigations into officials linked to the reign of Mr Muammar Gaddafi (some of whom are still involved in ongoing crimes), but also to the ongoing crimes in Libya, such as those alleged to have been committed by ISIL and *Ansar Al-Sharia*.

130. Besides holding perpetrators to account for past crimes, the current level of crime within Libya being committed by a variety of organizations and having an impact beyond the borders of Libya due to the transnational, organized, financial and terrorist nature of such crime, is also high. In order to maximize the impact of its activities, the OTP will continue its consultations with relevant international and regional partners and agencies for the purpose of exploring the possibility of cooperation, coordination and information sharing, where appropriate.

131. In relation to the situation in Libya overall, despite the OTP's plans to operate mostly from outside Libya, some witness protection measures will need to be provided by the Registry.

## 8. Situation in Mali

132. On 13 July 2012, the Government of Mali (State Party since 16 August 2000), referred the situation in its territory since January 2012 to the Court. After conducting a preliminary examination of the situation, the OTP opened an investigation on 16 January 2013 into the alleged crimes committed in the territory of Mali since January 2012.

133. On 18 September 2015, Pre-Trial Chamber I issued a warrant of arrest for Ahmad Al Mahdi Al Faqi for war crimes of intentionally directing attacks against historic monuments and buildings dedicated to religion. On 25 September 2015, Ahmad Al Mahdi Al Faqi was surrendered to the Court by the authorities of Niger and transferred to the Court's Detention Centre.

134. The initial appearance of Mr Al Mahdi before Pre-Trial Chamber I took place on 30 September 2015. On 1 March 2016, the confirmation of charges hearing took place, and on 24 March 2016, Pre-Trial Chamber I confirmed the charges of war crimes against Ahmad Al Faqi Al Mahdi, and committed him to trial. On 1 March 2016, Mr Al Mahdi expressed his intention to plead guilty. On 1 June 2016, Trial Chamber VIII, responsible for the case, fixed the date of 22 August 2016 for the commencement of the trial.

135. Throughout 2016, the OTP has continued to carry out investigations in respect of a wider range of war crimes in Mali with the aim of gathering evidence which could establish links with other perpetrators in the common plan.

136. Very limited activities are foreseen for 2017 in the Mali situation. In the light of recent judicial developments, the case of the *Prosecutor v. Al Faqi Al Mahdi* is likely to go to trial in 2016 and be completed by the end of the year. Thus there are currently no foreseeable judicial proceedings in the Mali situation in 2017.

137. At this stage, it is also foreseen that the ongoing investigation activities related to other crimes committed in Mali will have to be completed by 2016 in the light of the existing demand for the OTP's intervention in other situations.

138. The security situation in Mali remains grave, with frequent attacks against peacekeepers and humanitarian personnel being. According to the UN, 68 MINUSMA peacekeepers have lost lives during the operation, making it the deadliest active operation for the organization. The reality on the ground thus also poses significant security challenges for the operations of the Court.

139. The field office in Bamako is expected to support a limited OTP presence in the country for the first half of 2017. With the *Al Mahdi* case expected to be completed by the end of 2016, no judicial proceedings in relation to the situation in Mali are foreseen for next year at this stage. The Registry's responsibilities for the protection of witnesses will nevertheless continue in 2017, thus necessitating a field presence for operational support to the VWS. The continued violent attacks by terrorist groups against international staff working in Mali require adequate security arrangements to be in place for the Court's staff, property and assets. Outreach activities will likely be intensified in the light of the outcome of the trial proceedings in 2016. To this end, language support, as well as security support in the field, continues to be necessary.

## 9. Situation in Uganda

140. On 16 December 2003, the Government of Uganda referred the situation concerning the Lord's Resistance Army since 1 July 2002 to the Court.

141. On 29 July 2004, the OTP opened an extended investigation into the situation concerning northern Uganda with a focus on alleged war crimes and crimes against humanity, irrespective of who committed them. On 8 July 2005, Pre-Trial Chamber II issued warrants of arrest under seal - unsealed on 13 October 2005 - against top LRA commanders, namely Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen, for the commission of crimes against humanity and war crimes. The Chamber has since terminated proceedings against Raska Lukwiya and Okot Odhiambo due to their deaths.

142. On 16 January 2015, Dominic Ongwen was surrendered into the Court's custody and transferred to the Detention Centre on 21 January 2015. Dominic Ongwen's initial appearance before Pre-Trial Chamber II took place on 26 January 2015. On 6 February 2015, the Pre-Trial Chamber severed the proceedings against Dominic Ongwen from the case against Joseph Kony and Vincent Otti - who is presumed dead - so as not to delay the proceedings against Mr Ongwen.

143. On 21 December 2015, on the basis of the evidence collected, the Prosecutor charged Dominic Ongwen with a total of 70 counts of war crimes and crimes against humanity, thus expanding the initial seven counts set out in the warrant of arrest and the number of sites where those crimes were allegedly committed. The confirmation of charges hearing took place from 21 to 27 January 2016. On 23 March 2016, Pre-Trial Chamber II confirmed the 70 charges against Dominic Ongwen, and committed him to trial. The confirmed charges, which encompass crimes against humanity and war crimes allegedly committed in northern Uganda between 1 July 2002 and 31 December 2005, include sexual and gender-based crimes directly and indirectly committed by Dominic Ongwen, forced marriage, enslavement, conscription and the use of children under the age of 15 in hostilities.

144. The opening of the trial in the case of *The Prosecutor v. Dominic Ongwen* is now scheduled for 6 December 2016 before Trial Chamber IX, with the opening statements of parties to the proceedings. The Prosecutor's case will start and will be ongoing throughout 2017.

145. As the *Ongwen* trial will be running alongside the trial proceedings in both *Ntaganda* and *Gbagbo and Blé Goudé*, Registry courtroom support teams will be required to ensure proceedings can take place. It is expected that 165 days of planned trial hearings will be required in 2017 for *Ongwen* alone. Similarly, both Chambers and the OTP will continue to require, respectively, a dedicated trial team for the duration of this trial.

146. In relation to this case, the accused is detained in the Court's custody and his defence team is being financed through the Court's legal aid system. The approximately 2,000 victims participating in these proceedings are being represented both by external Legal Representatives and by the OPCV. An estimated 28 witnesses will appear to give testimony, with an average duration of five court-days per witness, while video link testimony remains an alternative. Two languages will be supported in the Courtroom: Acholi and Ateso.

147. To support activities in relation to this situation, the field presence in Kampala and Gulu will continue to be required in 2017. However, the presence of OTP staff in the field is expected to be reduced in both offices by approximately 50 per cent respectively. Outreach activities will be conducted by the Registry at key moments of the judicial process. Similarly, activities in relation to victims seeking to participate and participating in proceedings will need to be enhanced during the trial. To support field activities in relation to this situation, support in six situation languages will be required (Acholi, Alur, Ateso, Lango, Luganda and Luo).



**Table 2: Total ICC: Proposed budget for 2017**

Total ICC	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Judges	4,903.4	61.3	4,964.7	5,369.1	580.9	10.8	5,950.0
Professional staff				50,824.4	10,548.0	20.8	61,372.4
General Service staff				23,408.0	1,168.6	5.0	24,576.6
<i>Subtotal staff</i>	<i>64,522.8</i>		<i>64,522.8</i>	<i>74,232.4</i>	<i>11,716.6</i>	<i>15.8</i>	<i>85,949.0</i>
General temporary assistance	21,312.5	1,579.5	22,892.0	19,919.6	-2,867.2	-14.4	17,052.4
Temporary assistance for meetings	841.9		841.9	1,156.5	371.1	32.1	1,527.6
Overtime	502.2		502.2	412.9	17.4	4.2	430.3
<i>Subtotal other staff</i>	<i>22,656.6</i>	<i>1,579.5</i>	<i>24,236.1</i>	<i>21,489.0</i>	<i>-2,478.7</i>	<i>-11.5</i>	<i>19,010.3</i>
Travel	5,963.3	783.3	6,746.6	5,097.2	939.5	18.4	6,036.7
Hospitality	35.3		35.3	31.1	2.9	9.3	34.0
Contractual services	3,687.6	323.6	4,011.2	4,078.5	-457.6	-11.2	3,620.9
Training	726.5		726.5	749.2	146.7	19.6	895.9
Consultants	488.8	5.0	493.8	441.5	262.8	59.5	704.3
Counsel for Defence	3,030.2	1,847.3	4,877.5	4,521.4	-851.7	-18.8	3,669.7
Counsel for Victims	1,233.6		1,233.6	1,963.2	-760.4	-38.7	1,202.8
General operating expenses	17,272.3	248.7	17,521.0	19,761.2	311.8	1.6	20,073.0
Supplies and materials	764.3	71.2	835.5	844.8	199.5	23.6	1,044.3
Furniture and equipment	1,547.3	441.2	1,988.5	1,012.0	1,035.1	102.3	2,047.1
<i>Subtotal non-staff</i>	<i>34,749.2</i>	<i>3,720.3</i>	<i>38,469.5</i>	<i>38,500.1</i>	<i>828.6</i>	<i>2.2</i>	<i>39,328.7</i>
<b>Total</b>	<b>126,832.0</b>	<b>5,361.1</b>	<b>132,193.1</b>	<b>139,590.6</b>	<b>10,647.4</b>	<b>7.6</b>	<b>150,238.0</b>

**Table 3: Total ICC: Proposed staffing for 2017**

Total ICC	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	1	2	-	9	43	88	161	156	15	475	20	392	412	887
New	-	-	-	-	2	1	26	26	23	78	-	15	15	93
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>9</b>	<b>45</b>	<b>89</b>	<b>187</b>	<b>182</b>	<b>38</b>	<b>553</b>	<b>20</b>	<b>407</b>	<b>427</b>	<b>980</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	1.05	5.05	60.00	54.42	31.00	151.51	4.67	57.43	62.10	213.61
New	-	-	-	-	-	2.50	12.00	7.83	6.00	28.33	0.03	22.54	22.57	50.90
Converted	-	-	-	-	-	1.00	24.50	20.00	21.00	66.50	-	19.00	19.00	85.50
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.05</b>	<b>6.55</b>	<b>47.50</b>	<b>42.25</b>	<b>16.00</b>	<b>113.34</b>	<b>4.70</b>	<b>60.97</b>	<b>65.67</b>	<b>179.01</b>

### **III. Proposed Programme Budget for 2017**

#### **A. Major Programme I: Judiciary**

##### **Introduction**

148. In 2017, the Judiciary will further consolidate the steady workload in the Divisions including reparations proceedings. The new permanent premises will, for the first time, enable the simultaneous use of three courtrooms. As a result of casework developments in 2015 and 2016, a minimum of three trials are expected to be at the trial hearing stage simultaneously, while work continues on other situations and cases at the pre-trial level. Final appeals on the merits in two cases are expected, in addition to appeals on reparations in multiple cases and an increased volume of interlocutory appeals generated by the ongoing trial casework. At the same time, work by the judges to improve the efficiency and timeliness of proceedings will continue, alongside efforts to ensure more flexible and efficient deployment of legal staff resources.

149. The budget for Major Programme I is based on the judicial activities required under the Court's budget assumptions for 2017, which were determined in an inter-organ effort.

**Table 4: Major Programme I: Proposed budget for 2017**

Major Programme I Judiciary	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Judges	4,903.4	61.3	4,964.7	5,369.1	580.9	10.8	5,950.0
Professional staff				4,442.3	135.3	3.0	4,577.6
General Service staff				913.6	4.2	0.5	917.8
<i>Subtotal staff</i>	<i>4,407.4</i>		<i>4,407.4</i>	<i>5,355.9</i>	<i>139.5</i>	<i>2.6</i>	<i>5,495.4</i>
General temporary assistance	1,401.8	56.5	1,458.3	1,474.6	36.3	2.5	1,510.9
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>1,401.8</i>	<i>56.5</i>	<i>1,458.3</i>	<i>1,474.6</i>	<i>36.3</i>	<i>2.5</i>	<i>1,510.9</i>
Travel	72.2		72.2	99.6	30.4	30.5	130.0
Hospitality	6.1		6.1	12.0			12.0
Contractual services	4.1		4.1	5.0			5.0
Training	9.8		9.8	22.0	6.0	27.3	28.0
Consultants				10.0			10.0
General operating expenses	100.0		100.0	77.4	20.0	25.8	97.4
Supplies and materials	1.1		1.1	5.0			5.0
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>193.3</i>		<i>193.3</i>	<i>231.0</i>	<i>56.4</i>	<i>24.4</i>	<i>287.4</i>
<b>Total</b>	<b>10,905.9</b>	<b>117.8</b>	<b>11,023.7</b>	<b>12,430.6</b>	<b>813.1</b>	<b>6.5</b>	<b>13,243.7</b>

**Table 5: Major Programme I: Proposed staffing for 2017**

I Judiciary	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	4	3	20	12	-	39	1	12	13	52
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>3</b>	<b>20</b>	<b>12</b>	<b>-</b>	<b>39</b>	<b>1</b>	<b>12</b>	<b>13</b>	<b>52</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	5.00	9.00	-	14.00	-	-	-	14.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5.00</b>	<b>9.00</b>	<b>-</b>	<b>14.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>14.00</b>

## 1. Programme 1100: The Presidency

### Introduction

150. The Presidency has three strategic priorities reflecting its primary areas of responsibility:

(a) Legal: to carry out its legal and judicial functions under the Statute, including the enforcement responsibilities foreseen under Part X of the Rome Statute; and to support continuing efforts to improve the efficiency and expeditiousness of proceedings;

(b) Administrative: to provide efficient administrative and management support to the Judiciary and to contribute actively to the Court's governance under the Presidency's strategic leadership; to engage with the Assembly with a view to its management oversight role regarding the administration of the Court as provided under the Rome Statute; and

(c) External relations: to maintain and increase international support for and cooperation with the Court; to encourage full implementation and global ratification of the Rome Statute; and to coordinate external relations activities within the Court.

### *Presidency Objectives*

1. Within the Presidency's areas of responsibility, to contribute to ensuring the efficient conduct of pre-trial, trial and appeal proceedings.
2. To push forward the "lessons learnt" review of judicial processes, focusing on procedures in trial preparation/hearing stages, victims, and the conclusion of trials and appeals, consulting States Parties, parties, participants and other stakeholders as appropriate.
3. To ensure effective resource management, including identification and implementation of possible further efficiency measures, and improving the management of staff performance; and to develop appropriate performance indicators for judicial processes and relevant judicial support.
4. To further improve the Court's budget processes in an inter-organ effort.
5. To ensure efficient management of risks.
6. Together with the other organs, to further improve dialogue between the Court, the Assembly and its sub-bodies.
7. To promote confidence-building in the Court with States, international and regional organizations, NGOs and other key partners and stakeholders; to encourage effective cooperation with the Court; to use all opportunities to highlight to non-States Parties the benefits of joining the Court; and to conclude relevant agreements with States.

### **Budget resources**

**€1,316.4 thousand**

151. The requested amount has increased by €48.5 thousand (3.8 per cent).

### *Presidency allowances*

152. The proposed programme budget for 2017 includes €28.0 thousand to cover the special allowances of the President,<sup>10</sup> and of the First or Second Vice-President if acting as President.<sup>11</sup> The regular salaries of the three members of the Presidency are included in Sub-programme 1200.

<sup>10</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), part III.A.I.B.

<sup>11</sup> *Ibid.*, part III.A.I.C.

**Staff resources** **€1,136.5 thousand**

153. The Presidency comprises ten established posts and one GTA position (1.0 FTE).

*Established posts: Professional and General Service* *€1,013.7 thousand*

154. The Presidency is led by one Chef de Cabinet (P-5) responsible for strategic direction for all Presidency staff and for representing the Presidency and Chambers in inter-organ work at senior official level. The Chef de Cabinet is assisted by one Legal Adviser (P-4) and one Associate Legal Officer (P-2), constituting the Legal and Enforcement Unit (LEU) responsible for coordinating and providing substantive legal support to the Presidency; one External Relations Adviser (P-3) and one Administrative Assistant for External Relations (GS-OL) supporting the President and the Presidency's external relations functions; one Special Assistant to the President (P-3) providing support to the President and the Presidency in the exercise of their responsibilities; one Associate Administrative Officer (P-2) providing technical and accounting support for the Judiciary budget and staffing; one Personal Assistant to the President (GS-PL), one judges' focal point Administrative Assistant (GS-OL), and one Administrative Assistant to the Chef de Cabinet (GS-OL) providing wide-ranging administrative and logistical support to the Presidency and Chambers.

*General temporary assistance* *€122.8 thousand*

155. *One Legal Officer, (P-3) 12 months. Continued.* The Legal Officer in the Legal and Enforcement Unit provides substantive legal support to the Presidency, including continuing work on improving the efficiency of proceedings through "Lessons Learnt" in cooperation with the Assembly's Study Group on Governance, as well as functional requirements related to the enforcement of sentences. Given the heavy workload of the Presidency's legal staff, the continued support of the P-3 Legal Officer remains vital, especially given the continuing work on "Lessons Learnt".

**Non-staff resources** **€151.9 thousand**

156. Non-staff resources are required for travel, hospitality, training and consultants. The amount has increased by €30.2 thousand due to higher travel expenses (below), amounting to a 24.8 per cent increase.

*Travel* *€125.9 thousand*

157. The requested amount has increased by €30.2 thousand (31.6 per cent). The funds are required for all official travel by judges or staff in the Presidency and the Chambers, which is consolidated in the Presidency's travel budget.<sup>12</sup> This budget is used to fund travel by the President, Vice-Presidents or other judges to represent the Court at important external events, and to fund a limited amount of travel by Presidency or Chambers staff required to support the external role of the Presidency or to provide expert contributions to external events - and in all cases only where funding from the organizers is not available. The increase is required, to cater for a limited number of Presidency members' travel costs to attend the sixteenth session of the Assembly which will be held in New York in 2017.

*Hospitality* *€10.0 thousand*

158. The requested amount is unchanged from the amount approved in 2016 and is required for hospitality costs associated with visits of Heads of State or Government, ministers and other senior representatives of States to the President or the Vice-Presidents. The number of visits is likely to remain at a level comparable to that of 2016. The

<sup>12</sup> The figure reflects the Assembly's endorsement of the recommendation of the Committee that the allocation previously reserved for judges' travel in Sub-programme 1200 (Chambers) be included in the Presidency's budget. (*Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II.E. and vol. II, part B.2.D.1, para. 83.) There is no provision for any site visit in 2016.

hospitality budget is also used to cover the the Presidency's and the Judiciary's contribution to Court events jointly funded by all organs.

*Training*

*€6.0 thousand*

159. The requested amount is unchanged from the amount approved in 2016. The Presidency continues to need a small budget for specialized training for its staff in 2017, mainly for specific training for the LEU on matters concerning enforcement of sentences, detention and prison monitoring; plus a small provision to improve working language skills.

*Consultants*

*€10.0 thousand*

160. The requested amount is unchanged from the amount approved in 2016 and is required for occasional expert advice on a range of specialist topics, given the Presidency's varied workload. With the growing number of final verdicts before the Court, expert advice continues to be required on the enforcement of sentences, in particular, issues of divergent national practice as regards conditions and eligibility for early release, other conditions regarding the length of convicted prisoners' sentences, and the review of prison conditions by international organizations.

**Table 6: Programme 1100: Proposed budget for 2017**

1100 The Presidency	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Judges				28			28.0
Professional staff				709.0	12.7	1.8	721.7
General Service staff				289.6	2.4	0.8	292.0
<i>Subtotal staff</i>	<i>1,062.5</i>		<i>1,062.5</i>	<i>998.6</i>	<i>15.1</i>	<i>1.5</i>	<i>1,013.7</i>
General temporary assistance	201.8		201.8	119.6	3.2	2.7	122.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>201.8</i>		<i>201.8</i>	<i>119.6</i>	<i>3.2</i>	<i>2.7</i>	<i>122.8</i>
Travel	67.5		67.5	95.7	30.2	31.6	125.9
Hospitality	5.9		5.9	10.0			10.0
Contractual services	4.1		4.1				
Training				6.0			6.0
Consultants				10.0			10.0
General operating expenses	51.0		51.0				
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>128.5</i>		<i>128.5</i>	<i>121.7</i>	<i>30.2</i>	<i>24.8</i>	<i>151.9</i>
<b>Total</b>	<b>1,392.8</b>		<b>1,392.8</b>	<b>1,267.9</b>	<b>48.5</b>	<b>3.8</b>	<b>1,316.4</b>

**Table 7: Programme 1100: Proposed staffing for 2017**

1100 The Presidency	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	1	2	2	-	6	1	3	4	10
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>10</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

## 2. Programme 1200 : Chambers

### Introduction

161. Under articles 34(b) and 36(1) of the Rome Statute, the Chambers are composed of 18 judges, distributed over three divisions: Pre-Trial, Trial and Appeals. In consultation with the judges, the Presidency decides on the assignment of judges to judicial divisions,<sup>13</sup> and assigns situations and cases to the Pre-Trial and Trial Chambers. The Appeals Division deals with interlocutory and final appeals against decisions taken in the other divisions.

162. The Chambers are the judicial organ of the Court. As mandated in the Rome Statute, the main role of the Chambers is to ensure that the proceedings are “fair and expeditious” and “conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.”<sup>14</sup>

### *Objectives of Chambers*

1. To ensure efficient conduct of pre-trial, trial and appeal proceedings, making the best use of the new facilities in the permanent premises.
2. To aim to reduce the length of proceedings by implementing the numerous reforms undertaken over the past year, such as through the continuous “lessons learnt” review of judicial processes, focusing on procedures in trial preparation/hearing stages, and subsequently on the conclusion of trials and appeals, including by issuing practice directives in practice manuals.
3. To continue the development of performance indicators for judicial processes.
4. To continue reviewing the new victim application system in consultation with the Registry.
5. To ensure effective resource management.
6. To further improve the management of staff performance through enhanced performance management.

### *Judges’ costs*

€5,922.0 thousand

163. The amount requested has increased by €580.9 (10.9 per cent). In terms of staff resources, the 2017 Judiciary budget represents a straightforward continuation of what the Assembly had approved for 2016, with a full complement of 18 judges for the whole of 2017, all on the revised pension scheme, with no further changes in the composition of the bench expected before March 2018.

164. For the first time in the 14 years of the Court’s existence, the Judiciary budget includes a revision of the judges’ remuneration in implementation of Resolution ICC-ASP/3/Res.3. The present “Conditions of service and compensation of judges of the International Criminal Court” (“Conditions of service”) were adopted by the Assembly at its third session by Resolution ICC-ASP/3/Res.3 of 10 September 2004.<sup>15</sup> The Conditions of service entered into force upon adoption of Resolution ICC-ASP/3/Res.3<sup>16</sup> and stipulate that “[t]he annual remuneration of a judge shall be €180,000 net.”<sup>17</sup>

<sup>13</sup> See rule 4 *bis* of the Rules of Procedure and Evidence.

<sup>14</sup> Article 64(2) of the Statute.

<sup>15</sup> Resolution ICC-ASP/3/Res.3, para. 22 and Annex.

<sup>16</sup> The Conditions of service supersede the conditions of service and compensation of full-time judges set forth in Part III.A of document ICC-ASP/2/10, see Resolution ICC-ASP/3/Res.3, Annex, Section XII.

<sup>17</sup> Resolution ICC-ASP/3/Res.3, Annex, Section III. (Emoluments), para. 1. Paragraph 2 stipulates that “[t]he President shall receive a special allowance paid at the rate of ten (10) per cent of the President’s annual remuneration. Based on the remuneration above of €180,000 net, the special annual allowance shall be €18,000 net.”



165. As regards potential review or amendment, the Conditions of service set out that they “shall be reviewed by the Assembly as soon as practicable following the review of the conditions of service of the judges of the International Court of Justice by the General Assembly of the United Nations.”<sup>18</sup>

166. To date, there has been no such review by the Assembly of the judges’ Conditions of service in accordance with Section XIII of the Conditions of service, notwithstanding the repeated reviews of the conditions of service of the judges of the International Court of Justice (“ICJ”) since 2004. The United Nations General Assembly reviewed the conditions of service and compensation for Judges of the ICJ in September 2004, July 2010 and again in July 2013.<sup>19</sup> Annual remuneration for judges of the International Criminal Tribunal for the former Yugoslavia (“ICTY”), the International Criminal Tribunal for Rwanda (“ICTR”) and the Special Tribunal for Lebanon (“STL”) has also increased over the past years in accordance with their respective compensation schemes, which follow the ICJ model.<sup>20</sup> The salaries of other elected officials at the ICC have also been regularly increased over the years (see Annex VI (f)). However, the salaries of the Court’s judges have remained unchanged since 2002.

167. As a result, as of 2009 the Court’s judges remuneration began to fall behind those of other international judges, despite there being no qualitative difference between their respective tasks. This difference in 2016 has accumulated to more than €26,000 per year (€180,000 for a judge of the International Criminal Court, compared to €206,270 for a judge at other international courts/tribunals (see Annex VI (f)).

168. The requested adjusted annual remuneration of the Court’s judges in implementation of Resolution ICC-ASP/3/Res.3, and the consequent salary alignment of the judges of the Court with the remuneration scheme of the judges of the ICJ and other international courts and tribunals, will amount to an increase in judges’ costs of €580.9 thousand (10.9 per cent).<sup>21</sup>

#### *Judicial priority - capacity for up to three courtroom teams*

169. The overall workload of Chambers will slightly increase in 2017. The increase will be concentrated in the Trial Division, where a minimum of three cases are expected to be at the trial hearing stage throughout the year and reparation proceedings will be continuing in at least two cases. In the Pre-Trial Division, the two Pre-Trial Chambers are currently seized of 11 situations, and 13 warrants of arrest issued against 12 persons remain to date unexecuted. Work will continue on those situations and cases. The focus of the Appeals Division will lie in the final appeals arising from the verdicts and any related decisions in *Bemba* as well as in *Bemba et al.*, i.e. the article 70 proceedings against five accused. In addition, the reparation decisions/orders in *Katanga*, *Lubanga* and *Bemba* will potentially lead to additional appeals, while the workload in relation to interlocutory appeals is hard to predict and accordingly expected to remain at its average level.

170. The most striking feature of envisaged activities for 2017 will be three parallel trial proceedings requiring adequate provision of courtroom time as well as team support from the Registry in order for the trials to be able to proceed simultaneously where necessary. In 2016, considering that only two courtrooms were available in practice, in the absence of a third available courtroom team the judges of three Trial Chambers were constrained to suspending their respective proceedings (*Ntaganda*, *Gbagbo* and *Blé Goudé*, and *Bemba et*

<sup>18</sup> Resolution ICC-ASP/3/Res.3, Annex, Section XIII. (Revisions). The Conditions of service also provide that “[p]ensions in payment shall be automatically revised by the same percentage and at the same date as remuneration adjustments.”, *ibid.*, Section V. (Pension scheme), para. 2.

<sup>19</sup> See *Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda*, A/65/134, Report of the Secretary-General of 15 July 2010; *ibid.*, A/68/188, Report of the Secretary-General of 25 July 2013.

<sup>20</sup> Article 13(3) of the ICTY statute provides that the terms and conditions of service of its judges shall be the same as those for the judges of the ICJ. Article 12bis(3) of the ICTR statute links the terms and conditions of service of its judges to those of the ICTY. The STL follows a comparable regime leading to similar salaries.

<sup>21</sup> This amount is constituted by an approximative amount of €472.9 thousand following the alignment of the salaries of the Court’s judges with the remuneration scheme of the judges of the ICJ; an additional estimated €72.5 thousand for necessary pension alignments as per Resolution ICC-ASP/3/Res.3, Annex, Section V, para. 2; and other relevant cost items regarding judges’ entitlements.

*al.*) at certain points following a rotating schedule and consulting amongst themselves on an ongoing basis to determine their sitting schedule. This slowed down all three cases which is problematic in view of an accused's right to a fair and expeditious trial as well as the increased costs per trial, particularly where the accused's defence is covered by legal aid paid by the Court. In 2017, it is expected that three parallel trial proceedings (*Ntaganda, Gbagbo and Blé Goudé* and *Ongwen*) will need to run simultaneously at times, making sufficient courtroom support from the Registry an absolute priority in order to avoid undue delays in the proceedings. At the same time, the Chambers are doing their utmost to schedule trial hearings in the most efficient way so as to be able to sit as much as possible without the *permanent* provision of a third courtroom team. The scheduling exercise was facilitated through calculations carried out for the purpose of optimized courtroom usage as part of the present Court-wide basic size exercise.

*Improving the efficiency of the current legal staffing structure*

171. As part of its mission to improve the efficiency of judicial proceedings, the Presidency, in consultation with the Presidents of the Divisions, has continued to seek the most effective way of distributing legal support staff across the Divisions and Chambers, according to improved and streamlined working methods. A key criterion is the flexible deployment of staff to meet changing casework needs, coupled with effective coordination between the Divisions. It is expected that the new Head of Chambers will contribute to improving coordination and communication between Divisions and provide overall managerial leadership, reinforcement and support for the Chambers' legal staff.

172. Another key development has been the more flexible assignment of staff members, both those in established posts and general temporary assistance resources, across the Divisions and Chambers. The majority of all legal support staff are presently involved in more than one case as a result of a team-per-case approach. The levels of involvement of such staff members differ according to the specific requirements of the cases and Chambers, and are dependent on the procedural phase of the case. Resources have been assigned more flexibly across Divisions, thereby leading to a diversification of skills and experience of staff and positively impacting on the general dynamic.

173. It is expected that the continuous flexible assignment of available legal staff will lead to further efficiencies within Chambers through increased staff output and an improvement in the skills of individual staff members. Therefore, in 2017 the Judiciary will request no additional staff resources over and above the approved staffing level for 2016, despite an expected increase in activities, in particular in the Trial Division and the Appeals Division. It is stressed, however, that this calculation is based on a high level of inter-chamber flexibility with the number of fully operational and well-trained staff currently on board. Any reduction in this staffing level would cause an imbalance in the system and create shortcomings and disruptions in workflows.

174. While the allotment of general temporary assistance in terms of staff resources is still indicated per Division, this merely serves as a nominal indication of where such resources may prove to be needed most throughout the year. In reality, resources will be allocated to the Divisions on a needs basis, in response to judicial developments during the year which are expected to peak at different times in the respective Divisions.

**Budget resources**

**€11,527.0 thousand**

175. The requested amount for Chambers (covering judges, established posts, general temporary assistance and non-staff costs) has increased by €734,2 thousand (6.8 per cent). Fuller details of judges' costs are given in Annex VI (e).

**Staff resources (total for three Divisions)**

**€5,582.0 thousand**

176. The case workload considerations driving the planned deployment of established posts and the requirements for general temporary assistance are outlined in Part I of this document and briefly recalled below. Of the above total of €5,582.0 thousand, the overall funds required for general temporary assistance amount to €1,388.1 thousand. There will be no increase in staff, either in established posts or general temporary assistance positions.

177. The post of Head of Chambers (P-5) is an inter-divisional resource and therefore not part of the headcount per Division as outlined below.<sup>22</sup>

### *Pre-Trial Division*

#### *Introduction*

178. The Pre-Trial Division handles all requests regarding the initiation of an investigation or the preservation of evidence during the investigation and the entire first phase of judicial proceedings, up to the confirmation, if any, of the charges on which the case against the person(s) charged proceeds to trial.

179. Six judges are currently assigned to the Pre-Trial Division. Two judges assigned to the Pre-Trial Division are temporarily attached to the Trial Division and do not serve in any of the Pre-Trial Chambers. All remaining Pre-Trial judges are simultaneously assigned to sit in one or both Pre-Trial Chambers and also in one or more Trial Chambers. Pre-Trial judges have also been temporarily assigned to the Appeals Division to hear interlocutory appeals.

#### *Activity assumptions*

180. The Pre-Trial Chambers are currently seized of eleven situations with continuing activity, namely Uganda; the Democratic Republic of the Congo; Darfur; the Central African Republic I; Kenya; Libya; Côte d'Ivoire; Mali; the Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia; the Central African Republic II; and Georgia. Significant activity is expected to continue in all situations, particularly in the situations in Mali, Libya, Darfur, Central African Republic II and Georgia.

181. The nature of proceedings before the Pre-Trial Chambers is such that requests for warrants of arrest, initial appearances, new applications for the initiation of investigations with regard to preliminary examinations conducted by the Office of the Prosecutor and other requests cannot be foreseen. The situations of which the Pre-Trial Chambers are seized in 2016 may result in further applications being presented to the Pre-Trial Chambers by parties and participants in the various proceedings in 2017. Moreover, any of the 12 persons for whom warrants of arrest have been issued by Pre-Trial Chambers may be arrested and surrendered to the Court at short notice, as has happened twice in recent years, in the cases of *Bosco Ntaganda* and *Dominic Ongwen* respectively. As a result, the Pre-Trial Division can only draw on the experience of previous years to arrive at its assumptions for 2017.

#### *Established posts: Professional and General Service*

182. The Pre-Trial Division currently comprises twelve established posts: one Senior Legal Adviser (P-5), six Legal Officers (P-3), four Associate Legal Officers (P-2)<sup>23</sup> and three Administrative Assistants (GS-OL). In line with the Judiciary's policy of flexible allocation of resources, none of the Legal Officers (P-3) or Associate Legal Officers (P-2) is currently working full-time for the Pre-Trial Division. Some are working full-time for the Trial Division, while the others are working simultaneously on cases or requests either at the pre-trial or trial stages of the proceedings.

<sup>22</sup> For a more detailed outline of the Head of Chambers' tasks and assignments, refer to ICC-ASP/14/10, *Proposed Programme Budget 2016 for the International Criminal Court*, paras. 68-69, 73, 87 (the post was approved by the Assembly in 2015 and the narrative remained unchanged in the approved budget).

<sup>23</sup> Of these posts, in 2016, two have been converted from GTA to an established post and one has been reclassified from GS-OL.

### *General temporary assistance*

183. General temporary assistance remains unchanged.<sup>24</sup> Following conversion in 2016 of two GTA funded Associate Legal Officer (P-2) positions into established posts, the remaining GTA resources requested last year for the Pre-Trial Division (altogether six months of GTA resources at the P-1/P-2 level) have been assigned to the Trial Division as this is where the heaviest workload is expected next year. In any event, GTA resources are used flexibly across all Divisions as explained above.

### *Trial Division*

#### *Introduction*

184. The Trial Division is composed of the Trial Chambers, whose mandate is to conduct trials, following confirmation of charges by the Pre-Trial Chambers. The mandate continues until the conclusion of the reparation phase. In conducting the trials, the Chambers are required to ensure, in accordance with article 64 of the Rome Statute, that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

185. The Trial Division is currently composed of seven judges assigned in various combinations to nine trial chambers. An additional six judges normally assigned to the Pre-Trial Division have also been temporarily assigned to sit in Trial Chambers for the duration of the specific cases to which they have been assigned. Trial judges are also being temporarily assigned to the Appeals Division to hear interlocutory and final appeals.

#### *Activity assumptions*

186. The Trial Division currently has active proceedings before seven Chambers, namely *Lubanga*, *Katanga* and *Bemba* (reparations), *Ntaganda*, *Bemba et al.* (Article 70), *Gbagbo and Blé Goudé*, *Al Mahdi* and *Ongwen*. Of these, one (*Bemba et al.*) is currently at the final judgment writing stage, two (*Ntaganda* and *Gbagbo and Blé Goudé*) are in trial hearings, while the fourth (*Ongwen*) is due to start trial hearings in December 2016. The case of *Al Mahdi* (plea pursuant to article 65 of the Rome Statute) is due to commence in August 2016. Reparation proceedings may take place in 2016, continuing into 2017. In addition, another Trial Chamber is considering reparations in *Katanga* and in *Lubanga*. Finally, reparations proceedings in *Bemba* before a separate Trial Chamber will continue into 2017.

187. The *Bemba et al.* Trial Chamber is expected to issue its article 74 judgment by the third quarter of 2016, with possible sentencing proceedings following thereafter, to be concluded by the end of 2016. The *Ntaganda* and *Gbagbo and Blé Goudé* trials are expected to run throughout 2017. The trial in *Ongwen* is expected to run throughout 2017.

188. The three trials expected to be at the trial hearing stage in 2017 will represent an unprecedented workload for the Trial Division, given their contextual and temporal scope (18 counts in *Ntaganda*, four counts in *Gbagbo and Blé Goudé*, and 70 counts in *Ongwen*), the volume of evidence expected to be presented, and generally, the significant complexity of these cases.

189. The combined effect of these three simultaneous trials, as well as continuing work on reparations, will represent a challenge in terms of legal support staff. Chambers will continue to deploy both established and GTA staff flexibly during the year, and the P-5 Head of Chambers will play a vital role in ensuring that changing workload needs are met across all three Divisions. Given, however, that no increase in GTA support for the Pre-Trial, Trial or Appeals Divisions is being sought, it will be essential that the majority of existing GTA support in Chambers be deployed in the Trial Division itself, as set out below.

<sup>24</sup> While six months of GTA resources have been shifted from the Pre-Trial to the Trial Division, the overall GTA allotment for the Judiciary has remained unchanged from the approved 2016 level.

*Established posts: Professional and General Service*

190. The Trial Division comprises 15 posts: one Legal Adviser (P-4), seven Legal Officers (P-3), assigned to assist the judges, four Associate Legal Officers (P-2)<sup>25</sup>, and three Administrative Assistants (GS-OL). Given the current heavy caseload, a number of Pre-Trial staff members are also presently assisting the Trial Division on a full-time or part-time basis.

191. The pressure on established staff resources will, however, grow further as three complex cases will be at the trial hearing stage in 2017 (see above). The new P-5 Head of Chambers is expected to help by strengthening the limited existing Division capacity for senior-level legal advice (currently just one P-4) as part of the functions of the role. The work of the Division will, however, remain critically dependent on the availability of sufficient GTA support, partly at P-3 level but especially at the P-2 level.

*General temporary assistance*

192. General temporary assistance is unchanged.<sup>26</sup> Given the expected overall workload, the following GTA resources, on the basis of those approved in the 2016 Programme Budget, are required as follows:

(a) Two *Legal Officers (P-3), 12 months each. Continued.* As in previous years, 24 months of GTA resources at P-3 level continue to be necessary due to the continued need for the reinforcement of trial teams by more experienced legal resources to coordinate and supervise the teams and assist with specific assignments in current cases; and

(b) Eight *Assistant/Associate Legal Officers (P-1/P-2) funded for a total of 96 work months. Continued.* This total will allow each of the three active trials to be supported by an average of five legal staff on the technical level, with a further one P-2 (1.0 FTE) allocated to support current and expected reparations proceedings. The total of 96 work months contains six months of GTA resources at P-1/P-2 level that had been approved for the Pre-Trial Division in 2016 and which have been moved from Pre-Trial to Trial.

193. The continued GTA P-2 positions will be required, *inter alia*, for the following specific activities: analysing and summarizing the large volume of evidence submitted by the parties; legal analysis and preparation of draft decisions on any issue emerging during the proceedings; in-depth research on the law applicable to the crimes charged, as well as procedural and other issues raised in the proceedings; analysis of victims' applications for reparations; attending trial hearings and preparing procedural summaries of the hearings; liaising with the Registry, parties and participants; drafting instructions for issue by the Chamber; and assisting the judges in drafting parts of the legal and factual sections of final judgments.

*Appeals Division*

*Introduction*

194. The Appeals Division is composed of five judges, one of whom is the President of the Court. The principal statutory function of the Appeals Chamber is to hear final appeals against decisions on acquittal or conviction and sentence, and potentially reparations at the end of a trial, as well as interlocutory appeals against certain decisions of the Pre-Trial and Trial Chambers made in the course of proceedings. Final appeals involve a substantially greater workload than interlocutory appeals, as the entirety of the trial proceedings, including the evidence admitted, may have to be reviewed, and additional evidence may have to be assessed. At the same time, some interlocutory appeals may raise complex and important issues and their outcome may have a significant impact on the Court as a

<sup>25</sup> This figure includes (i) two newly converted posts from GTA and (ii) one reclassified from Research Assistant (GS-OL).

<sup>26</sup> While six months of GTA resources have been shifted from the Pre-Trial to the Trial Division, the overall GTA allotment for the Judiciary has remained unchanged from the approved 2016 level.

whole.<sup>27</sup> The Appeals Chamber may also be seized of other matters, such as requests for a reduction of sentence.

*Activity assumptions*

195. It is anticipated that in 2017 the Appeals Chamber will continue to be seized of the appeals arising from the conviction and sentencing decisions of the Trial Chamber in *Bemba*. Written and oral submissions in the relevant appeals are expected to close only in the course of 2017 and the case file embracing eight years of pre-trial and trial proceedings, as well as the evidentiary basis of the conviction decision are very large. Due to this complexity, the workload resulting from these appeals is expected to be high.

196. It is assumed that appeals will be filed against the verdict and related decisions, if any, in the *Bemba article 70* (offences against the administration of justice) proceedings that are expected to be rendered in 2016. Accordingly, in 2017 the Appeals Chamber will be seized of those appeals that are expected to be extensive, primarily because of the number of accused persons (five).

197. Further, the Appeals Chamber may need to hear appeals against the reparation decision/order in *Katanga* as well as in *Bemba*, expected in 2016/2017. The continuing *Lubanga* reparation proceedings may also create further litigation on the appeals level in 2017.

198. It is assumed that the workload arising from the various final and interlocutory appeals expected for 2017 will be higher than in previous years and that proceedings will need to proceed in parallel.<sup>28</sup> For that reason, there will be periods where additional staff from other Divisions will be required to work on appeals in order to address them as expeditiously as possible.

*Established posts: Professional and General Service*

199. The Appeals Division comprises ten posts in the professional and general service categories: one Legal Adviser (P-4), five Legal Officers (P-3), two Associate Legal Officers (P-2)<sup>29</sup>, and two Administrative Assistants (GS-OL).

*General temporary assistance*

200. General temporary assistance remains unchanged.<sup>30</sup> Given the workload assumptions for 2017, a total of at least ten P-grade staff members at the P-3 and P-2 levels are required to cover final and interlocutory appeals; at times additional P-2/P-3 grade staff members may be required that can be flexibly assigned from other Divisions. These assumptions make the continuation of previously approved GTA resources essential to the efficient functioning of the Appeals Division. The GTA resources at issue are as follows:

- (a) Two *Legal Officers, (P-3), 12 months each. Continued.*
- (b) One *Associate Legal Officer (P-2), 12 months. Continued.*

201. In the light of the expected workload, the Appeals Division will continue to require 24 months of GTA resources at the P-3 level and 12 months at the P-2 level to cover final appeals, in particular the *Bemba* and *Bemba et al.* appeals, and potential reparation appeals in *Katanga*, *Lubanga* and *Bemba*, in addition to the workload generated by interlocutory appeals.

<sup>27</sup> See, for example, *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, “Judgment on the appeal of Libya against the decision of Pre-Trial Chamber I of 31 May 2013 entitled ‘Decision on the admissibility of the case against Saif Al-Islam Gaddafi’”, 21 May 2014, ICC-01/11-01/11-547-Red.

<sup>28</sup> Around eight interlocutory appeals per year can be expected requiring consideration of the appeals’ merits.

<sup>29</sup> This figure includes one post reclassified from Research Assistant (GS-OL).

<sup>30</sup> While six months of GTA resources have been shifted from the Pre-Trial to the Trial Division, the overall GTA allotment for the Judiciary has remained unchanged from the approved 2016 level.

202. Typical tasks of GTA resources are largely comparable to those in the Pre-Trial and Trial Chambers and include, but are not limited to, in-depth legal research on substantive and procedural issues raised on appeal; assessing and summarizing the parties' appeals submissions; assisting the judges in drafting parts of the appeals decisions; liaising as necessary with the Registry, parties and participants; participating in meetings of the judges; preparing and rendering in-court support for appeals hearings, being assigned to individual appeals judges.

**Non-staff resources**

**€23.0 thousand**

203. Non-staff resources are required for hospitality and training; they have increased by €6.0 thousand (35.3 per cent) due to increased training needs (below). In accordance with the recommendations of the Committee, as endorsed by the Assembly, the budgetary provision for judges' travel has been included in the Presidency's budget.<sup>31</sup>

204. There is no provision for any judicial site visit in 2017.

*Hospitality*

*€1.0 thousand*

205. The requested amount remains unchanged from the approved amount in 2016 and is requested for necessary hospitality costs associated with visits to judges by diplomatic and other important visitors, such as renowned legal scholars and personalities from the international legal community.

*Training*

*€22.0 thousand*

206. The requested amount has increased by €6.0 thousand (37.5 per cent) and is required mainly for training aimed at strengthening linguistic and drafting capacities in the French language in view of the specific requirements of current casework in all three Divisions, as well as training in specialized legal matters for Chambers staff, specifically in the areas of international humanitarian law, international criminal law and human rights law, as well as new developments such as the handling of electronic or digital evidence.

<sup>31</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II.E. and vol. II part B.2.D.1, para. 83.

**Table 8: Programme 1200: Proposed budget for 2017**

1200 Chambers	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Judges	4,903.4	61.3	4,964.7	5,341.1	580.9	10.9	5,922.0
Professional staff				3,530.6	114.2	3.2	3,644.8
General Service staff				549.1			549.1
<i>Subtotal staff</i>	<i>3,060.1</i>		<i>3,060.1</i>	<i>4,079.7</i>	<i>114.2</i>	<i>2.8</i>	<i>4,193.9</i>
General temporary assistance	1,200.0	56.5	1,256.5	1,355.0	33.1	2.4	1,388.1
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>1,200.0</i>	<i>56.5</i>	<i>1,256.5</i>	<i>1,355.0</i>	<i>33.1</i>	<i>2.4</i>	<i>1,388.1</i>
Travel							
Hospitality	0.2		0.2	1.0			1.0
Contractual services							
Training	9.8		9.8	16.0	6.0	37.5	22.0
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>10.0</i>		<i>10.0</i>	<i>17.0</i>	<i>6.0</i>	<i>35.3</i>	<i>23.0</i>
<b>Total</b>	<b>9,173.5</b>	<b>117.8</b>	<b>9,291.3</b>	<b>10,792.8</b>	<b>734.2</b>	<b>6.8</b>	<b>11,527.0</b>

**Table 9: Programme 1200: Proposed staffing for 2017**

1200 Chambers	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	2	2	18	10	-	32	-	8	8	40
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>18</b>	<b>10</b>	<b>-</b>	<b>32</b>	<b>-</b>	<b>8</b>	<b>8</b>	<b>40</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	4.00	9.00	-	13.00	-	-	-	13.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.00</b>	<b>9.00</b>	<b>-</b>	<b>13.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>13.00</b>



### 3. Programme 1300: Liaison Offices - the New York Liaison Office

#### Introduction

207. The New York Liaison Office (NYLO) contributes to the objectives of the Court by enhancing interaction and facilitating cooperation between the Court and the United Nations and its programmes, funds and offices. The office is constantly engaged with the United Nations Secretariat and its programmes, funds and offices to resolve issues of operational cooperation and to explore ways of strengthening cooperation between the two organizations. NYLO also engages with the various political organs of the UN and the UN member states, represents the Court in relevant meetings and monitors and reports on UN developments of relevance to the Court, intervening where necessary.

208. The NYLO is administratively supported by the Presidency, but serves and represents all organs of the Court, providing them with practical administrative, logistical and operational support for their various activities at the UN. Furthermore, the NYLO disseminates information and updated reports from the Court to the United Nations community in New York, to keep delegations and other stakeholders abreast of relevant developments within the Court. The NYLO also provides logistical support to and represents the Court in inter-sessional meetings of the Bureau and other subsidiary bodies of the Assembly held in New York.

#### Objectives

1. To facilitate effective cooperation between the Court and the UN and its programmes, funds and offices; to promote confidence in the Court with States, international organizations, NGOs and other stakeholders in New York.
2. To contribute to improving the effectiveness and efficiency of dialogue between the Court and the Assembly of States Parties and its subsidiary bodies.
3. To provide practical and logistical support to the Assembly, the Bureau and the New York Working Group.

**Budget resources** **€400.3 thousand**

209. The requested amount has increased by €30.4 thousand (8.2 per cent).

**Staff resources** **€287.8 thousand**

210. The NYLO has two established posts. The requested amount has increased by €10.2 (3.7 per cent).

*Established posts: Professional and General Service* *€287.8 thousand*

211. The NYLO is currently staffed by one Head of Office (P-5) handling all the substantive work of the office, and one Administrative Assistant (GS-OL) who provides support on all administrative and logistical matters. As a result of the NYLO's limited staffing, the Head of Office focuses on the most essential tasks: pursuing the most urgent requests for cooperation with the United Nations; establishing and maintaining formal contacts and informal networks with the United Nations Secretariat and Permanent Missions; monitoring and reporting to the Court on United Nations activities of concern to the Court; and arranging visits of Court officials to the Organization.

**Non-staff resources** **€112.5 thousand**

212. The requested amount has increased by €20.2 (21.9 per cent). Non-staff resources are required for travel, hospitality, contractual services, general operating expenses and supplies and materials. The increase is due to the fact that in 2016, the NYLO had to move into a different office space with a new and more expensive rental contract, owing to the increased price of rental space in New York.

*Travel* *€4.1 thousand*

213. The requested amount has increased by €200 (5.1 per cent) compared to what was approved in 2016 and will be sufficient to fund one trip to Headquarters in The Hague.

*Hospitality* *€1.0 thousand*

214. The requested amount is unchanged from 2016.

*Contractual services* *€5.0 thousand*

215. The requested amount remains unchanged from the approved 2016 budget and is required for continued legal advice such as on the rental agreement.

*General operating expenses* *€97.4 thousand*

216. The requested amount has increased by €20.0 thousand (25.8 per cent) and is required for rental of premises and office running costs. Provision for the rental payment has been increased to accommodate a rent increase following changes in the ownership and management of the office building in which the NYLO is located.

*Supplies and materials* *€5.0 thousand*

217. The requested amount is unchanged and required for the purchase of office supplies.

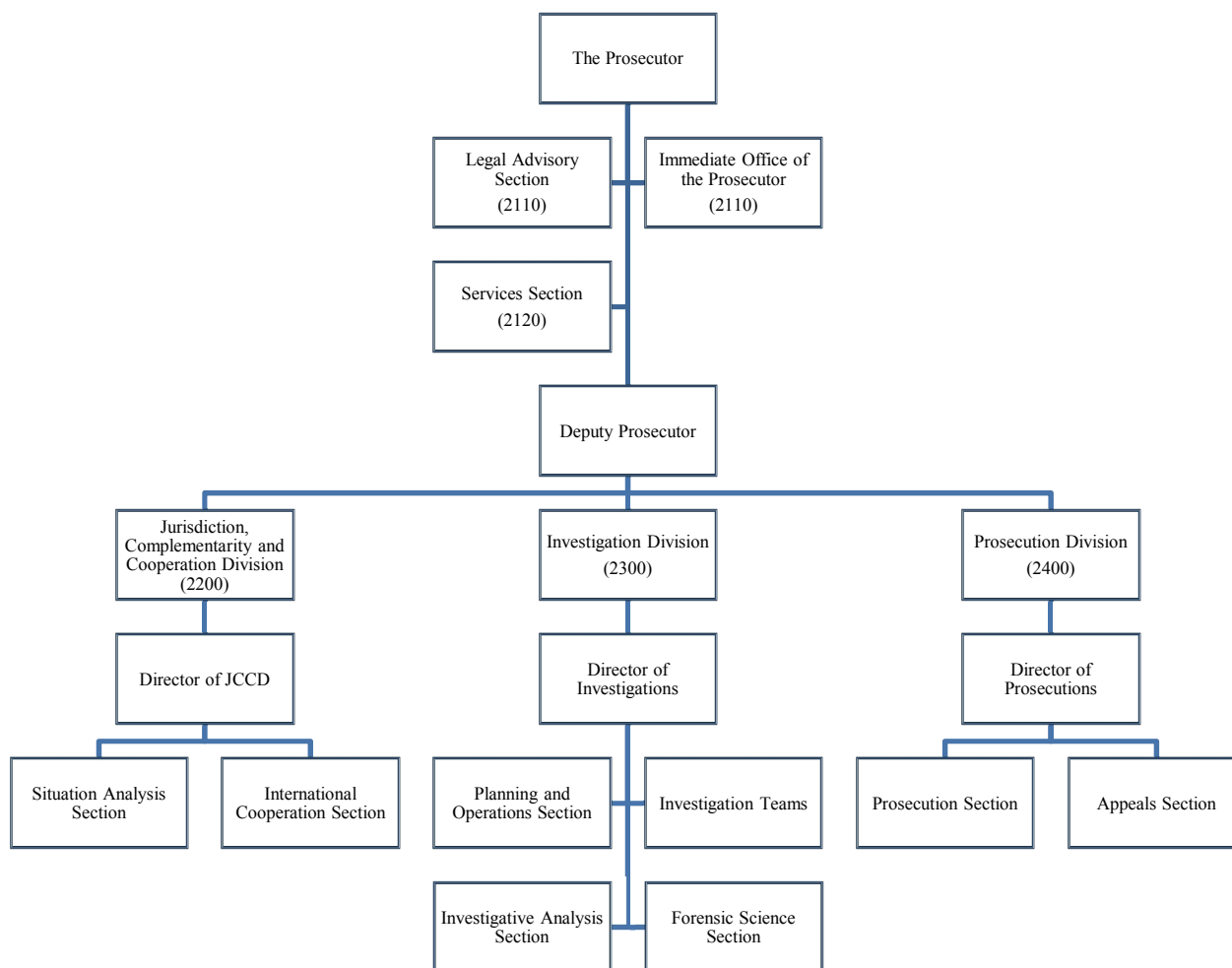
**Table 10: Programme 1300: Proposed budget for 2017**

1300 Liaison Offices	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
<i>Judges</i>							
Professional staff				202.7	8.4	4.1	211.1
General Service staff				74.9	1.8	2.4	76.7
<i>Subtotal staff</i>	284.8		284.8	277.6	10.2	3.7	287.8
General temporary assistance							
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>							
Travel	4.7		4.7	3.9	0.2	5.1	4.1
Hospitality				1.0			1.0
Contractual services				5.0			5.0
Training							
Consultants							
General operating expenses	49.0		49.0	77.4	20.0	25.8	97.4
Supplies and materials	1.1		1.1	5.0			5.0
Furniture and equipment							
<i>Subtotal non-staff</i>	54.8		54.8	92.3	20.2	21.9	112.5
<b>Total</b>	<b>339.6</b>		<b>339.6</b>	<b>369.9</b>	<b>30.4</b>	<b>8.2</b>	<b>400.3</b>

**Table 11: Programme 1300: Proposed staffing for 2017**

1300 Liaison Offices	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total	Total
													GS-staff	staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	-	-	-	-	1	-	1	1	2
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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



### Introduction

218. In implementing the Strategic Plan for 2016-2018,<sup>32</sup> the Office of the Prosecutor (“the Office” or “OTP”) continues to set priorities by balancing, as best as possible, operational demands against the resources made available by the States Parties.

219. The Office adopts maximum flexibility in the use of resources to complete ongoing work and absorb new cases that are brought to its attention. However, it must have the capacity to respond efficiently and effectively in those situations in which it intervenes.

220. Support for cases that are being prepared for trial or that are at the trial stage is always the OTP’s top priority. At the same time, as the Court often operates in highly volatile political and security environments, focus and resources are also devoted to active investigations in order to capitalize on opportunities when this is still achievable.

221. The States Parties have supported the Office and the implementation of its Strategic Plan through an increase in resources. This increase has, in effect, facilitated the Office’s efforts to start properly staffing its teams, to collect more diverse evidence and generally, to ensure more effective and efficient investigations and prosecutions.

222. However, the OTP has to constantly reassess the prioritization of its work and sequence other pressing activities in order to make the best use of available resources, while meeting, to the extent possible, the demands that continue to be placed upon it.

<sup>32</sup> ICC-ASP/14/22.

223. Success in the OTP's cases is key to enhancing the Court's credibility and delivering on its promise to do justice. The investment made by States Parties in the Court is indeed showing positive returns.

224. The evaluation of the implementation of the 2012-2015 Strategic Plan presented to the Committee on Budget and Finance ("the Committee") at its latest session in April 2016<sup>33</sup> reveals that the plan has produced positive results.

225. The new OTP Strategic Plan for 2016-2018 builds upon the success of the 2012-2015 Strategic Plan while maintaining its shift in prosecutorial policy, which has proven in practice to yield practical and positive results.

226. In 2016, a number of distinct achievements, including some which are only recent but which are clearly the result of the Strategy that has been applied since 2013, have proven to be particularly significant for the OTP:

(a) Six new preliminary examinations started and another six completed: three led to the opening of an investigation: Mali; Central African Republic II; and Georgia;

(b) The decision in *Bemba*: this decision confirmed the importance for the law of command responsibility; the dimension of addressing Sexual and Gender Based Crimes (SGBC) in the OTP's work; and the preventive goal of the Court's mandate;

(c) Confirmation of the expanded list of charges in *Ongwen*: confirmation demonstrates the efficiency and level of professionalism of the OTP's investigations and the possibility of bringing hibernated cases to trial quickly, and illustrates the importance of the child soldier and SGBC features of the case;

(d) Confirmation of charges in *Al Mahdi*: confirmation of the charges will have a significant impact in addressing the destruction of cultural property as a war crime. Following an indication by the accused of his wish to plead guilty, it will also offer the Court its first important opportunity to apply article 65 of the Rome Statute;

(e) The swift conclusion of the evidentiary hearing in *Bemba et al.* (article 70): large amounts of IT-forensic, documentary and other diversified, non-witness based evidence was presented;

(f) The relatively smooth presentation of the prosecution evidence in *Ntaganda* and *Gbagbo and Blé Goudé*; and

(g) Steady progress in the CAR II investigations, which continue to enjoy the momentum built up by good cooperation on the part of the situation country, but also on the part of various international actors.

227. There are other successes too, resulting from improved management and operational effectiveness:

(a) OTP's annual activity assumptions met or even exceeded;

(b) OTP Core Values of Dedication, Integrity and Respect rolled out;

(c) Integration and function of Integrated Teams improved and more senior trial lawyers recruited to lead the teams;

(d) Communication in the preliminary examination process enhanced, thereby contributing to increasing the Office's preventative impact;

(e) OTP structures optimized to enhance effectiveness (e.g.: changes in the Investigation Division: Investigative Analysis Section (IAS) and Forensic Science Section (FSS));

(f) Training sessions delivered as planned ;

(g) OTP Performance Dashboard developed to monitor progress in the OTP's performance through a set of indicators;

<sup>33</sup> CBF/26/6, 7 March, 2016.

(h) Investment made in new technologies in coordination with the Registry's Information Management Services Section (IMSS) to ensure long-term operational and financial sustainability of the projects and compatibility with the Court's overall infrastructure;

(i) Evidence collection diversified;

(j) High investigative operating standards established; and

(k) Policies which bring more transparency and visibility to the strategic priorities of the Office and can also assist efforts at the national level (e.g., SGBC Policy, draft Policy on Children, draft Case Selection and Prioritization Policy) developed and implemented.

228. The OTP budget proposal for 2017 continues to be based upon two main interlinked premises:

(a) The new OTP Strategic Plan for 2016-2018 ; and

(b) A genuine and realistic assessment of the OTP's resource needs for 2017.

229. The OTP Strategic Plan, its budget and its performance indicators have been fully integrated within this budget proposal. Integration with the Court-wide strategic plan has been established only at the highest level of the three strategic goals, given that its content and format are under review.

230. The budget request is based on a realistic assessment of the resources the Office needs to meet the demand for its intervention in 2017.

<i>Parameter</i>	<i>2016</i>	<i>Total 2017 PPB</i>
Number of planned Court hearings in 12 months	465	500 <sup>34</sup>
Number of situations	8	9 <sup>35</sup>
Number of active investigations	4.5	6 <sup>36</sup>
Number of cases pending arrest	9	9 <sup>37</sup>
Number of preliminary examinations	9	9 <sup>38</sup>
Number of trial teams (OTP)	5	3 <sup>39</sup>
Number of final appeals	1	2

231. The Office continues to take measures, to the extent possible within its mandate, to promote complementarity and, by doing so, reduce the need for its direct intervention. In this regard, preliminary examinations remain key to promoting national proceedings.

232. Similarly, the Office will strive to reduce the need for its intervention in cases involving offences against the administration of justice under article 70 of the Rome Statute.

<sup>34</sup> Given the number of judges at the Court, the fact that under the Rome Statute a judge who has sat in pre-trial proceedings in a case cannot sit in the trial of the same case, and the availability of three courtrooms in the new permanent premises, it is not realistically possible for Judges involved in more than one trial to sit in two separate cases on the same day for extended periods. The scheduling of hearings has therefore been adjusted as follows: Hearing blocks: five weeks on, one week off.

Number of hearing per courtroom: CR1 175, CR2 165, and CR3 160 = 500 in total (max.)

<sup>35</sup> Central African Republic (CAR), Côte d'Ivoire (CIV), Libya (LBY), Darfur (SUD), Democratic Republic of the Congo (DRC), Mali (MLI), Kenya (KEN), Uganda (UGA) and Georgia (GEO).

<sup>36</sup> CAR II. (a) (*Séléka*); CAR II. (b) (*anti-balaka*); CIV II; SUD; LBY 3; GEO.

<sup>37</sup> LBY 1, LBY 2, SUD 1, SUD 2&4, SUD 3, CIV 1*Bis* (SG), DRC 3&4, KEN Art.70, and UGA (Kony).

<sup>38</sup> Afghanistan, Burundi, Colombia, Guinea, Iraq, Nigeria, Palestine, Comoros and Ukraine.

<sup>39</sup> CIV 1 (*LG and CBG*), DRC 6 (*Bosco Ntaganda*), UGA (*Dominic Ongwen*). For the OTP there is no difference in team composition (and therefore in financial impact) between Trial Teams engaged in the court-room and Trial Teams engaged in trial preparation.

233. Mindful of its mandate under the Rome Statute and the need to focus its efforts on the prosecution of core crimes, the Office will resort to article 70 prosecutions only as a function of the impact of interference with the administration of justice upon a particular case before the Court and when it has formed the view that the criminality in question cannot be properly addressed at the national level. Indeed, pursuant to article 70(4)(b), and in the light of the criteria under rule 162(2) of the Rules of Procedure and Evidence, the Office will always consider consulting with relevant States on the possibility for the investigation and prosecution of such cases to be conducted by competent national authorities.

234. Based on planned required activities for 2017, the OTP budget will increase by €3,046.5 thousand (7.0 per cent), from €43,233.7 thousand to €46,280.1 thousand. The table below summarizes the increase per major budget line:

<b>Major Programme II Office of the Prosecutor</b>	<i>2016 Approved Budget (€ '000)</i>	<i>Resource changes</i>		<i>2017 Proposed Budget (€ '000)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	23,898.8	7,180.4	30.0	31,079.2
Other Staff Costs	15,309.0	-4,621.3	-30.2	10,687.7
Non-staff Costs	4,025.9	487.4	12.1	4,513.3
<b>Total</b>	<b>43,233.7</b>	<b>3,046.5</b>	<b>7.0</b>	<b>46,280.2</b>

235. The Office has striven to maximize the use of existing resources and has redeployed staff from folding activities to the active trials and investigations so as to strengthen teams and make them more effective.

236. The investigation in the Georgia situation, which has been funded through the Contingency Fund in 2016, is now incorporated into the 2017 budget proposal.

237. The table below shows the main cost drivers affecting the 2017 proposal, highlighting both the consequent increases and decreases:

<i>Cost Driver</i>	<i>2016</i>	<i>2017</i>	<i>diff.</i>	<i>Impact (€ '000)</i>
<b>Operational Cost Drivers</b>				
Active Investigations	4.5	6	+1.5	
Georgia				€3,816.3
Other Teams				€1,243.0
Trials	5	3	-2	-€2,363.0
Non-staff Costs				€487.4
<i>Sub-Total Operational</i>				<i>€3,183.7</i>
<b>Non-Operational Cost Drivers</b>				
UN Common System				€662.1
Conversion				-€799.4
<i>Sub-Total Non-Operational</i>				<i>-€137.2</i>
<b>Grand Total</b>				<b>€3,046.5</b>

238. The net impact of the 2017 operational cost drivers (as shown in **Sub-Total Operational** in the above table) is €3,183.7 thousand. Staff Costs and Non-staff Costs account for €2,696.3 thousand and €487.4 thousand, respectively. This means that the OTP has managed to limit the impact of incorporating both the Georgia situation and strengthening the other existing Integrated Teams into the regular budget proposal.

239. The non-operational components of the increase are the UN Common System costs and the financial benefit arising from conversion of long-standing GTAs. The benefits of conversion completely offset the increase linked to the UN Common System and reduce the overall budget increase to €3.04 million.

240. The UN Common System component is determined by the United Nations General Assembly each year and must be included in the budget to account for the Court's obligations vis-à-vis its pension scheme. Discussions are ongoing in the UN following the presentation of a report proposing changes to the current scheme. At present, the Court is coordinating with its counterparts in the UN to assess the impact of the changes on the Court's staff. The amount included in the Proposed Programme Budget for 2017 is based on a standard percentage and has been communicated by the Registry's Budget Section. The figure is an estimate and will be adjusted once the actual figures are available.

241. Lastly, the Office presented to the Committee, at its twenty-sixth session, a proposal for the conversion of long-standing GTAs into established posts. Such conversion entails a benefit of €799.4 thousand. The proposal covers 78 positions of the total of 168 GTA positions in the OTP (that is, 46 per cent of the total). The list is based on two criteria to be jointly applied: (a) the existence of the post for three or more years; and (b) the need for the post in the coming years.

242. The proposed budget of the OTP would allow it to conduct its preliminary examinations, investigations and prosecutions with sufficient quality and efficiency and an acceptable level of case prioritization, without yet reaching the desired pace because the standard team compositions are not yet met.

243. As part of its commitment to judicious management of resources, the OTP will continue to identify efficiency gains. The inter-organ synergies project has identified areas in which efficiencies and savings can be achieved through the streamlining of processes and better planning of investments (which in turn helps avoid potential duplication of efforts).

244. The Office has established an internal working group to monitor progress in the areas already identified.<sup>40</sup> The group will also look into additional opportunities to achieve efficiencies and savings.<sup>41</sup> The group reports to ExCom on a regular basis.

### **Objectives: OTP**

245. The Office presented its new OTP Strategic Plan for 2016-2018 in 2016.<sup>42</sup> The strategic goals are organized around three major themes:

1. Achieving high performance in relation to the Office's mandate (Strategic Goals: 1 to 4);
2. Creating the necessary conditions to fulfil the Office's mandate (Strategic Goals: 5 to 8); and
3. Contributing to a coordinated investigative and prosecutorial strategy to further close the impunity gap for ICC crimes (Strategic Goal 9).

246. The link between the goals of the OTP Strategic Plan for 2016-2018 and the 14 identified performance indicators is shown in Annex IV of the same document.<sup>43</sup>

247. The link between the goals of the OTP Strategic Plan for 2016-2018, the related objectives set for 2017 in the OTP budget proposal, and the 14 identified performance indicators is included in Annex V (d).

<sup>40</sup> The group is made up of representatives from the different Divisions and Sections of the Office and it is the same team that monitors the indicators used for the OTP Performance Dashboard.

<sup>41</sup> Efficiencies are meant as gains achieved by "doing more with the same resources" as a consequence of process streamlining or other improvement measures; savings are meant as "costs that will no longer be incurred by the Office" as a consequence of process streamlining or other improvement measures.

<sup>42</sup> ICC-ASP/14/22.

<sup>43</sup> *Ibid.*



**Table 12: Major Programme II: Proposed budget for 2017**

Programme II Office of The Prosecutor	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				19,737.6	6,415.0	32.5	26,152.6
General Service staff				4,161.2	765.4	18.4	4,926.6
<i>Subtotal staff</i>	<i>20,376.5</i>		<i>20,376.5</i>	<i>23,898.8</i>	<i>7,180.4</i>	<i>30.0</i>	<i>31,079.2</i>
General temporary assistance	12,832.4	1,402.5	14,234.9	15,309.0	-4,621.3	-30.2	10,687.7
Temporary assistance for meetings	5.0		5.0				
Overtime							
<i>Subtotal other staff</i>	<i>12,837.4</i>	<i>1,402.5</i>	<i>14,239.9</i>	<i>15,309.0</i>	<i>-4,621.3</i>	<i>-30.2</i>	<i>10,687.7</i>
Travel	3,103.9	596.5	3,700.4	2,437.3	326.5	13.4	2,763.8
Hospitality	10.9		10.9	5.0	5.0	100.0	10.0
Contractual services	581.8	87.8	669.6	574.5	5.0	0.9	579.5
Training	288.0		288.0	300.5	-10.5	-3.5	290.0
Consultants	48.1		48.1	77.0	23.0	29.9	100.0
General operating expenses	690.4	38.1	728.5	430.6	49.4	11.5	480.0
Supplies and materials	68.0	0.2	68.2	81.0	29.0	35.8	110.0
Furniture and equipment	364.8	86.5	451.3	120.0	60.0	50.0	180.0
<i>Subtotal non-staff</i>	<i>5,155.9</i>	<i>809.1</i>	<i>5,965.0</i>	<i>4,025.9</i>	<i>487.4</i>	<i>12.1</i>	<i>4,513.3</i>
<b>Total</b>	<b>38,369.8</b>	<b>2,211.6</b>	<b>40,581.4</b>	<b>43,233.7</b>	<b>3,046.5</b>	<b>7.0</b>	<b>46,280.2</b>

**Table 13: Major Programme II: Proposed staffing for 2017**

II Office of The Prosecutor	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	1	1	-	3	17	35	54	53	10	174	1	64	65	239
New	-	-	-	-	-	1	23	18	23	65	-	13	13	78
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>17</b>	<b>36</b>	<b>77</b>	<b>71</b>	<b>33</b>	<b>239</b>	<b>1</b>	<b>77</b>	<b>78</b>	<b>317</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	1.00	5.00	46.50	38.67	30.00	121.17	3.00	31.92	34.92	156.08
New	-	-	-	-	-	1.50	8.67	2.83	2.00	15.00	-	14.50	14.50	29.50
Converted	-	-	-	-	-	1.00	23.00	20.00	21.00	65.00	-	13.00	-	78.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>5.50</b>	<b>32.17</b>	<b>21.50</b>	<b>11.00</b>	<b>71.17</b>	<b>3.00</b>	<b>33.42</b>	<b>36.42</b>	<b>107.58</b>

## 1. Programme 2100: Immediate Office of the Prosecutor

### (a) Sub-programme 2110 - Immediate Office of the Prosecutor and Legal Advisory Section

#### Introduction

248. Sub-programme 2110 comprises the Immediate Office of the Prosecutor (IOP) and the Legal Advisory Section (LAS).

249. The IOP provides assistance and strategic advice to the Prosecutor in the day-to-day fulfilment of her functions and overall management and quality control of the Office; coordinates all strategic and administrative matters addressed to the Prosecutor and makes recommendations for action; coordinates internal and inter-organ activities and processes and vets communications on behalf of the Prosecutor; coordinates ExCom meetings and reviews of filings and communication with the Divisions, Sections and Integrated Teams; ensures the Office manages its specific human resources needs and has in place a well-qualified and motivated workforce through its Human Resources team (OTP-HR); and manages the Prosecutor's public relations and assists the Office in the effective dissemination of information and public relations through its Public Information Unit (PIU).

250. LAS responds to requests for legal advice from the Prosecutor, ExCom, OTP Divisions, Sections and teams, in relation to the Office's core operations and the general functioning of the OTP as an independent organ. The Section contributes to legal advice provided by the Appeals Section. LAS is responsible for coordinating and developing the Office's internal regulatory framework. As such, LAS facilitates the establishment and maintenance of the standards of the Office. In this context, it is responsible for coordination of the revision the Operations Manual and OTP Regulations, and updates the Code of Conduct. It also leads the development and implementation of OTP policies on key issues identified by the Prosecutor, and coordinates development of Implementation Plans.

251. LAS provides the Prosecutor and the Office with legal advice concerning reports and publications, advice on individual labour-related cases, as well as the review and drafting of contracts.

252. LAS manages the maintenance and development of on-line legal tools, commentaries and databases for the Office, for which it also offers training, and the development and maintenance of a legal-academic network for the Office. The Section is also responsible for OTP input into the development of a Court-wide case law database, and the preparation and dissemination of Weekly Court Reports. LAS also organizes and runs a series of guest lectures on issues of general interest to the Office and to the Court as a whole and, at the request of the Prosecutor or ExCom, legal fora on thematic issues with internal speakers.

253. LAS is responsible for developing and institutionalizing a Lessons Learnt system to identify, document and implement good practices, based on experience, in order to enhance the quality and efficiency of operations. LAS is also responsible for coordinating the development of an assurance mechanism to ensure implementation of and compliance with the Office's standards.

254. The Section also contributes to the development and maintenance of Court-wide standards, e.g., policies and administrative issuances, and is responsible, together with OTP-HR, for advice on the application of Staff Regulations and Rules in individual cases, including through litigation.

255. LAS organizes training for Office staff in relation to the Code of Conduct for the Office of the Prosecutor (2013) and the Lessons Learnt process.

#### Budget resources

**€2,606.1 thousand**

256. The requested amount has increased by €38.9 thousand (1.5 per cent).

**Staff resources** **€1,991.7 thousand**

257. The number of established posts has remained unchanged. Following the review of processes and procedures during the inter-organ synergies project,<sup>44</sup> and the stabilization of the Registry HR structure, the Office is now more reliant on the assistance provided by the Registry. This has allowed for a reduction in the GTA resources allocated to HR in the OTP.

*Established posts: Professional and General Service* *€1,697.8 thousand*

258. The Prosecutor (USG) is supported by a Senior Special Assistant (P-4), who is in charge of OTP-HR, PIU and other staff of the Immediate Office and coordinates the functions of the IOP under the Prosecutor's direct supervision. The IOP also has one HR Liaison and Coordination Officer (P-3), two Public Information Officers (P-3), two Special Assistants to the Prosecutor (P-2), one Personal Assistant to the Prosecutor (GS-PL), one Administrative Assistant (GS-OL), one Public Information Assistant (GS-OL) and one Staff Assistant (GS-OL). LAS is headed by a Senior Legal Adviser (P-5) and also has one Legal Adviser (P-4), and two Associate Legal Advisers (P-2). The increase of €64.1 thousand is due to the reclassification of three posts.

259. One position, Associate Legal Adviser (P-2), has been requested for conversion.

*General temporary assistance* *€293.9 thousand*

260. Two GTA positions (2.0 FTE) are requested to meet IOP requirements for 2017. Both resources were previously approved in the 2016 budget. The decrease in the GTA staffing level compared to the 2016 budget is €62.0 thousand (17.4 per cent). Details of the positions are as follows:

(a) One *IOP Special Assistant (P-3), 12 months (1.0 FTE). Continued;* and

(b) One *Information Management Coordinator (P-5), 12 months (1.0 FTE). Continued.*

**Non-staff resources** **€614.4 thousand**

261. The requested amount has increased by €25.3 thousand (4.3 per cent). Non-staff resources are requested for travel, hospitality, contractual services, training and consultants.

*Travel* *€184.4 thousand*

262. The requested amount has increased by €2.8 thousand (1.5 per cent) and is intended to cover projected missions of the Prosecutor and her staff.

263. In order to raise support and enhance cooperation at the highest levels for the Office's investigations and the arrest and prosecution of individuals sought by the Court, as well as to contribute to maximizing the impact of the Rome Statute, it is necessary for the Prosecutor to undertake missions abroad. Experience has demonstrated the critically important impact and positive results such missions can yield. The travel budget also includes missions for representatives of PIU, OTP-HR and LAS, as well as provision for travel by key stakeholders invited to meet with the Prosecutor who are unable to fund the costs of such travel themselves.

*Hospitality* *€10.0 thousand*

264. The requested amount has increased by €5.0 thousand (100.0 per cent).

<sup>44</sup> See the *Report of the Court on Inter-Organ Synergies* - CBF/26/13, 6 April 2016, presented to the Committee at its twenty-sixth session.

265. These resources are for hospitality for international delegations, diplomats and special guests visiting the Office of the Prosecutor. In the past year, the Court has also agreed to share among its organs most of the costs of catering for visiting diplomats and delegations received by more than one Principal. These events/visits have increased in frequency over the years, and are foreseen to continue to be more frequent than in the past. The relocation of the Court into the new premises - which is also intended to be used to further develop the Court's outreach to the public - will equally contribute to the number of high level visitors the Office can reasonably expect to receive in 2017.

*Contractual services*

€30.0 thousand

266. The requested amount has increased by €5.0 thousand (20.0 per cent). Until 2015, the approved amount was €50.0 thousand. The Office needs at least the resources at the requested level to support independent public information missions in the countries of operation as well as for the rental of appropriate facilities for press conferences and the production and distribution of informational material.

*Training*

€290.0 thousand

267. The requested amount has decreased by €10.5 thousand (3.5 per cent).

268. The training budget remains centralized in the Immediate Office. Training is a vital component of the strategy to create a common and cohesive working culture within the OTP and to enhance quality and performance. However, the Office still needs to provide adequate training to the additional staff recruited, as well as to enhance the skills of existing staff. The funds will be utilized to deliver a training schedule in accordance with OTP-specific training priorities.

269. As in many national systems, professionals within the Office are required to attend specific training to maintain their qualification or be certified according to international standards.

270. The Office is also coordinating the projects in this area with the Registry with the aim of developing joint courses, wherever possible, using new tools such as e-learning, which offers interesting opportunities in terms of both flexibility of delivery and cost per trainee.

271. The Office will continue to work with other organizations and national authorities to ensure maximum cost effectiveness; for example, by sharing annual advocacy and appellate training costs with the ad hoc tribunals or engaging reputable organizations that are willing to offer services on a *pro bono* basis.

*Consultants*

€100.0 thousand

272. The requested amount has increased by €23.0 thousand (29.9 per cent). This equates to approximately seven work-months at P-5 level, although the actual level of the consultants will be determined on the basis of the work required and individual experience. The budget remains centralized in the Immediate Office to ensure coordination across the operational Divisions.

273. In accordance with article 42(9) of the Rome Statute, the Prosecutor continues to engage the services of (external) special advisers on issues such as sexual and gender-based crimes, children and crimes against humanity. As these experts contribute their services on a *pro bono* consultancy basis, their appointments entail travel and DSA expenses only, which will be absorbed within the budget. Efforts are nevertheless made to keep such costs to a minimum.

274. Part of the required amount will also be utilized to fund expenses related to the Lessons Learnt exercises that will be facilitated by external experts who are assisting the Office in evaluating the progress made in prosecutorial and investigative areas.

**Table 14: Sub-Programme 2110: Proposed budget for 2017**

2110 Immediate Office of the Prosecutor	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				1,341.8	79.3	5.9	1,421.1
General Service staff				280.4	-3.7	-1.3	276.7
<i>Subtotal staff</i>	<i>1,525.1</i>		<i>1,525.1</i>	<i>1,622.2</i>	<i>75.6</i>	<i>4.7</i>	<i>1,697.8</i>
General temporary assistance	173.0		173.0	355.9	-62.0	-17.4	293.9
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>173.0</i>		<i>173.0</i>	<i>355.9</i>	<i>-62.0</i>	<i>-17.4</i>	<i>293.9</i>
Travel	191.1		191.1	181.6	2.8	1.5	184.4
Hospitality	10.9		10.9	5.0	5.0	100.0	10.0
Contractual services	21.4		21.4	25.0	5.0	20.0	30.0
Training	288.0		288.0	300.5	-10.5	-3.5	290.0
Consultants	48.1		48.1	77.0	23.0	29.9	100.0
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>559.5</i>		<i>559.5</i>	<i>589.1</i>	<i>25.3</i>	<i>4.3</i>	<i>614.4</i>
<b>Total</b>	<b>2,257.6</b>		<b>2,257.6</b>	<b>2,567.2</b>	<b>38.9</b>	<b>1.5</b>	<b>2,606.1</b>

**Table 15: Sub-Programme 2110: Proposed Staffing for 2017**

2110 Immediate Office of the Prosecutor / Legal Advisory Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	1	-	-	-	1	2	3	4	-	11	1	3	4	15
New	-	-	-	-	-	-	-	1	-	1	-	-	-	1
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>-</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>16</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	1.00	-	1.00	1.00	-	3.00	-	-	-	2.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>2.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.00</b>

**(b) Sub-programme 2120: Services Section****Introduction**

275. The Services Section (SS), through its specialized Units, provides critical support functions in the areas of language expertise, physical and electronic evidence handling, technical assistance for OTP-specific information management, disclosure processes, and budget, financial and administrative management. The Section adopts a flexible approach and ensures effective coordination with the Registry to allow the seamless provision of common services, in a continuum of activities that is aimed at meeting client needs with minimum resources.

276. The Section is made up of four Units: the Language Services Unit (LSU), the Information and Evidence Unit (IEU), the Knowledge-Base Unit (KBU), and the General Administration Unit (GAU). The Units perform activities which are not, and cannot be, carried out by Sections or Units in other parts of the Court and are essential to OTP operations.

277. The Section provides the operational Divisions with the necessary support services to fulfil their mandates. These include, in particular:

- (a) Coordination and preparation of the OTP budget;
- (b) Management of OTP funds, including approval and certification of expenditures, preparation of detailed estimates of the financial impact of the activities performed by the Office and expenditure reporting and forecasting;<sup>45</sup>
- (c) Careful administration of funds dedicated to field operations and witness-related activities, official travel, procurement, and the administration of posts, including GTA positions;
- (d) Provision of effective monitoring and control of the use of resources in compliance with the Court's Financial Rules and Regulations;
- (e) Field, event, and telephone interpretation;
- (f) Transcription of audio and video material;
- (g) Translation of OTP evidence and core Office documentation;
- (h) Summarizing, redacting, editing, subtitling, language identification and other support activities for projects requiring language expertise within the Office;
- (i) Registration and storage of evidence and information (including chain-of-custody management) and provision of digital services (e.g. audio-video editing);
- (j) Provision of advice and support to the Office on the collection and handling of evidence, including eDiscovery and Technology Assisted Review (TAR);
- (k) Management of the administrative process for material collected and submitted under article 15, including the Phase 1 analysis;
- (l) Provision of technical equipment and support for witness interviews and missions, including for the safe storage and transfer of evidence;
- (m) Support of knowledge- and information-management systems, business processes, e-learning platform and projects within the Office; and
- (n) Development, introduction and maintenance of specific information-management tools and practices required by the Office.

<sup>45</sup> The centralized approach provides full budget spending control and flexible financing of activities as a result of changing operational needs through reallocation of resources as required. This approach to fund management has been praised by the Office of Internal Audit, in particular in the recent *Report by the Office of Internal Audit*: engagement number OIA.02.14.

278. The Section also represents the OTP in financial, budgetary and resource-related matters before the Committee, the State Parties' delegates at the Hague Working Group (HWG) and other stakeholders, such as NGOs and international institutions. In addition, it manages service requests arising from OTP operational needs and from the Registry and lastly, the Section represents the Office in Court-wide initiatives and projects.

#### **Budget resources**

**€8,169.9 thousand**

279. The relative incidence of the resources specifically allocated to the Services Section has been steadily decreasing, falling from 21.1 per cent of the Office's budget in 2013 to 17.0 per cent in the 2017 proposed budget.

280. The increased complexity of funding operational activities for the different situations and volumes of missions, evidence and data determined by the new approach in investigative and prosecutorial activities requires, however, ample support by the Services Section.

281. Thanks to the continuing effort to streamline processes and workflows, the GAU has been able to manage the additional workload and achieve substantial efficiencies with the same basic structure. For example, in spite of a sharp increase in the number of missions (which has led to higher volumes of transactions to be processed and reconciled), the Unit has kept the same level of resources. The graph in Annex X(a) shows the situation of travel claims in 2014, 2015 and 2016. Similar efficiencies have been achieved by the other Units in the Section.

282. In order to assist with the Office's increased workload in the disclosure process KBU needs two additional resources in 2017, one Database Coordinator (P-2) and one Disclosure/Search Assistant (GS-OL). It is worth remembering that KBU's involvement in assisting with information management related to cases (and not only disclosure) starts with the preliminary examinations phases. The total workload is hence much greater than that generated by investigations and trials alone. In addition, disclosure is only one of the areas supported by KBU.<sup>46</sup>

283. Likewise, in 2017 IEU needs additional resources,<sup>47</sup> namely two Assistant Information and Evidence Officers (P-1), to properly manage the sharp increase in its workload. This issue is particularly relevant as a consequence of the recent cases where, following the approach devised in the Strategic Plan to be as trial-ready as possible, a larger number of charges has been presented in early stages, which in turn has led to greater volumes of evidence being collected and registered. Additionally, the type of evidence being collected is shifting from largely paper-based to electronic, which presents challenges, but also opportunities to deal with larger volumes more efficiently.

284. LSU provides a broad variety of language support throughout the preliminary examination, investigation and prosecution phases. The three main areas of work - albeit not the only ones - remain field interpretation, transcription and translation, as required by OTP. The requirement for language services is often volatile on account of uncertainty around, among other things: (1) how many and which languages will be encountered in any given situation country, especially with regard to insider witnesses and victims whose evidence needs interpreting, transcribing, and translating into a working language and also to accused persons, who are entitled to translations of evidence in a language they fully understand; (2) the frequency and other particularities of the languages involved; (3) the possible reach of an investigation beyond the situation country necessitating additional languages; and (4) the team's capacity to work in both working languages.

<sup>46</sup> For a more detailed explanation of KBU's activities see *Report of the Court on the Basic Size of the Office of the Prosecutor - ICC-ASP/14/21* (paras. 56 to 59, English version), 17 September 2015.

<sup>47</sup> For a detailed list of the resources (continued and new) requested in the 2017 budget proposal, see paragraph 294 below.

285. The evaluation of the resources needed for 2017 takes inventory of the findings of the working group on Inter-Organ Synergies.<sup>48</sup> In particular, OTP and Registry have been working to optimize resource usage in the translation area, as recommended by the report on synergies. In addition, with the technical support provided by KBU and IMSS/Registry, common machine translation software is being implemented. This will help in assessing the content of written material and its usefulness for the cases, thus reducing the volumes to be translated by staff or outsourced to external contractors.

286. The net increase in the resources requested by LSU is mainly due to the Georgia situation (started in 2016 and funded through the Contingency Fund), which requires language capabilities in Russian, Georgian and South-Ossetian. Translation and transcription support for this situation continues to be necessary. Two Translators (P-3) and three Data Processing Assistants - Transcribers (GS-OL) are requested for this situation. Two additional transcribers (GS-OL) are needed to support language-specific needs in other active investigations. Part of the impact has been set off by the reduction in other roles.<sup>49</sup>

287. The Office continues to centralize some Non-staff budget lines such as Consultants, Furniture and equipment, Supplies and materials and Training<sup>50</sup> so as to be quick and flexible in response to possible changing needs during the implementation of the budget. The resources that are actually requested are to provide support and materials needed by other sub-programmes within the Office to facilitate business activities.

288. Following discussions in the Inter-Organ Synergies working group, consultations are held on a regular basis to ensure that materials and services are procured in the most effective, efficient and timely manner. GAU and Procurement/Registry, for instance, meet quarterly to share procurement plans in order to ensure compliance with existing rules and procedures as well as timely delivery of goods and services. Likewise, KBU and IMSS hold regular meetings to discuss the need for information management support in order to prioritize projects and allocate resources according to an agreed common framework and avoid duplicated efforts.

289. The requested budget has increased by €1,150.2 thousand (16.4 per cent). Staff Costs and Non-staff Costs represent 85.4 per cent and 14.6 per cent of the increase, respectively.

#### **Staff resources**

**€6,974.9 thousand**

290. In 2017, the Section will comprise a total of 76 staff: 45 established posts and 39 GTA positions and field interpreters (33.08 FTE in total funded through GTA).

*Established posts: Professional and General Service*

*€3,816.7 thousand*

291. The Section, comprising four Units, is overseen by the Senior Manager (P-5). The General Administration Unit has one Administration Officer (P-3), one Associate Administration Officer (P-2) and three Finance and General Administration Assistants (GS-OL). The Information and Evidence Unit has one Head of Information and Evidence Unit (P-3), one Associate Information and Evidence Officer (P-2), three Information Storage Assistants (GS-OL), one Information Management Assistant (GS-OL), one Senior Evidence Assistant (GS-OL) and four Evidence Assistants (GS-OL). The Knowledge-Base Unit has one Knowledge-Base Manager (P-4), two Information Officers (P-2), two Database Coordinators (P-1), one Assistant Information Officer (P-1) and one Disclosure/Search Assistant (GS-OL). The Language Services Unit has one Language Coordinator (P-4), one English Reviser/Translation Coordinator (P-4), one Translator/Reviser (French) (P-4), one Translator (English) (P-3), one Translator (French) (P-3), one Field Interpretation Coordinator (P-3), one Associate Translator (English) (P-2), one Associate Translator (French) (P-2), one Transcription Coordinator (GS-OL), five Data Processing

<sup>48</sup> See *Report of the Court on Inter-Organ Synergies* - CBF/26/13 (pp. 10 to 13, English version), 6 April 2016.

<sup>49</sup> See paragraph 295 below.

<sup>50</sup> *Training and Consultants* are in Sub-programme 2110, Immediate Office of the Prosecutor; *Supplies and materials* and *Furniture and equipment* are in Sub-programme 2120, Services Section.



Assistants<sup>51</sup> (GS-OL), three Language Services Assistants (GS-OL) and one Transcription Assistant (GS-OL).

292. Three positions, one Translator (P-3), one Associate Translator (P-2) and one Database Coordinator (P-1), have been requested for conversion.

*General temporary assistance*

*€3,158.2 thousand*

293. The Section continues to require GTA resources for translation, transcription, field interpretation and a wide range of other administrative and technical services to directly support the Office's activities. The extension of current resources is therefore necessary.

294. The Section also requires additional GTA positions for knowledge-base support in respect of case management and disclosure, for evidence management, and for language services to handle the additional workload related to the increase in the number of activities and staff in the Office. The breakdown of GTA positions requested for 2017 is as follows:

1. One *Data Management Officer (P-3)*, 12 months (1.0 FTE). *Continued*;
2. Six *Translators (P-3)*, 72 months (6.0 FTE). *Continued*;
3. Two *Translators (P-3)*, 20 months (1.7 FTE). *New*;
4. One *Associate Administration Officer (P-2)*, 12 months (1.0 FTE). *Continued*;
5. Two *Associate Electronic Evidence Officers (P-2)*, 24 months (2.0 FTE). *Continued*;
6. One *Associate Field Interpretation Coordinator (P-2)*, 12 months (1.0 FTE). *Continued*;
7. One *Associate Translator (P-2)*, 12 months (1.0 FTE). *Continued*;
8. One *Information Officer (P-2)*, 12 months (1.0 FTE). *Continued*;
9. One *Database Coordinator (P-2)*, 12 months (1.0 FTE). *New*;
10. Two *Assistant Translators (P-1)*, 15 months (1.4 FTE). *Continued*;
11. Two *Assistant Information and Evidence Officers (P-1)*, 24 months (2.0 FTE). *New*;
12. One *Database Coordinator (P-1)*, 12 months (1.0 FTE). *Continued*;
13. One *Administrative Support (GS-OL)*, 12 months (1.0 FTE). *Continued*;
14. One *Data Processing Assistant - Transcriber (GS-OL)*, 12 months (1.0 FTE). *Continued*;
15. Five *Data Processing Assistants - Transcribers (GS-OL)*, 60 months (5.0 FTE). *New*;
16. One *Language Services Assistant (GS-OL)*, 12 months (1.0 FTE). *Continued*;
17. One *Technical Assistant Information Systems (GS-OL)*, 12 months (1.0 FTE). *Continued*;
18. One *Disclosure/Search Assistant (GS-OL)*, 12 months (1.0 FTE). *New*; and
19. *Field Interpreters (GS-OL)*, equivalent to 41 months (3.44 FTE).

295. Most of the GTA resources are recurring and are needed to continue performing the ongoing activities of the Office. Two P-1 and one P-2 staff in LSU are no longer requested. The additional new resources requested in the 2017 budget are linked to the increase in the operational needs of the Office that require critical support by the Services Section. The overall increase is limited, thanks to the progress made in the internal organization, work flows and procedures, and is fundamentally due to specific needs triggered by the Georgia situation.

<sup>51</sup> The title Data Processing Assistant in LSU is in the process of being changed to Transcription Reviewer to properly distinguish it from the role of Data Processing staff in the Data Processing Unit (ID) and in the Investigative Analysis Section (ID).

**Non-staff resources****€1,195.0 thousand**

296. The requested amount has increased by €118.4 thousand (11.0 per cent). Non-staff resources are requested for travel, contractual services, supplies and materials and furniture and equipment.

*Travel**€355.5 thousand*

297. The requested amount has increased by €29.4 thousand (9.0 per cent). The increase is for activities in support of the Integrated Teams. IEU technical support staff and field interpreters (local and international) provide necessary support for investigation and prosecution-related missions for all cases during the preliminary examination, investigative, pre-trial and trial phases. The budget line further includes funds for a number of missions to situation countries for the assessment and recruitment of field interpreters. Travel resources also provide for a few missions for technical, language and administrative staff to participate in professional conferences.

*Contractual services**€549.5 thousand*

298. The amount requested is unchanged. In spite of the increase in activities, the implementation of the machine assisted translation system and the upgrade of other tools and software to support language services should allow the additional workload to be absorbed within the same resources as in 2016.

299. Contractual services are required to supplement internal projects or to provide resources for special requirements and peaks in activities that cannot be effectively and timely dealt with in-house through additional recruitment. This is the case for translation outsourcing which is used to supplement the Office's in-house translation capacity, where confidentiality constraints allow. Most critically, this is required to deal with peaks in activity due to case-specific, time-bound workloads and with documents requiring translation into or out of languages for which no in-house capacity exists. Similarly, funds are requested for transcription outsourcing to supplement the Office's in-house capacity, again where confidentiality constraints permit.

*Supplies and materials**€110.0 thousand*

300. The requested amount has increased by €29.0 thousand (35.8 per cent). It must be noted that the amount requested is the same as in 2015. This is a centralized budget line and funds are used for operational purposes.

301. A portion of this budget line is allocated to purchasing digital and electronic consumables (e.g. memory cards, mini-disks, encrypted hard drives and batteries) for equipment used by investigators, such as cameras and recording devices. Funds are also requested for maintaining annual subscriptions to OTP-specific journals and other professional subscriptions (e.g. International Association of Prosecutors), as well as the purchase of key reference books necessary to support the core activities of the Office. Subscriptions to on-line database/services and journals that are common to the entire Court are now centralized within the Court's Library.

302. The increased forensic focus in investigations is leading to higher costs for specific materials and supplies (e.g.: satellite images of locations, or body bags, rubber gloves, consumables and instruments).

*Furniture and equipment**€180.0 thousand*

303. The requested amount has increased by €60.0 thousand (50.0 per cent).

304. This budget line includes €50.0 thousand for the IEU to maintain, replace and upgrade OTP-specific mission equipment (for audio-visual/data-collection for investigations). This amount will also be used for IEU to expand licences and storage for the OTP electronic vault, and connect it to the evidence review platform.

305. A major update to the OTP evidence review platform is indeed required. Implemented over ten years ago, the OTP evidence review platform needs to be re-evaluated and re-tendered due to the change in the nature of evidence collected. This will be undertaken in close liaison with Registry IMSS, but it is OTP that must necessarily take the lead in this initiative, with IMSS in support in order to guarantee success. New systems are needed to facilitate investigator review and the assessment of original forensically preserved electronic content. This investment has been delayed for several years and savings have been achieved, but it should not be delayed further. The volumes of information have grown and will continue to grow in such a way that systems and practices will need to be updated with a sustained multi-year investment. The information initially collected by the OTP later becomes available to the Court (when it meets the legal requirements set by the evidence procedures) through the disclosure process. As this is a Court-wide investment, the Registry will budget for it and no specific funds are requested by the OTP. The Office will contribute to this project by providing the expertise and knowledge of its staff.

306. In addition, the Office continues to refresh and update its other Office-specific existing systems (e.g.: GIS systems, web-based platform for receiving article 15 communications, etc.) while prioritizing the evidence review platform. Funds of €80.0 thousand are requested for these applications.

307. The remaining €50.0 thousand is requested to support the purchase of additional data and fact analysis software licences.

**Table 16: Sub-Programme 2120: Proposed budget for 2017**

2120 Services Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				2,042.5	278.5	13.6	2,321.0
General Service staff				1,528.8	-33.1	-2.2	1,495.7
<i>Subtotal staff</i>	<i>2,744.4</i>		<i>2,744.4</i>	<i>3,571.3</i>	<i>245.4</i>	<i>6.9</i>	<i>3,816.7</i>
General temporary assistance	2,219.7	281.1	2,500.8	2,371.8	786.4	33.2	3,158.2
Temporary assistance for meetings	5.0		5.0				
Overtime							
<i>Subtotal other staff</i>	<i>2,224.7</i>	<i>281.1</i>	<i>2,505.8</i>	<i>2,371.8</i>	<i>786.4</i>	<i>33.2</i>	<i>3,158.2</i>
Travel	404.4	65.3	469.7	326.1	29.4	9.0	355.5
Hospitality							
Contractual services	508.9	59.6	568.5	549.5			549.5
Training							
Consultants							
General operating expenses	139.8		139.8				
Supplies and materials	68.0	0.2	68.2	81.0	29.0	35.8	110.0
Furniture and equipment	364.8	86.5	451.3	120.0	60.0	50.0	180.0
<i>Subtotal non-staff</i>	<i>1,485.9</i>	<i>211.6</i>	<i>1,697.5</i>	<i>1,076.6</i>	<i>118.4</i>	<i>11.0</i>	<i>1,195.0</i>
<b>Total</b>	<b>6,455.0</b>	<b>492.7</b>	<b>6,947.7</b>	<b>7,019.7</b>	<b>1,150.2</b>	<b>16.4</b>	<b>8,169.9</b>

**Table 17: Sub-Programme 2120: Proposed Staffing for 2017**

2120 Services Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	4	5	6	3	19	-	23	23	42
New	-	-	-	-	-	-	1	1	1	3	-	-	-	3
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>7</b>	<b>4</b>	<b>22</b>	<b>-</b>	<b>23</b>	<b>23</b>	<b>45</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	8.00	7.00	4.00	19.00	-	6.92	6.92	25.92
New	-	-	-	-	-	-	1.67	1.00	2.00	4.67	-	5.50	5.50	10.17
Converted	-	-	-	-	-	-	1.00	1.00	1.00	3.00	-	-	-	3.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8.67</b>	<b>7.00</b>	<b>5.00</b>	<b>20.67</b>	<b>-</b>	<b>12.42</b>	<b>12.42</b>	<b>33.08</b>

## 2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division

### Introduction

308. Cooperation is vital to ensuring timely investigation and prosecution of cases. Each situation or case has its own unique cooperation requirements. The Jurisdiction, Complementarity and Cooperation Division (JCCD) is the lead division for facilitating the Office's investigations by ensuring cooperation and judicial assistance under Part 9 of the Rome Statute. Its general cooperation and external relations functions entail establishing and managing relations with States, international organizations and NGOs, including galvanizing general support for the work of the Office and advocating and delivering its key messages. The Division is thus primarily responsible for building and reinforcing the strong and extensive network of support and cooperation with States, international organizations and other partners which is necessary for the OTP to carry out its judicial mandate effectively. Furthermore, the Division is responsible for conducting all preliminary examinations of situations, irrespective of whether a situation comes before the Court as a result of a State Party or United Nations Security Council referral or of the Prosecutor's acting *proprio motu* pursuant to article 15 of the Rome Statute. The Division thus leads within the Office on matters of jurisdiction, admissibility and interests of justice and provides essential recommendations to the Prosecutor on the opening of new investigations.

309. The Division comprises two Sections: the International Cooperation Section (ICS) and the Situation Analysis Section (SAS).

310. ICS is composed of three areas of activity, falling under the overall supervision of the Chief of ICS, with the additional support of a Legal Adviser: (i) situation-specific cooperation within Integrated Teams; (ii) judicial cooperation; and (iii) general cooperation and external relations.

(a) ICS supports each Integrated Team with an International Cooperation Adviser, who is responsible for facilitating all judicial assistance needs and cooperation requests of the team to cooperation partners; generating and maintaining situation-specific support and promoting understanding of the work of the OTP in relation to the investigation and prosecution of a case to which she/he is assigned; establishing operational focal points so that the Integrated Team has continuous access to the territory, physical evidence and witnesses for the case; and providing prompt responses and feedback to the team on any problems identified by the team or by the national authorities.

(b) The judicial cooperation component provides strategic, technical and operational advice, support and guidance to all International Cooperation Advisers in order to ensure quality control, channelling of and follow-up to all judicial assistance requests and responses sent on behalf of Integrated Teams in conformity with relevant procedures and standards. It is responsible, in association with each International Cooperation Adviser, for tracking compliance and maintaining all records related to outgoing and incoming requests for assistance (RFA) in the database and for developing and overseeing strategies to facilitate cooperation for arrest and surrender and for identification, location, tracking and freezing of assets.

(c) The general cooperation and external relations component is responsible for providing strategic advice and support regarding general cooperation and external relations to the Prosecutor and OTP's senior management. It supports the OTP's diplomatic and other general cooperation engagements, ensures and coordinates the establishment and management of OTP's external relations with States and other partners for the purpose of galvanizing general support for the activities of the OTP, and represents the OTP during discussions on various issues under consideration by the Assembly and/or its subsidiary bodies, affecting the work of the OTP.

311. SAS carries out all preliminary examinations and provides advice on complex matters of fact and law regarding jurisdiction, admissibility, and assessments of interests of justice, in particular in terms of the interests of victims. Conducting preliminary examinations is one of the three core activities of the Office, together with investigations and prosecutions. Preliminary examinations are not only critical for deciding on whether to open investigations; they also serve to lay a firm foundation for cooperation in situations

where new investigations are opened. Additionally, preliminary examinations can also have a preventative effect and can serve to foster domestic complementarity efforts, potentially obviating the need for intervention by the Court. Lastly, the vital analytical work conducted by SAS feeds into the analysis that is essential to successful investigations when the Prosecutor decides to open an investigation in a situation.

**Budget resources** **€3,988.6 thousand**

312. The requested resources have decreased by €59.4 thousand (1.5 per cent), due to the positive effect of the conversion of some long standing GTA positions. Extensions are requested for the other GTA resources approved in the 2016 budget. These resources are critical to enable the Division to conduct its mandate effectively in 2017.

**Staff resources** **€3,548.4 thousand**

313. The Division comprises 29 established posts and five GTA positions (4.5 FTE).

314. Eight positions, one Administrative Assistant (GS-OL), and one Judicial Cooperation Assistant (GS-OL) in ICS, and four Associate Situation Analysts (P-2) and two Assistant Situation Analysts (P-1) in SAS, have been requested for conversion.

*Established posts: Professional and General Service* *€3,046.3 thousand*

315. The Division is headed by a Director (D-1), who is assisted by one personal assistant (Administrative Assistant) (GS-OL). ICS has one Head, International Cooperation Section (P-5), one Judicial Cooperation Adviser (P-4), two International Cooperation Advisers (P-4), seven International Cooperation Advisers (P-3), and one Administrative Assistant (GS-OL). SAS has one Head of Situation Analysis Section (P-5), three Situation Analysts (P-3) and three Associate Situation Analysts (P-2).

*General temporary assistance* *€502.1 thousand*

316. ICS requires eight GTA positions to support the investigations and trials foreseen in the 2017 budget assumptions, as well as to support, administratively and operationally, the continuously increasing crucial workload in the area of judicial assistance and cooperation. Each Cooperation Adviser is formally assigned to a specific Integrated Team but sometimes also serves as back-up for another team. The assignment of a Cooperation Adviser can also change should existing or new situations so require, and in some cases, the Cooperation Adviser might have more than one situation should the assumed workload per each situation allow for that. This flexibility allows the JCCD and ICS management to seek maximum efficiency in terms of allocating existing resources should situational requirements fluctuate.

317. The breakdown of GTA positions requested for ICS in 2017 is as follows:

1. One *International Cooperation Adviser (P-3), 12 months (1.0 FTE). Continued;*
2. Two *Associate International Cooperation Advisers (P-2), 24 months (2.0 FTE). Continued;* and
3. One *Legal Assistant (GS-OL), 12 months (1.0 FTE). Continued.*

318. No new additional posts are requested in 2017, given that existing resources will be allocated in the most effective way to meet the requirements set by the assumptions.

319. ICS requests the continued confirmation of one Legal Officer (P-3) in New York (approved in 2016) for six months (0.5 FTE). This staff member is retained by the United Nations Office of Legal Affairs, as a United Nations staff member, to process and coordinate within the United Nations system all requests for assistance from the OTP, forming an essential component to enable the efficient and timely execution of all requests within the UN system. Since the post also handles requests for assistance sent by the Registrar on behalf of Chambers or Defence Counsel, the remaining costs of the post will be shared by the Immediate Office of the Registrar.

320. The six positions in SAS, previously requested as GTA, have been proposed for conversion in 2017.

**Non-staff resources**

**€440.2 thousand**

321. The proposed budget decrease of €20.2 thousand (4.4 per cent) is based entirely on a reduction in the Division's travel budget.

*Travel*

*€440.2 thousand*

322. The proposed travel budget has decreased by €20.2 thousand (4.4 per cent). It remains critical that JCCD staff conduct missions in relation to situations under preliminary examination or investigations to secure and foster cooperation and/or gather information and to attend key meetings, such as the Assembly of States Parties which will be held in New York in 2017. JCCD staff will also continue to accompany the Prosecutor on situation-related missions. These missions will be targeted and planned in such a way as to use the travel budget most efficiently, thus enabling an efficiency reduction in the proposed budget, despite the increased number of planned missions.

**Table 18: Sub-Programme 2200: Proposed budget for 2017**

2200 Jurisdiction, Complementarity and Cooperation Division	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				2,234.7	551.5	24.7	2,786.2
General Service staff				133.0	127.1	95.6	260.1
<i>Subtotal staff</i>	<i>1,868.1</i>		<i>1,868.1</i>	<i>2,367.7</i>	<i>678.6</i>	<i>28.7</i>	<i>3,046.3</i>
General temporary assistance	1,350.0	46.3	1,396.3	1,219.9	-717.8	-58.8	502.1
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>1,350.0</i>	<i>46.3</i>	<i>1,396.3</i>	<i>1,219.9</i>	<i>-717.8</i>	<i>-58.8</i>	<i>502.1</i>
Travel	377.5	7.1	384.6	460.4	-20.2	-4.4	440.2
Hospitality							
Contractual services							
Training							
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>377.5</i>	<i>7.1</i>	<i>384.6</i>	<i>460.4</i>	<i>-20.2</i>	<i>-4.4</i>	<i>440.2</i>
<b>Total</b>	<b>3,595.6</b>	<b>53.4</b>	<b>3,649.0</b>	<b>4,048.0</b>	<b>-59.4</b>	<b>-1.5</b>	<b>3,988.6</b>

**Table 19: Sub-Programme 2200: Proposed Staffing for 2017**

2200 Jurisdiction, Complementarity and Cooperation Division	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	2	3	10	3	-	19	-	2	2	21
New	-	-	-	-	-	-	-	4	2	6	-	2	2	8
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>10</b>	<b>7</b>	<b>2</b>	<b>25</b>	<b>-</b>	<b>4</b>	<b>4</b>	<b>29</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	3.50	6.00	-	9.50	-	3.00	3.00	12.50
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	6.00	-	6.00	-	2.00	2.00	8.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3.50</b>	<b>-</b>	<b>-</b>	<b>3.50</b>	<b>-</b>	<b>1.00</b>	<b>1.00</b>	<b>4.50</b>



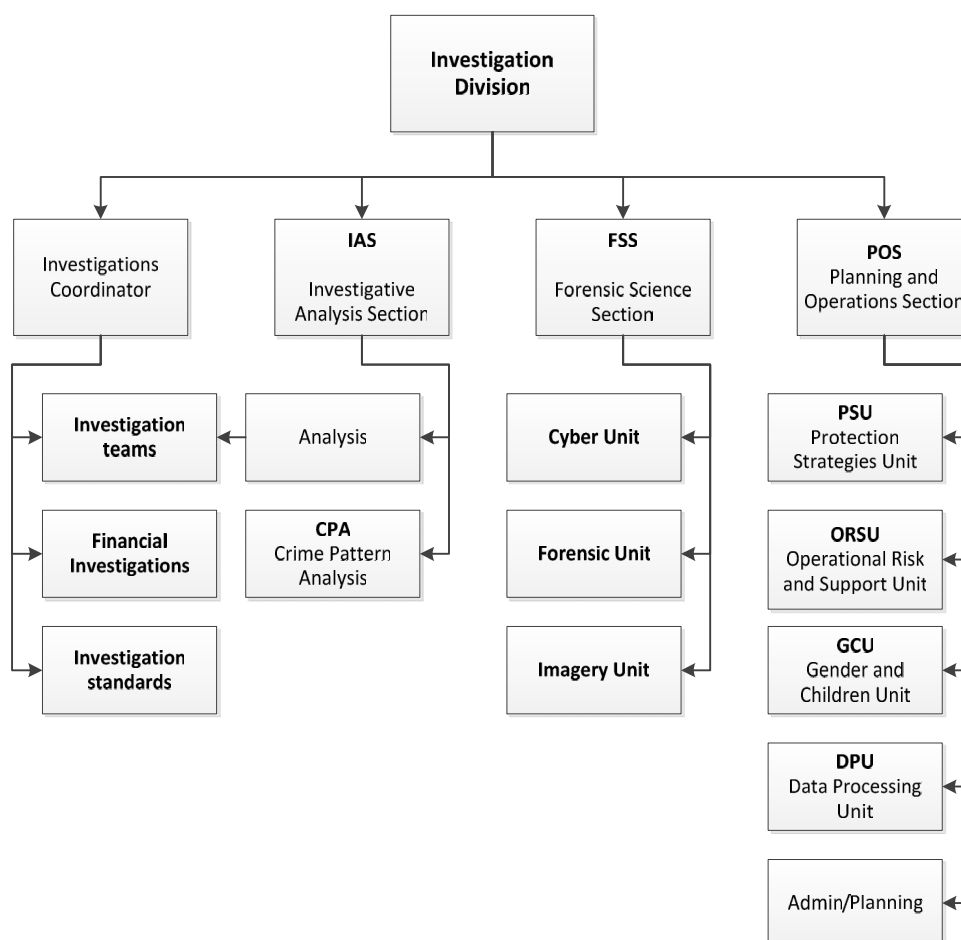
### 3. Programme 2300: Investigation Division

#### Introduction

323. The Investigation Division (ID), under the overall management of its Director and management team, provides the investigative component of the integrated teams which conduct the Office's investigations and prosecutions under the responsibility of PD's Senior Trial Lawyers. ID recruits, trains and monitors the performance of investigators, analysts and data inputters within the Integrated Team.

324. The Division implemented a limited restructuring in 2016, moving from two sections to four. This was achieved by moving Analysis from the Investigations Coordinator and establishing the Investigative Analysis Section, and by removing the Scientific Response Unit (SRU) from the Planning and Operations Section and establishing the Forensic Science Section (as outlined in the diagram below).

325. The OTP Strategic Plan emphasizes the importance of analysis and reliance on alternative forms of evidence. The rationale for the change in structure was to better align the Division's organization to this end, with Sections having a more homogeneous set of responsibilities. In addition, the workload for the Investigations Coordinator and Head of Planning and Operations had become so great that it affected their ability to properly oversee and guide all the areas under their responsibility.



326. The Division's investigative component (investigators, analysts, data input and management resources) is a large and critical component of the Integrated Team (IT). The investigative team undertakes the key investigative activities focused on (a) the crimes, and (b) the suspects and the linkage between the crimes and the suspects, whether individually, via an organization and/or by other means. For crimes, the team collects evidence on the incidents under investigation and the corresponding victimization. For suspects, it is necessary to manage the lines of inquiry into their role, knowledge and intent regarding the

crimes and to that effect, collect evidence on the structure or organization allegedly responsible for the crimes, the roles of the different suspects in it and the linkage between them and the crimes, including the financing and logistics required to commit the crimes. Advances in and the widespread availability of technology create the necessity to conduct on-line investigations, while dedicated field-based resources focus on developing leads, establishing strong local networks, coordinating with local and regional partners, participating in mission activities with staff deployed in-country, and following up on activities from concluded missions.

327. The specialized Sections within ID support the Integrated Teams in the elaboration and implementation of their plans, through expert advice and assistance in the conduct of operations. They also promote the strategic development of the Office's investigative capability by looking into innovative procedures, tools and methodologies to ensure that investigative activities conform to current standards. While analysts are embedded within the Integrated Team, the Investigative Analysis Section (IAS) ensures the development of standards and best practice, training, quality review and resource provision across the various investigative teams. The Forensic Science Section (FSS) supports the Integrated Team with specialist expertise, such as cyber investigation and technical expertise, forensic operations such as crime scene investigations (including exhumations, autopsies, 3D imaging, audio and video enhancement), and satellite imagery and info-graphics. In the Planning and Operations Section, the Operational Risk and Support Unit (ORSU) helps to ensure the confidentiality and security of the field deployment, and provides operational support to missions. The Protection Strategies Unit (PSU) helps to ensure that the investigative strategy is developed in such a way that foreseeable risks to persons interacting with the OTP can be managed. Both ORSU and PSU work closely and in a complementary manner with the Registry through the division of responsibilities based on a continuum of services. The Gender and Children's Unit (GCU) assists the teams with the handling of vulnerable witnesses and the investigation of sexual and gender-based crimes and crimes against children. Lastly, the Data Processing Unit (DPU) and the Administrative Unit provide information processing and administrative services respectively.

328. The Office issued its Strategic Plan 2016-2018 in November 2015, breaking down the prosecutorial strategy into nine strategic goals. The Division is able to directly contribute to a number of the strategic goals and strives to create the necessary conditions and undertake activities to achieve this. In order to ensure that the investigations continue to meet the expectations of quality, and in the face of ever more challenging operating environments, the strategy outlined in the previous year remains - namely to maintain high quality investigations while ensuring efficient functioning. Those strategic objectives lead to activities such as: developing the ability to collect more diverse forms of evidence, including building capacity regarding science- and technology-based evidence; increasing the investigative field presence; continuing to implement a gender perspective in investigations; increasing the role of analysis, certifying staff, adapting the staff composition to the new environment; and further developing witness protection.

329. Annex V(e) structures the above objectives and provides performance indicators that show how progress towards each target will be measured.

330. The evaluation of the Strategic Plan (June 2012-2015)<sup>52</sup> shows that the new strategy is yielding positive results in Court, while the effort to improve efficiency has continued year on year. These results have been achieved by prioritizing quality over quantity of work. Important investigations to respond to evolving situations (for example, new crimes in Darfur and Libya), or that have been pending for too long a time (for example, Côte d'Ivoire 2, bringing hibernated cases up to a standard of trial-readiness) can however no longer be delayed further without an irrevocable negative impact.

331. Thanks to the efforts in previous years' budgets, the Division has been able to better staff its teams. An appropriate level of quality is being reached by prioritizing quality over quantity of work and by stretching the timelines of investigations because the standard team size is not being met for ongoing investigations. Noting that an additional investigation, bringing the total to six, has become inevitable, the requested increase in resources is

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<sup>52</sup> See CBF/26/6, 7 March, 2016.

sufficient to meet the increase in demand and will allow the Division to maintain the current quality level without prolonging the duration of investigative activities even further.

332. Past investment in quality forms a central part of the OTP's present and future strategy. Cyber investigation, increased forensic work in terms of audio and video enhancement, crime scene examination, exhumations and autopsies play a critical role in this, as does investment in training (for example, ongoing PEACE-model related training for investigative interviewing) and the continued development of networks with law enforcement agencies, forensic institutes, technology experts, NGOs and other partners. The 2017 budget continues to maintain this effort with a modest investment that allows the Division to stay abreast of current advances and re-invest where technology and equipment have become obsolete.

333. In the light of the present prosecutorial strategy - whereby the Office undertakes open-ended, in-depth investigations; prosecutes those most responsible, if needed via a strategy of working upwards from lower ranked individuals; and seeks to be trial-ready in principle at the time of the confirmation hearing - the Division developed a resource model in 2013 which was also the basis for the approved programme budget for 2014 through 2016 and for its contribution to the basic size report. The model takes into account the lessons learnt from previous experience, including the higher standards required by the Court's Chambers in relation to trial readiness and evidence collection.

#### **Budget resources**

**€19,743.4 thousand**

334. The requested amount has increased by €1,869.6 thousand (10.5 per cent). Staff make up 90.4 per cent of the costs and have the biggest impact on the budget. Additionally, the vast majority of the increase in 2017 is attributed to the resources brought on board through the Contingency Fund application for Georgia. These resources will continue to be required throughout 2017.

335. The requirements of a basic investigative team are highlighted in the basic size report, and while the current capacity of investigators still falls short of the identified needs, one new aspect is the addition of a Situation-Specific Investigation Assistant. The Situation-Specific Investigation Assistant will bring to the investigative team a deep knowledge of the situation country under investigation, including a better understanding of its socio-economic and cultural aspects. Being at Headquarters and/or deployed in the field, he or she supports the teams in establishing local/regional networks, identifying leads and investigative opportunities and collecting information from open sources, in particular when local languages are used.

336. The proposed understaffing for the teams in comparison to the basic size outlined in this budget proposal ensures that ongoing trials are fully supported, but capacity across the active investigations is on average approximately 21 per cent under-resourced. The continued consequences of this are: active investigations requiring more time to conduct the foreseen activities; investigative teams being unable to adequately react to any important unforeseen events, including article 70 investigations, without stopping or significantly reducing the resources allocated to other priority activities; no tracking capacity and diminished capacity to deal with cases in hibernation, in particular the necessary maintenance of contact with witnesses and identifying opportunities to gather new evidence. In total 21 GTA positions are required: one Team Leader/ Senior Investigator (P-4), seven Investigators (P-3), eight Associate Investigators (P-2), one Information Management Assistants (GS-OL) and four Situation Specific Investigation Assistants (GS-OL). In all sections and units some of the long standing GTA positions – in compliance with the criteria approved by the CBF – have been requested for conversion in the 2017 PPB. The details of these positions can be found in the section *Staff Resources - Established posts*.

337. The Investigative Analysis Section (IAS) houses both the Analysts (P-2 and P-3) and the Analysis Assistants (GS-OL). Eleven Analysis Assistants support the Integrated Teams with data input for FAD (Fact Analysis Databases) and other tasks. Two Analysis Assistants monitor crimes in situations under investigation which are not being looked at by the investigation teams so that it can inform the decision-making by the OTP's executive committee (ExCom) on new cases it should consider for investigation, as well as the

Prosecutor for her periodic reporting to the UN Security Council on the relevant situations. In total, the Section requires 14 GTA resources: six Analysts (P-3), two Data Processing Assistants (GS-OL) and six Analysis Assistants (GS-OL). Staffing in both the Forensic Science Section (FSS) and the Planning and Operations Section (POS) remains below the level needed to support all teams. The 2017 GTA request aims to consolidate the Sections and the increases identified below are necessary to fill critical operational gaps.

338. The FSS provides scientific support to investigations and prosecutions as well as preliminary examinations. It is composed of three Units, i.e. the Forensic Unit (in charge of crime scene examinations, exhumations, autopsies, clinical examinations, criminalistics, etc.), the Cyber Unit (in charge of computer forensics, mobile and telecommunications forensics, cyber investigations, etc.) and the Imagery Unit (in charge of GIS and satellite image analysis, photo/video analysis, 3D mapping and reconstruction, drone imagery, etc.). In addition, the FSS maintains the Executive Secretariat of the OTP Scientific Advisory Board and develops the standard operating procedures and guidelines relating to scientific activities undertaken by the Office. In total, three GTA positions (equivalent to 2.5 FTE) are required for the Units: one Forensic Officer (P-3), one Forensic Officer (Digital Imaging) (P-3), and one Head of Forensic Investigators (P-4) (this last position for 6 months).

339. Within the POS, the Protection Strategies Unit (PSU) is responsible for the holistic management of OTP witnesses. The Unit has a significant GTA component. In order to maintain the activities of the Unit at a level that can support the needs of the Office, five GTA resources are required: two Associate Protection Strategies Officers (P-2) and three Protection Strategies Assistant (GS-OL).

340. The Operational Risk and Support Unit (ORSU) is responsible for a holistic approach to operations within the OTP, from preliminary examination to investigation and prosecution. In total, five GTA positions are required for the Unit: one Witness Management Assistant (GS-OL) and four Field Operations Coordinators (GS-OL).

341. The Data Processing Unit (DPU) catalogues the evidence collected and registered as effectively and as quickly as possible, in order to facilitate timely analysis, review and use in court.

342. The Gender and Children's Unit plays an important role in relation to OTP policy development in relation to sexual and gender-based crimes, crimes against children, and the handling of vulnerable witnesses in general. It ensures the implementation of policy as well as constant research to improve the Office's methods in relation to these policies, including through the provision of training. There are no additional requests for the Unit. As in previous years, resources are needed to contract Psycho-Social Experts from the roster maintained by GCU when parallel investigative activities require simultaneous support beyond the Unit's capacity. Provision for the equivalent of eight work-months at the P-2 level is requested.

343. ID centralized its administrative function in 2011 into a staff supporting pool and continues to benefit from the efficiency gains made. The need to assist Divisional management with the further deployment of the Investigation and Witness Management systems, the essential collection, collation and production of management information, efficiency and risk management monitoring, as well as support for priority projects and assistance in the Division's complex resource management requirements, including space management, led in 2016 to a change in the supporting staff's role from being purely administrative to assuming a planning and administration dimension. In total, the Admin/Planning Pool requires two GTA positions: one Project Officer (P-3), and one Assistant Planning and Control Officer (P-1).

#### **Staff resources**

**€17,853.8 thousand**

*Established posts: Professional and General Service*

*€13,107.1 thousand*

344. The number of staff requested in 2017 is 139. This is an increase of 31 from 2016 as a result of the conversion of GTA posts and one P-5 redeployment from PD. This latter

position facilitated the creation of the P-5 position of Head of IAS, as outlined in paragraph 348.

345. The Division is headed by a Director, Investigation Division (D-1), assisted by one Administrative Assistant (GS-OL).

346. The Investigation Teams are headed by one Investigations Coordinator (P-5) and comprise three Team Leaders (P-4), six Senior Investigators (P-4), eighteen Investigators (P-3), eighteen Associate Investigators (P-2) and three Information Management Assistants (GS-OL). As mentioned in the 2016 budget narrative,<sup>53</sup> five Assistant Investigator (P-1) positions will be discontinued and replaced by Associate Investigator (P-2) positions for which a roster is available. This will enable the Office to align its resources with its current staffing strategy for the investigative teams. That measure will have no budget impact, will not change the number of requested FTEs for 2017, will place the Office closer to its model of investigative teams and will give staff members, qualified through a competitive recruitment process, the opportunity to progress professionally.

347. Eleven positions in the Investigation Teams - three Investigators (P-3), seven Associate Investigators (P-2) and one Information Management Assistant (GS-OL) - have been requested for conversion.

348. The Investigative Analysis Section (IAS) is headed by one Senior Analyst (P-5) and comprises one Analyst (Crime Pattern) (P-4), four Analysts (P-3), seven Associate Analysts (P-2) and three Analysis Assistants (GS-OL).

349. Five positions in the Investigative Analysis Section - two Analysts (P-3) and three Data Processing Assistant - FAD (GS-OL) - have been requested for conversion.

350. The Forensic Science Section (FSS) is headed by one Forensic Coordinator (P-5), and comprises one Forensic Officer (P-3), two Associate Analysts (GIS) (P-2) and one Information Storage Assistant (GS-OL).

351. Four positions in FSS - three Forensic Cyber Investigators (P-3), and one Forensic Officer (P-3) - have been requested for conversion.

352. The Planning and Operations Section (POS) is headed by one Head, Planning and Operations (P-5), and has one Head of Protection and Strategies Unit (P-4), one Head, Operational Risk and Support Unit (P-4), one Victims Expert (P-4), three Operations Officers (P-3), three Operations Risk and Field Officers (P-3), one Protection Strategies Officer (P-3), one Associate Protection Strategies Officer (P-2), one Data Processing Manager (P-2), two Associate Victims Experts (P-2), two Information Analysts (P-2), one Senior Administrative Assistant (GS-OL), two Protection Strategies Assistants (GS-OL), two Operations Assistants (GS-OL), five Field Operations Coordinators (GS-OL), two Field Operations Assistants (GS-OL), three Data Processing Assistants (GS-OL), two Investigation Assistants (GS-OL) and three Administrative Assistants (GS-OL).

353. Ten positions in POS - one Field Operations Officer (P-3), one Associate Victims Expert (P-2), one Assistant Analyst (P-1), two Protection Strategies Assistants (GS-OL), three Data Processing Assistants (GS-OL), and two Administrative Assistants (GS-OL) - have been requested for conversion

*General temporary assistance*

*€4,746.7 thousand*

354. The GTA provision requested to support the additional resources and increased activity of the Office for 2017 is 51 GTA positions. The new positions are exclusively linked to the resources requested in the Georgia Contingency Fund.

355. The GTA resources requested for Programme 2300 in 2017 are shown in detail below:

1. One Forensic Officer (P-4), 6 months (0.5 FTE). new;
2. One Forensic Officer (P-3), 12 months (1.0 FTE). New;

<sup>53</sup> Official Records ... Fourteenth session ... 2015 (ICC-ASP/14/20), vol II, part A, para. 219.

3. One *Forensic Officer (Digital Imaging) (P-3)*, 12 months (1.0 FTE). *New*;
4. One *Associate Protection Strategies Officer (P-2)*, 12 months (1.0 FTE). *Continued*;
5. One *Associate Protection Strategies Officer (P-2)*, 12 months (1.0 FTE). *New*;
6. Two *Protection Strategies Assistants (GS-OL)*, 24 months (2.0 FTE). *Continued*;
7. One *Protection Strategies Assistant (GS-OL)*, 12 months (1.0 FTE). *New*;
8. Four *Field Operations Coordinators (GS-OL)*, 48 months (4.0 FTE). *Continued*;
9. One *Data Processing Assistants (GS-OL)*, 12 months (1.0 FTE). *Continued*;
10. One *Psycho-Social Expert (P-2)*, eight months (0.67 FTE). *Continued*;
11. One *Witness Management Assistant (GS-OL)*, 12 months (1.0 FTE). *Continued*;
12. One *Team Leader / Senior Investigator (P-4)*, 12 months (1.0 FTE). *Continued*;
13. Four *Investigators (P-3)*, 48 months (4.0 FTE). *Continued*;
14. Three *Investigators (P-3)*, 36 months (3.0 FTE). *New*;
15. Eight *Associate Investigators (P-2)*, 96 months (8.0 FTE). *Continued*;
16. Four *Situation-Specific Investigation Assistants (GS-OL)*, 48 months (4.0 FTE). *New*;
17. One *Information Management Assistant (GS-OL)*, 12 months (1.0 FTE). *Continued*;
18. Five *Analysts (P-3)*, 60 months (5.0 FTE). *Continued*;
19. One *Analyst (P-3)*, 12 months (1.0 FTE). *New*;
20. Three *Analysis Assistants (GS-OL)*, 36 months (3.0 FTE). *Continued*;
21. Four *Analysis Assistants (GS-OL)*, 48 months (4.0 FTE). *New*;
22. One *Planning and Control Officer (P-3)*, 12 months (1.0 FTE). *Continued*; and
23. One *Assistant Planning and Control Officer (P-1)*, 12 months (1.0 FTE). *Continued*.

**Non-staff resources****€1,889.6 thousand**

356. The requested amount has increased by €278.2 thousand (17.3 per cent) and is required for travel and general operating expenses.

*Travel**€1,409.6 thousand*

357. The requested amount has increased by €228.8 thousand (19.4 per cent) as a result of the impact of the new investigative strategy coupled with the worsened security conditions in many situation countries.

358. During 2016, in order to limit the financial impact on that budget, the Office had to reduce its travel budget to the level of the 2015 approved budget. In reality, the actual amount spent on missions relating to active investigations in 2015 had been greater than the 2015 approved budget. Therefore, the final 2016 Travel budget line did not properly reflect operational needs.

359. A similar pattern is emerging in 2016 in terms of travel costs. In addition, it must be remembered that investigative activities in the field are dependent on security conditions and opportunities that are often outside the control of the Office. Hence, although maximum effort is devoted to improving mission planning and minimizing the cost per mission, in the interest of the long-term effectiveness of operations there is a need to exploit any window of opportunity that can lead to advancements in the investigations that in turn improve the trial-readiness of cases (and bring about savings for the Court in terms of expeditiousness of proceedings).

360. The requested increase is required to support:

(a) An increase in the number of missions by investigators due to having all investigator positions filled for a full year, and a modest increase in the number of investigators;

(b) Forensic operations foreseen for each active investigation;

(c) An increase - resulting from the increase in investigative missions - in support missions by victims experts and staff responsible for operational assessment in order to determine the approach for the investigative strategy, so that staff, witnesses or other persons are not exposed to risk as a result of the way in which an investigation is carried out; and

(d) An increase in the cost of lodging due to limited available secure locations in the field, which pushes up prices in some situation countries in which teams operate.

361. The Office will continue to be as efficient as possible, adapting travel arrangements to maintain the most effective balance between flight and DSA costs, and prioritizing, to the extent possible, to adapt operations to the approved budget.

*General operating expenses*

*€480.0 thousand*

362. The requested amount has increased by €49.4 thousand (11.5 per cent).

363. This budget line is for costs necessarily incurred by witnesses attending interviews and costs relating to the Office's duty of care towards witnesses (including during the course of active investigations, trials and the remaining residual cases). These costs are not covered by VWS in the Registry, as they arise from the interaction between the OTP and witnesses (e.g. travel and accommodation for witness for an interview) and low-cost/low-impact security measures taken by the OTP in the light of the protocol between VWS and OTP.

364. Additionally, in order to absorb the increase in new witnesses due to the expanded investigative capacity, some expenditure is necessary for procuring, upgrading and enhancing the equipment used (such as telephones and panic buttons), which is provided, where appropriate, to persons towards whom the Office has a duty of care. Within the requested amount, €30.0 thousand has also been budgeted for the acquisition of satellite imagery. The demand for satellite imagery for evidentiary purposes is more frequent. For each active investigation, €5.0 thousand has been budgeted to acquire *before and after* images for an average of four crime scenes, as well as an additional two images for use in identifying mass graves and for operational purposes.

365. The Division made efficiency gains throughout 2015, amounting to approximately €264.0 thousand (1.66 per cent) in real terms. Examples of gains include approximately €34.0 thousand by adopting video-conferencing for recruitment, €25.0 thousand in outsourcing by creating internal audio enhancement capacity, and €33.0 thousand in missions as a result of better field management of witness contacts. During 2016, the Division anticipates achieving at least 1 per cent efficiency gains (estimated at €178.0 thousand). The continued use of Skype and GoTo Meetings software for recruitment purposes (estimated at €33.0 thousand), improved witness coordination reducing wasted missions (estimated at €33.0 thousand), use of specialized training (€28.0 thousand), e-learning (estimated at €36.0 thousand), 0.5 analytical FTE (P-2) not required through inter-Organ Synergies project (€48.0 thousand), and streamlining processes in addition to the topics mentioned above, have maintained these efficiency gains. The identification and implementation of the above efficiency gains will allow the Division to maintain the same level of activities with the same level of resources in the coming year.

366. While it is expected that these efficiency gains will continue throughout 2017 and be absorbed into regular practices (such as the saving of 0.5 analytical FTE), the Division remains alert to and reviews its activities in order to continuously identify additional areas for efficiency.

**Table 20: Sub-Programme 2300: Proposed budget for 2017**

2300 Investigation Division	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				8,669.7	2,063.5	23.8	10,733.2
General Service staff				1,687.2	686.7	40.7	2,373.9
<i>Subtotal staff</i>	<i>9,665.2</i>		<i>9,665.2</i>	<i>10,356.9</i>	<i>2,750.2</i>	<i>26.6</i>	<i>13,107.1</i>
General temporary assistance	4,873.8	497.3	5,371.1	5,905.5	-1,158.8	-19.6	4,746.7
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>4,873.8</i>	<i>497.3</i>	<i>5,371.1</i>	<i>5,905.5</i>	<i>-1,158.8</i>	<i>-19.6</i>	<i>4,746.7</i>
Travel	1,920.8	476.2	2,397.0	1,180.8	228.8	19.4	1,409.6
Hospitality							
Contractual services	34.2	12.3	46.5				
Training							
Consultants							
General operating expenses	550.6	38.1	588.7	430.6	49.4	11.5	480.0
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>2,505.6</i>	<i>526.6</i>	<i>3,032.2</i>	<i>1,611.4</i>	<i>278.2</i>	<i>17.3</i>	<i>1,889.6</i>
<b>Total</b>	<b>17,044.6</b>	<b>1,023.9</b>	<b>18,068.5</b>	<b>17,873.8</b>	<b>1,869.6</b>	<b>10.5</b>	<b>19,743.4</b>

**Table 21: Sub-Programme 2300: Proposed Staffing for 2017**

2300 Investigation Division	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total	Total
													GS-staff	staff
<b>Established Posts</b>														
Existing	-	-	-	1	4	13	30	33	-	81	-	28	28	109
New	-	-	-	-	-	-	10	8	1	19	-	11	11	30
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>40</b>	<b>41</b>	<b>1</b>	<b>100</b>	<b>-</b>	<b>39</b>	<b>39</b>	<b>139</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	1.00	20.00	17.67	2.00	40.67	3.00	20.00	23.00	63.67
New	-	-	-	-	-	0.50	6.00	1.00	-	7.50	-	9.00	9.00	16.50
Converted	-	-	-	-	-	-	10.00	8.00	1.00	19.00	-	11.00	11.00	30.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.50</b>	<b>6.00</b>	<b>10.67</b>	<b>1.00</b>	<b>29.17</b>	<b>3.00</b>	<b>18.00</b>	<b>21.00</b>	<b>50.17</b>



#### 4. Programme 2400: Prosecution Division

##### Introduction

367. The Prosecution Division (PD) is central to the core mandate of the Court, namely the conduct of fair, effective and expeditious prosecutions in accordance with the Rome Statute. The Prosecution Division comprises the Prosecution and Appeals Sections. Under the overall management of its Director, PD is responsible for giving legal guidance to investigators; litigating cases before the Chambers of all three Judicial Divisions; preparing all written submissions in briefs and other filings to the Chambers; and participating in investigative and case-preparation activities in the Integrated Teams. Senior Trial Lawyers from the Prosecution Section are also entrusted with the task of leading the Integrated Teams, providing overall guidance on the investigation of cases, as well as leading trial teams before the Chambers of the Court. PD recruits, trains and monitors the performance of trial lawyers, appeals counsels, legal officers, case managers and trial support assistants.

368. The Appeals Section, led by the Senior Appeals Counsel, litigates all interlocutory and final appeals before the Appeals Chamber; prepares all applications for leave to appeal and responses to such applications filed by the defence and other parties before the Trial Chambers; drafts key trial filings, in particular those involving significant and novel international criminal law and procedural law issues; and provides legal advice to teams in the Prosecution Section as well as to other Sections of the Office such as the Situation Analysis Section, JCCD and the IOP.

369. The Prosecution and Appeals Sections also organize extensive training and lectures for staff within the Prosecution and other Divisions on written advocacy, oral advocacy, international human rights law, international criminal law, and technical topics, for example the presentation of evidence in Court.

370. For 2017, it is expected that the Prosecutions Division will remain engaged in trial activities in *Ntaganda*, *Gbagbo and Blé Goudé* and *Ongwen*. In addition, charges are expected to be brought for confirmation in one or more cases currently under investigation. It is also expected that the Appeals Section will have to deal with final appeals filed in the CAR article 70 and *Bemba* cases. Lastly, PD teams will remain engaged in investigative activities in the Georgia, CIV II, CAR II and other situations under investigation.

371. PD will continue to explore creative means of successfully presenting its cases in Court, including further developing its use of new techniques and technologies in the courtroom, as also identified as a priority area in the OTP Strategic Plan 2016-2018.

372. PD will also ensure that it adequately uses the different possibilities of criminal attribution offered by articles 25 (individual criminal responsibility) and 28 (responsibility of commanders and other superiors) of the Statute. Consistent with existing policies, PD will strive to ensure that charges brought by its teams cover sexual and gender-based crimes and crimes against children, where such crimes have occurred in the situation under investigation, as well as the most representative forms of victimization in the situation. PD will be particularly attentive to forms of victimization that have been traditionally undercharged internationally or domestically.

373. The Division has created internal coordination mechanisms, including working groups, and is part of office-wide initiatives working on priority areas of the Office and the Court, such as advocacy training, efficiency improvements, information management and Integrated Teams. Lastly, the Division will continue to use and improve the system of internal evidence reviews, as well as reviews of critical instances of presentation of the case in court, in an effort to make continuous critical assessments of the quality of its work and ensure a high quality output.

374. In line with the OTP Strategic Plan 2016-2018, PD has set its objectives for 2017. These can be found in Annex V (e).

##### Budget resources

**€11,772.2 thousand**

375. The requested amount has increased by only €47.2 thousand (0.4 per cent) over the approved 2016 budget.

376. The activities of PD are characterized by, and dependent upon, the use of professionals specializing in the field of international criminal law. The majority of the Division budget is therefore concentrated in the Staff Resources line.

377. The Division requires additional non-staff resources to support its activities. Within the Office, most of these services are provided (and budgeted for) in sub-programmes 2110 and 2120. A specific allotment, however, is requested for Travel and is included in PD's budget.

378. PD has examined its current resources and allocated the positions in the teams where they are most needed. Staff members from cases that are not continuing in 2017 have been redeployed to new investigations, or to strengthen teams that were significantly understaffed in 2016. It is foreseen that 2017 will be a demanding year for the Prosecution Division, with three trials ongoing for a full year, two final appeals and six active investigations, which need full investigative pre-trial teams.

379. The present budget proposal for PD is very conservative, focusing only on the positions absolutely crucial to achieving the budget assumptions. Most of the teams will be smaller than recommended by the basic size, and no resources have been allocated for hibernated cases or any other activities. PD has put much effort into aligning the proposal with the concerns raised during previous budget meetings, while still reflecting the resources required to fulfil its mandate under the Rome Statute.

#### **Staff resources**

**€11,398.1 thousand**

380. The Division will comprise 106 staff members: 88 established posts and 18 GTA positions (17.8 FTE) in 2017. One P-5 established post has been redeployed to ID.

*Established posts: Professional and General Service*

*€ 9,411.3 thousand*

381. No additional established posts are requested apart from those included in the conversion list submitted to the Committee at its twenty-sixth session in April.

382. For budgetary purposes only, the Deputy Prosecutor (ASG) is allocated to the Prosecution Division. His role, however, is to act in full as the Deputy of the Prosecutor. In such capacity, the Deputy Prosecutor - under the direct supervision of the Prosecutor - oversees and coordinates the three Divisions: JCCD, ID, and PD. The Personal Assistant to the Deputy Prosecutor is also allocated to PD.

383. The Prosecution Division is led and managed by the Director, Prosecution Division (D-1), who oversees the effective deployment of resources, standardization of case preparations and filings. The Director, together with the Senior Appeals Counsel (P-5), reviews all filings and briefs before they are filed with the Court, to ensure they are legally consistent and persuasively written. The Director provides advice on cases to investigation and trial teams, often on issues arising on short notice. The Director is supported by one Case Managers Coordinator (P-2) and one Special Assistant (Prosecutions) (P-3) for the planning and coordination of the Division. Furthermore, the Director has one Personal Assistant (GS-OL) and two Administrative Assistants (GS-OL) who support the Division in the execution of all administrative matters, including the processing of travel claims and leave requests.

384. The Prosecution Division comprises the following Established posts: one Deputy Prosecutor (ASG), one Director of the Prosecution Division (D-1), eight Senior Trial Lawyers (P-5), one Senior Appeals Counsel (P-5), ten Trial Lawyers (P-4),<sup>54</sup> three Appeals Counsels (P-4), four Trial Lawyers (P-3), one Legal Officer (P-3), one Appeals Counsel (P-3), seven Associate Trial Lawyers (P-2), one Assistant Trial Lawyer (P-1), five Case Managers (P-1), five Trial Support Assistants (GS-OL), one Legal Assistant (GS-OL), two Administrative Assistants (GS-OL), and one Personal Assistant (GS-OL).

<sup>54</sup> The number includes one post (one Senior Investigator) which was laterally transferred from ID. The staff member is a lawyer and performs his duties within PD.

385. The Integrated Teams are responsible for the investigation and prosecution of cases before the Court. In the first six months of an investigation (start-up phase), the activities of the (small) prosecution component of the Integrated Team mainly focuses on the formulation of the case hypothesis. After the case hypothesis has been formulated, the investigation goes further into depth, with legal analysis of the evidence and ensuing drafting of an Application for a Warrant of Arrest. For this investigative pre-trial phase, a team of six lawyers, one Case Manager and one Trial Support Assistant (0.5 FTE), together with the Senior Trial Lawyer who leads the team, is required. The team will provide the legal and strategic guidance for the investigation, analyse evidence, develop the legal theory of the case, participate in investigative activities, including interviews under article 55(2) of the Rome Statute, prepare disclosure and draft relevant documents, including all filings, which may be necessary at the investigative stage. The Case Manager and Trial Support Assistant manage the evidence, information and filings, and support the lawyers in their tasks. The budget assumptions include six active investigations for 2017.

386. After the conclusion of an investigation, the case moves to the pre-trial confirmation and trial phase. The pre-trial confirmation phase concludes with a confirmation of charges which, in turn, initiates the trial phase. A team of eight Trial Lawyers, one Case Manager, one Legal Assistant and one Trial Support Assistant, led by a Senior Trial Lawyer, is required for each case that is in the pre-trial or trial phase. The lawyers, led by the Senior Trial Lawyer, will organize and prepare the case during the pre-trial and trial phases, including marshalling both inculpatory and exculpatory evidence, manage witnesses, provide guidance for additional investigations, manage disclosure, draft all filings and briefs for the Pre-Trial Chamber and the Trial Chamber, participate in hearings, and act at the confirmation hearing and at trial by examining and cross-examining witnesses and making submissions. The Case Manager and Trial Support Assistant will manage evidence, information and filings and will support the lawyers in their tasks. The budget assumptions include three cases at trial for 2017. When an application for a warrant of arrest is made and granted in one of the cases, the case can move from the investigative stage to the pre-trial stage.

387. The team compositions as described above are appropriate for most cases faced by the Court at this stage. However, variations in the investigations and prosecutions as a result of the complexity of the case and/or the number of suspects and accused can occur, including increasing teams for larger, more complex cases, and downsizing them for less complex cases.

388. The Appeals Section comprises the following established posts:<sup>55</sup> one Senior Appeals Counsel (P-5), who manages the Section and oversees all work carried out by the Section, two Appeals Counsels (P-4), one Legal Officer Appeals Counsel (P-4), one Appeals Counsel (P-3), one Associate Trial Lawyer (P-2) and one Case Manager (P-1). These posts are needed to address the work of the Section, which includes preparing all written filings and briefs on interlocutory and final appeals before the Appeals Chamber; arguing in all oral hearings in final appeals before the Appeals Chamber; conducting all litigation in the interlocutory and final appeals phases (including handling additional evidence and disclosure); preparing all applications for leave to appeal and responses to such applications filed by the defence and other parties before the Pre-Trial and Trial Chambers; and drafting and reviewing key trial filings, in particular those involving significant and novel international criminal law and procedural issues.

389. The Appeals Section plays a major role in providing legal research and advice - by written memos and oral advice - to all investigation and trial teams in the Prosecution Section, as well as to other Sections of the Office, such as the Situation Analysis Section, in relation to their preliminary examinations and reports, and to JCCD and IOP in relation to international criminal law issues.

390. The Appeals Section also conducts a variety of other litigation such as article 53(3) review proceedings, compensation proceedings, early release proceedings and reparations. In addition, the Appeals Section has been responsible for preparing and updating a

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<sup>55</sup> Three GTA positions complete the Appeals Section's team: two Appeals Counsels (P-3) and one Associate Appeals Counsel (P-2). See annex VI (c) for the details on all GTA positions in PD.

thorough case digest of all decisions and Judgments issued by the Chambers since the inception of the Court, available for use by all Divisions in the Office, and coordinates extensive legal and written and oral advocacy training and lectures throughout the year for all staff in the Division, which is also open to other Divisions.

*General temporary assistance*

*€1,986.8 thousand*

391. In order to allow the Prosecution to carry out the activities provided for in the budget assumptions effectively, eighteen (18) GTA resources are requested. The details of the positions are shown below:

1. Three *Trial Lawyers (P-4)*, 36 months (3.0 FTE). *Continued*;
2. One *Trial Lawyer (P-4)*, 12 months (1.0 FTE). *New*;
3. One *Trial Lawyer (P-3)*, 12 months (1.0 FTE). *Continued*;
4. One *Trial Lawyer (P-3)*, 12 months (1.0 FTE). *New*;
5. One *Special Assistant (Prosecutions) (P-3)*, 12 months (1.0 FTE). *Continued*;
6. Two *Associate Trial Lawyers (P-2)*, 24 months (2.0 FTE). *Continued*;
7. One *Associate Appeals Counsel (P-2)*, 10 months (0.8 FTE). *New*;
8. One *Case Managers Coordinator (P-2)*, 12 months (1.0 FTE). *Continued*;
9. Four *Assistant Trial Lawyers (P-1)*, 48 months (4.0 FTE). *Continued*;
10. One *Case Manager (P-1)*, 12 months (1.0 FTE). *Continued*;
11. One *Trial Support Assistant (GS-OL)*, 12 months (1.0 FTE). *Continued*; and
12. One *Personal Assistant to the Deputy Prosecutor (GS-PL)*, 12 months (1.0 FTE). *Continued*.

392. Reductions in comparison to the 2016 budget:

(a) The position of the Prosecutions Coordinator (P-5) has been redeployed to the Investigation Division, to support the revised structure of ID;

(b) PD has reduced the budget proposal by not requesting one Associate Trial Lawyer (P-2) included in the 2016 approved GTA list, in order to keep the increase in the budget to a minimum.

393. Additions in comparison to the 2016 budget:

(a) To support the ongoing new investigation in Georgia, the Prosecution Division needs to keep two additional Trial Lawyers (one P-4 and one P-3). This is a reduction from the 2016 Contingency Fund request, which included four positions in total for PD. These two other positions in the Integrated Teams will be filled by deploying current staff members from cases that are not expected to continue in 2017;

(b) The increase in the number of final appeals, including one multi-accused case and the increased role of the Appeals Section in legal advisory work and preparation of submissions and filings for pre-trial and trial teams leads to a significant increase in the work of the Appeals Section. Therefore, for 2017, one additional Associate Appeals Counsel (P-2 GTA) is requested. The Appeals Section will then have nine staff members; the basic size model envisions an Appeals Section consisting of 13 staff members.

**Non-staff resources**

**€374.1 thousand**

394. Within the Office, most of the non-staff resources needed to support the Division's activities are provided (and budgeted for) in sub-programmes 2110 and 2120. The non-staff costs of Travel, however, are included in the PD budget.

*Travel*

*€374.1 thousand*

395. The requested amount has increased by €85.7 thousand (29.7 per cent).

396. Prosecution staff regularly go on mission as part of the Integrated Teams to support ongoing investigations. The increased number of missions for investigations therefore also leads to increased travel by PD staff. Travel of PD staff is furthermore required in the pre-trial and trial phase of a case, including for the collection of article 68 declarations, witness preparation and to support witnesses who testify using a video link. A provision is furthermore made for the Deputy Prosecutor, Director of the Division and the Senior Appeals Counsel for missions in pursuit of their representative functions aimed at broadening understanding of, and cooperation for, the Office's activities.

**Table 22: Sub-Programme 2400: Proposed budget for 2017**

2400 Prosecution Division	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				5,448.9	3,442.2	63.2	8,891.1
General Service staff				531.8	-11.6	-2.2	520.2
<i>Subtotal staff</i>	<i>4,573.7</i>		<i>4,573.7</i>	<i>5,980.7</i>	<i>3,430.6</i>	<i>57.4</i>	<i>9,411.3</i>
General temporary assistance	4,215.9	577.8	4,793.7	5,455.9	-3,469.1	-63.6	1,986.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>4,215.9</i>	<i>577.8</i>	<i>4,793.7</i>	<i>5,455.9</i>	<i>-3,469.1</i>	<i>-63.6</i>	<i>1,986.8</i>
Travel	210.1	47.9	258.0	288.4	85.7	29.7	374.1
Hospitality							
Contractual services	17.3	15.9	33.2				
Training							
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>227.4</i>	<i>63.8</i>	<i>291.2</i>	<i>288.4</i>	<i>85.7</i>	<i>29.7</i>	<i>374.1</i>
<b>Total</b>	<b>9,017.0</b>	<b>641.6</b>	<b>9,658.6</b>	<b>11,725.0</b>	<b>47.2</b>	<b>0.4</b>	<b>11,772.2</b>

**Table 23: Sub-Programme 2400: Proposed Staffing for 2017**

2400 Prosecution Division	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	1	-	1	9	13	6	7	7	44	-	8	8	52
New	-	-	-	-	-	1	12	4	19	36	-	-	-	36
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>9</b>	<b>14</b>	<b>18</b>	<b>11</b>	<b>26</b>	<b>80</b>	<b>-</b>	<b>8</b>	<b>8</b>	<b>88</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	4.00	14.00	7.00	24.00	49.00	-	2.00	2.00	51.00
New	-	-	-	-	-	1.00	1.00	0.83	-	2.83	-	-	-	2.83
Converted	-	-	-	-	-	1.00	12.00	4.00	19.00	36.00	-	-	-	36.00
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.00</b>	<b>3.00</b>	<b>3.83</b>	<b>5.00</b>	<b>15.83</b>	<b>-</b>	<b>2.00</b>	<b>2.00</b>	<b>17.83</b>

## C. Major Programme III: Registry

### Introduction

397. The Registry is headed by the Registrar, the principal administrative officer of the Court, and is the organ responsible for the non-judicial aspects of the administration and servicing of the Court. This includes three key areas of responsibility and activity, organized along three Divisions: the Division of Management Services (DMS), the Division of Judicial Services (DJS) and the Division of External Operations (DEO).

398. Providing support to judicial proceedings is one of the central roles of the Registry. As a neutral service provider, the Registry supports judicial proceedings through, among other things, court management, support for and protection of victims and witnesses, facilitation of victims' participation in proceedings, court interpretation and translation services, and management of the detention facilities. The Registry's budgetary needs in these areas are directly driven by judicial and prosecutorial developments.

399. The Registry also provides administrative services for the three other organs of the Court, namely, the Presidency, Chambers and the Office of the Prosecutor, and all other major programmes, in areas such as human resources, budget, finance, procurement, facilities management, travel, transportation and information technology. The Registry's budgetary needs in these areas will depend on the needs of the three organs it services, noting, however, that the DMS is able to absorb more workload increases than others within the Registry.

400. The third main cluster of the Registry's responsibilities pertains to external relations, cooperation and field-related activities. This includes ensuring adequate judicial cooperation with States on a range of Court requests, concluding various cooperation agreements with States, such as those on the relocation of witnesses, providing the general public with information on judicial and other Court developments, and providing outreach activities in the communities affected by the crimes under the Court's jurisdiction. While the costs associated with these activities will also be driven by judicial developments, they will partially depend on external factors beyond the Court's control, including the level of State cooperation with the Court.

### Overview of Registry's budget requirements for 2017

401. The proposed 2017 budget for the Registry amounts to €79.60 million, which represents an increase of €6.84 million, or 9.4 per cent, compared to the 2016 approved budget of €72.75 million. Importantly, almost half of this growth is the result of in-built increases due to the application of the UN Common System (€0.8 million), as well as the reintegration of €2.6 million of the reductions in staffing costs made in 2016 as a result of the staggered implementation of the Registry's new structure. Accordingly, the real operational increase in the Registry, that is, the increase in resources required to fund the upsurge in the workload resulting from the 2017 judicial assumptions and the Court-wide strategic priorities, is approximately €3.4 million, representing an increase of 4.7 per cent when compared to the 2016 approved programme.

402. The Registry is required to provide necessary and crucial services and investments for the realization of the high-level Court-wide priorities, including support to increased field operations, and in particular an increase in investigations by the OTP from four and a half in 2016 to six in 2017 (€2.1 million); the additional support required in the light of the increased workload for proceedings in three trials in 2017 and other related support to judicial activities (€2.4 million); and key investments in information management and information security which, in turn, are indispensable for overall support to both investigations and judicial activities (€1.8 million).

403. At the same time, important reductions and savings have been identified throughout the organ for 2017, aimed at containing the overall increase. For example, most additional investments in field operations, including the establishment and maintenance of one new field office in Tbilisi, Georgia, and the maintenance of field presences and increased activities in Gulu, Uganda and in Western Côte d'Ivoire, have been offset by the reductions

achieved through the scaling down and eventual closure in 2017 of the Nairobi field office and other reductions in the field (€1.07 million). Similarly, reductions amounting to approximately €1.6 million have been achieved in legal aid mainly due to the resources required at the appeal phase of the proceedings in Bemba et al. (article 70) pending a final comprehensive review of the legal aid system. This was done taking into consideration the request of the Assembly and the recommendation of the Committee at their last sessions, respectively, to consider policy options on the level of legal aid to be provided by the Court to the accused in cases of offences against the administration of justice.<sup>56</sup>

**Table 24: Calculation of net increase based on approximate increases and reductions in Registry**

<b>Investments</b>	
Support to judicial proceedings	€2.4 million
Support to field operations, including increased OTP investigations	€2.1 million
Information management and information security investments	€1.8 million
Other investments	€0.3 million
<i>Subtotal</i>	<i>€6.6 million</i>
<b>Reductions</b>	
Legal Aid	€1.6 million
Field Office (Kenya)	€0.9 million
Field Office (Others)	€0.2 million
Other reductions	€0.5 million
<i>Subtotal</i>	<i>€3.2 million</i>
<b>Net Increase</b>	<b>€3.4 million</b>

404. The proposed budget also takes into account savings and efficiencies in a number of other areas. For the Registry, in particular, a model of only two courtrooms plus 60 additional days of hearings in a third courtroom is a much more cost-efficient option than a model with three full-time courtrooms. This is because in the present model, the Registry will have only two courtroom teams and will cope with additional 60 days of hearings, as opposed to having an additional full third courtroom team on board. The three-courtroom model would have led to an increase of approximately €1.9 million, whereas the adopted model has led to an increase of about €0.5 million, thus representing a reduction of €1.4 million. The adopted model itself is based on a number of cost-saving measures such as cross-training of court management staff (courtroom officers), using freelance court reporters for transcription rather than outsourcing, using GTA resources for interpretation, where possible, and temporary assistance for meetings only for very short-term assignments, covering the need for additional security through overtime rather than recruitment of new staff, and hiring witness assistants on call, per diem, rather than as staff.

405. It is also worth noting one of the major cost-saving measure resulting from the Registry's reorganization, relates to the travel budget for VWS. In the pre-reorganization structure, VWS Headquarters staff were frequently required to travel to the field to meet with victims and witnesses in order to conduct assessments of their readiness to testify, and to review and manage cases generally, because VWS field staff had no decision-making authority. Under the new structure, VWS staff in the field have increased responsibilities and the capacity to manage cases locally, which significantly reduces the need for VWS Headquarters staff to travel to the field. These structural changes in VWS have led to a reduction in travel requirements by approximately 40 per cent on a yearly basis. This has allowed VWS to maintain the same travel budget from 2015 (€1,086.1 thousand approved) in the 2016 budget (€1,086.1 thousand approved) and in fact has led to a small reduction in

<sup>56</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, Resolution ICC-ASP/14/Res.1, para. 14 and ICC-ASP/15/5, para 100.

VWS travel for 2017 (€1,076.9 thousand requested), despite a significant increase in the number of witnesses and associated workload over this three-year period.

406. Lastly, with regard to the restoration of staff resources in the Registry following the staggered implementation of its structure in the light of the budgetary reductions in its 2016 approved budget, it is crucial to emphasize once again that, in order to ensure the Registry's ability to support the level of activities estimated for 2017, including, in particular, its judicial and investigative activities, its approved structure must be fully implemented. The Registry has nevertheless taken a more conservative approach, and will continue the staggering to some degree into 2017 in order to reduce budgetary needs.

407. In the light of the continued recruitment expected to extend into 2017, the Registry is proposing a temporary increase in its vacancy rate from 10 to 12 per cent, which will result in a further staggering of recruitment in 2017 by approximately €0.9 million of the €3.8 million<sup>57</sup> that should, in principle, be restored in the Registry's staff costs. This will lead to a net increase of €2.6 million in 2017 in established posts. It is expected that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

408. The proposed increase in Registry is the direct result of the implementation in 2017 of the strategic Court-wide priorities agreed by the Coordination Council (CoCo), namely:

- (a) running and supporting proceedings in three trials;
- (b) conducting and supporting six active investigations;
- (c) ensuring the Registry's capacity to deliver Court-wide services; and,
- (d) investments in key Court-wide information management projects and security capacity.

*Enhancing judicial efficiency: Running and supporting proceedings in three trials*

409. With three cases expected to be at the trial hearing stage during 2017, the Registry will require increased staff and non-staff resources, such as court management, language and witness support and protection services for the trial and courtroom support teams to be able to perform effectively, and a maximum of three courtrooms to be fully functional and running simultaneously where required.

410. In close coordination with the Chambers, a hearing scheme was devised by the Registry, providing for a standing capacity of two courtroom teams with sufficient extra capacity to provide for temporary sequences of three courtroom teams, thereby ensuring maximum use of courtroom capacity against minimal increases in required resources. Accordingly, proceedings in three trials are envisaged to be mainly conducted in two of the three courtrooms, with only 60 days of full overlap in which the use of the third courtroom will be required. This means that support will be required for a total of 500 days of hearings, of which 440 days of simultaneous trial proceedings will take place in two courtrooms, with additional capacity to simultaneously run three courtrooms over 60 days.

411. The envisaged solution is based on the average maximum use of courtroom capacity of other international tribunals, in particular the ICTY, during the peak of their judicial activities.

412. To this effect, investments will be necessary for a sequential third courtroom team in the Registry, so as to save on the much higher costs that would otherwise have been incurred for a standing capacity of a third courtroom team. Having fully operational courtrooms in line with judicial needs will facilitate better planning, coordination and more expeditious proceedings, which in turn will result in savings for the institution. As explained before, the three-courtroom model would have led to an increase of approximately €1.9 million whereas the adopted model has led to an increase of about €0.5 million, thus representing a reduction of €1.4 million.

<sup>57</sup> The total amount of €3.8 million corresponds to €3.4 million for established posts and an additional reduction of €0.4 million in GTA resources in 2016.





419. In relation to the situation in Libya overall, despite the OTP's plans to operate mostly from outside Libya, some witness protection measures will need to be provided by the Registry.

*Ensuring the Registry's capacity to deliver crucial services in support of the Court's activities*

420. Last year, the staff costs component of the approved Registry budget for 2016 was reduced by approximately €3.8 million as a result of the proposed staggered approach to the implementation of the Registry structure. In its report on its twenty-fifth session, the Committee expressly noted that the reductions to the 2016 budget increase achieved by postponing staffing the Registry represented a delay in expenditure. As a result, the Committee anticipated that some of these costs would appear in the Court's 2017 budget.<sup>58</sup>

421. Owing to this reduction, the Registry was required to stagger the implementation of its new structure throughout the year. Such a slow build-up of its structure means that the Registry is operating below the necessary capacity to provide the services required by the Court, including, in particular, judicial and investigative activities.

422. Indeed, in a number of areas the exceptionally high vacancy rate across the Registry in 2016 has had a significant impact. There have been delays in the delivery of transcripts, and delays and/or postponements of missions to the field by the OTP, Defence, VPRS and OPCV, which has slowed down investigations and judicial proceedings. Furthermore, when missions have taken place, the Registry has not always been able to provide adequate support to those who rely on its services. Within the Registry itself, a number of measures aimed at organizational development in areas of working methods, communication, streamlining of activities/efficiencies have been put on hold. At the same time, the negative impact on staff welfare and morale in the Registry has been significant, as the Registry staff have been requested to undertake additional duties in order to cover the gaps created by vacant posts. As such, while the Registry has largely managed to cope throughout 2016, prolonging the staggered recruitment beyond the vacancy rate increase of 12 per cent proposed by the Registry would be unsustainable and highly detrimental to the operations of the Registry and the Court.

423. In order to ensure the Registry's ability to support the level of activities estimated for 2017, the organ's approved structure must be fully implemented. In this regard, the Registry first needs to consolidate its current structural requirements so as to further support the foreseen increased workload of the institution next year.

424. In principle, in order to achieve this, the Registry would require the full restoration of staffing resources under established posts that were staggered in 2016, as well as the restoration of resources for the workload posts in the field. However, the Registry has taken a conservative approach, continuing the staggering to some degree into 2017 in order to contain the budgetary increases. In this regard, in the light of the continued recruitment expected to extend into 2017, the Registry is proposing a temporary increase in its vacancy rate from 10 to 12 per cent so as to accurately reflect the recruitment realities in the Registry. This measure is aimed at containing the increase in the Registry's staff costs by further staggering recruitment in 2017 by approximately **€0.9 million** which will lead to a net increase of approximately **€2.6 million**. It is expected in this regard that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

*Investment in key Court-wide information management projects and security capacity*

425. In 2017, the planned investments for information technology and management have prioritized optimizing Court proceedings and ensuring operational security and witness protection. The preliminary examinations and investigations from 2017 onwards have a strong focus on gathering evidence that is primarily digital, which needs to be securely captured, analysed, disclosed and maintained as evidence. Consequently the tools and

<sup>58</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.III, para. 33.

systems used by the Court need to function effectively to protect both data and witnesses, from preliminary examinations through to appeals and reparations. While the Court has invested in the core infrastructure for network and communications, there has been very little investment in tools and systems to protect and manage data. Thus, the priorities for 2017 for information security, mobility and data storage are to provide the necessary tools and systems to address these gaps which could affect the Court's operations, the integrity of the data and the protection of witnesses.

426. Information security requires appropriate tools to provide up-to-date information on any suspicious activity directed towards the Court's systems or inside the network. Phase 2 of Threat Vulnerability and Detection will bolster the Court's ability not only to detect, but to quickly respond, contain and eliminate the threat. Currently the Court has been able to manage these threats. However, the activity is labour intensive and has disrupted the work of those impacted. As preliminary examinations extend to state and non-state actors with more sophisticated abilities to penetrate and disrupt, the Court must upgrade its ability to operate in the light of such threats. The Court recognizes that information security amounts to more than tools and systems. It also involves awareness and training for all Court staff, particularly those who are mobile and working in the field, on how to use systems appropriately to minimize the risk of data loss or unauthorised disclosure of data - both of which would not only impact operations but also compromise the safety of witnesses and tarnish the Court's reputation. The proposed improvements are the result of consultation with Court's organs and an assessment of the most cost-effective means to minimize the likelihood and impact of information security threats with a combination of new software, leveraging the expertise and services of external parties, where appropriate, and mobility and field work targeted staff training.

427. The increase in the Court's investigative activities and 500 days of court room activity will result in an exponentially increase the data volume. This is due to a number of factors: (i) the majority of evidence gathered from preliminary investigations will in future be in digital form, often in multi-media and high resolution formats; (ii) the increased importance of forensic and cyber investigative activities requires large volumes of storage (iii) the Statute requires that Court proceedings be recorded and publicly broadcast in both English and French. Maintaining this data requires sufficient storage. There are many ways to store data and the only means currently available to the Court are the most expensive. It has been possible to store historical data volumes within the budget. However, with the projected data volumes, the Court needs to implement a more sustainable and tiered storage, allowing for public and archival data to be maintained in a more cost-effective manner. This requires the purchase of hardware, software and consulting services in 2017 and will lead to efficiencies from 2018 onwards for DJS.

**Table 25: Major Programme III: Proposed budget for 2017**

Major Programme III Registry	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				24,405.7	3,120.6	12.8	27,526.3
General Service staff				17,663.6	354.1	2.0	18,017.7
<i>Subtotal staff</i>	<i>37,291.3</i>		<i>37,291.3</i>	<i>42,069.3</i>	<i>3,474.7</i>	<i>8.3</i>	<i>45,544.0</i>
General temporary assistance	5,829.1	120.5	5,949.6	2,023.9	2,018.4	99.7	4,042.3
Temporary assistance for meetings	601.3		601.3	1,016.5	371.1	36.5	1,387.6
Overtime	450.4		450.4	374.9	17.4	4.6	392.3
<i>Subtotal other staff</i>	<i>6,880.8</i>	<i>120.5</i>	<i>7,001.3</i>	<i>3,415.3</i>	<i>2,406.9</i>	<i>70.5</i>	<i>5,822.2</i>
Travel	2,160.7	186.8	2,347.5	1,964.6	281.9	14.3	2,246.5
Hospitality	6.9		6.9	4.0			4.0
Contractual services	1,738.2	235.8	1,974.0	2,466.4	-51.0	-2.1	2,415.4
Training	377.2		377.2	367.2	131.2	35.7	498.4
Consultants	383.5	5.0	388.5	209.5	224.8	107.3	434.3
Counsel for Defence	3,030.2	1,847.3	4,877.5	4,521.4	-851.7	-18.8	3,669.7
Counsel for Victims	1,233.6		1,233.6	1,963.2	-760.4	-38.7	1,202.8
General operating expenses	10,020.0	210.6	10,230.6	14,171.2	835.8	5.9	15,007.0
Supplies and materials	684.9	71.0	755.9	740.1	171.5	23.2	911.6
Furniture and equipment	1,149.2	354.7	1,503.9	867.0	980.1	113.0	1,847.1
<i>Subtotal non-staff</i>	<i>20,784.4</i>	<i>2,911.2</i>	<i>23,695.6</i>	<i>27,274.6</i>	<i>962.2</i>	<i>3.5</i>	<i>28,236.8</i>
<b>Total</b>	<b>64,956.5</b>	<b>3,031.7</b>	<b>67,988.2</b>	<b>72,759.2</b>	<b>6,843.8</b>	<b>9.4</b>	<b>79,603.0</b>

**Table 26: Major Programme III: Proposed Staffing for 2017**

III Registry	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	1	-	3	20	43	84	88	5	244	15	310	325	569
New	-	-	-	-	2	-	1	1	-	4	-	1	1	5
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>22</b>	<b>43</b>	<b>85</b>	<b>89</b>	<b>5</b>	<b>248</b>	<b>15</b>	<b>311</b>	<b>326</b>	<b>574</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	5.00	5.00	-	10.00	1.67	17.43	19.10	29.10
New	-	-	-	-	-	1.00	3.33	4.00	4.00	12.33	0.03	8.04	8.07	20.40
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>8.33</b>	<b>9.00</b>	<b>4.00</b>	<b>22.33</b>	<b>1.70</b>	<b>25.47</b>	<b>27.17</b>	<b>49.51</b>

## 1. Programme 3100: Office of the Registrar

### Introduction

428. The Office of the Registrar (“OTR”) encompasses both the Immediate Office of the Registrar (“IOR”) and the Legal Office (LO). IOR directly supports the Registrar in providing strategic leadership, coordination and guidance to all Registry Divisions, Sections and Offices, as well as in the management and supervision of the Registry. In addition, IOR facilitates the flow of information to and from the Registry Divisions and ensures proper high-level coordination with the other organs of the Court, as well as with external stakeholders. IOR supports the Registrar in the performance of his executive functions and coordinates the remaining executive functions which have been delegated to the Directors of the Registry Divisions.

429. The Legal Office is responsible for the performance of the legal functions arising from the duties assigned to the Registrar under the Court’s legal framework. The LO ensures the quality and consistency of legal and policy approaches throughout the Registry in a range of subject matters, including human resources, finance, procurement and the coordination of all the Registry’s legal submissions in judicial proceedings. In addition, the LO negotiates and prepares agreements and arrangements between the Court and third parties and, as appropriate, provides advice on the interpretation of the Headquarters Agreement in addition to other agreements. The LO represents the Court in litigation, both internally and externally, and acts as an interlocutor between the Court and States with respect to privileges and immunities.

### Operating environment

430. The OTR will ensure that the Registry as a whole is able to successfully perform the increased administrative and operational tasks demanded of it in 2017. Implementing and monitoring the staggered recruitment of vacant posts within the Registry has organ-wide implications. The level and type of support required from the Registry in relation to the different judicial activities necessitates that the Registrar not only provide oversight with respect to foreseen activities, but is also able to react and reprioritize activities should developments in situations and cases so require. Prosecutorial and judicial decisions with regard to ongoing investigations and cases, whether in the pre-trial, trial, appeals or reparations phases, mean that the operational direction and allocation of resources, both at Headquarters and in the field, will need to be constantly monitored to ensure optimal service delivery and consistent implementation of the legal position of the Registry.

431. The implementation of the new structure in the field, and the opening and closing of field offices, requires sustained attention from both the Registrar and his legal advisors to ensure that the strategic and legal premises for the Registry’s engagement in these countries are sound. Administrative modalities continue to be developed to allow for efficient financial and human resource management in the field that is able to adapt to changes in the operating environment, while adhering to the regulatory framework governing the functioning of the Court. Security, both physical and information-related, needs to be ensured in the face of emerging threats as the Court expands its operations into new areas.

### Priorities

#### *Organizational development*

432. Since 2015, each Registry Section has set out its own organizational development plans, divided into short, medium- and long-term development goals. The organizational development plans will provide the framework for further development and strengthening of the Registry during the course of 2017. They allow the Registry’s management to ensure that set targets are met and that all Registry Divisions and Sections work in step towards compatible goals. The organizational development plans cover the following main areas: working methods of the Registry; delegation of authority and establishment of an accountability framework; performance management; and staff performance and morale.

*Strengthening strategic leadership through the Registry Management Team*

433. The Registry Management Team (RMT) oversees and drives the executive management of the Registry. The RMT is the Registry's highest-level forum to advise and assist the Registrar on the strategic decisions, policy and major operational challenges the Court might face in 2017 due to an increase in the number of cases. The RMT is composed of the Registrar, the three Directors, the Legal Counsel, and the Chief of Staff of the Registrar's Immediate Office. The roles of the Registrar's Immediate Office and Director's offices focus mostly on strategic guidance and leadership. Following the completion of the staggered recruitment, all the posts required for the efficient functioning of the RMT have been filled in 2016. The RMT will be able to ensure that the goals set for 2017, especially in relation to priority activities, are met and that appropriate action is taken where necessary.

*Strategic and policy development*

434. The OTR will be at the forefront in guiding the development of clear, consistent and transparent strategies and policies, both within the Registry and, as appropriate, Court-wide. The current Strategic Plan of the Court extends only until the end of 2017, and work must be undertaken next year to prepare an appropriate strategic framework for years to come. A number of existing policy gaps have been identified, especially with respect to human resources and the legal function that will be covered during the course of 2017. In relation to the former, performance management of staff is an area to which time and resources will be devoted in order to ensure that staff members, and the organization as a whole, deliver at the expected level and that individual staff receive feedback on their performance to ensure maximum performance of the Registry as a whole and optimal staff morale. Crisis management is another area in which the Registry, and the Court as a whole, needs to focus in order to be prepared for any contingencies that may arise either at Headquarters or in the field.

*Greater coordination of Registry legal functions*

435. The LO has been structured to be directly responsible for all judicial filings submitted to the Chambers by the Registry. The aim is to increase the quality of Registry filings and to improve communication between the Chambers and the LO. The OTR aims to further strengthen the functions of the LO, so as to prevent inconsistencies in legal advice. In 2017, the Registry Legal Network, involving all Registry staff working on legal issues in the different sections, will be fully functional and thus ensure greater cooperation, consistency and timely provision of filings and other legal information provided to the Chambers.

**Budget resources****€1,834.3 thousand**

436. There has been an overall proposed increase of €434.7 thousand (31.1 per cent), mainly as the result of an increase in staff resources of €396.7 thousand, plus a modest increase in non-staff resources of €38.0 thousand for travel. Of the total proposed increase, €273.9 thousand results from partial reintegration of reductions made in 2016 in staff resources to stagger the implementation of the Registry's new staff structure, as well as the application of the UN Common System. Accordingly, the actual operational increase in OTR is €160.8 thousand (11.5 per cent).

*Staff resources**€1,740.2 thousand*

437. The increase of €396.7 thousand corresponds to the request for one additional GTA position amounting to €122.0 thousand, and an increase of € 273.9 thousand resulting from in-built costs associated with the application of the UN Common System and the partial reintegration of cuts in staff resources made in 2016 as a result of the staggered implementation of the new Registry.

*Established posts: Professional and General Service* €1,617.4 thousand

438. No new established posts are requested. The proposed amount for established posts has increased by €273.9 (20.4 per cent) as compared to the 2016 approved budget. As outlined above, these increases are due to the implementation of the previously approved Registry structure and the associated costs of the UN Common System. In the light of the proposed temporary rise in the Registry's vacancy rate in 2017, staff resources in established posts have increased by €273.9 thousand instead of the €310.7 thousand that would be required for the full costing of the OTR approved staffing structure, which is already fully in place.

*General temporary assistance* €122.8 thousand

439. The overall increase of €122.8 thousand in general temporary assistance in the OTR is entirely related to additional requirements in the LO, linked to the increase in the Office's workload in relation to judicial matters.

440. *One Legal Officer (P-3). 12 months. New.* Considering the substantial increase in workload of the LO in the light of the forecast level of judicial proceedings, the position is required to provide additional support to the Office in ensuring the quality, uniformity and consistency of legal positions within Registry in relation to judicial matters. The LO's responsibilities within the Registry are pivotal in this regard, considering the number of different sections within the organ which are required to present legal and technical observations to the Chambers in relation to ongoing judicial matters in the proceedings.

*Non-staff resources* €94.1 thousand

441. The overall increase in non-staff resources amounts to €38.0 thousand (67.7 per cent) and corresponds mainly to an increase in travel requirements in the LO and the IOR. The proposed increase of €5.0 thousand for consultants in the LO has been fully offset by a reduction of the same amount in contractual services.

*Travel* €78.7 thousand

442. The proposed resources for travel in OTR have increased by €38.0 thousand (93.4 per cent) and relate to increases in both the IOR and the LO.

443. In the IOR, the proposed increase of €15.3 thousand is required for travel to New York to attend the sixteenth session of the Assembly of State Parties ("the Assembly"). In addition, resources continue to be required by the Registrar, or his representative, to travel for the purpose of increasing support and cooperation at the highest levels among States Parties and key external partners such as the United Nations, other IGOs, and NGOs. The Registrar's presence is also required in the field on particular occasions, for the purpose of strengthening the relationship with the situation countries and local authorities in order to ensure their smooth cooperation with the Court.

444. The proposed increase of €22.7 thousand in the LO is required for the travel expenses of the Legal Counsel, or staff members within the Registry Legal Network, in the light of the anticipated certifications of prior recorded testimony pursuant to rule 68 of the Rules of Procedure and Evidence expected in relation to *Gbagbo and Blé Goudé, Ntaganda and Ongwen*.

*Hospitality* €4.0 thousand

445. The requested amount remains unchanged from the approved 2016 budget. The Registry has limited hospitality with the aim of increasing support and cooperation among States Parties and key external partners.

*Contractual services* €0.0 thousand

446. The €5.0 thousand approved in 2016 for contractual services in the LO has been moved to consultants to better reflect the nature of these proposed expenditures.

*Training*

€6.4 thousand

447. The proposed amount remains unchanged from the approved 2016 budget and continues to be required to cover specialized training needs specific to the staff of the LO. In the light of its complex mandate, the staff and workload of the Office will increase considerably and working methods are changing. It is therefore imperative that investments be made in training both on substance and skills.

*Consultants*

€5.0 thousand

448. The proposed amount, which was previously under contractual services, remains unchanged and is required in the LO to cover consultancy and specific legal expertise needed at Headquarters and in the field, particularly concerning matters involving domestic legislation and jurisdictions. Securing timely, sound and accurate legal advice and assistance on such issues is essential in order to manage the Court's legal risk and defend its position in legal proceedings.

**Table 27: Programme 3100: Proposed budget for 2017**

3100 Office of the Registrar	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				1,199.3	274.7	22.9	1,474.0
General Service staff				144.2	-0.8	-0.6	143.4
<i>Subtotal staff</i>	<i>1,523.9</i>		<i>1,523.9</i>	<i>1,343.5</i>	<i>273.9</i>	<i>20.4</i>	<i>1,617.4</i>
General temporary assistance	678.6		678.6		122.8		122.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>678.6</i>		<i>678.6</i>		<i>122.8</i>		<i>122.8</i>
Travel	74.3		74.3	40.7	38.0	93.4	78.7
Hospitality	5.9		5.9	4.0			4.0
Contractual services	15.0		15.0	5.0	-5.0	-100.0	
Training	122.7		122.7	6.4			6.4
Consultants	2.4		2.4		5.0		5.0
General operating expenses	-0.6		-0.6				
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>219.7</i>		<i>219.7</i>	<i>56.1</i>	<i>38.0</i>	<i>67.7</i>	<i>94.1</i>
<b>Total</b>	<b>2,422.2</b>		<b>2,422.2</b>	<b>1,399.6</b>	<b>434.7</b>	<b>31.1</b>	<b>1,834.3</b>

**Table 28: Programme 3100: Proposed Staffing for 2017**

3100 Office of the Registrar	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	1	-	-	2	2	5	2	-	12	1	1	2	14
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>-</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>14</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>



## 2. Programme 3200: Division of Management Services

### Introduction

449. The Division of Management Services (DMS) provides administrative and management services in support of the operations of the Court as a whole. DMS consists of the Office of the Director (OD-DMS) (including the Occupational Health Unit and the Enterprise Resource Planning System Team, “SAP Team”), the Human Resources Section (HRS), the Budget Section (BS), the Finance Section (FS), the General Services Section (GSS) and the Security and Safety Section (SSS).

450. The OD-DMS is tasked with a number of critical executive functions which include overseeing strategic resource planning for the efficient allocation of resources for the Court; coordinating risk management initiatives Court-wide; and coordinating and overseeing internal and external audit compliance. The Office undertook additional activities in 2016 on risk management and the follow-up of internal audit recommendations in line with the re-establishment of the Audit Committee and this work is expected to continue in 2017.

451. In practice, the work of the Division translates into management services; staff-related issues; budgetary and financial issues; infrastructure; compliance; security; transport and logistics; as well as travel and procurement services. With regard to staff-related issues, the Division is in charge of policy development for the entire Court, staff development and the provision of recruitment and performance management services. In terms of infrastructure, DMS is responsible for managing the Court’s premises, including customer services; soft services such as catering, cleaning, running costs and utilities; and hard services such as buildings maintenance, major repairs and replacements. Moreover, DMS participates in the discussions with the Oversight Committee on the governance structure for the permanent premises and plays an important role in determining the correct level of maintenance and capital expenditures in Major Programme V. These services will be tendered in the course of 2017. The Division also provides round-the-clock security and safety services for the Court as a whole.

452. The Division coordinates the preparation of relevant reports and communications to oversight and external bodies such as the Assembly, the Hague Working Group, the Committee on Budget and Finance (“the Committee”), the Oversight Committee and the Audit Committee. DMS coordinates the preparation of the Court’s annual programme budget; produces financial statements for the Court and for the Trust Fund for Victims (TFV); manages, monitors and reports on all the Court’s funds in accordance with the requirements of the Assembly and of donors; manages the Court’s liquid funds; and develops strategies to meet the Court’s financial obligations. In addition, DMS is responsible for managing Court-wide special projects (including those related to SAP).

### Operating environment

453. The Division’s new structure has made it largely fit-for-purpose and will allow it to effectively cope within its planned capacity with most of the administrative operational increases expected in 2017. That said, as throughout the Registry, one notable difference in the operating environment in 2017 compared to 2016 is the vacancy rate. In 2016, recruitment for a great number of vacant posts was staggered in order to reduce increases in the 2016 budget. This will also have an impact in 2017 when, in the light of the increase in the Registry’s vacancy rate from 10 to 12 per cent, a number of recruitment processes will continue to be staggered during the first half of the year. This will have an effect on the requested staff costs but also on the work of the Division as the Sections most heavily involved in the build-up of the Registry structure are within DMS, in HRS, in relation to recruitment processes and the BS in terms of budgetary monitoring. The Registry is expected to have its full complement of established posts, within the standard 10 per cent vacancy rate, by July 2017.

### **Strategic priorities in 2017 and link to the 2017 proposed programme budget**

454. The overarching objective of DMS is to continue to provide the necessary administrative services, including financial transactions and procurement services as well as ensuring compliance both in headquarters and in the field; and support the adequate management of the Court's staff, budgetary, financial and infrastructural resources. To this end, in 2017 DMS will focus on solutions and investments to enhance its support and improve its services in the following priority areas and will continue coordinating and preparing relevant documentation for oversight and external bodies.

#### *Improved SAP capability*

455. The Court's SAP capability needs to be improved in order to allow the current workforce to deal more efficiently with the increasing workload. In practice, this will mean, among other things, aligning administrative business processes, improving compliance and internal controls and minimizing risks by lowering the number of exceptions, errors and "work-arounds" in the administration. In addition, the expected benefits will be the introduction of automation and a reduced use of paper, and DMS will be supported in delivering against a growing demand for services, limiting the impact on human resources requirements in the future.

456. In 2017, the SAP Team will focus, among other things, on the changes necessary for the implementation of the new ICSC compensation package in compliance with the UN Common System; the HR Renewal project aimed at reducing processing time and improving data quality by replacing paper forms with electronic forms; positioning budget and control with a view to ensuring a more efficient payroll posting process and improved transparency and control of staff costs; and, business planning and consolidation in order to ensure a more efficient budget preparation process and improved planning and forecasting.

#### *Staff-related: HR policies, training and performance management*

457. In 2017, the Division will focus on improving the Court-wide human resources performance management system. Emphasis will be placed by the new HR Organisational Development Unit on developing strategies and programmes to ensure maximum return on investment in human resources, including performance management (policy, compliance, guidance, support to managers), staff training (prioritizing, organizing and coordinating training), and managerial development.

458. Furthermore, DMS will focus on devising and providing non-technical training initiatives for the benefit of staff throughout the Court. By centralizing resources and strategies for such training programmes within HRS, the Division will ensure better Court-wide coordination and achieve further synergies. While most of the training at the Court is performed through in-house resources, external expertise will be required in specialized areas where no such internal expertise is available.

#### *Transition to the new UN Common System compensation scheme*

459. In the course of 2017, the Court will transition to the new UN Common System compensation scheme. The new system has been designed to generate savings over the long run. It is, however, not yet clear how the changes will effectively impact on the Court's staffing costs in particular during the initial transition. Significant work needs to be undertaken within the Division in this regard so as to ensure a smooth, effective and transparent transition to the new system, ensuring that all internal policies are fully and comprehensively aligned with the new system, that short- and long-term budgetary implications are adequately estimated and managed by developing the Court's in-house SAP capabilities accordingly, and that staff are provided with sufficient timely information on changes to their entitlements and compensation.

*Vehicle replacement in Field Offices*

460. Most of the Court's vehicles in the field are between 8 and 13 years old and will need to be replaced gradually in the coming years, with the first replacement proposed in 2017. This is necessary in order to ensure the safety and effectiveness of field operations, as well as to provide a duty of care to the Court staff and avoid any liability for the institution in this regard.

**Budget resources** **€19,350.5 thousand**

461. The requested resources have increased, for the entire Division, by €1,095.3 thousand (6.0 per cent) from €18,255.2 thousand approved for 2016 to the proposed level of €19,350.5 thousand for 2017.

462. However, of this increase, €331.8 thousand is an in-built increase in staff costs stemming directly from full implementation of the Registry structure that was already approved for 2016 and from the associated costs of the UN Common System. When these costs are disregarded, the real operational increase for the Division in 2017 is €851.8 thousand (4.2 percent).

463. This operational increase of €763.5 thousand is largely due to the requested new GTA positions dealing with SAP, financial control and building maintenance (2.5 FTE in total), increased overtime for security staff to support a greater volume of courtroom activity, enhancement of SAP-related projects, including in relation to implementation of the new UN compensation scheme, necessary non-technical training for Court-wide needs for which resources are centralized within the Division, and recommended replacement of vehicles. These requested increases have been partially offset by proposed decreases in general operating expenses and travel, as detailed below.

*Staff resources* *13,722.9 thousand*

464. No new established posts are requested in 2017. The requested staff costs have increased by €647.1 thousand compared to 2016 of which, as outlined above, €331.8 thousand represents an increase due to the implementation of the previously approved Registry structure and the associated costs of the UN Common System.

465. Therefore, the real operational increase in staff resources amounts to €315.3 thousand and is exclusively linked to GTA and overtime expenses, as detailed below.

*Established posts: Professional and General Service* *€12,734.1 thousand*

466. No new established posts are requested in the Division, either in the Professional or General Service category. Staffing levels for established posts are thus unchanged compared to 2016. In the light of the proposed temporary rise in the Registry's vacancy rate in 2017, staff resources in established posts have increased by €331.8 thousand instead of the €621.3 thousand required for the full implementation of the Division's structure.

*General temporary assistance* *€631.5 thousand*

467. Requested resources for general temporary assistance have increased, compared to the DMS approved budget for 2016, by €277.9 thousand. This is because while GTA resources in SSS (7.0 FTE) and GSS (1.0 FTE) approved for 2016 continue to be required in 2017, two additional GTA positions are requested - one for enhancing the Court's SAP capability (1.0 FTE) and one mainly for strengthening the accounting and internal control functions including IPSAS compliance (1.0 FTE).

468. *Seven Security Officers/Senior Security Officers (GS-OL), 12 months. Continued.* These positions continue to be required in SSS to guarantee security support for active judicial proceedings in two courtrooms. They were approved for the 2016 budget and continue to be needed in 2017. The security operations to support judicial proceedings in a third courtroom for 60 days will be covered largely through overtime, as detailed below.

469. *One Handyman, (GS-OL), one year, extended and increased from 6 to 12 months. Continued.* This position continues to be required for the full year in GSS for preventative and corrective maintenance in the building and to continue transitioning into the new premises, serving approximately 1,000 clients in a building of 56,000 square metres. The position will ensure that proper maintenance is delivered in an efficient way and will be discontinued in 2018, by which time it is anticipated that a general maintenance contractor will assume these tasks.

470. *One Associate ERP Systems Officer (P-2), 12 months. New.* This position is requested in OD-DMS in order to automate and streamline business processes where possible, develop project plans, coordinate with the relevant sections across the Court and assist in the review of such processes, determination of requirements and implementation of SAP solutions. The Associate ERP Systems Officer will implement open audit and ReVision recommendations, address compliance issues, enhance relevant systems, and assist with SAP implementation of the new UN compensation package. Other international public sector organizations with a similar SAP application use, complexity and number of users as the Court have on average a ratio of 1.0 FTE per 100 users. However, at the Court, that ratio is currently 0.6 FTE per 100 users, and thus below industry standards. The requested new GTA position is aimed at partly rectifying the situation.

471. *One Associate Accounts Officer (P-2), 12 months. New.* One GTA position is requested at the P-2 level in the Accounts and Treasury Unit of the Division's Finance Section to strengthen the accounting function and internal financial control, as well as to ensure compliance with IPSAS. The need for this position is clearly supported by the External Audit report, which recommends that "in order to ensure effective and efficient internal control, the ICC complete the full deployment of the information system to prepare financial statements according to IPSAS and ensure the stability and reinforcement of the accounting function".<sup>59</sup> The External Auditor has also recognised in its report the added responsibilities resulting from the complexity of IPSAS, the fact that IPSAS require more highly technical resources and the constant growth in activity in recent years, which has had the effect of proportionally increasing volumes of accounting transactions to be processed. Approval of this GTA position is thus crucial as it would ensure the Court's compliance with its statutory financial reporting requirements, IPSAS standards, and the timely delivery of financial statements.

*Overtime*

*€357.3 thousand*

472. The requested amount represents an increase of €37.4 thousand (11.7 per cent).

473. The small increase in the overtime budget is solely required for SSS to cover the additional 60 days of hearings in a third courtroom. As these additional hearing days are spread out over the year in regular intervals, rather than within one single time period, it is not economical to hire additional temporary staff. Instead, covering these additional hearing days through overtime on the part of the existing security staff is the most cost-efficient option.

474. The General Services, Finance and Budget Sections of the Division present no proposed increases in their respective overtime budgets. Other Sections in the Division have no overtime requirements foreseen for 2017.

*Non-staff resources*

*€5,627.6 thousand*

475. The requested amount represents an increase of €448.2 thousand (8.7 per cent) for DMS, compared to its 2016 approved budget. As detailed below, requested increases include vehicle replacement, contractual services and Court-wide training needs. These increases have been partially reduced by proposed decreases in general operating expenses and travel.

<sup>59</sup> Recommendation no 6.

*Travel**€170.1 thousand*

476. The Division's travel has been reduced by €34.4 thousand (16.8 percent compared) to 2016.

477. Proposed reductions have been most significant in SSS (€56.8 thousand 35.5 per cent). This has been made possible by reducing the number of security liaison and support missions for the Court's elected officials, including through reduced demand for such support by the Presidency, as well as by reducing the number of staff involved in compliance verification and policy assurance missions from two to one.

478. On the other hand, a proposed increase in GSS travel of €12.1 thousand is necessary for travel to the field offices in order to determine the standards and requirements regarding facilities, vehicle fleet and asset management.

479. Other DMS Sections present minor increases in their travel budgets amounting in total to €10.3 thousand, mostly connected to participation in the sixteenth session of the Assembly in New York (OD-DMS and Budget), and the need for HRS to participate in network meetings to ensure the Court's alignment with the UN Common System, as well as for the Finance Section to attend the UN Task Force on Accounting Standards/IPSAS meeting.

*Contractual services**€643.5 thousand*

480. The amount requested for contractual services has increased by €198.9 thousand (44.7 per cent) compared to 2016.

481. This is largely due to the proposed strengthening of SAP projects in OD-DMS related to the new UN compensation scheme and HR Renewal which will introduce employee self-service. The requested increase is also the result of the need to undertake a thorough analysis and market review of the Court's Electronic Performance Appraisal System. While these are Court-wide needs and services, the required resources are centralized in DMS (€218.0 thousand). Improvements to these systems are necessary in order for the Court to work more efficiently with current staff numbers. Contractual services are required in addition to the newly request *Associate ERP Systems Officer (P-2)* in OD-DMS for the HR Renewal project. While the position will provide support to the SAP Team in the implementation of change requests and new efficiency and compliance initiatives, this large project requires a combination of different expertise for which additional resources are needed.

482. On the other hand, there is a proposed decrease for contractual services in the GSS (€33.4 thousand). This is because the Court procured commercial insurance premiums at a more favourable rate than originally estimated.

483. In addition, a small increase of €12.3 thousand is requested in the Finance Section to cover the External Auditors' fees, the US Tax Reimbursement Administrative fees and the mandatory actuarial valuation required for IPSAS compliant financial statements. Similarly, the increase of €2.0 thousand proposed in HRS is required to cover the Court's participation as an observer in the UN Common System forums and networks. Other Sections in the Division present no increases.

*Training**€332.8 thousand*

484. The amount requested for the DMS training budget has increased by €98.2 thousand (41.9 percent).

485. In 2017, all non-technical training for the Court will be centralized within the HRS. The proposed increase for such Court-wide training is thus located almost entirely within the HRS budget (€93.3 thousand). This amount is required for the Court's central management and leadership training, performance management training and language training. It also includes the Court's on-boarding programme for new staff. Finally, the amount includes the HRS technical training budget to ensure that the technical skills of HR staff are kept up-to-date.

486. The approved amount for training in recent years has been greatly below a reasonable level for an organization the size of the Court. An increase is thus required for investment in enhancing staff skills, competencies and motivation and creating of a results orientated culture. The Court is diligent in utilizing its own expertise and indeed, most training is done in-house. However, external expertise is sometimes necessary to run training programmes. It is considered that a Court-wide and harmonized approach to leadership development and performance management is essential at this stage to secure further organizational development at the Court.

487. Other Sections in the Division present similar training levels as those approved in 2016, with the GSS indicating a slight reduction of €2.0 thousand and the Director's Office and the Security and Safety Section an overall increase of less than €2.0 thousand. Notably, an increase of €5.0 thousand is requested in the Finance Section for specialized IPSAS refresher training for staff members of the Section and the Court.

*Consultants*

*€38.0 thousand*

488. The amount requested for consultants has increased by €23.4 thousand (160.3 per cent).

489. The amount requested in DMS is divided between the Office of the Director (€8.0 thousand) and HRS (15.4 thousand, of the total budget for consultants of €30.0 thousand).

490. In the Office of the Director, the requested resources are required to engage outside expertise and assist with the executive functions of OD-DMS mainly in the area of risk management, which includes the organization of the yearly risk ranking and the review of risk monitoring strategies. This will enable the Court to make further progress on its risk management initiatives in consultation with the Audit Committee. Limited resources for consultancy on risk management initiatives were requested for 2016 but not granted. As a result, little progress has been made in this area.

491. In HRS, the requested amount is required to provide expertise in areas for which in-house resources and skills are not available. In 2017, external insurance expertise is required for the major exercise of tendering the Court's health insurance programme. In addition, the amount will cover any post (re)classifications requiring external expertise.

*General operating expenses*

*€3,510.1 thousand*

492. The requested amount for general operating expenses in DMS has decreased by - €156.2 thousand (4.3 per cent).

493. This is mainly due to the decrease in the general operating expenses of GSS (- €151.3 thousand) because of revaluation of the needs for 2017, compared to 2016, using actual expenditures for the first half of 2016 as a guide. At Headquarters in The Hague and in support of the Court's activities there, the proposed amount of approximately €2,700.0 thousand includes the cost of utilities/cleaning/waste handling (€2,043.0 thousand); standard foreseen building operations (€543.0 thousand); and vehicle maintenance, spares and fuel in The Hague, logistics operations including freight to, from and between field offices, and courier and mail services (€160.0 thousand).

494. The Court has requested the amount of €175.0 thousand for repairs to vehicles in its fleet at its field locations, as well as for necessary adjustments to premises at field locations to bring them up to a required standard. Further investment is required in infrastructure in CAR and Cote d'Ivoire (€20.0 thousand at each) and for support for the offices in Kinshasa and Bunia in DRC (€10.0 thousand at each).

495. Similarly, a reduction in general operating expenses of €10.0 thousand is proposed in the SSS due to the preventative and corrective maintenance of the greater volume of security screening equipment at the Court's. Minor increases in OD-DMS and the Finance Section amounting to approximately €5.0 thousand have been fully offset by the overall reduction in general operating expenses achieved throughout the Division.

*Supplies and materials*

€332.6 thousand

496. The amount requested for supplies and materials has decreased by - €2.7 thousand (0.8 per cent).

497. This is largely due to a decrease in supplies and materials, notably uniforms, in the SSS (- €14.1 thousand). While in 2016 the Section saw a major increase in staffing and hence a greater demand for new uniforms, by 2017 all security staff will already have their uniforms and require replenishment and replacement of unserviceable items only.

498. The proposed decrease in SSS has allowed full absorption of an increase in supplies and materials in GSS (€11.4 thousand). The requested funds in GSS are required to provide office supplies, toners, paper and vehicle spares/fluids, courtroom robes, work clothing and other materials. The increase is based on consumption in 2015 and the first quarter of 2016 and is linked to the increase in Court activities.

*Furniture and equipment*

€600.5 thousand

499. The requested amount has increased by €321.0 thousand (114.8 per cent).

500. The increase in GSS is due to the requested replacement of vehicles at field offices. There are currently 53 regular 4x4 vehicles and 9 armoured vehicles in the fleet, 27 and 6 of which, respectively, are between 8 and 13 years old. This is below the industry and UN standards (7 years or more than 100,000 kilometres) and impacts negatively on the safety and effectiveness of the Court's operations due to reduced reliability of the fleet and frequent repairs. Many of these vehicles have high mileage and have been driven on poorly paved and unpaved roads, causing extraordinary wear and tear and making their replacement imperative. The Court has a duty of care towards its staff to ensure their safety in the performance of their duties and is liable in the event of any failures in this regard. The Court thus proposes that it begin to update its fleet and to replace annually, from 2017 onwards, the equivalent of seven regular 4x4 vehicles and one armoured vehicle at a total estimated cost of approximately €510.0 thousand per year. The goal is to achieve an 8 and 10 year replacement cycle for regular and armoured vehicles respectively.

501. The Court proposes to maintain the amount of €35.0 thousand in 2017 to keep a minimal stock of replacement office furniture for its headquarters in The Hague. Although the building is new, as is some of the furniture, all the office furniture was taken from the Court's interim premises. As this furniture wears out, it needs to be replaced.

502. Other than the GSS, no other Sections in the DMS has a budget for furniture and equipment.

**Table 29: Programme 3200: Proposed budget for 2017**

3200 Division of Management Services	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				3,484.9	276.3	7.9	3,761.2
General Service staff				8,917.4	55.5	0.6	8,972.9
<i>Subtotal staff</i>	<i>12,219.9</i>		<i>12,219.9</i>	<i>12,402.3</i>	<i>331.8</i>	<i>2.7</i>	<i>12,734.1</i>
General temporary assistance	1,251.5		1,251.5	353.6	277.9	78.6	631.5
Temporary assistance for meetings							
Overtime	419.1		419.1	319.9	37.4	11.7	357.3
<i>Subtotal other staff</i>	<i>1,670.6</i>		<i>1,670.6</i>	<i>673.5</i>	<i>315.3</i>	<i>46.8</i>	<i>988.8</i>
Travel	311.9		311.9	204.5	-34.4	-16.8	170.1
Hospitality							
Contractual services	406.9		406.9	444.6	198.9	44.7	643.5
Training	163.0		163.0	234.6	98.2	41.9	332.8
Consultants	159.4		159.4	14.6	23.4	160.3	38.0
General operating expenses	2,023.7		2,023.7	3,666.3	-156.2	-4.3	3,510.1
Supplies and materials	303.6		303.6	335.3	-2.7	-0.8	332.6
Furniture and equipment	64.5		64.5	279.5	321.0	114.8	600.5
<i>Subtotal non-staff</i>	<i>3,433.0</i>		<i>3,433.0</i>	<i>5,179.4</i>	<i>448.2</i>	<i>8.7</i>	<i>5,627.6</i>
<b>Total</b>	<b>17,323.5</b>		<b>17,323.5</b>	<b>18,255.2</b>	<b>1,095.3</b>	<b>6.0</b>	<b>19,350.5</b>

**Table 30: Programme 3200: Proposed Staffing for 2017**

3200 Division of Management Services	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total	Total
													GS-staff	staff
<b>Established Posts</b>														
Existing	-	-	-	1	5	8	12	6	-	32	8	138	146	178
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>12</b>	<b>6</b>	<b>-</b>	<b>32</b>	<b>8</b>	<b>138</b>	<b>146</b>	<b>178</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	8.00	8.00	8.00
New	-	-	-	-	-	-	-	2.00	-	2.00	-	-	-	2.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.00</b>	<b>-</b>	<b>2.00</b>	<b>-</b>	<b>8.00</b>	<b>8.00</b>	<b>10.00</b>



### 3. Programme 3300: Division of Judicial Services

#### Introduction

503. The Division of Judicial Services (DJS) provides support to the Court's judicial proceedings. DJS consists of the Office of the Director (OD-DJS), the Court Management Section (CMS), the Detention Section (DS), the Language Services Section (LSS), the Victims Participation and Reparations Section (VPRS), the Information Management Services Section (IMSS), the Counsel Support Section (CSS) and both independent Offices of Public Counsel for Victims and for the Defence respectively (OPCV and OPCD).

504. The Division's Director ensures adequate strategic coordination of the Court's judicial operations and coordination of the implementation of Chamber's orders and instructions. The Director's Office provides support to the Registry's Legal Office which is responsible for the coordination and supervision of all Registry's submissions in the context of all judicial proceedings.

505. The judicial support provided by DJS focuses on key areas such as:

- (a) Organizing courtroom hearings;
- (b) Managing and handling judicial records, including the evidence submitted in the proceedings;
- (c) Ensuring adequate judicial communication for parties and participants;
- (d) Functioning of the e-Court system;
- (e) Ensuring safe, secure and humane conditions for persons detained by the Court;
- (f) Providing language services for the conduct of Court proceedings, including by safeguarding the ability of suspects and accused persons to follow proceedings, and witnesses to testify in their own language;
- (g) Implementing Court-ordered protective measures;
- (h) Enabling victims to make applications, to be legally represented and to participate in proceedings before the Court;
- (i) Managing legal aid for indigent defendants and victims and coordinating all assistance provided to counsel by the Court; as well as,
- (j) Providing in-house representation to victims participating in proceedings when ordered by the Chambers.

#### Operating environment in 2017

506. Judicial activities before the Court are constantly evolving. This means that the level and kind of involvement, support and investment required in the Registry differs considerably between the different procedural phases. In order to fully understand how different forms of support are impacted throughout the judicial timeline, it is useful to analyse them from the perspective of the different procedural phases taking place in 2017.

#### *Pre-trial proceedings, including investigations*

507. The OTP's new investigation into the situation in Georgia has required the Court to adapt and develop a tailor-made approach to the new operating environment. Information concerns are heightened in the context of these investigations. In addition, field interpretation in new languages is required, in particular Georgian, Ossetian and Russian. It is anticipated that a large number of victims will apply to participate in the proceedings.

*Trial proceedings*

508. In 2017, proceedings in three trials will need to be organized to run in parallel: *Gbagbo and Blé Goudé* (CIV), *Ongwen* (Uganda), and *Ntaganda* (DRC). The increase in judicial activities has a direct impact on the required level of services and operations. A total of 500 trial days has been estimated in 2017, during which proceedings in three trial are envisaged to be mainly conducted in two of the three courtrooms, with only 60 days of full overlap in which the use of the third courtroom will be required.

509. In the case of *the Prosecutor v. Dominic Ongwen*, the accused is detained in the Court's custody and his defence team is being financed through legal aid. Approximately 2,000 victims are participating in the proceedings. OPCV has been appointed by the Chamber as common Legal Representative for victims. 28 witnesses are expected to appear to give testimony in relation to this case.

510. In the case of *the Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, both accused persons are detained in Court's custody and both of their respective defence teams are being financed through legal aid. 728 victims are participating in the proceedings and are being represented by OPCV. 29 witnesses are expected to appear to give testimony during 2017.

511. In the case of *the Prosecutor v. Bosco Ntaganda*, the accused is detained in Court's custody and his defence team is being financed through legal aid. 2142 victims are participating in these proceedings and are being represented by OPCV. 35 witnesses are expected to appear to give testimony during 2017.

*Appeal proceedings*

512. In the context of the CAR I situation, two judicial proceedings are expected to be in the final appeals phase during 2017: *Bemba* and *Bemba et al.* The accused in *Bemba* is detained in the Court's custody and his defence team is being financed through legal aid. *Bemba et al.*, in connection with offences against the administration of justice (article 70 of the Rome Statute), involves four other accused persons in addition to Mr Bemba.

513. In the light of recent judicial developments, the trial in *the Prosecutor v. Al Faqi Al Mahdi* is likely to take place in 2016 and to be completed by the end of the year.

*Reparation proceedings*

514. In terms of judicial activities at the reparation phase, at least two proceedings - *Lubanga* and *Katanga* - are foreseen to be ongoing throughout 2017. Similarly, reparation proceedings have started in *Bemba*.

515. In *Al Mahdi*, applications from victims to participate in the case proceedings have been filed.

**Strategic priorities in 2017**

516. In addition to providing all services required for judicial and prosecutorial activities, the main goals of the Division relate to information security and optimizing courtroom services, providing support for reparation proceedings, increasing the efficiency of legal aid management, and maintaining the delivery of detention services in the light of the scaling down of the ICTY.

*Information security and optimizing courtroom services*

517. In 2017 the planned investments for information technology and management have prioritised for optimising court proceedings and ensuring operational security and witness protection. The tools and systems used by the Court need to function effectively to protect the data and the witness from preliminary examinations through to appeals and reparations. While the Court has invested in the core infrastructure for network and communications, there has been very little investment in tools and systems to protect and manage data.

518. Information security requires appropriate tools to provide up to date information on any suspicious activity directed towards the Court's systems or inside the network. Currently the Court has been able to manage these threats; however it is labour intensive and has disrupted the work of those impacted. The Court recognises that information security is more than tools and systems, it is also about awareness and training for all Court staff, particularly those who are mobile and working in the field on how to use systems appropriately to minimise risks to data loss or unauthorised disclosure of data - both of which would not only impact operations but also compromise the safety of witness and tarnish the Court's reputation. The proposed improvements are the result of consultation with Court organs and an assessment of the most cost effective means to minimise the likelihood and impact of information security threats.

519. With the increase in court investigative activities and 500 days of court room activity, this is an exponentially increase the volumes of data. With the projected data volumes, the Court needs to implement a more sustainable and tiered storage which allows for public and archival data to be maintained in more cost effective manner. This requires the purchase of hardware, software and consulting services in 2017 and will lead to efficiencies from 2018 onwards for DJS to meet the forecast demands for data growth.

#### *Reparations*

520. Towards the end of 2015, the Court entered into the reparation phase in *Lubanga*. This is the first time in the Court's history that reparations will be implemented and as such, new procedures were developed to implement the decision of the Chambers and to overcome obstacles at the operational level. The initial phase of the reparation process in *Lubanga* required a great deal of coordination with various interlocutors (including the Registry, TFV, LRVs, OPCV and Chambers) and provision of information and support. Given that *Katanga* has entered the reparation phase, as perhaps too will *Bemba* and *Al Mahdi*, the Division is focused on optimizing its role in providing operational support to the Trust Fund for Victims and all other interlocutors during simultaneous reparations procedures.

#### *Increasing the efficiency of legal aid management*

521. In the light of the potential increase in the number of proceedings for violations of article 70 of the Rome Statute, the Division intends to distinguish such proceedings from the more traditional proceedings for crimes under article 5 of the Statute. Accordingly, there has already been a reduction of over €1.5 million in legal aid due to a change in the management of legal aid resources when proceedings move to the appeal phase. A comprehensive review of the legal aid system, including its application in cases of offences against the administration of justice, is expected to be finalized in due course, in accordance with the request of the Assembly and following the recommendation of the Committee at its twenty-sixth session.<sup>60</sup>

#### *Maintaining delivery of detention services in the light of the scaling down of the ICTY*

522. Due to the downsizing of the ICTY's United Nations Detention Unit (UNDU), a process will be put in place which will lead to a gradual increase in additional resources in the Court's Detention Centre, while UNDU is phased out. This gradual process is necessary in order for the Court's Detention Centre to perform functions previously shared with the UNDU. This solution can only be viewed as short-term and the Division will need to find a long-term solution.

<sup>60</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/ASP14/ICC-ASP-14-Res1-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ASP14/ICC-ASP-14-Res1-ENG.pdf) (para 14) and Report of the CXBF on the work of its twenty-sixth session (ICC-ASP/15/5, Para 12).

**Budget resources****€34,038.7 thousand**

523. The Division presents an overall proposed net increase of €2,520.8 thousand (8.0 per cent) when compared to the approved 2016 budget levels. Importantly, almost €1 million of this growth is the result of in-built increases due to the application of the UN Common System, as well as the reintegration of reductions in staffing costs made in 2016 in view of the staggered implementation of the new Registry structure. Accordingly, the real operational increase in DJS, that is, the increase in resources required to fund the upsurge in the workload resulting from the 2017 judicial assumptions, is €1,520.8 thousand (4.8 per cent) compared to the 2016 approved programme.

524. The vast majority of the proposed additional resources corresponds to required investments in GTA resources and temporary assistance for meetings of approximately €1,449.7 thousand, primarily to fund additional language support in relation to trial proceedings, in particular in relation to the *Ongwen* case, as well as to ensure the additional necessary resources in CMS to support 500 days of simultaneous trial proceedings with an added capacity to run three courtrooms simultaneously over 60 days. In terms of non-staff resources, the Division presents an increase of €152.9 thousand (1.1 per cent). In this regard, major information technology investments in IMSS amounting to € 1.8 million have been mostly offset by important savings achieved mainly in the legal aid budget of approximately €1.6 million.

*Staff resources**€ 20,054.8 thousand*

525. The increase of €2,367.9 thousand corresponds to an increase of €908.2 thousand resulting from in-built costs associated with the application of the UN Common System and the partial reintegration of cuts in staff resources made in 2016 due to the staggered implementation of the new Registry structure, as well as to a request for additional GTA and other staff resources amounting to €1,459.7 thousand.

*Established posts: Professional and General Service**€16,878.8 thousand*

526. The overall level of established posts remains the same in 2017. No new established posts are required. The proposed increase of €908.2 thousand is the result of the in-built increases arising from the application of the UN Common System, amounting to €1,291.6 thousand, and the restoration of the reductions made in staff resources in DJS in 2016 in the light of the staggered implementation of the new Registry structure. Notably, as the Registry is proposing a temporary increase of its vacancy rate from 10 to 12 per cent so as to accurately reflect the recruitment realities in the Registry, it is expected that by mid-2017 staffing levels will return to the normal 10 per cent vacancy rate and will need to be costed accordingly.

527. Following the recommendation of the Committee at its last session<sup>61</sup>, the Court is requesting the reclassification of the post of *Chief of the Victims Participation and Reparations Section* from P-4 to P-5. To this end, the Court has re-examined the functions of the post and submitted the final amended work survey to an external classifier. In June 2016, the amended functions of the post were assessed by an external classifier and the post was classified at the P-5 level. The Court has submitted additional information to the Committee for its consideration of the request to reclassify this post to the P-5 level within the 2017 proposed budget. In this regard, a small increase in established posts staff costs of €24.2 thousand is requested due to the proposed reclassification.

*General temporary assistance**€2,146.5 thousand*

528. The overall increase of €1,105.0 thousand (106.1 per cent) on general temporary assistance in the Division corresponds primarily to additional requirements in the Language Services (€659.6 thousand), Victims Participation and Reparations (€171.8 thousand) and Court Management (€146.0 thousand) Sections. Other more modest increases are observed

<sup>61</sup> ICC-ASP/15/5, para. 94.

in OPCD (€53.0 thousand), OPCV (€2.3 thousand) and CSS (€72.3 thousand). The driving factor for all GTA proposed increases in the Division is the level of judicial activities, and in that connection, also the need to invest in more sustainable judicial management processes. Other sections within the Division also propose limited increases, as detailed below.

529. The requested amount of GTA resources in CMS has increased by €146.0 thousand.

530. *One ALO/Courtroom Officer (P-2), 12 months. Continued.* This position is required in CMS to support hearings, alongside the two existing ALO/Courtroom Officers, for two simultaneous trials. The number of *ALOs/Courtroom Officers* has remained at the same level as 2016. The workload related to the 60 days of three simultaneous trials in 2017 has been absorbed by three staff members, and no additional GTAs are required. This efficiency measure has been achieved through dedicated multidisciplinary cross-training of staff in the Section.

531. *Three French Text Processors (GS-OL), 12 months each. Continued.* In order to provide French real-time transcripts for one trial, a team of two Court Reporters and two Text Processors is required in CMS. The section currently employs five French Court Reporters (P-2). In order to provide edited versions of the French transcripts within the required time, an additional three French Text processors are required.

532. *One eCourt Project Manager (P-4), 12 months. New.* This position is now proposed in CMS following the Registry's reorganization, which resulted in strengthening the ownership of the entire eCourt system. CMS has been mandated to handle eCourt administration and management. For increased output and synergies, eCourt related functions are now grouped under CMS. This function will help develop eCourt technology to further expand the eCourt system with a view to streamlining systemic processes and rendering eCourt more functional and efficient for use by all relevant parties. This would automate a number of work processes presently carried out manually and make the system more fit-for-purpose regarding future challenges. The position is aligned to the 5-year strategy developed for information management, designed to improve processes and streamline the collection of judicial and court operations information. Process mapping and user requirement gathering will be the first step in improving the Court's electronic management of its judicial operations. The position was requested last year and was not funded. As a result, no progress on eCourt has been made during 2016.

533. The proposed amount in LSS has increased by €659.6 thousand. Additional staffing requirements in LSS are directly linked to the need for Acholi interpretation in *Ongwen* and the need for additional interpreters in the Court's working languages to cover the upsurge in trial proceedings more efficiently.

534. *Three Court Interpreters Kinyarwanda (P-3), 12 months each. Continued. Bosco Ntaganda trial - Court capacity.* The interpreters recruited in 2015 for the Ntaganda trial will continue on their GTA contracts in 2017. The section has one Senior Kinyarwanda, Swahili and Lingala Interpreter (P-4) to provide interpretation for the accused in *Ntaganda* from and into Kinyarwanda. The Senior Interpreter will work with three Kinyarwanda interpreters. By a decision of the Chamber, Kinyarwanda has been designated as one of the trial languages in *Ntaganda*, i.e. the language of the accused.

535. *Three Court Interpreters (one English, two French), (P-3), 6 months each. New. Bosco Ntaganda trial - Court capacity.* The three interpreters recruited on GTA contracts will support staff interpreters during the three simultaneous trials scheduled for six blocks of two weeks, as well as for a number of non-judicial events taking place alongside Court hearings. In the light of the expected workload, and the substantial costs associated with hiring freelance interpreters (temporary assistance for meetings) for sustained periods, resorting to GTA resources is a more cost-effective measure.

536. *Three Paraprofessional Interpreters Acholi (P-1), 12 months each. New. Ongwen trial - Court capacity.* Three of the four interpreters recruited in 2016 for the Ongwen trial under the Contingency Fund will continue to be required in 2017. The section's English Translation Unit includes one Acholi speaker (Associate Translator (P-2)) who in 2017 will be the fourth member of the team interpreting from and into Acholi for the accused and any Acholi-speaking witnesses.

537. *One Language Assistant Acholi (GS-PL), 12 months. New. Ongwen trial - Operational support.* One Language Assistant will be recruited for the start of the witness testimony stage of the Ongwen trial to assist with witness familiarization. The Language Assistant will also be called on to carry out unofficial ad hoc translations and sight translations for witnesses needs.

538. *One Administrative Assistant (GS-OL), 12 months. New. Operational support.* One additional Administrative Assistant is needed in the section to work with the Administrative Assistant for Field and Operational Interpretation on the recruitment of freelance interpreters for trials and on the recruitment of field and operational interpreters, respectively.

539. The requested amount has increased by € 171.8 thousand in VPRS. All GTA resources requested below are required during the first half of 2017 to maintain the additional capacity requested in the context of the *Ongwen* case Contingency Fund notification. This is crucial in order to respond to the peak in activities in *Ongwen* in relation to thousands of victim applications to participate in the trial proceedings, which is expected to subside entirely by the end of June next year.

540. *Two Assistant Legal Officers (P-1), 6 months each. New. Ongwen trial.* The positions will be required during the first half of 2017 for preliminary legal processing and to prepare the first draft of redacted versions of several thousand of individual victims' applications for participation in the *Ongwen* trial proceedings expected to be received, to be transmitted in accordance with deadlines set by the Trial Chamber.

541. *Two Data Processing Assistants (GS-OL), 6 months each. New. Ongwen trial.* The positions will be required during the first half of 2017 for carrying out the processing (scanning, registering, filing etc.), data entry and redaction of several thousand individual victim applications for participation in the *Ongwen* trial proceedings, to be transmitted in accordance with deadlines set by the Trial Chamber.

542. The requested amount in OPCV has increased by € 2.3 thousand.

543. *One Associate Legal Officer (P-2), 12 months. Continued.* This position was approved in the 2016 budget. The position continues to be needed and it is essential for the satisfactory fulfilment of the OPCV's mandate. The Office has four teams allocated to ongoing proceedings at trial for which presence in the courtroom is required daily. This position is required to be able to follow the other ongoing proceedings and to provide external counsel with legal research and advice. The workload of the OPCV has increased by virtue of its appointment in 2016 in the *Ongwen* case and of the Chamber's decision in the *Lubanga* proceedings to require the OPCV to have an active role in interviewing potential applicants for reparations.

544. The requested amount in OPCD has increased by €53.0 thousand as a result of the need to budget for the continued Legal Officer position for 12 months in 2017 instead of only 7 in 2016.

545. *One Legal Officer (P-3), 12 months. Continued.* In the light of an increasing number of cases, especially at the trial stage, OPCD will continue to need adequate resources to assist trial teams in real-time or respond to requests for information. The Legal Officer will, in conjunction with the Associate Counsel (P-2), conduct legal research and prepare manuals to provide assistance to the defence teams, and execute policy functions where needed. This position will also assist the Legal Adviser/Counsel (P-4) in management duties by supervising the output of the OPCD and undertaking tasks arising out of requests made by the Chambers.

546. The amount requested in CSS has increased by €72.3 thousand.

547. *One Service Coordinator (GS-OL), 12 months. New.* In line with increased trial activities, including the activities of defence teams, this position is required to ensure a timely reaction to all service requests and to ensure timely delivery of required service to defence teams.

*Temporary assistance for meetings**€994.5 thousand*

548. Overall, temporary assistance for meetings has increased with €344.7 thousand (53 per cent). This is mainly the result of a proposed increase of €332.2 thousand in CMS to respond to the additional judicial activities in 2017, and in order to provide up-to-standard support to three simultaneous trials. The requested increase is required to complement the in-house capacity for the provision of English and French edited transcripts for both the second and third simultaneous trials. In the case of CMS, the recruitment of freelance Court Reporters and Text Processing Assistants is more cost efficient than recourse to contractual services for outsourcing services. The amount required to complement the court reporting capacity to support three parallel trials for a period of 60 days is approximately €145.0 thousand. The remainder of the increase corresponds to the need to complement current capacity in court reporting teams to sustain services for two simultaneous trial proceedings for 440 days.

549. Notably, relying on outsourced services would have actually required a total increase of over €500 thousand in contractual services, and the services provided in French would have been only of a partial nature. Conversely, the current proposal requires a reduced investment of €332.2 thousand in temporary assistance for meetings to ensure a full up-to-standard service, and generates an actual reduction in contractual services which offsets a large portion of the investment in temporary assistance meetings.

550. Additionally, modest increases have been identified in IMSS (€10.0 thousand) and LSS (€12.5 thousand). The requested amount in LSS is the result of the strategic change to the concept of using GTA contracts for ENG/FRA interpreters, instead of temporary assistance for meetings, to support the periods during which proceedings in three trials are to be conducted in 2017. In the light of the forecast workload, and the substantial costs associated with hiring freelance interpreters for sustained periods (including travel and DSA costs), resorting to GTA resources is an efficiency measure.

551. Furthermore, the requested amount of €10.0 thousand is required for the provision of IMSS services for meetings, allowing IMSS to support all Court end-users to ensure continuity of the Court's judicial and administrative activities.

*Overtime**€35.0 thousand*

552. The requested amount for overtime for DJS has increased by €10.0 thousand (40 per cent) and resources have only been requested by one section for 2017. The requested amount in IMSS is consistent with the 2016 baseline and is required to accommodate upgrades and security fixes that must be completed outside of business hours to avoid disruption to the Court's activities.

*Non-staff resources**€ 13,983.9 thousand*

553. The requested increase in non-staff costs amounts to €152.9 thousand (1.1 per cent) and is largely related to: (i) investments in information security and information management to support the Court's capacity to adapt to a new operational environment of increased judicial activities and three parallel trials in 2017 (€667.3 thousand) as per the Court's strategic priorities for investment in IT, the main investments required have been identified to augment the Court's capacity for data storage in support of the increase in courtroom activities and thus digital recordings of all Court activities, and improve the Court's information security capabilities to ensure the confidentiality and integrity of investigation activities in high surveillance environments; (ii) maintenance costs for hardware and software which is vital for the adequate functioning of courtroom equipment during the trial hearings (€536.2 thousand); (iii) increased costs of the Detention Centre in the light of scaling down of the ICTY (€276.0 thousand); and (iv) the appointment of OPCV as the common Legal Representative of victims in *Ongwen*, resulting in an increase in consultancy costs (€149.7 thousand).

554. However, savings of around €1.6 million have been made in the areas of: legal aid for victims (€760.4 thousand) and defence (€851.7 thousand); and contractual services (€157.8 thousand) mainly as a result of recruiting freelance court reporters on an ad hoc basis during judicial proceedings, when required to complement in-house resources.

*Travel*

*€520.8 thousand*

555. The overall proposed travel costs for DJS for 2017 have increased by €113.7 thousand (27.9 per cent). The increase is mainly linked to the greater volume of judicial activities involving a corresponding increase in the number of victims participating in the proceedings who need representation and the support provided by OPCV, VPRS, CMS and LSS.

556. The travel costs for OD-DJS have decreased by €11.9 thousand as a result of redeploying resources to OD-DEO in connection with missions to the field offices.

557. The requested amount for travel in CMS has increased by €25.1 thousand and is required to enable the ALO/Courtroom Officers to support anticipated video link testimonies by travelling to the relevant location. With a view to reducing costs, field staff are progressively trained to support video link instead of each video link requiring an ALO/Courtroom Officer to travel on site. Therefore, as a transition, only 50 per cent of planned video links include travel budget for an ALO/CO.

558. The requested amount has increased in LSS by €18.8 thousand and mainly reflects the high number of service requests for field interpretation submitted for 2017 by CSS (increase in field and operational activities in the DRC and Mali situations) and VWS (increased need for assessment missions in the CIV II situation). LSS staff will need to travel to the field to provide interpretation services to counsel for the defence and victims, as well as to VWS staff for communication with witnesses.

559. A reduction of €26.4 thousand has been achieved in VPRS due to the reorganization of the field offices. Following the restructuring, staff conducting VPRS activities are now part of the budget of the relevant field offices. As a result, VPRS staff no longer serve at the seat of the Court and are no longer required to travel from Headquarters to the locations of the victims' communities in order to facilitate and support the participation of victims in the proceedings or the Court's reparation activities.

560. The proposed travel budget in OPCV has increased by € 42.5 thousand to ensure that counsel are able to travel to the situation countries to fulfil their representation mandate in the cases before the Court for which they have been assigned by Chambers. As of May 2016, counsel from the OPCV have been appointed as common Legal Representatives in Ntaganda, Gbabgo and Blé Goudé and Ongwen at trial; and in the Lubanga reparations proceedings, as well as for applicants for reparations in Bemba. Currently, OPCV represents a total of 5,442 victims.

561. The requested amount in CSS has increased by €60.4 thousand. The resources are required for the travel of members of the disciplinary organs from different parts of the world (Africa, America, Oceania) to attend one hearing in The Hague and for missions in the framework of the mandate of the financial investigator. In particular, funds are required for the Registry's financial investigator to liaise with relevant stakeholders and identify, trace and recover any assets belonging to persons appearing before the International Criminal Court.

*Contractual services*

*€550.9 thousand*

562. The proposal for contractual services for 2017 shows a reduction of €157.8 thousand (22.3 per cent) mainly as a result of the decrease of €320.0 thousand in CMS due to the fact that outsourcing of court reporting to complement in-house capacity is no longer required. As explained above, the Section will rely on hiring freelance court reporters as temporary assistance for meetings on a needs-basis during judicial proceedings, to complement in-house resources. Relying on outsourced services for court reporting would not have allowed for a reduction, but would have actually required an increase of over €500 thousand in contractual services, and the services provided in French would have been only



of a partial nature. Conversely, the current proposal requires a reduced investment of €332.2 thousand in temporary assistance for meetings to ensure full service, and generates a decrease in contractual services which offsets a large portion of the investment.

563. The proposed increase of €182.2 thousand in IMSS is required to implement the strategic priority regarding investment in key Court-wide information management projects and security capacity throughout the Court, including, in particular, expanded storage capacity, implementing archival data storage and continued improvement in response to intelligence threats and cyber-attacks. In addition, the Court's synergies exercise in 2016 extended the Language Services eCourt module to OTP Translations; IT solutions will be needed to accommodate the increased workload in OPCV due to a greater number of participating victims and further improve their processes. Investments are required to improve the Witness Management Database; and, to migrate the Assembly's website to the Court's new website platform. Furthermore, external providers are required to augment internal skills for core Court systems such as court room support, maintaining the public website and processing inter-library loans. The reductions in contractual services in CMS fully offset the increases in IMSS and OPCV.

564. The requested amount in OPCV, linked to judicial activities in Lubanga and Ongwen, has increased by €20.0 thousand. The resources are required to transport of victims from their place of residence to a safe location where they can meet with counsel.

*Training* *€93.0 thousand*

565. The proposed training budget for DJS shows an increase of €20.8 thousand (28.8 per cent) over the 2016 approved budget. The staff training budgeted for 2017 is an essential element which contributes to DJS being able to cope with the increased workload, and covers any additional expertise needed. A certain level of technical expertise is required in order for the Registry to provide optimal services to OTP and Chambers. The two main cost drivers are IMSS and DS. Other minor increases required in OD-DJS (€4.1 thousand), VPRS (increase of €2.5 thousand) and OPCD (€0.1 thousand). While the resource request in CMS remains at €5.5 thousand, LSS reports a decrease of €2.7 thousand.

566. The training budget required for IMSS is maintained at €60.7 thousand, in order for staff to receive the appropriate technical training to maintain certifications and skills to support all applications and infrastructure in use at the permanent premises.

567. Training is also required in the Detention Section, where the requested amount has increased by €16.8 thousand to train the Custody Officers on effects of long-term detention on detained persons and cross-cultural awareness in a detention environment.

*Consultants* *€391.3 thousand*

568. The proposed budget for consultants for DJS has increased by €196.4 thousand (100.8 per cent). This amount is largely the result of a proposed increase in OPCV in relation to the appointment of OPCV Counsel as common Legal Representative in Ongwen; as well as legal representative of potential beneficiaries for reparations in Lubanga. For each proceeding, one consultant field counsel based in the situation country is required to maintain continuous contact with victims represented and keep them updated on the proceedings, to collect their views, concerns and evidence, as required.

569. LSS requires external expertise with case or situation languages which are needed when no in-house resources or skills are available. In 2017, two such expert panels are planned, in connection with the situations in Côte d'Ivoire and Uganda. Additionally, language consultants are required to facilitate and evaluate field interpretation tests for the selection of field interpreters for new situation languages in the Central African Republic, Côte d'Ivoire, Georgia and Mali situations, as well as potentially new situation languages in the Uganda situation.

570. The requested resources for OD-DJS, DS and VPRS remain at the respective 2016 approved levels.

*Counsel for the Defence*

€3,669.7 thousand

571. The requested amount has decreased by €851.7 thousand (18.8 per cent) as a result of the application of the Court's legal aid system as approved in 2012 to the assumptions on which the 2016 budget is based. Based on the revised legal aid system, the application of inter alia the amended remuneration for counsel representing clients in cases concerning offences against the administration of justice (article 70 of the Rome Statute) in the post-trial phase as well as activity-based remuneration where possible, the requested amount is €3,669.7 thousand compared to € 4,521.4 thousand in 2016.

*Counsel for Victims*

€1,202.8 thousand

572. The requested amount has decreased by €760.4 thousand (38.7 per cent) as a result of the application of the Court's legal aid system as approved in 2012 to the assumptions on which the 2016 budget is based. Following the developments in court proceedings and some of the recent Chamber decisions to appoint OPCV as Legal Representative of victims in Ongwen, the amount requested for 2017 is €1,202.8 thousand compared to €1,963.2 thousand in 2016.

*General operating expenses*

€6,065.7 thousand

573. The proposed amount has increased by €830.3 thousand (15.9 per cent). The most significant increases are related to IMSS and DS. The increase in IMSS amounts to €536.2 thousand and is required for the maintenance costs of hardware and software which allows DJS to provide up-to-date and quality support to Court activities. This increase relates to the essential support provided by IMSS to ensure the stability and operations of judicial and administrative systems and to supporting infrastructure to maintain the continuity of activities to support 500 days of hearings across three courtrooms.

574. The proposed increase of €276.0 thousand in DS is largely due to an increase in the services required under the Product Price Agreement and to the yearly indexing of the rental prices of cells as per the Product Price Agreement. Due to the downsizing of the ICTY UNDU, additional services are required in order for the Court's Detention Centre to perform its part of formerly shared functions. As a result of this downsizing, the product price has increased as the Court needs to cover additional costs, formerly covered by ICTY. The Court's Detention Centre has rigorously examined and streamlined all its working practices to minimize the impact of these requirements and to maximize efficiency gains. As a result, despite having the same number of wings and security obligations, the Court's Detention Centre will be operating with 16 per cent fewer custody officers when compared to the ICTY UNDU.

575. While relatively minor increases are identified in OD-DJS (€13.1 thousand) and CSS (€5.0 thousand), the budget request for OPCV is maintained at €11.0 thousand.

*Supplies and materials*

€289.4 thousand

576. The requested amount has increased by €94.3 thousand (48.3 per cent) and is mostly the result of enhanced services provided by IMSS in relation to online and library subscriptions and maintaining existing library subscriptions that are used by Chambers, OTP and defence and victims' counsel. Synergies across the Court are achieved by centralizing these subscriptions in the Registry. In addition, supplies are required for core services and materials such as printing, replacement of memory chips in hardware, AV supplies for the court-room and offices and end-user requests for language-specific keyboards, encrypted drives and laptop batteries.

*Furniture and equipment*

€1,200.3 thousand

577. IMSS is the only Section in the Division with a request for resources under this category. The proposed increase is €667.3 thousand (125.2 per cent)<sup>0</sup>, mainly due to prioritized capital investment for a Court-wide approach to augmenting data storage and infrastructure capability amounting to €655 thousand. The other major cost incurred by

IMSS relates to investment in information security. The need to strengthen both information management and information security is directly linked to an increase in courtroom activities, and thus the digital recordings of these activities and, the additional storage and security of the AV recordings, as well as ensuring their security.

**Table 31: Programme 3300: Proposed budget for 2017**

3300 Division of Judicial Services	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				11,119.4	831.0	7.5	11,950.4
General Service staff				4,851.2	77.2	1.6	4,928.4
<i>Subtotal staff</i>	<i>16,369.0</i>		<i>16,369.0</i>	<i>15,970.6</i>	<i>908.2</i>	<i>5.7</i>	<i>16,878.8</i>
General temporary assistance	1,713.5	97.2	1,810.7	1,041.5	1,105.0	106.1	2,146.5
Temporary assistance for meetings	593.8		593.8	649.8	344.7	53.0	994.5
Overtime	14.5		14.5	25.0	10.0	40.0	35.0
<i>Subtotal other staff</i>	<i>2,321.8</i>	<i>97.2</i>	<i>2,419.0</i>	<i>1,716.3</i>	<i>1,459.7</i>	<i>85.0</i>	<i>3,176.0</i>
Travel	430.5	32.0	462.5	407.1	113.7	27.9	520.8
Hospitality							
Contractual services	424.8	24.6	449.4	708.7	-157.8	-22.3	550.9
Training	82.1		82.1	72.2	20.8	28.8	93.0
Consultants	221.7	5.0	226.7	194.9	196.4	100.8	391.3
Counsel for Defence	3,030.2	1,847.3	4,877.5	4,521.4	-851.7	-18.8	3,669.7
Counsel for Victims	1,233.6		1,233.6	1,963.2	-760.4	-38.7	1,202.8
General operating expenses	4,720.4	64.0	4,784.4	5,235.4	830.3	15.9	6,065.7
Supplies and materials	128.2	26.1	154.3	195.1	94.3	48.3	289.4
Furniture and equipment	795.8	78.6	874.4	533.0	667.3	125.2	1,200.3
<i>Subtotal non-staff</i>	<i>11,067.3</i>	<i>2,077.6</i>	<i>13,144.9</i>	<i>13,831.0</i>	<i>152.9</i>	<i>1.1</i>	<i>13,983.9</i>
<b>Total</b>	<b>29,758.1</b>	<b>2,174.8</b>	<b>31,932.9</b>	<b>31,517.9</b>	<b>2,520.8</b>	<b>8.0</b>	<b>34,038.7</b>

**Table 32: Programme 3300: Proposed staffing for 2017**

3300 Division of Judicial Services	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-staff		Total GS-staff	Total staff
											GS-PL	GS-OL		
<b>Established Posts</b>														
Existing	-	-	-	1	7	24	33	42	5	112	2	75	77	189
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>7</b>	<b>24</b>	<b>33</b>	<b>42</b>	<b>5</b>	<b>112</b>	<b>2</b>	<b>75</b>	<b>77</b>	<b>189</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	4.00	2.00	-	6.00	1.67	3.18	4.85	10.85
New	-	-	-	-	-	1.00	1.50	-	4.00	6.50	0.03	5.04	5.07	11.57
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>5.50</b>	<b>2.00</b>	<b>4.00</b>	<b>12.50</b>	<b>1.70</b>	<b>8.22</b>	<b>9.92</b>	<b>22.42</b>

#### 4. Programme 3800: Division of External Operations

##### Introduction

578. The Division of External Operations (DEO) is responsible for and consolidates the Registry's functions in the areas of cooperation, external communication, witness protection, analysis and field operations. In addition to the Office of the Director (OD-DEO), DEO consists of three sections at Headquarters, namely the Victims and Witnesses Section (VWS), the Public Information and Outreach Section (PIOS) and the External Operations Support Section (EOSS) as well as field presences in seven situation countries.

579. Within the Division, VWS provides protective measures and security arrangements, counselling and other assistance to witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses. DEO is also responsible for external communication, and in this regard, for delivering accurate and timely information about the principles, objectives and activities of the Court to the general public and to target audiences. Through outreach, the Division ensures that communities affected by the cases before the Court are kept apprised of judicial proceedings.

580. With regard to external relations, the Division is further charged with performing the Registry's statutory responsibilities in relation to State cooperation and judicial assistance, such as the implementation of requests emanating from the Chambers and operational contacts with States regarding the arrest and surrender of persons subject to warrants of arrest. DEO provides high-quality, targeted and consolidated information and analysis on security and socio-political developments in countries of relevance for the work of the Court. This enables the Court to successfully perform its core activities, to meet its obligations towards the safety of staff and to safeguard its property and assets.

581. Finally, the Division is responsible for the field offices established in situation countries to facilitate and serve as the base for the operations of the Court. The size and composition of each field office is determined by the stage of investigative or judicial activities and is therefore bound to fluctuate according to specific needs. The Division also plays a central role in ensuring, at Headquarters, that logistical and administrative issues concerning the field offices are addressed effectively and efficiently. Crucially, DEO acts as the centre for all field-related mission-planning and supports the implementation of crisis management procedures.

##### Operating environment for the Division of External Operations in 2017

582. In 2017, the Court will have 10 field presences in seven situation countries, namely the Central African Republic (CAR), Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Georgia, Kenya, Mali and Uganda. In three countries, the DRC, Côte d'Ivoire and Uganda, the Court, in addition to the field offices in the respective capitals, will have a satellite office in the proximity of the crime scenes and affected communities. These satellite offices can provide more efficient and cost-effective support by reducing the number of travel days and associated Daily Subsistence Allowance (DSA) payments. The Georgia Field Office will be newly-established, while the Kenya Field Office will be moving towards closure during the course of 2017.

583. The three simultaneous trials ongoing in 2017, involving a high number of witnesses expected to appear before the Court either in person or via a video-link, add to the demanding operating environment for the DEO. The active investigations carried out by the OTP in Côte d'Ivoire, CAR and Georgia will continue to require DEO support, while other actors such as the Trust Fund for Victims will also rely on DEO assistance in the field. The number and complexity of the cases before the Court as well as the need to operate in more situation countries than ever before mean that 2017 will be a challenging year from the point of view of external operations. The deterioration of the overall security situation in many areas in which the Court operates is another factor that has had to be fully taken into account in resource planning for 2017.

*Central African Republic*

584. Activities in relation to the two ongoing situations in CAR will continue to require support from the field office in Bangui. The OTP plans to conduct two active investigations with respect to CAR II throughout 2017. Due to the volatile security situation and deficient infrastructure in the country, increased measures are needed to protect staff on the ground. Unlike the previous year, in 2017 the OTP plans to conduct missions to collect forensic evidence also outside the capital, support for which will require additional resources for the field office. Importantly, 1,200 individuals are currently participating in proceedings as victims in the CAR II situation. In this regard, outreach activities to inform victims and affected communities will also need to be intensified during the ongoing OTP investigations. A strengthened field presence in Bangui is required to support these activities in 2017.

585. Furthermore, two judicial proceedings in the context of CAR I, namely *Bemba* and *Bemba et al.* (article 70), will be in the final appeals phase in 2017 with the former possibly proceeding to the reparations phase. A total of 5000 individuals are participating in the proceedings relating to *Bemba*, a number which is expected to substantially increase as the case moves to the reparations phase. Outreach activities will continue to be organized in relation to all judicial proceedings to inform victims and affected communities of key developments, notably in relation to any such reparations proceedings in *Bemba*.

*Côte d'Ivoire*

586. At the pre-trial level, the OTP will conduct active investigations in the capital Abidjan as well as in the west of the country. The warrant of arrest for Simone Gbagbo remains outstanding. A continued field presence in Abidjan, as well as a newly-established satellite office in western Côte d'Ivoire is necessary to support these activities. Increased resources are required for the field office to provide security and logistical support to the missions taking place in 2017, while the small field presence in the west of Côte d'Ivoire will allow the OTP to conduct its investigative activities more efficiently.

587. The trial of Laurent Gbagbo and Charles Blé Goudé will continue throughout 2017 with approximately 728 victims participating in the proceedings. Thirty-five witnesses are expected to appear to give testimony in 2017, either in person or via video-link. Moreover, the case will continue to require active public information and outreach efforts to ensure that accurate and timely information is made available in Côte d'Ivoire with respect to the proceedings.

*Democratic Republic of the Congo*

588. The trial of Bosco Ntaganda will continue throughout next year, while cases against Thomas Lubanga and Germain Katanga are both in the reparations phase. In relation to *Ntaganda*, approximately 100 victims are participating in the proceedings while 35 witnesses are expected to appear to give testimony in 2017, either in person or via video-link. The warrant of arrest for Sylvestre Mudacumura remains outstanding. To support these activities, continued field presences in both the capital Kinshasa and in Bunia in the eastern DRC, are required.

589. All three cases concern crimes that have been committed in the eastern part of the DRC and will therefore require extensive activities by the Court in a region that continues to be wracked by violence and insecurity. Adequate measures need to be taken to ensure the security of staff working on the ground. Despite the difficult operating environment which is exacerbated by poor infrastructure, the ongoing trial and reparation phases make it imperative that activities in the field go ahead in order to reach out to victims and affected communities. Communicating accurate and timely information is vital for managing the expectations of victims who have waited for years to receive justice. The implementation of the reparations orders in *Lubanga* and *Katanga*, the first such orders in the history of the Court, is also essential to preserve the credibility of the institution. While stemming from the situation in the CAR, the case against Jean-Pierre Bemba will also require extensive external communication in the DRC on the part of the Court.

*Georgia*

590. In 2017, the OTP will continue its investigations in relation to the situation in Georgia. In order to provide efficient and effective support to these activities, a small field office will be required in Tbilisi. The limited field presence will allow direct and immediate access to national and local authorities on whose cooperation and assistance the Court relies for the implementation of its operations in the country. One of the main challenges for the field office will be to establish and maintain secure communications. Resources will be required for enhanced physical and information security to safeguard the confidentiality of sensitive operations. The setting up of a Georgia field office will, however, allow the Court to reduce costs for travel from Headquarters which would have been significantly higher without a permanent presence in the country.

591. The majority of witnesses and victims reside within Georgia, thus making access to them easy from the capital Tbilisi. A large number of victims are anticipated to apply for participation in proceedings. The Court must prioritize outreach activities in the country, failing which the participation of victims and affected communities, and ultimately the credibility of the Court, would be seriously undermined. For the purposes of witness protection, the VWS will at this stage establish a small team for Georgia to begin building capacity in order to provide the required support.

*Kenya*

592. Following judicial developments in 2016 with respect to the cases arising from the situation in Kenya, no further proceedings in relation to crimes under article 5 of the Rome Statute will be taking place in 2017. The warrants of arrest for three individuals charged with offences against the administration of justice remain outstanding. As such, the Court's activities will be significantly curtailed in Kenya during 2017. The only exception will be witness protection where the Court will continue to have responsibilities in relation to the security of witnesses and victims at risk. Unless unforeseen and compelling reasons dictate otherwise, the Court intends to close the field office in Nairobi in the course of 2017.

593. While VWS staff will remain in the country in 2017, all established posts in the Kenya Field Office will be abolished except that of Administration and Operations Officer (P-3) which will be maintained for nine months to facilitate witness protection activities and prepare the closure of the field office. All residual functions pertaining to public information and outreach in Kenya will be handled from the Uganda Field Office.

*Mali*

594. The field office in Bamako is expected to support a limited OTP presence in the country for the first half of 2017. With *Al Mahdi* expected to be completed by the end of 2016, no judicial proceedings in relation to the situation in Mali are foreseen for next year. The Registry's responsibilities for witness protection will nevertheless continue in 2017, thus necessitating a field presence for operational support to the VWS. The continued violent attacks by terrorist groups against international staff working in Mali require adequate security arrangements to be in place for the Court's staff, property and assets.

*Uganda*

595. The case against Dominic Ongwen is one of the three trials that are foreseen for 2017. Approximately 2,000 victims are currently participating in the proceedings and are being represented by both external Legal Representatives of victims and by the OPCV. Thirty-five witnesses are expected to appear to give testimony in relation to this case, with video-link testimony as an alternative. The warrants of arrest for Joseph Kony and Vincent Oti remain outstanding.

596. A field office in the capital Kampala and a small field presence in Gulu in northern Uganda are required in 2017 to support the increased activities associated with the start of trial proceedings in *Ongwen*. The affected communities, including over 50,000 victims, are scattered over a number of different locations in northern Uganda, often far away from towns. Additional resources are required for the field office to reach out to the affected

communities to inform victims of their rights and to keep them apprised of the judicial process. In addition to meetings, regular radio programmes will be broadcast to enhance the Court's outreach efforts.

597. Apart from victim participation and outreach activities, the field office will also support the operations of the OTP, Legal Representatives of victims and the Defence. The opening of a small field presence in Gulu, closer to the affected communities will allow for more efficient and cost-effective operations.

### **Strategic Priorities for 2017**

598. The overarching objective of the Division of External Operations is to ensure high-level coordination and give strategic direction for all external operations of the Registry. To this end, in 2017 DEO will focus on developing processes and strengthening its capacity in the following three main priority areas.

#### *Enhancing judicial cooperation and assistance*

599. Enhancing cooperation with key stakeholders in support of the judicial process is a primary objective of the DEO for 2017. Specific activities include the negotiation and conclusion of framework agreements and the development of networks for the purposes of asset tracking. DEO will also prioritize the collection of information pertaining to the whereabouts of suspects at large in order to secure arrests, as well as the tracking of assets and property belonging to accused persons for the purpose of accurate assessments of indigence.

600. Effective cooperation also requires that some resources be allocated for training relevant staff. Training modules aimed at increasing the Registry's ability to effectively conduct financial investigations and negotiations for the purposes of concluding framework agreements however have potentially positive budgetary impacts through, inter alia, reduced legal aid expenditures and improved ability to relocate vulnerable witnesses to third States.

#### *Strengthening witness support and protection*

601. In the light of the continued activities in all situation countries, the number of persons under protective measures will remain high in 2017. Fifty new referrals for protection from the OTP are expected next year in addition to 22 referrals for the support programme and the establishment of 19 new initial response systems. Accordingly, over 110 witnesses will remain under protection in 2017, including witnesses in the Court's protection programme, assisted moves, assessment and other types of support. This figure includes 49 internationally relocated witnesses who are in the care of a third entity and under continued monitoring by the VWS. In total, 575 persons (110 witnesses and 465 dependents) are under protection measures. In this regard, effective cooperation by States in relocating vulnerable witnesses to their territory will have positive budgetary implications for the Court. The broader analysis functions within the Division are also used to assist analysts in the VWS in determining appropriate witness protection and relocation measures.

#### *Maximizing the Court-wide impact of field operations*

602. A primary task of DEO in 2017 is to consolidate the new field structure by ensuring that there are adequate resources placed in the field for the Registry to provide support to its clients, for instance in relation to the active investigations by the OTP, as well as to perform its own mandated tasks. The ongoing judicial proceedings, especially those cases in the trial and reparations phases, will require the Uganda, DRC, CAR and Côte d'Ivoire Field Offices to undertake crucial activities in relation to outreach and victim participation and reparations. In the light of the implementation of the new structure in the field, it is essential for the Director of the DEO to ensure that operational modalities are in place between Headquarters and the field to enable effective coordination and communication between the two.

### Budget resources for the Division of External Operations

603. The overall proposed budget in 2017 for the DEO is €24,379.5 thousand, representing an increase of €2,793.0 thousand (12.9 per cent) as compared to the 2016 approved budget. However, €1,960.8 thousand of this increase represents established post staff costs and thus is mostly the result of reintegrating the reductions made to staff costs in 2016 with respect to the staggered implementation of the Registry's new structure as well as the in-built costs arising from the application of the UN Common System. Therefore, the actual operational net increase for the DEO resulting from a significantly heavier workload in 2017 is €832.2 thousand (3.8 per cent) when compared to the approved budget for 2016.

604. The proposed additional resources are requested to cover an increased volume of activities in relation to witness protection and field operations. With respect to staff resources, while new established posts and GTA positions are requested in relation to the situations in Georgia, Uganda, CAR and Mali, these are fully off-set by reductions in staffing for the Kenya Field Office. The increases in non-staff costs are mainly related to general operating expenses for the VWS and to support for the upsurge in activities in the field.

605. The proposed operational budgetary increase for DEO amounts to approximately €323.1 thousand (3.9 per cent). Within this limited increase, the Registry has been able to establish a new Georgia Field Office, enhance the CAR Field Office and establish two new satellite offices in Gulu (Uganda) and Western Côte d'Ivoire respectively. The downsizing and expected closure of the Kenya Field Office has allowed most of these investments to be absorbed within existing resources. Nevertheless, there is a substantial increase in projected activities in the field in 2017 which will require limited additional resources, including witness testimony and collection of victim applications in relation to the *Ongwen* case in Uganda, additional activities in the DRC in relation to reparation proceedings in *Lubanga* and *Katanga* as well as trial support in *Ntaganda*, and increases both in CAR and Côte d'Ivoire to support OTP investigations, and, in the latter, witness appearances in *Gbagbo* and *Blé Goudé*.

#### *Staff resources*

*€15,848.3 thousand*

606. The staff costs in the Division present a proposed increase of €2,469.9 (18.5 per cent) when compared to the approved 2016 budget. The majority of this increase is due to application of the UN Common System, as well as the reintegration of reductions made in 2016 in established posts in the light of the staggered implementation of Registry's new staffing structure. Notably, reductions in field offices, in particular the downsizing of the field office in Kenya, amount to €673.0 thousand, which offsets increases in established posts in other field offices, in particular Georgia, which amount to €554.2 thousand. The staff costs are therefore €118.8 thousand lower than they would have been under the 2016 staffing of established posts.

#### *Established posts: Professional and General Service*

*€14,313.7 thousand*

607. The amount requested for established posts has increased by €1,960.8 thousand (15.9 per cent) as compared to the 2016 approved budget. As outlined above, these are increases due to the implementation of the previously approved Registry structure and the associated costs of the UN Common System. In the light of the proposed temporary rise of the Registry's vacancy rate in 2017, staff resources in established posts have increased by €1,960.8 thousand instead of the €2,286.2 thousand required for the full implementation of the Division's structure.

608. Notably, there is a net decrease in overall established staffing levels in the Division. While five new established posts are requested for 2017 to support the Court's operations in the field, 10 established posts are to be abolished in the Kenya Field Office. This results in an overall reduction of five established posts for the DEO as compared to 2016 and consequently a real decrease of €118.8 thousand.



609. *One Chief of Field Office (Georgia) (P-5), 12 months. New.* The opening of the new Georgia Field Office will require minimum staffing consisting of one Chief of Field Office (P-5), one Field Security Officer (P-3) and one Field Assistant (VPRS/Outreach) (GS-OL). The Chief of Field Office will be responsible for setting up the new field office and ensuring that adequate arrangements are in place for the Court to be able to conduct its operations in Georgia effectively. The Chief of Field Office ensures a common and coordinated approach to the work of the office. The Chief is also responsible for facilitating judicial cooperation and for maintaining networks of key interlocutors to enable the Court to perform its mandate effectively.

610. *One Field Security Officer (Georgia) (P-3). 12 months. New.* The position is required for the field office to provide the necessary substantive services in term of the necessary security capacity on the ground to ensure the safety of staff, the Court's operations and missions, and its assets and property.

611. *One Field Assistant (VPRS/Outreach) (Georgia) (GS-OL). 12 months. New.* The position is required for the field office to provide the necessary substantive services in terms of victim participation and outreach. Field Assistants dedicated to victim participation, reparation and outreach work in a multidisciplinary manner allowing different functions to be performed by the same staff member.

612. *One Chief of Field Office (Uganda) (P-5). 12 months. New.* In Uganda, the commencement of the trial in the Ongwen case and concomitant field activities necessitate the establishment of the position of Chief of Field Office (P-5) to manage operations in the country. The significant increase in the volume and complexity of activities requires that the staffing structure in the Uganda Field Office be brought in line with the standard model for field presences. In the past, given the lower volume of judicial activities in the country, the Chief of Field Office in Kenya provided necessary coordination and supervision with respect to activities in Uganda. In light of the significant increase in judicial activities in the country, together with the abolition of the Chief of Field Office (P-5) in Kenya, the creation of this position becomes indispensable.

613. *One Associate Field Security Officer (CAR) (P-2). 12 months. New.* The position is requested for the CAR Field Office in order to ensure the same level of security services as is provided in the other field presences. The addition of the post will permit savings in travel costs as all field offices will have two security staff at the Professional level, thus obviating the need to temporarily move personnel between situation countries to cover for absences.

614. The significantly reduced activities in Kenya will result in the Registry abolishing 10 posts currently located in the field office in Nairobi. These consist of four Professional level positions, namely one Chief of Field Officer (P-5), two Field Officers (VPRS/Outreach) (P-3) and one Field Security Officer (P-3). The other six posts are at the General Service level and include one Administrative Assistant (GS-OL), one Local Security Assistant (GS-OL), two Field Assistants (VPRS/Outreach) (GS-OL) and two Drivers (GS-OL).

*General temporary assistance*

*€1,141.5 thousand*

615. The requested resources for GTA within the DEO have increased by €512.7 (81.5 per cent) from 2016. All 18 GTA positions, seven of which are newly requested for 2017, relate to witness protection and field operations.

616. To partially off-set this increase, the DRC Field Office will discontinue in 2017 GTA resources approved for 2016, namely, one Driver (GS-OL), one Cleaner (GS-OL) and a Field Assistant (VPRS/Outreach) (GS-OL).

617. *Two Field Assistants (VPRS/Outreach) (Uganda) (GS-OL). 12 months. New.* The positions are requested for the Uganda Field Office due to the increased number of activities and missions in 2017 to contact victims and affected communities, in particular in the light of the substantial number of victims expected to apply for participation in the *Ongwen* case, as well as the increased need to support outreach missions and activities. The requested resources are in line with equivalent resources already in place in the Field

Offices in the DRC and Côte d'Ivoire, the two other situations where trials will be taking place in 2017.

618. *One Driver (Uganda) (GS-OL). 12 months. New.* An additional driver is required to support the additional number of in-country missions foreseen in the light of trial proceedings in *Ongwen*.

619. *One Field Security Officer (Mali) (P-3). 12 months. Continued.* It is requested that this position be continued in order to provide an adequate level of security to staff operating in Mali. This would enable the Field Office in Mali, one of the most dangerous countries in which the Court is operating, to provide security support at an adequate level. Due to the varying level of activities in Mali, the position is requested as GTA for 2017.

620. *One Associate Field Security Officer (Mali) (P-2). 12 months. New.* The position is requested to support the work of the Field Security Officer (P-3) in order to provide an adequate level of security to staff operating in Mali. Due to the varying level activities in Mali, the position is requested as GTA for 2017.

621. *Five ICT Technicians (GS-OL). 12 months. Continued.* These positions continue to be required for the Uganda, DRC, CAR, Côte d'Ivoire and Kenya Field Offices due to the need to ensure uninterrupted IT services, notably in relation to witness testimonies conducted by way of video-link from the situation country. The positions will continue to be required until IMSS has had time to develop and gradually implement the "Field Office in a Box" IT solution. The concept refers to the outsourcing of IT support services while providing the necessary infrastructure and security from Headquarters. The position in the field office in Nairobi is requested for only three months in the light of the expected closure of the field office.

622. New GTA resources are requested for three positions in the VWS with respect to the situation in Georgia, where the Registry is responsible from the start of the investigations for providing its services in the area of witness protection.

623. *One Team Leader (P-3) 10 months. New.* This position is required for the new situation to lead the multidisciplinary team responsible for program set-up and case management of witnesses and victims under the responsibility of VWS; management of the ICCPP and witness movements; management of new protection cases following referrals for protection and support made by the parties; management of threat and risk assessments for inclusion in the ICCPP and recommendations on witness-protection measures; and preparation of relevant information for the senior managers and for the filings to be submitted to Chambers; The Team Leader in charge of Georgia will also be leading on the CAR and Libya situations.

624. *One Associate Team Leader (Field) (P-2) 6 months. New.* This position is required to lead the VWS field team in the field office and to support the Team Leader in the daily management of protection-related issues; run the IRS; manage protection-cases following referrals for protection and support made by the parties; conduct of threat and risk assessments for the inclusion in the ICCPP and recommendations on witness-protection measures; and collect and update of witness information for senior managers and for the filings to be submitted to Chambers.

625. *One Associate Field Case Officer (P-2) 6 months. New.* This position is required to assist the Associate Team Leader in the field and the Team Leader at Headquarters in managing the daily ICCPP case management workload, and the movements of witnesses. The staff member will also conduct threat/risk assessments for the purpose of including victims and witnesses in the ICCPP, assist with the management of protection cases following referrals for protection and support made by the parties, recommend witness-protection measures, and conduct and oversee witness-protection operations in the field.

626. A total of five GTA positions within the VWS are requested to be continued for 12 months in 2017.

627. *One Associate Team Leader (P-2) (Mali), 12 months. Continued.* This position is required to lead the VWS field team in the field office and to support the Team Leader in the daily management of protection-related issues, running the IRS, managing existing protection cases; collecting and updating witness information for senior managers and for filings to be submitted to Chambers.

628. *One Associate Analyst (P-2) (FO-OPS), 12 months. Continued.* The position is required to support the Analyst in monitoring and reviewing the security situation in Uganda, Mali, Georgia and regions in which the Court operates, on security incidents involving victims and witnesses; to register information and intelligence collected; to provide analytical support to the VWS management in the absence of the Analyst; and to provide analytical interpretation on matters concerning the mandate of the VWS.

629. *One Associate Witness Protection Training Officer (P-2) (FO-OPS), 12 months. Continued.* The extension of this position in 2017 is required for the development, coordination, maintenance and delivery of the VWS training programme that is intended to provide staff with a consolidated understanding of the protection, risk and case management concepts necessary for the section's mandate. Safeguarding the confidentiality of VWS operations cannot be overemphasized. New staff, especially in the field must be apprised of the necessary operating standards. Considering the high level recruitment at Headquarters and in the field, it is essential that the position be extended in 2017 so that new staff benefit from the same level of training level as existing staff members. In accordance with the mandate of VWS, the Associate Witness Protection Training Officer will also provide training to other participants in the Court proceedings to ensure standardization of good practices and better understanding and management of witnesses and victims by all parties involved.

630. *One Senior Planning Assistant (GS-OL) (CIS-OPS), 12 months. Continued.* This position continues to be required to provide support to the Planning Officer and Associate Administrative Officer in managing an increased administrative workload with regard to witnesses appearing before the Court during simultaneous trials; the third court room; and the financial and logistical workload related to ICCPP participants.

631. *One Senior Case Management Assistants (Mali) (GS-OL), 12 months. Continued.* The position is required for day-to-day interaction with ICCPP participants within the approved case management plans. The incumbent executes protection operations relating to threat and risk assessment missions, extraction of ICCPP participants and their transfer to third States, and the functioning of the initial response system in the field.

*Temporary assistance (other)*

*€393.1 thousand*

632. The increase of €26.4 thousand (7.2 per cent) for temporary assistance is directly linked to the greater number of witnesses appearing before the Court and the need for Witness Assistants (GS-OL) to support their stay at the seat of the Court. The continuation of the roster is required to facilitate and support the appearance of 92 witnesses before the Court and the workload related to the proposed 500 court days. Relying on an on-call roster of Witness Assistants allows the Division to use resources flexibly on a needs-basis, thus ensuring the long-term sustainability of the volume of operations in a cost-effective manner.

633. The roster is required to provide important welfare-related services to witnesses appearing before the Court in The Hague; to assist with escorting witnesses during their stay (for medical and other purposes); to monitor and support witnesses (day and night); to assist with day-to-day activities for the well-being of witnesses; and to provide logistical support to witnesses during their preparation by the calling party when such preparation is allowed by the Chambers.

*Non-staff resources*

*€8,531.2 thousand*

634. The proposed resources for non-staff costs in the DEO for 2017 have increased by €323.1 thousand (3.9 per cent). The main cost-drivers are travel and general operating expenses where the growth in activities, primarily in relation to field operations, requires additional resources. These are however partially off-set by reductions in contractual services and furniture and equipment.

*Travel*

€1,476.9 thousand

635. The resources requested have increased by €164.6 thousand (12.5 per cent). The costs of travel are driven by increases for the OD-DEO, where mission travel is necessary for the Director of the DEO and relevant supporting staff to both situation and non-situation countries to oversee the field presences and engage with high-level interlocutors to further cooperation with the Court.

636. The increased activities in the field will also require additional funds to be devoted to travel for some field office staff within the country. These resources are required mainly to cover the DSA of field staff on in-country missions, including necessary logistical and security support. In CAR resources are required to cover outreach activities, as well as for field security support for missions and activities, including in particular, OTP activities. In Côte d'Ivoire, the increase is proposed to reflect of the extension of the in-country support activities required in relation to both the ongoing judicial proceedings and the CIV II investigations. In Uganda the increase is largely due to the higher volume of activities taking place in the north of the country in connection with victim participation and reparations activities and outreach. With regard to Georgia, the requested amount is required for travel for the chief of mission to attend strategic planning meetings at Headquarters; as well as for duty driver and field security up-country mission support and assessment. Increases for the CAR, Côte d'Ivoire, Uganda and Georgia Field Offices are partly off-set by decreases for the other field presences. Travel for field staff to Headquarters has been kept at the minimum level necessary.

637. A limited capacity for field staff to travel to Headquarters is nevertheless required for strategic discussions with the substantive sections on field practices and to exchange relevant experiences between the offices so as to ensure a coherent approach, as well as for the Chief of Office to report annually on duty to the Director of the Division.

638. The decreases in the VWS travel budget have been able to partially off-set the overall increase for the DEO. This has been achieved through reinforcing staff resources in the field. Core activities can be conducted by the field-based staff, thus in many cases avoiding travel from Headquarters to the field. As a result, VWS has been able to absorb all workload related increases in travel, notably in relation to the new situation in Georgia. Travel resources nevertheless continue to be required for operational purposes to provide protection and support services, for example in relation to the relocation of witnesses.

639. All other Sections in the Division present travel budgets largely comparable to the 2016 approved level.

*Contractual services*

€1,221.0 thousand

640. The amount requested for contractual services for DEO has decreased by €87.1 thousand (6.7 per cent). This has been achieved through rigorous reprioritization of resources within DEO to contain the increase for the Uganda Field Office resulting from outreach and victim participation and reparation activities in relation to *Ongwen*. Resources are required not only to organize meetings with the affected communities, broadcast the proceedings and produce relevant material, but also to provide the necessary security to the missions. Funds are also requested for the maintenance of the CAR Field Office and to establish the new Georgia Field Office.

641. Substantially reduced resources are requested in EOSS for crisis management as well as for Court-wide consolidated information analysis purposes, in line with the objective of achieving synergies within the Court. The reduction of €50.0 thousand in contractual services in EOSS results from the redeployment of funds to the Mali Field Office and the decision to postpone investments in mission planning software pending the finalization of a holistic solution led by the Information Management Services Section.

642. The Court's public information activities rely on continued funding under contractual services. The resources are used for engaging with the media through, *inter alia*, training to journalists from key countries and targeted publications in the press to raise awareness of major developments at the Court. Materials and services are needed to provide general information on the Court to the public as well as to support the annual moot

court competition and the campaign in relation to the Day of International Criminal Justice. In order to balance the necessary increases for other operational areas in DEO, savings of €42.0 thousand have been identified in PIOS for contractual services.

*Training*

€66.2 thousand

643. The resources requested for training have increased by €12.2 thousand (22.6 per cent). The increase results from the resources that are newly requested for the Uganda, DRC and CAR Field Offices for the purpose of providing training to a selected group of drivers to operate armoured vehicles which are used in the field offices for transportation. This is especially required in the light of the increased number of missions in the field and the precarious security situation in many areas where the Court operates. The training is designed to meet the minimum security standards set by the United Nations and would take place in Kampala, Uganda, which is the only location in the region where such specialized training is provided.

644. By redeploying resources at Headquarters, the combined proposed increases in training budget for EOSS (€20.0 thousand) and PIOS (€3.0 thousand) are fully offset by reductions in VWS amounting to €23.5 thousand, thus actually resulting in a minor decrease of €0.5 thousand. Notably, investments in specialized training modules aimed at increasing the Registry's ability to effectively conduct financial investigations have potentially positive budgetary impacts through, inter alia, reduced legal aid expenditure.

*General operating expenses*

€5,431.2 thousand

645. The amount requested for general operating expenses has increased by €161.7 thousand (3.1 per cent). The major cost-driver is witness protection where the additional workload from core operations is directly reflected in the increase of €271.0 thousand of the total €4,382 thousand proposed general operating expenses in VWS. It must be noted that the proposed increase for this budget line is significantly smaller than in previous years and reflects a trend whereby increases VWS for general operating expenses have fallen from 41.2 per cent in 2014 and 21.1 per cent in 2016 to the current proposed level of 6.6 per cent. This has been made possible by centralized and strengthened case management in the field. The requested resources would allow VWS to progress exits of witnesses and their dependents from the care of the Court and thus, other things being equal, lead to future savings.

646. The general operating expenses budget proposed for field offices in 2017 amounts to €1,006.2 thousand, representing a net increase of €20.8 thousand from the 2016 approved budget line. In this regard, the increases proposed for the Georgia, Côte d'Ivoire and CAR Field Offices are mostly off-set by reductions for the other field offices. Resources are required under this budget line mainly for the rent and maintenance of offices, utilities as well as any necessary maintenance of equipment and furniture. The establishment of the Georgia Field Office and the satellite office in western Côte d'Ivoire will require completely new investments.

647. Some of the resources previously requested under this budget line have been moved elsewhere. The reduction of €97.3 thousand for OD-DEO results from the redeployment of resources to OD-DJS to facilitate the appearance of persons summoned before the Court. The proposed resources for PIOS have decreased due to the fact that some items previously budgeted under general operating expenses have been moved to supplies and materials and furniture and equipment to better reflect the nature of the resources. While some resources are requested to be continued for PIOS for the purposes of maintaining equipment, limited new investments are proposed for EOSS mainly in relation to software applications for data analysis.

*Supplies and materials*

€289.6 thousand

648. The requested resources have increased by €79.9 thousand (38.1 per cent). The majority of this increase is the result of an upsurge in activities in the field where field offices need to purchase, among other things, more fuel for generators and vehicles to support the additional missions taking place in 2017. More office supplies will also be

required for staff relying on the support infrastructure provided by the field offices. Funds, previously budgeted under general operating expenses, are requested for PIOS in relation to the annual software subscription to create information tools and new information products with more visuals so that they can be shared more easily, reach more people via social media and generate increased support for the Court from a wider range of audiences.

*Furniture and equipment*

€46.3 thousand

649. The requested amount has decreased by €8.2 thousand (15.0 per cent) as compared to the 2016 approved budget. The proposed increase of €20.0 thousand in PIOS to purchase audio-visual equipment and, editing and USB duplication equipment, has been fully offset by decreases resulting from the one-off investments made in 2016 for power generators in the Uganda and Mali Field Offices.

**Table 33: Programme 3800: Proposed budget for 2017**

3800 Division of External Operations	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				8,602.1	1,738.6	20.2	10,340.7
General Service staff				3,750.8	222.2	5.9	3,973.0
<i>Subtotal staff</i>	<i>7,178.5</i>		<i>7,178.5</i>	<i>12,352.9</i>	<i>1,960.8</i>	<i>15.9</i>	<i>14,313.7</i>
General temporary assistance	2,185.5	23.3	2,208.8	628.8	512.7	81.5	1,141.5
Temporary assistance for meetings	7.5		7.5	366.7	26.4	7.2	393.1
Overtime	16.8		16.8	30.0	-30.0	-100.0	
<i>Subtotal other staff</i>	<i>2,209.8</i>	<i>23.3</i>	<i>2,233.1</i>	<i>1,025.5</i>	<i>509.1</i>	<i>49.6</i>	<i>1,534.6</i>
Travel	1,344.0	142.9	1,486.9	1,312.3	164.6	12.5	1,476.9
Hospitality	1.0		1.0				
Contractual services	891.5	148.2	1,039.7	1,308.1	-87.1	-6.7	1,221.0
Training	9.4		9.4	54.0	12.2	22.6	66.2
Consultants							
General operating expenses	3,276.5	146.6	3,423.1	5,269.5	161.7	3.1	5,431.2
Supplies and materials	253.1	28.8	281.9	209.7	79.9	38.1	289.6
Furniture and equipment	288.9	249.1	538.0	54.5	-8.2	-15.0	46.3
<i>Subtotal non-staff</i>	<i>6,064.4</i>	<i>715.6</i>	<i>6,780.0</i>	<i>8,208.1</i>	<i>323.1</i>	<i>3.9</i>	<i>8,531.2</i>
<b>Total</b>	<b>15,452.7</b>	<b>738.9</b>	<b>16,191.6</b>	<b>21,586.5</b>	<b>2,793.0</b>	<b>12.9</b>	<b>24,379.5</b>

**Table 34: Programme 3800: Proposed staffing for 2017**

3800 Division of External Operations										Total P-staff and above			Total GS-staff	Total staff
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL		
<b>Established Posts</b>														
Existing	-	-	-	1	6	8	34	38	-	87	4	96	100	187
New	-	-	-	-	2	-	1	1	-	4	-	1	1	5
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>8</b>	<b>8</b>	<b>35</b>	<b>39</b>	<b>-</b>	<b>91</b>	<b>4</b>	<b>97</b>	<b>101</b>	<b>192</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	1.00	3.00	-	4.00	-	6.25	6.25	10.25
New	-	-	-	-	-	-	0.83	2.00	-	2.83	-	3.00	3.00	5.83
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.83</b>	<b>5.00</b>	<b>-</b>	<b>6.83</b>	<b>-</b>	<b>9.25</b>	<b>9.25</b>	<b>16.08</b>

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

### Introduction

650. The Secretariat (SASP) provides the Assembly and its Bureau and subsidiary bodies with administrative and technical assistance in the discharge of their functions under the Statute.<sup>62</sup> The conference-servicing functions of the Secretariat include the planning, preparation and coordination of the meetings of the Assembly and its subsidiary bodies, and receiving, translating, reproducing and distributing their documents, reports and decisions. In addition, it provides substantive servicing of the Assembly and its subsidiary bodies. The substantive servicing functions include, *inter alia*, providing legal and substantive secretariat services, such as the provision of documentation, reports and analytical summaries, and supplying advice within the Secretariat on legal and substantive issues relating to the work of the Assembly.

651. The Secretariat has four sub-programmes: Sub-programme 4100 (Conference), Sub-programme 4200 (Secretariat of the Assembly), Sub-programme 4400 (Office of the President of the Assembly), and Sub-programme 4500 (Committee on Budget and Finance).

**Table 35: Expected results, performance indicators and targets 2017**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2017</i>
<b>Objective 1</b> Conference held as planned	<ul style="list-style-type: none"> <li>- Meetings run smoothly, end on time and reports adopted</li> <li>- All agenda items are considered</li> <li>- Participants are supported substantively and logistically at meetings, including with registration, provision of documentation and language services</li> <li>- Session participants are satisfied with the arrangements and information provided</li> </ul>	n/a
<b>Objective 2</b> Quality edited and translated documents released for processing, production and distribution in a timely manner	<ul style="list-style-type: none"> <li>- States are provided and satisfied with quality conference services and with the editing, translation and timely issuance of documents, in four official languages,<sup>63</sup> which fully support them in their functions</li> <li>- States are assisted as required, in particular with the provision of information and documentation regarding the Assembly and the Court</li> </ul>	n/a
<b>Objective 3</b> Quality legal advice provided to the Assembly and its subsidiary bodies	<ul style="list-style-type: none"> <li>- States are provided with substantive legal services, especially in the form of documentation, which facilitate and support their work</li> <li>- Members of the Assembly and relevant bodies are satisfied with the sessions</li> </ul>	n/a
<b>Objective 4</b> Effective dissemination of documentation and information to States Parties via, <i>inter alia</i> , the internet	<ul style="list-style-type: none"> <li>- Website and Assembly, Committee, Bureau and Oversight Committee extranets are used frequently</li> <li>- Information and documentation can be accessed without delays</li> </ul>	n/a

### Budget resources

**€2,917.8 thousand**

652. The requested amount for 2017 has increased by €109.0 thousand (3.9 per cent) in comparison to the 2016 approved budget. The key new costs are: a request for a Special Assistant (P-2) to be located in Dakar (€106,000), funding of the post of Senior Administrative Assistant (GS-PL) that was approved in 2016 (€81,600), and the travel costs to The Hague of the five members of the Audit Committee (€60,600). Furthermore, there is

<sup>62</sup> Such bodies include the Bureau and its Hague and New York Working Groups, the Advisory Committee on Nominations of Judges, the Oversight Committee on Permanent Premises, the Committee on Budget and Finance and the Audit Committee. Although it is based in The Hague, the Secretariat provides substantive services to the Presidency of the Assembly, the Bureau and its New York Working Group, through the preparation of pre-session and post-session documentation.

<sup>63</sup> As of 2009 official documents for the Assembly are issued in four official languages only: Arabic, English, French and Spanish.

one additional new cost - the travel of the nine members of the Advisory Committee on Nominations of Judges (€63,700). This subsidiary body of the Assembly would, in principle, meet on a triennial basis (before the Assembly is to elect six judges). The increases for most of the new resources requested are offset by a reduction in the budget line for contractual services, as a result of lower costs incurred in respect of the annual session of the Assembly, which is to be held at United Nations Headquarters in New York.

**Staff resources**

**€1,903.0 thousand**

653. The Secretariat has ten established posts (five professional staff and five GS staff). Six GTA positions (five professional and one GS) (4.3 FTE) were approved. The Secretariat also has several other shorter-term GTA positions (2.6 FTE) to service the Assembly and its subsidiary bodies.

*Established posts: Professional and General Service*

*€1,036.3 thousand*

654. The Secretariat currently comprises one Director (D-1), one Executive Secretary to the Committee on Budget and Finance (P-5), one Legal Officer (P-4), one Legal Officer (P-3), one Special Assistant to the Director (P-2), one Senior Administrative Assistant (GS-PL), one Meetings and Administrative Assistant (GS-PL), one Documentalist/Archivist (GS-PL) and two Administrative Assistants (GS-OL). With the exception indicated below, all Secretariat staff carry out their functions under the supervision of the Director. Secretariat staff provide both substantive servicing (the Legal Officers) and technical servicing (the conference servicing and administrative staff) to the Assembly and its subsidiary bodies.

655. The Special Assistant to the President of the Assembly reports directly to the President. The Executive Secretary to the Committee on Budget and Finance reports directly to the Chair of the Committee on Budget and Finance. In addition to his duties as Executive Secretary, that staff member continues to perform functions within the Secretariat as a whole, particularly as regards the finance and administration of Major Programme IV. Based on the Committee's recommendation, the Assembly approved the appointment of the Executive Secretary to the Committee as the Secretary to the Audit Committee,<sup>64</sup> in addition to his above mentioned duties.

*General temporary assistance*

*€688.7 thousand*

656. The Secretariat currently has six full-time GTA positions and various other shorter-term GTA positions to service the Assembly and its subsidiary bodies.

657. One *Associate Legal Officer (P-2), 9 months. Continued*. The workload of substantive servicing has increased considerably since the Secretariat was established in 2004. New bodies have been created and the number of meetings of these bodies has increased significantly. Such bodies include the Bureau, and its Hague and New York Working Groups and the Oversight Committee on Permanent Premises. Although it is based in The Hague, the Secretariat provides substantive services to the Presidency of the Assembly, the Bureau and its New York Working Group through the preparation of pre-session and post-session documentation. This position allows the Secretariat to provide better support to the Assembly and its subsidiary bodies.

658. One *Web Developer Assistant (GS-OL), 12 months. Continued*. The Web Developer Assistant position allows the Secretariat to continue to post documents, papers and publications on the web, to maintain an extranet for the Assembly, the Bureau, the Committee on Budget and Finance and the Oversight Committee, and to ensure timely posting of information regarding, *inter alia*, elections, complementarity developments and press releases.

659. One *Special Assistant to the President (P-2), 12 months. New*. This position, which would be based in Dakar where the President resides, supports the President and the Bureau

<sup>64</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1.



for the period 2015-2017. The staff member provides substantive and technical support to the President regarding the preparation of his statements, correspondence and coordination with key stakeholders on Assembly matters.<sup>65</sup>

660. One *Special Assistant (P-2)*, 12 months. *Continued.* The Special Assistant assists with the preparation of official communications, coverage of Assembly-related issues at United Nations Headquarters, and continuous engagement with observer States to promote the universality of the Rome Statute. Furthermore, the staff member provides substantive services to the Bureau and the New York Working Group, and to sessions of the Assembly under the direction of the Secretariat of the Assembly. Technical servicing will continue to be undertaken by the Liaison Office.

661. One *Special Assistant to the Director (P-1)*, 12 months. *Continued.* This position assists the Director of the Secretariat in the preparation of the Assembly session and other logistical activities throughout the year, and organizes meetings of the Director with Court Officials and States Parties.

662. One *Legal Officer (P-3)*, 7 months. *Continued.* This position will assist the Secretariat on major issues related to budgetary, financial and administrative matters and assist the facilitator on the approved programme budget.

663. One *Administrative Officer (P-3)*, 12 months. *Continued.* In addition to the previously approved five months, a new request for an additional seven months has been made, where the funding resources will stay at the 2016 approved budget of five months. This position will assist the Executive Secretary to the Committee in preparation for the two sessions of the Committee and in following up with implementation of the recommendations made by the Committee and other related matters, including the preparation for the sessions of the Audit Committee. In addition, this position will provide the opportunity for the Executive Secretary to cover more meetings of the Hague Working Group and to report to the Committee on major issues related to budgetary, financial and administrative matters.

664. One *Senior Legal Officer (P-5)* and One *Legal Officer (P-4)*, 0.55 months each. *Continued.* Substantive servicing of the Assembly and its working groups (preparation of pre-session and in-session documentation/papers and draft reports) is provided for a limited number of days by a Senior Legal Officer (P-5) and a Legal Officer (P-4). These additional officers supplement the two Legal Officers in the Secretariat's core staff.

665. *Special Assistants*, 20.29 months. *Continued.* The Secretariat will require Special Assistants during the months leading up to and including the annual session of the Assembly. Special Assistants assist the Director with all the logistical aspects of the meetings of the Assembly, including determining space requirements and equipment needs, registration of delegations and NGO representatives, and communicating with delegates.

*Temporary assistance for meetings*

€140.0 thousand

666. The amount requested for temporary assistance for meetings remains unchanged.

667. Temporary assistance is required, in particular, for the translation of official documentation of the Assembly and its subsidiary bodies, as well as registration of delegates, issuance of passes, photocopying of documents on a large scale and their distribution, and generally facilitating delegates' attendance at the sessions. Interpretation services for the session of the Advisory Committee on Nominations of Judges are estimated at €24,000.

*Overtime*

€38.0 thousand

668. The amount requested for overtime remains unchanged. Overtime is paid to General Service staff hired on a short-term basis who are required to provide the assistance mentioned above and must necessarily work beyond normal working hours, including

<sup>65</sup> A new President of the Assembly will assume the post in December 2017, as there will be a new Bureau for the period 2018-2020.

weekends, during and in relation to the session of the Assembly and the sessions of the Committee.

**Non-staff resources**

**€1,014.8 thousand**

669. The amount requested has decreased by €29.8 thousand (2.9 per cent). Non-staff resources comprise travel, hospitality, contractual services, training, general operating expenses, supplies and materials and furniture and equipment.

*Travel*

*€554.6 thousand*

670. The amount requested for travel has increased by €194.6 thousand (54.1 per cent).

671. The travel budget reflects the cost of travel of members of the Committee to their sessions, the trips envisioned for the Committee's Chair to attend sessions with the Hague Working Group and New York Working Group, Court officials, and for few members of the Committee to travel to field offices. This budget item also covers the cost of travel of the Office of the President of the Assembly, including visits to the seat of the Court in The Hague and to New York. In addition, this covers the travel of five members of the Audit Committee to The Hague. The travel budget includes costs which occur on a triennial basis: €70,000 for the travel of the Secretariat staff to service the sixteenth session of the Assembly in New York<sup>66</sup> and €63,700 for the travel of nine members of the Advisory Committee on Nominations of Judges, which would meet during the second semester of 2017 to consider the nominations submitted for the election of six judges.

*Hospitality*

*€5.0 thousand*

672. The amount requested for hospitality remains unchanged. Hospitality is mainly used for the two sessions of the Committee and three sessions of the Audit Committee.

*Contractual services*

*€401.0 thousand*

673. The amount requested for contractual services has decreased by €224.6 thousand (35.9 per cent), due mainly to savings that will be made by holding the Assembly's sixteenth session at United Nations Headquarters in New York. The resources are required to cover the costs related to the sixteenth session of the Assembly and the outsourcing of translation and external printing for the session of the Committee.

*Training*

*€10.1 thousand*

674. The amount requested for training remains practically unchanged. Training is used to keep staff members updated in their specific fields of work.

*General operating expenses*

*€24.4 thousand*

675. The amount requested for general operating expenses remains unchanged. General operating expenses cover expenditure for mailing documents, notes verbales and publications to States Parties, to the members of the Committee on Budget and Finance and occasionally for seminars to promote the universality of the Rome Statute, either using regular post, registered mail or courier services.

*Supplies and materials*

*€14.7 thousand*

676. The amount requested for supplies and materials remains unchanged. Supplies and materials cover the cost of office supplies, including stationery used by the staff of the Secretariat (including paper, toners, pens, memo pads and folders), stationery for the two

<sup>66</sup> In recent years, the Assembly has held its annual sessions as follows: two sessions in The Hague and then one session at UNHQ in New York. The latter venue results in a decrease in some budget lines, such as contractual services, but an increase in travel costs.

sessions of the Committee, the three sessions of the Audit Committee, the session of the Advisory Committee on Nominations and the annual session of the Assembly, and for the regular meetings of the Hague Working Group.

*Furniture and equipment*

€5.0 thousand

677. The amount requested for furniture and equipment remains unchanged. The Secretariat has managed to increase efficiency through the use of USB flash drives, which are distributed to delegates attending the Assembly session. These contain pre-session official documents in the official languages resulting in savings in the cost of printing, transporting, storing and distributing paper copies of such documents. Increased use of the “paper-light” approach and of the Assembly website and extranets may reduce the need for printed material in the medium-term.

**Table 36: Major Programme IV: Proposed budget for 2017**

Programme IV Secretariat of the Assembly of States Parties	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				651.1	10.4	1.6	661.5
General Service staff				288.5	86.3	29.9	374.8
<i>Subtotal staff</i>	<i>570.3</i>		<i>570.3</i>	<i>939.6</i>	<i>96.7</i>	<i>10.3</i>	<i>1,036.3</i>
General temporary assistance	529.0		529.0	646.6	42.1	6.5	688.7
Temporary assistance for meetings	235.6		235.6	140.0			140.0
Overtime	33.4		33.4	38.0			38.0
<i>Subtotal other staff</i>	<i>798.0</i>		<i>798.0</i>	<i>824.6</i>	<i>42.1</i>	<i>5.1</i>	<i>866.7</i>
Travel	385.6		385.6	360.0	194.6	54.1	554.6
Hospitality	8.8		8.8	5.0			5.0
Contractual services	1,056.6		1,056.6	625.6	-224.6	-35.9	401.0
Training				9.9	0.2	2.0	10.1
Consultants	12.1		12.1				
General operating expenses	7.1		7.1	24.4			24.4
Supplies and materials	8.5		8.5	14.7			14.7
Furniture and equipment	9.8		9.8	5.0			5.0
<i>Subtotal non-staff</i>	<i>1,488.5</i>		<i>1,488.5</i>	<i>1,044.6</i>	<i>-29.8</i>	<i>-2.9</i>	<i>1,014.8</i>
<b>Total</b>	<b>2,856.8</b>		<b>2,856.8</b>	<b>2,808.8</b>	<b>109.0</b>	<b>3.9</b>	<b>2,917.8</b>

**Table 37: Major Programme IV: Proposed staffing for 2017**

IV Secretariat of the Assembly of States Parties	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	1	1	1	1	-	5	3	2	5	10
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>10</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	0.05	0.05	1.00	1.75	1.00	3.84	-	2.08	2.08	5.92
New	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.05</b>	<b>0.05</b>	<b>1.00</b>	<b>2.75</b>	<b>1.00</b>	<b>4.84</b>	<b>-</b>	<b>2.08</b>	<b>2.08</b>	<b>6.92</b>

**Table 38: Sub-programme 4100: Conference**

4100 Conference	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff							
General Service staff							
<i>Subtotal staff</i>	-0.2		-0.2				
General temporary assistance	229.5		229.5	343.8	-80.3	-23.4	263.5
Temporary assistance for meetings	192.5		192.5	80.0			80.0
Overtime	23.8		23.8	20.0			20.0
<i>Subtotal other staff</i>	445.8		445.8	443.8	-80.3	-18.1	363.5
Travel	51.1		51.1		63.7		63.7
Hospitality							
Contractual services	1,019.6		1,019.6	537.6	-224.6	-41.8	313.0
Training							
Consultants							
General operating expenses	7.0		7.0	11.0			11.0
Supplies and materials	4.4		4.4	10.0			10.0
Furniture and equipment							
<i>Subtotal non-staff</i>	1,082.1		1,082.1	558.6	-160.9	-28.8	397.7
<b>Total</b>	<b>1,527.7</b>		<b>1,527.7</b>	<b>1,002.4</b>	<b>-241.2</b>	<b>-24.1</b>	<b>761.2</b>

678. Sub-programme 4100 (Conference) shows conference costs, *inter alia*, for the Assembly, the Advisory Committee on Nominations, the two sessions of the Committee on Budget and Finance, three sessions of the Audit Committee, except those costs reflected in its Sub-programme 4500, and costs for the regular meetings of the Hague Working Group. Such costs also include temporary assistance for meetings and travel costs.

**Table 39: Sub-programme 4200: Secretariat of the Assembly**

4200 Secretariat of ASP	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				499.9	7.6	1.5	507.5
General Service staff				288.5	4.7	1.6	293.2
<i>Subtotal staff</i>	383.1		383.1	788.4	12.3	1.6	800.7
General temporary assistance	169.0		169.0	129.2	123.8	95.8	253.0
Temporary assistance for meetings							
Overtime	9.6		9.6	18.0			18.0
<i>Subtotal other staff</i>	178.6		178.6	147.2	123.8	84.1	271.0
Travel	20.8		20.8	15.7	70.6	449.7	86.3
Hospitality	4.8		4.8	1.0			1.0
Contractual services							
Training				5.2	0.2	3.8	5.4
Consultants							
General operating expenses	0.1		0.1				
Supplies and materials	4.1		4.1	4.7			4.7
Furniture and equipment	9.8		9.8	5.0			5.0
<i>Subtotal non-staff</i>	39.6		39.6	31.6	70.8	224.1	102.4
<b>Total</b>	<b>601.3</b>		<b>601.3</b>	<b>967.2</b>	<b>206.9</b>	<b>21.4</b>	<b>1,174.1</b>

679. Sub-programme 4200 (Secretariat of the Assembly) reflects the resources for the Secretariat, including those for the Office of the President of the Assembly, costs relating to services and work on behalf of the Assembly's Bureau, the Working Groups of the Bureau (the Hague Working Group and New York Working Group), the Oversight Committee on Permanent Premises, the Advisory Committee on Nominations, the Committee on Budget and Finance and the Audit Committee, except those costs reflected in its Sub-programme 4500.

**Table 40: Sub-programme 4400: Office of the President of the Assembly**

4400 Office of the President of the Assembly of State Parties	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff							
General Service staff							
<i>Subtotal staff</i>							
General temporary assistance	108.2		108.2	123.8	-2.8	-2.3	121.0
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>108.2</i>		<i>108.2</i>	<i>123.8</i>	<i>-2.8</i>	<i>-2.3</i>	<i>121.0</i>
Travel	101.0		101.0	87.7	-1.0	-1.1	86.7
Hospitality	4.0		4.0				
Contractual services	2.4		2.4	12.0			12.0
Training							
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>107.4</i>		<i>107.4</i>	<i>99.7</i>	<i>-1.0</i>	<i>-1.0</i>	<i>98.7</i>
<b>Total</b>	<b>215.6</b>		<b>215.6</b>	<b>223.5</b>	<b>-3.8</b>	<b>-1.7</b>	<b>219.7</b>

680. Sub-programme 4400 (Office of the President of the Assembly) includes the direct costs relating to the Office of the President of the Assembly, such as the travel costs of the President to The Hague, New York, Europe and within Africa, the post of the Special Assistant to the President and contractual services to cover meetings with diplomats and high officials.

**Table 41: Sub-programme 4500: Committee on Budget and Finance**

4500 Committee on Budget and Finance	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				151.2	2.8	1.9	154.0
General Service staff					81.6		81.6
<i>Subtotal staff</i>	<i>187.4</i>		<i>187.4</i>	<i>151.2</i>	<i>84.4</i>	<i>55.8</i>	<i>235.6</i>
General temporary assistance	22.3		22.3	49.8	1.4	2.8	51.2
Temporary assistance for meetings	43.1		43.1	60.0			60.0
Overtime							
<i>Subtotal other staff</i>	<i>65.4</i>		<i>65.4</i>	<i>109.8</i>	<i>1.4</i>	<i>1.3</i>	<i>111.2</i>
Travel	212.7		212.7	256.6	61.3	23.9	317.9
Hospitality				4.0			4.0
Contractual services	34.6		34.6	76.0			76.0
Training				4.7			4.7
Consultants	12.1		12.1				
General operating expenses				13.4			13.4
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>259.4</i>		<i>259.4</i>	<i>354.7</i>	<i>61.3</i>	<i>17.3</i>	<i>416.0</i>
<b>Total</b>	<b>512.2</b>		<b>512.2</b>	<b>615.7</b>	<b>147.1</b>	<b>23.9</b>	<b>762.8</b>

681. Sub-programme 4500 (Committee on Budget and Finance) includes the direct costs relating to the Committee on Budget and Finance and the Audit Committee, such as interpretation costs, reflected under temporary assistance for meetings; translation costs, reflected under contractual services; travel costs of the members of the Committee and the members of the Audit Committee; and the post of the Executive Secretary to the Committee; the post of the Senior Administrative Assistant and 12 months GTA of the Administration Officer; hospitality for the sessions of the Committee and the sessions of the Audit Committee; training, and external printing of the Committee's recommendations. However, other related costs, such as temporary staff hired to assist during the sessions, are reflected under Sub-programmes 4100 and 4200.

## E. Major Programme V: Premises

### Introduction

682. In 2016, this programme had an approved budget of €2,824.6 thousand. It consisted of €1,017.0 thousand for preventative maintenance at the new premises and €1,807.6 for residual rental costs at the interim premises. The court will not have any financial obligation for its former interim premises in 2017.

683. In 2017, the guarantee period for buildings and installations at the Court's premises will have ended. So, the Court proposes to add the cost of corrective maintenance in 2017.

684. There is no proposal for capital investment or replacement during 2017, unless otherwise recommended by the oversight committee of permanent premises.

**Budget resources** **€1,454.9 thousand**

685. The requested amount has decreased by €1,369.7 thousand (48.5 per cent) due to the expiration of the rental contracts for the interim premises.

*General Operating Expenses* *€1,454.9 thousand*

686. The above amount is needed to cover the estimated costs of corrective and preventative maintenance at the premises of the Court in 2017. The proposed cost is based on an estimate provided to the Court by the Project Director's Office for Permanent Premises (PDO) in 2015 and represents an increase in maintenance costs of €437.9 thousand (43 percent) compared to the approved maintenance costs in 2016.

**Table 42: Major Programme V: Proposed budget for 2016**

5100 Premises	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff							
General Service staff							
<i>Subtotal staff</i>							
General temporary assistance							
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>							
Travel							
Hospitality							
Contractual services							
Training							
Consultants							
General operating expenses	5,394.2		5,394.2	2,824.6	-1,369.7	-48.5	1,454.9
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	5,394.2		5,394.2	2,824.6	-1,369.7	-48.5	1,454.9
<b>Total</b>	<b>5,394.2</b>		<b>5,394.2</b>	<b>2,824.6</b>	<b>-1,369.7</b>	<b>-48.5</b>	<b>1,454.9</b>

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

### Introduction

687. The Trust Fund for Victims (TFV) at the International Criminal Court supports activities which address the harm resulting from crimes under the jurisdiction of the Court by assisting victims to return to a dignified and contributory life within their communities. The TFV fulfils two mandates: (1) administering reparations ordered by the Court against a convicted person,<sup>67</sup> and (2) using other resources for the benefit of victims in accordance with the provisions of article 79 of the Rome Statute.<sup>68</sup> Both mandates provide support to victims of genocide, crimes against humanity and war crimes committed since 1 July 2002.<sup>69</sup>

688. The present budget submission follows on from and is a corrigendum to the draft budget submitted in May 2015, taking into account the decision of the TFV Board of Directors on the structure of the TFV Secretariat (August 2015), in consideration of the outcomes of the *ReVision* of the TFV which was carried out on request of the TFV Board of Directors, as completed in July 2015.

### Strategic Goals

689. While the strategies of the Court and the TFV are related, the TFV's strategic goals are specific to its dual mandate of delivering assistance and reparations to victims under the jurisdiction of the Court and within a particular governance framework, in which the Board of Directors is directly accountable to the States Parties for the activities of the TFV.<sup>70</sup> Furthermore, the TFV's victim assistance projects are not financed out of assessed contributions, but primarily through voluntary contributions and private donations, and in the case of reparations, by such awards, fines and forfeitures as may be ordered by the Court and/or by way of complementing payments for awards with "other resources of the Trust Fund", if so decided by the Board of Directors.<sup>71</sup>

690. The TFV's strategic goals are defined in the Strategic Plan for 2014-2017, as adopted by the Board of Directors in August 2014. The strategic goals of the TFV highlight the importance that the TFV Board attaches to programme and management performance, visibility and recognition, effective and efficient organizational development and financial sustainability in order to ensure that the TFV matures as envisaged by the States Parties.

691. The TFV's mission is to *respond to the harm resulting from the crimes under the jurisdiction of the ICC by ensuring the rights of victims and their families through the provision of reparations and assistance.*

692. The TFV's results framework has been incorporated into a Performance Monitoring Plan (PMP), annexed to the Strategic Plan 2014-2017. The PMP was reviewed and approved by the TFV Board of Directors in April 2016 and will guide organizational and programme planning through to the end of 2017. Besides vision, mission, strategic goals and programming principles, the TFV results framework articulates intermediate results (outcomes) which support the strategic goals and in turn are based on results achieved in individual projects and organizational performance results (outputs). The TFV results framework is depicted in the overview below. The TFV PMP includes performance indicators for all results, as well as monitoring and evaluation roles within the TFV and data quality assessment (DQA) procedures. The complete TFV PMP document is submitted separately.

<sup>67</sup> Rule 98(2), (3) and (4) of the Rules of Procedure and Evidence.

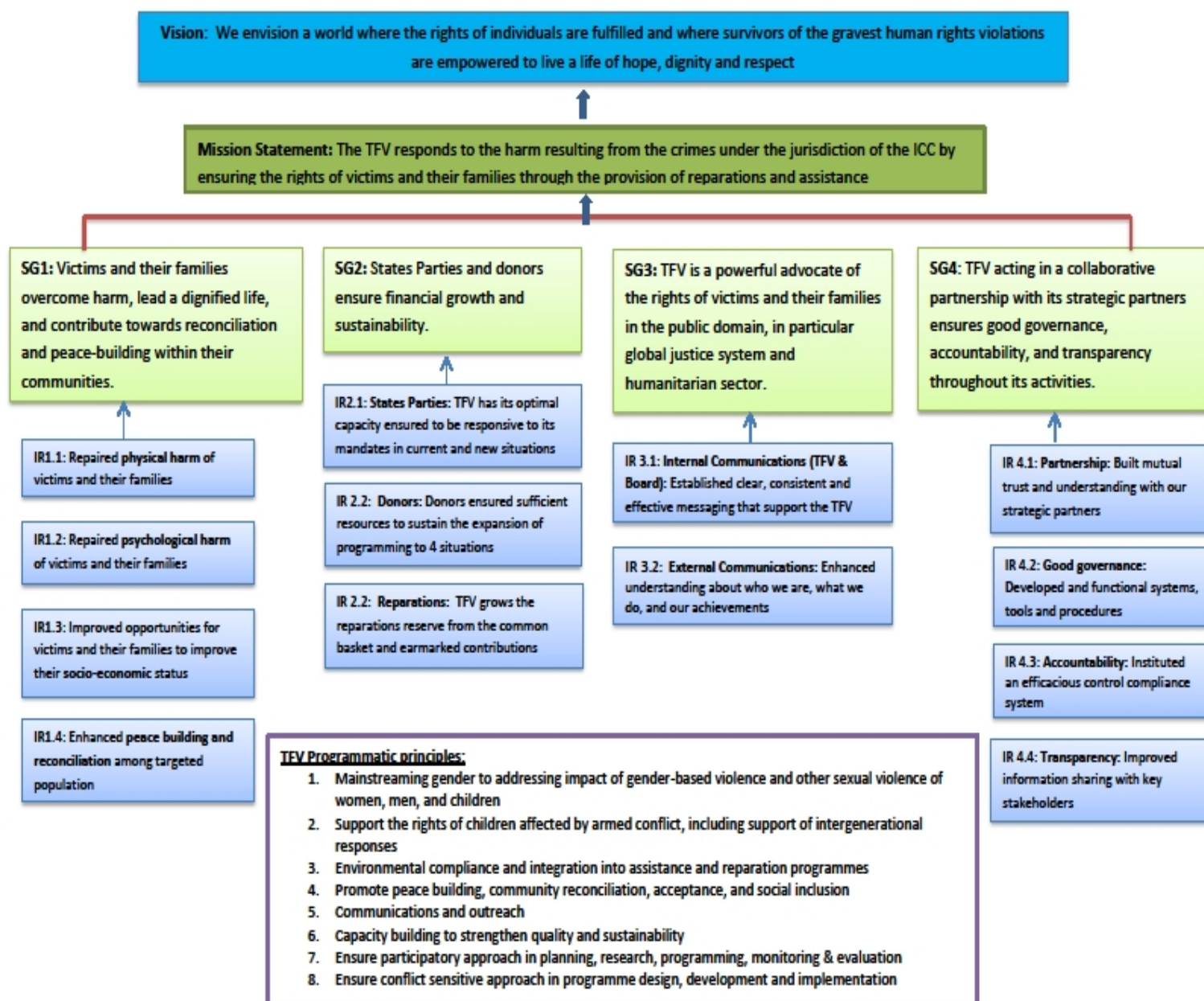
<sup>68</sup> Rule 98(5) of the Rules of Procedure and Evidence. For more information on the TFV's legal basis, see <http://trustfundforvictims.org/legal-basis>.

<sup>69</sup> As defined in articles 6, 7 and 8 of the Rome Statute.

<sup>70</sup> Regulations of the Trust Fund for Victims (RTFV), ICC-ASP/4/Res 3; Regulation 76.

<sup>71</sup> RTFV 56.





693. At the fourteenth Annual Meeting of the TFV Board of Directors (18-21 April 2016), the Board decided to maintain the assistance mandate activities in northern Uganda and the Democratic Republic of the Congo (DRC) and undertook to expand the assistance mandate activities into other situation countries, security and resources permitting, including the Central African Republic, Cote d'Ivoire and Kenya. With regard to reparations, the TFV Board took note of developments in the cases of *Lubanga* and *Katanga*, both of which are likely to be in full implementation phase in eastern DRC in 2017.

694. The TFV further notes that the Board of Directors has maintained its earlier decision to outsource activities related to the conduct of situational assessments under the 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 (a total of €1,050.0 thousand), therefore from outside the Major Programme VI budget.

695. The Board considers that the improvement in fundraising and the related institutional visibility is of utmost priority to the Trust Fund, which requires a solid and long-term capacity in the Secretariat to achieve meaningful results.

696. In August 2015, the Board of Directors decided on the redesign of the Secretariat, to be implemented in 2016. In this decision, the Board took into account the findings and recommendations of the report on the *ReVision* of the TFV (July 2015) on the restructuring of the TFV Secretariat, and the observations of the Secretariat. Moreover, the experience and insight evolving from the development of the TFV's first draft implementation plan for reparations in *Lubanga*, which the Board assessed during an extraordinary meeting in The Hague in July 2015, fortified the Board in its conviction that the follow-through on this plan would require strengthening of the Secretariat in two critical areas: financial-administrative capacity in The Hague and on-site programme management. The new structure aims to strengthen both the TFV's field-based programme management capacity and the TFV-based capacity for financial and administrative control, fundraising and advocacy - both in The Hague and in the field offices. The new Secretariat structure allows for more flexibility in responding to events and strategic challenges, and streamlines internal roles, responsibilities and authorities.

697. The new structure for the TFV was captured in a corrigendum for the proposed 2016 budget, submitted to the Committee *via* the Registry in September 2015. The Committee recommendations to the Assembly on the budget corrigendum contained only a partial endorsement of the new structure. As a result, the TFV structure remains in flux during 2016.

698. The proposed budget for 2017 is in fact a resubmission of the 2016 budget corrigendum, with some adaptations resulting from the ongoing classification process, and is informed by the evolving reparations practice.

#### **Budget resources**

**€2,502.1 thousand**

699. The requested amount has increased by €617.6 thousand (32.8 per cent) compared to the approved 2016 budget (and by €78.5 thousand (3.2 per cent) compared to the 2016 proposed budget corrigendum). Due to the anticipated outcome of the classification of the new structure of the TFV Secretariat, the resulting budgetary implications in terms of staff costs can only be rendered as overall estimates at the time of writing, pending the availability of detailed information on staffing costs in 2017. According to these estimates, staff costs will increase by 4.6 per cent compared with the 2016 budget corrigendum, and by 34.8 per cent compared with the approved budget for 2016.

#### **Staff resources**

**€1,770.9 thousand**

700. As the new TFV structure results from the *ReVision* process and is meant to constitute the minimum critical mass of the TFV's capacity to deliver on its mandates, all posts, with the exception of a number of proposed short term appointments (STAs), are proposed as established posts.

701. There are 19 established posts.

*Established posts: Professional and General Service*

*€1,770.9 thousand*

702. The TFV is managed by one Executive Director (D-1).

703. One Associate Executive Officer (P-2) is responsible for ensuring the smooth functioning of the executive office, which includes the provision of support to the Trust Fund's Board of Directors, as well as to the Legal Adviser / functional Deputy, the Finance Officer and the Fundraising and Visibility Officer. The AEO has a particular role and responsibilities with respect to external relations, communications, advocacy and fundraising, including relationship management with high level TFV stakeholders and the development and implementation of communications through the TFV website, social media and other outlets, as well as the organization of events serving to improve the TFV's visibility in the public domain and support the increased mobilization of voluntary contributions and private donations.

704. One Legal Adviser (P-4) provides the Fund's Board and Secretariat with expert legal advice regarding the development and implementation of the Fund's assistance and reparations mandates. This includes, but is not limited to, the preparation of legal filings with the Court, external representation of the Fund, and advice on the legal dimension of

implementing Court-ordered reparations awards. This post has been revised to accommodate (i) greater integration of tasks and responsibilities of the Legal Adviser with the TFV's programmatic work; (ii) a more substantive role for the Legal Adviser in the engagement and management of service providers, including TFV implementing partners, contractors and consultants, as well as donor agreements with both public and private donors; and (iii) the assumption of the role of functional deputy to the Executive Director, resulting from the abolishment of the P-5 Senior Programme Officer (SPO) post.

705. Three Programme Managers (P-4) are based in the Kampala (Uganda), Bunia (DRC) and Abidjan (Côte d'Ivoire) Field Offices. These posts are classified to reflect the greater responsibilities for the design and management oversight of the TFV programmes under both mandates, due to the abolishment of the SPO post and the devolution of programme-related decision making to the programme managers, who will be directly accountable to the Executive Director. Situational programme management is strengthened to ensure on-site quality control (monitoring of results, adhesion by partners to TFV assistance mandate, programmatic cohesion amongst implementing partners (approaches, results), monitoring of financial and administrative practices and responsiveness to risks as identified in the TFV Risk Management Framework: situational (e.g., security, partner selection) and context (partner performance, community response to projects and reparations awards, outreach and TFV reputation management with local stakeholders), and preparing for reparations programmes. Strengthening of situational programme management allows locally-based TFV programme management staff to act decisively and in an informed manner in the oversight of TFV programme implementation; and to be held accountable to the TFV leadership for the quality of service delivery on behalf of the TFV, including project management and the monitoring and achievement of project results and programmatic outcomes.

706. One Fundraising and Visibility Officer (P-3). Awareness raising and fundraising go hand in hand to create a stronger political and financial foundation for realizing the TFV's mandates, mission and goals. The strategic diversification of the TFV's revenue base, to include private donors next to a growing number of States Party donors, needs to build on the availability of in-house expertise. Both awareness raising and resource development are interrelated core functions of the TFV and require dedicated capacity in external relations management. The recruitment process for this post has been aligned with the restructuring of the TFV.

707. One Financial Officer (P-3) will provide strengthened financial oversight, reporting, control and compliance within the TFV and in relation to implementing partners, including the management and further development of the TFV's SAP Grants Management system.

708. One Programme Monitoring and Evaluation (PME) Officer (P-3) will report to the Senior Programme Officer. The PME Officer will play a central role in programme coordination, reporting to the Executive Director, or the Legal Adviser/functional Deputy as per delegation, supervising all of the programme monitoring, evaluation and reporting and coordinating the technical and administrative support and processes to the TFV programmes.

709. One Associate Programme Officer (P-2), to be based in The Hague. The Associate Programme Officer reports to the Programme Monitoring and Evaluation Officer, with a responsibility to support the development, oversight and results reporting of TFV programmes under the reparations and assistance mandates in the situation country. The Associate Programme Officer will have direct working relationships with the Programme Managers and the Associate Field Programme Officers based in field offices, as well as with the Associate Executive Officer in The Hague. The Associate Programme Officer will have a functional reporting line to the Finance Officer in matters related to programme administration. The Associate Programme Officer will oversee administrative support functions at the TFV Secretariat. The post supports the development of programmatic frameworks - assessments (assistance mandate) and draft implementation plans (reparations mandate) - for the TFV to respond to the harm suffered by victims of crimes under the Court's jurisdiction. Relevant outputs include preparatory research and the engagement of experts as required. The post further facilitates the efficiency, effectiveness and transparency of the TFV'S programmatic interventions, comprehensive, timely and correct

reporting on programme results, as well as adequate reporting on these results to external stakeholders.

710. Six Associate Field Programme Officers (APOs) (P-2) are based in Bunia, DRC (2), Kampala, Abidjan, Bangui and Nairobi. The Associate Field Programme Officer at the TFV Secretariat is a field-based post, reporting to the Programme Manager, with a responsibility to support the development and oversight of TFV programmes under the reparations and assistance mandates in the situation country. The objectives of these posts are as follows: Daily operations and oversight with regard to projects within the TFV's programmes under both the reparations and assistance mandates are supported to be effective, efficient, and responsive to victims' rights and needs and to situational developments. TFV implementing partners operate in accordance with their functions and service contracts, respectively, and in line with the TFV's Performance Measurement Plan (PMP), including reporting on appropriate monitoring and evaluation activities and on financial control. Underperformance of implementing partners is detected in a timely manner. The selection of implementing partners for TFV programmes is supported by participating in the execution of a transparent procurement procedure. Situational stakeholders understand, recognize and value the reparations and assistance programmes of the TFV within the framework of the Rome Statute, as well as within the situational context.

711. One Programme Assistant (GS-OL) and two Administrative Assistants (GS-OL) in The Hague.

#### **Non-staff resources**

**€731.2 thousand**

712. The requested amount has increased by €160.7 thousand (28.2 per cent). Non-staff resources are required for travel, hospitality, contractual services, training, consultants, general operating expenses, supplies and materials and furniture and equipment.

#### *Travel*

*€320.3 thousand*

713. The requested amount has increased by €106.9 thousand (50.1 per cent) and will be required mainly in relation to the Trust Fund's programme activities (assistance and reparations mandates), visibility/fundraising and Board related-initiatives. The increase is largely due to activities related to the Trust Fund's reparations mandate.

714. The requested amount will cover meetings and field trips of the TFV Board of Directors, meetings with donors and other external TFV stakeholders (Board members, Executive Director, other staff as needed), visibility and fundraising, design and implementation of reparations programmes, programme monitoring visits and engagement with implementing partners, authorities and other programme-related stakeholders and the TFV annual staff meeting.

#### *Hospitality*

*€3.0 thousand*

715. The requested amount has increased by €0.5 thousand (2.0 per cent) and is required for engagement with third parties in the context of the Fund's external relations management.

#### *Contractual services*

*€220.0 thousand*

716. The requested amount has increased by €65.0 thousand (41.9 per cent). Contractual services will be needed for external printing in the field and at Headquarters (€40.0 thousand), SAP GM support, including business support services (€45.0 thousand), development of fundraising events and materials (€75.0 thousand), car rentals (€40.0 thousand), the External Auditor's fee (€5.0 thousand), TFV Board meeting costs (€35.0 thousand), and external translation English-French (€20.0 thousand).

#### *Training*

*€34.9 thousand*

717. The requested amount has increased by €13.3 thousand (61.6 per cent) to cater for the training needs of existing and newly contracted staff in The Hague and in the field offices within the new TFV Secretariat structure.

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*Consultants* *€120.0 thousand*

718. The requested amount has decreased by €25.0 thousand (17.2 per cent). The consultants are required to assist in programme report/proposal writing (€30.0 thousand), communication and external relations of the TFV (€45.0 thousand), and provide expert advice on reparations (€45.0 thousand).

*General operating expenses* *€20.0 thousand*

719. The requested amount remains unchanged and is requested for rental facilities for meetings and workshops in Uganda, DRC, CAR, Kenya and CIV and communication materials and mailing costs.

*Supplies and materials* *€3.0 thousand*

720. The requested amount remains unchanged and is required for basic office supplies and other expendable office materials.

*Furniture and equipment* *€10.0 thousand*

721. The requested amount remains unchanged and is required to cover the purchase of equipment and furniture needs in the field offices in UGA, DRC, CAR, Kenya and CIV.

**Table 43: Major Programme VI: Proposed budget for 2017**

6100 Secretariat of the Trust Fund for Victims	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				773.0	802.8	103.9	1,575.8
General Service staff				195.1			195.1
<i>Subtotal staff</i>	<i>879.2</i>		<i>879.2</i>	<i>968.1</i>	<i>802.8</i>	<i>82.9</i>	<i>1,770.9</i>
General temporary assistance	185.1		185.1	345.9	-345.9	-100.0	
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>185.1</i>		<i>185.1</i>	<i>345.9</i>	<i>-345.9</i>	<i>-100.0</i>	
Travel	227.4		227.4	213.4	106.9	50.1	320.3
Hospitality	2.6		2.6	2.5	0.5	20.0	3.0
Contractual services	189.0		189.0	155.0	65.0	41.9	220.0
Training	13.1		13.1	21.6	13.3	61.6	34.9
Consultants	45.1		45.1	145.0	-25.0	-17.2	120.0
General operating expenses				20.0			20.0
Supplies and materials	1.5		1.5	3.0			3.0
Furniture and equipment				10.0			10.0
<i>Subtotal non-staff</i>	<i>478.7</i>		<i>478.7</i>	<i>570.5</i>	<i>160.7</i>	<i>28.2</i>	<i>731.2</i>
<b>Total</b>	<b>1,543.0</b>		<b>1,543.0</b>	<b>1,884.5</b>	<b>617.6</b>	<b>32.8</b>	<b>2,502.1</b>

**Table 44: Major Programme VI: Proposed staffing for 2017**

6100 Secretariat of the Trust Fund for Victims	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	-	1	1	-	-	3	-	2	2	5
New	-	-	-	-	-	3	2	8	-	13	-	1	1	14
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>3</b>	<b>8</b>	<b>-</b>	<b>16</b>	<b>-</b>	<b>3</b>	<b>3</b>	<b>19</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	1.5	-	-	1.5	-	6	6	7.5
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	1.5	-	-	1.5	-	6	6	7.5
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

## G. Major Programme VII-2: Host State Loan

### Introduction

722. 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.<sup>72</sup>

723. In response to requests from the Committee and the Assembly,<sup>73</sup> in its approved budget for 2011 the Court established Major Programme VII-2 to report on the interest expected to be paid on the loan amounts received by the Court for the Permanent Premises Project.

724. The financial implications of Major Programme VII-2 are applicable only to those States Parties that did not opt for a one-time payment or did not fully complete their one-time payments.<sup>74</sup>

725. The loan agreement signed between the host State and the Court stipulates that the interest due from the Court to the host State over the preceding calendar year and/or any repayment to be attributed to previous calendar years, is to be paid by the Court on the due date (namely on or before 1 February of each calendar year).<sup>75</sup>

726. To minimize the interest paid by those States Parties which did not opt for a one-time payment, the loan has been drawn down on a monthly basis. Careful estimation of the cash flow needs has also minimized the number of days on which interest is accrued.

727. A further reduction in accrued interest was obtained by extending the possibility for States Parties to opt for a one-time payment throughout the construction period until the end of 2014, and payment by 15 June 2015, later extended to 29 June 2016.

728. The impact over the coming years is shown in greater detail below.

**Table 45: Interest and loan repayment impact over the next years (in euros)<sup>(\*)</sup>**

	2015	2016	2017 <sup>(*)</sup>	2018 <sup>(*)</sup>	2019 <sup>(*)</sup>
<b>1. Interest only</b>					
Interest payment	1,060,596,	2,185,717	1,191,050 <sup>(**)</sup>	-	-
<b>2. Loan repayment</b>					
Capital and interest	-	-	1,796,256 <sup>(***)</sup>	3,592,512 <sup>(***)</sup>	3,592,512 <sup>(***)</sup>
<b>Total payments</b>	<b>1,060,596</b>	<b>2,185,717</b>	<b>2,987,306</b>	<b>3,592,512</b>	<b>3,592,512</b>

<sup>(\*)</sup> Estimated figures - subject to change.

<sup>(\*\*)</sup> Interest accrued from 1 January to 30 June 2016 based on the loan expiry date of 30 June 2016.

<sup>(\*\*\*)</sup> Repayment of loan starting on 1 July 2016. Half year repayment corresponding to the period from 1 July to 31 December 2016, and full year repayment thereafter.

729. To fulfil its legal obligations vis-à-vis the host State, the Court is due to pay the interest following access to the loan. The interest accrued in the first half of 2016 will be payable on or before 1 February 2017.

730. Repayment of the loan will start after surrender of the interim premises leases on 30 June 2016. Repayment of capital and interest for the period 1 July to 31 December 2016 will be payable on or before 1 February 2017.

<sup>72</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, para 2 and Annex II.

<sup>73</sup> *Official Records ... Ninth session ... 2010* (ICC/ASP/9/20), vol. II, part A, section G.

<sup>74</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, Annex III.

<sup>75</sup> Loan agreements between State of the Netherlands (Ministry of Foreign Affairs) and International Criminal Court, dated 23 March 2009, para. 6.1.

731. A note verbale was sent in December 2015 to each State Party having opted for the loan, or with an outstanding one-time payment, indicating its estimated contribution to the interest accrued in the first half 2016, and the estimated amount for the repayment of capital and interest for the second half of 2016, with a payment date of 25 January 2017.

**Table 46: Programme 7200: Proposed budget for 2017**

7200 Host State Loan	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff							
General Service staff							
<i>Subtotal staff</i>							
General temporary assistance							
Temporary assistance for meetings							
Overtime							
Short-term assistance							
<i>Subtotal other staff</i>							
Travel							
Hospitality							
Contractual services							
Training							
Consultants							
General operating expenses	1,060.6		1,060.6	2,200.5	786.8	35.8	2,987.3
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>1,060.6</i>		<i>1,060.6</i>	<i>2,200.5</i>	<i>786.8</i>	<i>35.8</i>	<i>2,987.3</i>
<b>Total</b>	<b>1,060.6</b>		<b>1,060.6</b>	<b>2,200.5</b>	<b>786.8</b>	<b>35.8</b>	<b>2,987.3</b>



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

### Introduction

732. Major Programme VII-5, the Independent Oversight Mechanism (IOM), was established by the Assembly at its eighth<sup>76</sup> session in accordance with article 112(4) of the Rome Statute, to provide independent, effective and meaningful oversight of the Court. At its twelfth session, the Assembly approved the IOM's mandate of inspections, evaluations and investigations in its resolution ICC-ASP/12/Res.6.<sup>77</sup> The IOM undertakes evaluation and inspection work at the direct request of the Assembly or of the Heads of Organ of the Court, and conducts investigations at its own discretion into received reports of misconduct or breaches of the Court's rules and regulations, including the Rules of Procedure and Evidence. Internal performance indicators have been set based on response times and activity completion rates and are reported on in the IOM's annual report to the Assembly.

### Budget resources €554.8 thousand

733. The requested amount has increased by €239.7 thousand (76.1 per cent) due to an increase in staff and non-staff resources commensurate with the office being fully operational in 2017.

### Staff resources €486.7 thousand

734. The requested amount has increased by €225.8 thousand (86.5 per cent) as the IOM expects to be fully staffed during 2017. At its twelfth session, the Assembly approved the IOM's permanent staffing complement of three professional posts and one general service post.<sup>78</sup> No changes to the staffing complement approved by the Assembly are proposed.

*Established posts: Professional and General Service* €486.7 thousand

735. The IOM comprises the Head of the IOM (P-5), one Senior Evaluations Specialist (P-4), one Associate Investigator (P-2) and one Administrative Assistant (GS-OL). The permanent Head of the IOM was recruited in the fourth quarter of 2015 and it is anticipated that the remaining posts will be recruited and in place by the fourth quarter of 2016.

### Non-staff resources €68.1 thousand

736. The requested amount has increased by €13.9 thousand (25.6 per cent). Increases are requested in travel, contractual services and training to reflect the fact that the office is expected to be fully staffed and operational throughout 2017. Decreases are planned in general operating expenses and furniture and equipment costs.

*Travel* €10.0 thousand

737. The requested amount has increased by €2.3 thousand (29.9 per cent). The requested funds assume just two field missions for one staff member in direct support of oversight activities, plus one support mission.

*Training* €11.1 thousand

738. The requested amount has increased by €4.6 thousand (70.8 per cent) and is required for the office's four staff members to participate in training to upgrade their substantive skills, to ensure that they are conversant with international best practice in their areas of expertise, and to assist in maintaining their relevant professional qualifications. The requested amount is based upon taking full advantage of professional fee discounts,

<sup>76</sup> *Official Records... Eighth session... 2009* (ICC-ASP/8/20), vol. I, part III, ICC-ASP/8/Res.1.

<sup>77</sup> *Official Records... Twelfth session... 2014* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/Res.6.

<sup>78</sup> *Ibid.*, (ICC-ASP/12/Res. 1).

discounted or gratis training fora within the international community, and locally sourced training opportunities.

*Consultants*

*€40.0 thousand*

739. Now that the IOM is fully operational, resources are required to engage expertise to undertake or to support specific investigation or evaluation activities requiring the use of external resources. The IOM has been established at a relatively low staffing level given its wide portfolio of oversight responsibilities. Consultant resources are therefore required to provide support in cases where specific and additional expert skill sets are required, and to provide local assistance if required at field office locations. The judicious and strategic use of appropriate external assistance will enable the IOM to remain flexible, to minimize travel costs, and to maintain its highly efficient and cost-effective established staff base.

*General operating expenses*

*€2.0 thousand*

740. The requested amount has decreased by €8.0 thousand (80 per cent) and is required to purchase supplies and materials to support office activities. The efficient use of already available Court facilities has allowed a significant cut in expected expenditure.

*Furniture and Equipment*

*€5.0 thousand*

741. The requested amount has decreased by €5.0 thousand (50 per cent) after initial office set-up costs have been incurred and economies have been made.

**Table 47: Major Programme VII-5: Proposed budget for 2017**

7500 Independent Oversight Mechanisms	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				195.9	218.5	111.5	414.4
General Service staff				65.0	7.3	11.2	72.3
<i>Subtotal staff</i>	75.2		75.2	260.9	225.8	86.5	486.7
General temporary assistance							
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>							
Travel				7.7	2.3	29.9	10.0
Hospitality							
Contractual services				20.0	-20.0	-100.0	
Training				6.5	4.6	70.8	11.1
Consultants					40.0		40.0
General operating expenses				10.0	-8.0	-80.0	2.0
Supplies and materials							
Furniture and equipment				10.0	-5.0	-50.0	5.0
<i>Subtotal non-staff</i>				54.2	13.9	25.6	68.1
<b>Total</b>	<b>75.2</b>		<b>75.2</b>	<b>315.1</b>	<b>239.7</b>	<b>76.1</b>	<b>554.8</b>

**Table 48: Major Programme VII-5: Proposed staffing for 2017**

7500 Independent Oversight Mechanism	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	1	-	1	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>4</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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

### Introduction

742. The Office of Internal Audit (OIA) assists the Court in the achievement of 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 correct processes are in place and whether agreed procedures are being adhered to. The Office also provides advisory services at the request of the management of the Court. The Office reports to the Chair of the Audit Committee.

**Table 49: Expected results, performance indicators and targets 2017**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2017</i>
<b>Objective 1</b>		
Contribute to the achievement of Court's strategic and operational objectives by providing assurance to management on the effectiveness and efficiency of governance, internal control frameworks and risk management through audit/advisory works	Number of audits performed against the validated audit work plan	6 audits as a minimum

### Budget resources

**€694.2 thousand**

743. The requested amount has increased by €12.4 thousand (1.8 per cent) due to an increase in staff and non-staff resources commensurate with the office being fully operational in 2017.

### Staff resources

**€659.3 thousand**

744. The OIA currently consists of a total of four established posts and one GTA position (1.0 FTE). The Office is not requesting additional established posts but requires that the current GTA position be continued.

*Established posts: Professional and General Service*

*€536.5 thousand*

745. The OIA comprises the following basic resources:

746. One Director (D-1) who is responsible for the administrative management of the Office, the definition of a risk-based audit plan and the supervision of the audit work of auditors. The Director provides assurance to the three Heads of Organ on the effectiveness and efficiency of governance, risk management and internal controls.

747. One Senior Auditor (P-4) and one Auditor (P-3) who perform audits, provide advisory services and perform additional tasks at the request of the Director.

748. One Audit Assistant (G-6) who contributes to audit performance and provides administrative support to the Office (two-thirds of working time is dedicated to audit assistance).

*General temporary assistance*

*€122.8 thousand*

749. One ICT Auditor, 12 months. Continued. The Office currently has one ICT Auditor (P-3) who is an expert in ICT and auditing. The incumbent contributes to the definition of the audit plan for ICT activities; performs ICT audits and provides support to colleagues in their audit work on any ICT-related issue. The ICT Auditor also follows up on the implementation of ICT audit recommendations.

750. Information and Communication Technologies, including Information Security, are increasingly part of the operations of the Court and the risks associated with them have to be covered through the audit work plan. None of the auditors in established posts has competence in ICT auditing, which is a specialist area. They are unable to effectively follow up on the implementation of ICT audit recommendations on account of lack of technical knowledge in this field.

**Non-staff resources**

**€34.9 thousand**

751. The requested amount has increased by €1.6 thousand (4.8 per cent), and is required for travel and training.

*Travel*

*€ 11.5 thousand*

752. The requested amount has decreased by €0.3 thousand (2.5 per cent) and is required to enable the Office to perform audits in Field Offices according to its work plan.

*Training*

*€23.4 thousand*

753. The requested amount has increased by €1.9 thousand (8.8 per cent) to reflect the need for additional resources to train the new ICT Auditor.

754. It is a mandatory requirement for auditors to be regularly trained (Cf. Institute of Internal Audit Standards). All five auditors of the Office of Internal Audit are certified, in accordance with a recommendation from the External Auditors (2011). The Institute of Internal Auditors, which issues audit certifications, requires that certified auditors attend 40 hours (CPE) of training each year to keep their certifications active. Training courses must be specifically related to the work of auditors and to their competences and experience.

755. The cost of a course that provides 25 hours of CPE is around €3.0 thousand, to which travel and DSA has to be added (on average €1.4 thousand).

756. The Office has contemplated all the options available to meet this requirement of 40 hours of CPE. The Court's in-house training courses, giving presentations at conferences, on-line training and attending training courses only in the Netherlands were considered. There are however limitations to these solutions, for example, the Office's staff, with the exception of one person, do not speak Dutch and courses offered in English in the Netherlands cover a limited range of topics that do not address the needs of experienced auditors. The Office is currently reviewing the option of using MOOC (massive open on-line course) training courses.

**Table 50: Major Programme VII-6: Proposed budget for 2017**

7600 Office of Internal Audit	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				456.7	7.5	1.6	464.2
General Service staff				72.2	0.1	0.1	72.3
<i>Subtotal staff</i>	<i>513.4</i>		<i>513.4</i>	<i>528.9</i>	<i>7.6</i>	<i>1.4</i>	<i>536.5</i>
General temporary assistance	68.5		68.5	119.6	3.2	2.7	122.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>68.5</i>		<i>68.5</i>	<i>119.6</i>	<i>3.2</i>	<i>2.7</i>	<i>122.8</i>
Travel	2.9		2.9	11.8	-0.3	-2.5	11.5
Hospitality							
Contractual services							
Training	29.8		29.8	21.5	1.9	8.8	23.4
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>32.7</i>		<i>32.7</i>	<i>33.3</i>	<i>1.6</i>	<i>4.8</i>	<i>34.9</i>
<b>Total</b>	<b>614.6</b>		<b>614.6</b>	<b>681.8</b>	<b>12.4</b>	<b>1.8</b>	<b>694.2</b>

**Table 51: Major Programme VII-6: Proposed Staffing for 2017**

7600 Office of Internal Audit	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	-	1	1	-	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>4</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

## IV. Major Programme III: Registry

### 1. Programme 3100 : Office of the Registrar

#### (a) Sub-programme 3110: Immediate Office of the Registrar

757. Immediate Office of the Registrar (IOR) directly supports the Registrar in providing strategic leadership, coordination and guidance to all Registry Divisions, Sections and Offices as well as in the management and supervision of the Registry, especially in the performance of executive functions. IOR facilitates the flow of information to and from the Registry Divisions and ensures proper high-level coordination with the other organs of the Court as well as with external stakeholders.

#### **Budget resources**

**€831.1 thousand**

758. The requested resources have increased by €133.4 thousand, or 19.1 per cent. Taking into account an increase in staff costs which is fully accounted for by the staggered implementation of the Registry's structure, the operational costs for IOR have increased by €15.3 thousand. This is fully accounted for by the need to travel to New York to attend the sixteenth session of the Assembly of States Parties.

**Table 52: Sub-programme 3110: Proposed budget for 2017**

3110 Immediate Office of the Registrar	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				579.9	117.5	20.3	697.4
General Service staff				79.2	0.6	0.8	79.8
<i>Subtotal staff</i>	<i>871.6</i>		<i>871.6</i>	<i>659.1</i>	<i>118.1</i>	<i>17.9</i>	<i>777.2</i>
General temporary assistance	618.0		618.0				
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>618.0</i>		<i>618.0</i>				
Travel	62.9		62.9	34.6	15.3	44.2	49.9
Hospitality	5.9		5.9	4.0			4.0
Contractual services	2.1		2.1				
Training	121.6		121.6				
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>192.5</i>		<i>192.5</i>	<i>38.6</i>	<i>15.3</i>	<i>39.6</i>	<i>53.9</i>
<b>Total</b>	<b>1,682.1</b>		<b>1,682.1</b>	<b>697.7</b>	<b>133.4</b>	<b>19.1</b>	<b>831.1</b>

**Table 53: Sub-programme 3110: Proposed staffing for 2017**

3110 Immediate Office of the Registrar	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	1	-	-	1	1	2	-	-	5	1	-	1	6
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>6</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



**(b) Sub-programme 3130: Legal Office**

759. The Legal Office (LO) supports the performance of the legal functions of the Registrar under the legal texts of the Court and other legal instruments governing the Court. This concerns both the judicial functioning of the ICC, where the Registry is involved, and legal matters affecting the ICC as an international organization and its legal position as a whole. In performing this dual role, the Section is responsible for ensuring the quality, uniformity and consistency of legal positions across the Registry and its Division of Judicial Services, Division of External Operations, and Division of Management Services - including the coordination of an internal legal network. The Legal Office is headed by the Legal Counsel who, together with the Registrar and the three Division Directors, forms the Registry Management Team.

**Budget resources****€1,003.2 thousand**

760. The total resource increase in the Legal Office amounts to €1,003.2 thousand and is mostly the result of an increase in staff costs of €278.6 thousand, and a minor increase in travel of €22.7 thousand. The number of established posts remains the same as in 2016. There is one new Legal Officer (P-3) GTA position required for 2017, necessary to ensure the quality and consistency of the Registry's legal position vis-à-vis judicial matters.

**Table 54: Sub-programme 3130: Proposed budget for 2017**

3130 Legal Office	2015 Expenditure (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				619.4	157.2	25.4	776.6
General Service staff				65.0	-1.4	-2.2	63.6
<i>Subtotal staff</i>	<i>652.3</i>		<i>652.3</i>	<i>684.4</i>	<i>155.8</i>	<i>22.8</i>	<i>840.2</i>
General temporary assistance	60.6		60.6		122.8		122.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>60.6</i>		<i>60.6</i>		<i>122.8</i>		<i>122.8</i>
Travel	11.4		11.4	6.1	22.7	372.1	28.8
Hospitality							
Contractual services	12.9		12.9	5.0	-5.0	-100.0	
Training	1.1		1.1	6.4			6.4
Consultants	2.4		2.4		5.0		5.0
General operating expenses	-0.6		-0.6				
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>27.2</i>		<i>27.2</i>	<i>17.5</i>	<i>22.7</i>	<i>129.7</i>	<i>40.2</i>
<b>Total</b>	<b>740.1</b>		<b>740.1</b>	<b>701.9</b>	<b>301.3</b>	<b>42.9</b>	<b>1,003.2</b>

**Table 55: Sub-programme 3130: Proposed staffing for 2017**

3130 Legal Office	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	1	3	2	-	7	-	1	1	8
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>-</b>	<b>7</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>8</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

## 2. Programme 3200: Division of Management Services (DMS)

### (a) Sub-programme 3210: Office of the Director, Division of Management Services

761. The Office of the Director of the Division of Management Services (OD-DMS) is responsible for the overall direction, strategic planning, and delivery of all administrative and managerial support to the Registry and the Court. The Director is also responsible for a number of critical executive functions, including: strategic resource planning; monitoring and reporting on the Registry's organisational performance; acting as focal point for staff-management relations; acting as central project coordinator; and acting as focal point for audit matters.

#### **Budget resources**

**€1,740.5 thousand**

762. The requested resources have increased by €351.2 thousand, or 25.3 per cent. More than half of this increase (€218 thousand) is for contractual services. These are needed for SAP enhancement projects which are mainly related to the new UN compensation scheme and HR Renewal which will introduce employee self-service, as well as to initiate a market review exercise with regards to the Court's Electronic Performance Appraisal System. The second major factor behind the increase is GTA costs (€99.7 thousand) for one new Associate ERP Systems Officer (P-2).

763. The increased in staff costs of €17.8 thousand, as there are no new additional established posts requested, is the result of OD-DMS being fully staffed after recruitment for a vacant post that was staggered in the course of 2016 and due to an in-built increase associated with the UN common system. Other increases include €8.0 thousand for consultants due to the need for outside expertise in the area of risk management, and an increase in travel of €4.8 thousand mainly for the attendance at the forthcoming Assembly session in New York.

**Table 56: Sub-programme 3210: Proposed budget for 2017**

3210 Office of the Director DMS	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				686.0	26.3	3.8	712.3
General Service staff				390.0	-8.5	-2.2	381.5
<i>Subtotal staff</i>	<i>492.5</i>		<i>492.5</i>	<i>1,076.0</i>	<i>17.8</i>	<i>1.7</i>	<i>1,093.8</i>
General temporary assistance					99.7		99.7
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>					<i>99.7</i>		<i>99.7</i>
Travel	7.2		7.2	7.3	4.8	65.8	12.1
Hospitality							
Contractual services	4.2		4.2		218.0		218.0
Training				5.0	0.8	16.0	5.8
Consultants					8.0		8.0
General operating expenses				301.0	2.1	0.7	303.1
Supplies and materials	0.5		0.5				
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>11.9</i>		<i>11.9</i>	<i>313.3</i>	<i>233.7</i>	<i>74.6</i>	<i>547.0</i>
<b>Total</b>	<b>504.4</b>		<b>504.4</b>	<b>1,389.3</b>	<b>351.2</b>	<b>25.3</b>	<b>1,740.5</b>

**Table 57: Sub-programme 3210: Proposed staffing for 2017**

3210 Office of the Director DMS	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	-	1	3	1	-	6	-	6	6	12
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>-</b>	<b>6</b>	<b>-</b>	<b>6</b>	<b>6</b>	<b>12</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

**(b) Sub-programme 3220: Human Resources Section**

764. The Human Resources Section (HRS) provides HR-related services to all major programmes of the Court, to managers, staff and non-staff by providing strategic advice on human resources issues and initiatives; human resources policy development, grievances and legal matters, staff management collaboration, workforce planning, recruitment, placement of staff, redeployments, post management, (re-)classifications, special post allowances, secondments, loans and transfers, administration of contracts, salary, benefits, entitlements and payroll, insurance and pension matters, performance management, conflict resolution, training and learning programmes.

**Budget resources****€2,323.8 thousand**

765. The requested resources have increased by €293.4 thousand, or 14.5 per cent. Around two thirds of this increase, or €182.2 thousand, are for staff costs. Since no additional established posts are requested for 2017, this increase is attributable to the full implementation of the staffing structure, which in 2016 was subject to staggered recruitments of vacant posts. The second major increase relates to training, an increase of €93.3 thousand, which services the entire Court. This is required for the Court's central management and leadership training, performance management training and language training, as well as for the Court's on-boarding programme for new staff. An increase in consultants of €15.4 thousand is necessary to provide expertise in areas for which in-house resources and skills are not available, such as external insurance expertise for the large exercise of tendering the Court's health insurance programme and external expertise on post (re)classifications.

**Table 58: Sub-programme 3220: Proposed budget for 2017**

3220 Human Resources Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				881.0	170.8	19.4	1,051.8
General Service staff				1,022.1	11.4	1.1	1,033.5
<i>Subtotal staff</i>	<i>2,038.3</i>		<i>2,038.3</i>	<i>1,903.1</i>	<i>182.2</i>	<i>9.6</i>	<i>2,085.3</i>
General temporary assistance	585.0		585.0				
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>585.0</i>		<i>585.0</i>				
Travel	7.4		7.4	10.0	0.5	5.0	10.5
Hospitality							
Contractual services	14.7		14.7	8.0	2.0	25.0	10.0
Training	38.4		38.4	94.7	93.3	98.5	188.0
Consultants	159.4		159.4	14.6	15.4	105.5	30.0
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>219.9</i>		<i>219.9</i>	<i>127.3</i>	<i>111.2</i>	<i>87.4</i>	<i>238.5</i>
<b>Total</b>	<b>2,843.2</b>		<b>2,843.2</b>	<b>2,030.4</b>	<b>293.4</b>	<b>14.5</b>	<b>2,323.8</b>

**Table 59: Sub-programme 3220: Proposed staffing for 2017**

3220 Human Resources Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	2	6	-	-	9	1	15	16	25
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>-</b>	<b>-</b>	<b>9</b>	<b>1</b>	<b>15</b>	<b>16</b>	<b>25</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**(c) Sub-programme 3230: Budget Section**

766. The role of the Budget Section is to provide strong centralized budget oversight and facilitate the coordination of strategic priorities of the Court to meet its objectives, while ensuring maximum efficiency in the utilization of its resources. This includes the coordination and preparation of the annual programme budgets and subsequent supplementary budgets, monitoring of budget performance, the preparation of forecasts, providing strategic advice on budgetary issues and analysis of resource allocation. The Section is also responsible for the preparation of Contingency Fund notifications, budget and forecast information and reports to management, the Committee and the Assembly.

**Budget resources****€568.5 thousand**

767. The requested resources have decreased by €4.9 thousand, or -0.9 per cent. The Budget Section was one of the few Sections which was not subject to staggered recruitment of vacant post in 2016. As such, there is no increase in staff costs linked to filling up of vacant posts but, in fact, there is a small decrease of €8.5 thousand. This has off-set the increase of €3.6 thousand in travel costs to cover travel to the forthcoming Assembly session which will be held in New York and for attendance at the Annual UN Budget Network Meeting in order to keep abreast of current developments regarding the UN common system and other budgetary matters relevant to the Court.

**Table 60: Sub-programme 3230: Proposed budget for 2017**

3230 Budget Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				368.8	-4.1	-1.1	364.7
General Service staff				195.1	-4.4	-2.3	190.7
<i>Subtotal staff</i>				563.9	-8.5	-1.5	555.4
General temporary assistance							
Temporary assistance for meetings							
Overtime				1.5			1.5
<i>Subtotal other staff</i>				1.5			1.5
Travel				2.8	3.6	128.6	6.4
Hospitality							
Contractual services							
Training				5.2			5.2
Consultants							
General operating expenses							
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>				8.0	3.6	45.0	11.6
<b>Total</b>				<b>573.4</b>	<b>-4.9</b>	<b>-0.9</b>	<b>568.5</b>

**Table 61: Sub-programme 3230: Proposed staffing for 2017**

3230 Budget Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	1	-	1	-	3	-	3	3	6
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>3</b>	<b>3</b>	<b>6</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



**(d) Sub-programme 3240: Finance Section**

768. The Finance Section provides financial management services to support the efficient conduct of Court's operations as a whole at the seat of the Court and elsewhere. The Section coordinates, collates and produces the financial statements for the Court and for the Trust Fund for Victims (TFV), manages all of the Court's funds, and effectively monitors and reports on these in accordance with Assembly and donor requirements. The Section is further responsible for carrying out all disbursement activities, including preparing payment vouchers for invoices from vendors, and processing travel advances and travel settlements. Other key functions include management of assessed and voluntary contributions, treasury management, accounting and financial reporting within the Court's ERP system (SAP).

**Budget resources****€1,554.9 thousand**

769. The requested resources have increased by €103.0 thousand, or 7.1 per cent. This is almost entirely due to an increase in GTA costs of €99.7 thousand which are needed for funding one new Associate Accounts Officer (P-2) GTA in order to reinforce stability of accounting function at the Court, strengthen internal financial control and further improve the ERP system to facilitate preparation of IPSAS-compliant financial statements in line with the draft External Audit recommendation. There is also an increase in contractual services of €12.3 thousand which is required to cover the External Auditors' fees, the US Tax Reimbursement Administrative fees and the mandatory actuarial valuation for IPSAS-compliant financial statements.

**Table 62: Sub-programme 3240: Proposed budget for 2017**

3240 Finance Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				454.1	0.3	0.1	454.4
General Service staff				845.3	-18.7	-2.2	826.6
<i>Subtotal staff</i>	<i>1,758.2</i>		<i>1,758.2</i>	<i>1,299.4</i>	<i>-18.4</i>	<i>-1.4</i>	<i>1,281.0</i>
General temporary assistance	316.6		316.6		99.7		99.7
Temporary assistance for meetings							
Overtime	16.5		16.5	5.0			5.0
<i>Subtotal other staff</i>	<i>333.1</i>		<i>333.1</i>	<i>5.0</i>	<i>99.7</i>	<i>1,994.0</i>	<i>104.7</i>
Travel	8.2		8.2	3.4	1.4	41.2	4.8
Hospitality							
Contractual services	140.3		140.3	77.1	12.3	16.0	89.4
Training	9.6		9.6	5.0	5.0	100.0	10.0
Consultants							
General operating expenses	105.3		105.3	62.0	3.0	4.8	65.0
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>263.4</i>		<i>263.4</i>	<i>147.5</i>	<i>21.7</i>	<i>14.7</i>	<i>169.2</i>
<b>Total</b>	<b>2,354.7</b>		<b>2,354.7</b>	<b>1,451.9</b>	<b>103.0</b>	<b>7.1</b>	<b>1,554.9</b>

**Table 63: Sub-programme 3240: Proposed staffing for 2017**

3240 Finance Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	-	2	1	-	4	-	13	13	17
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>-</b>	<b>13</b>	<b>13</b>	<b>17</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

**(e) Sub-programme 3250: General Services Section**

770. The General Services Section (GSS) is responsible for daily building operations, customer service, management of soft services such as catering, cleaning and utilities, hard services such as buildings maintenance, and major repairs and replacements. GSS is also responsible for the assessment, maintenance and adaptation of rental and other premises at field locations. Furthermore, through procurement, the Section provides value-for-money goods and services required by all major programmes of the Court. The Section also provides distribution, supply chain services, fleet management, and shipping at Headquarters and field locations; and local transportation, including full support to delivery of witnesses to trial hearings, mail operations, asset management and warehousing at Headquarters. All the Court's official travel, related visa services and residence permits at The Hague, administrative functions related to privileges and immunities and the shipment of personal goods on appointment and separation are also arranged by GSS.

**Budget resources****€7,647.1 thousand**

771. The proposed resources have increased by €272.0 thousand, or 3.7 per cent. This is essentially due to an increase of €321.0 thousand for equipment, namely vehicles, in the field offices. As detailed before, there is a pressing need for capital replacement and major renovation of vehicles in the field office locations in order to ensure the safety and efficiency of Court operations, as well as for the Court to provide duty of care towards its staff. The second major increase relates to staff costs, an increase of €78.0 thousand, which is entirely due to the build-up of the GSS structure that was partially staggered in the course of 2016 and due to associated costs of the UN common system. In other words, there are no additional established posts in GSS. There is, however, an increase in GTA costs (€36.2 thousand) which is requested to continue funding one Handyman (GS-OL), which has been approved for six months in 2016, and is required for the full year in 2017. The position will be discontinued in 2018, by which time it is anticipated that a general maintenance contractor will be contracted to conduct preventative and corrective maintenance at the Court.

772. Importantly, the Section's budget presents decreases both in contractual services (-€33.4 thousand) and in general operating expenses (-€151.3 thousand). The savings in contractual services are because the Court procured commercial insurance premiums at a more favourable rate than originally estimated. The reduction of €151.3 thousand under general operating expenses is due to the revaluation of requirements for 2017, compared to 2016, using actual expenditure for the first half of 2016 as a guide.

**Table 64: Sub-programme 3250: Proposed budget for 2017**

3250 General Services Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				727.3	47.3	6.5	774.6
General Service staff				2,497.6	30.7	1.2	2,528.3
<i>Subtotal staff</i>	<i>2,737.4</i>		<i>2,737.4</i>	<i>3,224.9</i>	<i>78.0</i>	<i>2.4</i>	<i>3,302.9</i>
General temporary assistance	77.5		77.5	36.1	36.2	100.3	72.3
Temporary assistance for meetings							
Overtime	94.5		94.5	120.0			120.0
<i>Subtotal other staff</i>	<i>172.0</i>		<i>172.0</i>	<i>156.1</i>	<i>36.2</i>	<i>23.2</i>	<i>192.3</i>
Travel	20.1		20.1	20.9	12.1	57.9	33.0
Hospitality							
Contractual services	14.2		14.2	277.5	-33.4	-12.0	244.1
Training	9.9		9.9	8.0	-2.0	-25.0	6.0
Consultants							
General operating expenses	1,722.1		1,722.1	3,178.3	-151.3	-4.8	3,027.0
Supplies and materials	245.5		245.5	229.9	11.4	5.0	241.3
Furniture and equipment	60.7	27.0	87.7	279.5	321.0	114.8	600.5
<i>Subtotal non-staff</i>	<i>2,072.5</i>	<i>27.0</i>	<i>2,099.5</i>	<i>3,994.1</i>	<i>157.8</i>	<i>4.0</i>	<i>4,151.9</i>
<b>Total</b>	<b>4,981.9</b>	<b>27.0</b>	<b>5,008.9</b>	<b>7,375.1</b>	<b>272.0</b>	<b>3.7</b>	<b>7,647.1</b>

**Table 65: Sub-programme 3250: Proposed staffing for 2017**

3250 General Services Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	2	1	3	-	7	3	36	39	46
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>-</b>	<b>7</b>	<b>3</b>	<b>36</b>	<b>39</b>	<b>46</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	1.00	1.00	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>

**(f) Sub-programme 3290: Security and Safety Section**

773. The Security and Safety Section (SSS) provides a safe, secure and confidential working environment for the Court's judges and elected officials, staff members, experts, counsel, accused persons, witnesses, visitors and others at Headquarters. The Section also protects tangible and intangible assets of the Court, and provides the necessary security and safety services for the safe and undisturbed conduct of court hearings.

**Budget resources****€5,515.7 thousand**

774. The requested resources have increased by €80.6 thousand, or 1.5 per cent. There is an increase in staff costs (€80.6 thousand) and GTA resources (€42.3 thousand). However, there are no new established posts or GTA positions. As such, these increases are due to the fact that while in 2016 SSS structure was subject to staggered implementation and thus a high vacancy rate, in 2017 this structure is expected to be back at its normal level. The increase in overtime of €37.4 thousand is requested to cover additional hearings to be held in the second and third courtrooms. This is the most cost-efficient option and cheaper than, for instance, having additional GTA positions to cover the additional hearings in 2017. However, about half of the total increases for the Section have been offset by decreases in travel (€56.8 thousand), supplies and materials (€14.1 thousand), and general operating expenses (€10.0 thousand).

**Table 66: Sub-programme 3290: Proposed budget for 2017**

3290 Security and Safety Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				367.7	35.7	9.7	403.4
General Service staff				3,967.3	45.0	1.1	4,012.3
<i>Subtotal staff</i>	<i>5,193.5</i>		<i>5,193.5</i>	<i>4,335.0</i>	<i>80.7</i>	<i>1.9</i>	<i>4,415.7</i>
General temporary assistance	272.4		272.4	317.5	42.3	13.3	359.8
Temporary assistance for meetings							
Overtime	308.1		308.1	193.4	37.4	19.3	230.8
<i>Subtotal other staff</i>	<i>580.5</i>		<i>580.5</i>	<i>510.9</i>	<i>79.7</i>	<i>15.6</i>	<i>590.6</i>
Travel	269.0	11.9	280.9	160.1	-56.8	-35.5	103.3
Hospitality							
Contractual services	233.5	63.0	296.5	82.0			82.0
Training	105.1		105.1	116.7	1.1	0.9	117.8
Consultants							
General operating expenses	196.3		196.3	125.0	-10.0	-8.0	115.0
Supplies and materials	57.6	16.1	73.7	105.4	-14.1	-13.4	91.3
Furniture and equipment	3.8		3.8				
<i>Subtotal non-staff</i>	<i>865.3</i>	<i>91.0</i>	<i>956.3</i>	<i>589.2</i>	<i>-79.8</i>	<i>-13.5</i>	<i>509.4</i>
<b>Total</b>	<b>6,639.3</b>	<b>91.0</b>	<b>6,730.3</b>	<b>5,435.1</b>	<b>80.6</b>	<b>1.5</b>	<b>5,515.7</b>

**Table 67: Sub-programme 3290: Proposed staffing for 2017**

3290 Security and Safety Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	2	-	-	-	3	4	65	69	72
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>4</b>	<b>65</b>	<b>69</b>	<b>72</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	7.00	7.00	7.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7.00</b>	<b>7.00</b>	<b>7.00</b>

**3. Programme 3300: Division of Judicial Services (DJS)****(a) Sub-programme 3310 - Office of the Director**

775. The Office of the Director of the Division of Judicial Services (OD-DJS) is responsible for ensuring the strategic coordination of the Court's judicial activities and coordination of the implementation of Chambers' orders and instructions.

**Budget resources****€463.5 thousand**

776. The total resource increase in OD-DJS amounts to €3.7 thousand, or 0.8 per cent and is mostly the result of an increase in general operating expenses of €13.1 thousand for the purposes of facilitating the appearance of persons summoned before the Court. Notably, the travel budget has been reduced by €11.9 thousand. The number of established posts remains the same as in 2016. There are no GTA positions required for 2017.

**Table 68: Sub-programme 3310: Proposed budget for 2017**

3310 Office of the Director DJS	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				370.0	-0.2	-0.1	369.8
General Service staff				65.0	-1.4	-2.2	63.6
<i>Subtotal staff</i>	<i>603.7</i>		<i>603.7</i>	<i>435.0</i>	<i>-1.6</i>	<i>-0.4</i>	<i>433.4</i>
General temporary assistance	18.9		18.9				
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>18.9</i>		<i>18.9</i>				
Travel	27.1		27.1	19.8	-11.9	-60.1	7.9
Hospitality							
Contractual services							
Training	0.5		0.5		4.1		4.1
Consultants	3.6		3.6	5.0			5.0
Counsel for Defence							
Counsel for Victims							
General operating expenses	13.3		13.3		13.1		13.1
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>44.5</i>		<i>44.5</i>	<i>24.8</i>	<i>5.3</i>	<i>21.4</i>	<i>30.1</i>
<b>Total</b>	<b>667.1</b>		<b>667.1</b>	<b>459.8</b>	<b>3.7</b>	<b>0.8</b>	<b>463.5</b>

**Table 69: Sub-programme 3310: Proposed staffing for 2017**

3310 Office of the Director DJS	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	-	-	1	1	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>4</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



**(b) Sub-programme 3320: Court Management Section**

777. The Court Management Section (CMS) is the custodian of audio-visual and written records of proceedings, as well as receives, registers and distributes decisions, orders and documents from Chambers, parties and participants in situations and cases. The Section ensures scheduling and publication of courtroom proceedings through maintenance of the Court calendar, and serves as the communication hub for parties, participants, Chambers and relevant Registry sections in all matters relating to the organisation of hearing.

**Budget resources****€3,432.6 thousand**

778. The total resource increase in CMS amounts to €256.5 thousand, or 8.1 per cent, and is mostly due to the proposed increase of €332.2 thousand in TAM required by the Section for the hiring of Court Reporters to support the running of two fully functional courtrooms for 440 days and a third courtroom during 60 additional days in 2017. The number of established posts remains at the same level as in 2016; therefore the increase of €69.8 thousand is mostly in relation to the build-up of the CMS structure that was partially staggered in the course of 2016. The increase in GTA costs of €146.0 thousand is in the light of one new eCourt Project Manager (P-4) GTA. Notably, CMS is proposing a decrease of €320.0 thousand in contractual services due to the fact that outsourcing of court reporting to complement in-house capacity is no longer required, which almost completely off-sets the increase in TAM.

**Table 70: Sub-programme 3320: Proposed budget for 2017**

3320 Court Management Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,338.5	80.7	6.0	1,419.2
General Service staff				1,171.5	-10.9	-0.9	1,160.6
<i>Subtotal staff</i>	<i>2,335.6</i>		<i>2,335.6</i>	<i>2,510.0</i>	<i>69.8</i>	<i>2.8</i>	<i>2,579.8</i>
General temporary assistance	232.5		232.5	314.3	146.0	46.5	460.3
Temporary assistance for meetings					332.2		332.2
Overtime							
<i>Subtotal other staff</i>	<i>232.5</i>		<i>232.5</i>	<i>314.3</i>	<i>478.2</i>	<i>152.1</i>	<i>792.5</i>
Travel	25.6		25.6		25.1		25.1
Hospitality							
Contractual services	45.0		45.0	320.0	-320.0	-100.0	
Training				5.5			5.5
Consultants							
Counsel for Defence							
Counsel for Victims							
General operating expenses							
Supplies and materials				26.3	3.4	12.9	29.7
Furniture and equipment	38.9		38.9				
<i>Subtotal non-staff</i>	<i>109.5</i>		<i>109.5</i>	<i>351.8</i>	<i>-291.5</i>	<i>-82.9</i>	<i>60.3</i>
<b>Total</b>	<b>2,677.6</b>		<b>2,677.6</b>	<b>3,176.1</b>	<b>256.5</b>	<b>8.1</b>	<b>3,432.6</b>

**Table 71: Sub-programme 3320: Proposed staffing for 2017**

3320 Court Management Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	-	2	12	-	15	1	17	18	33
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>12</b>	<b>-</b>	<b>15</b>	<b>1</b>	<b>17</b>	<b>18</b>	<b>33</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	1.00	-	1.00	-	3.00	3.00	4.00
New	-	-	-	-	-	1.00	-	-	-	1.00	-	-	-	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>2.00</b>	<b>-</b>	<b>3.00</b>	<b>3.00</b>	<b>5.00</b>

**(c) Sub-programme 3325: Information Management Services Section**

779. The Information Management Services Section (IMSS) provides information management and information technology solutions and services to the Court. Information management pertains to governance, processes and technology to manage court information from creation through to destruction. Information technology includes defining, implementing and supporting applications such as SharePoint, TRIM, Ringtail and eCourt. IMSS also implements and maintains core IT solutions and services for telecommunications, networking, databases, and e-mail services for all Court activities. Finally, IMSS is responsible for information security governance and solutions in order to ensure that information is managed in a secure environment, that it is accessed only by authorized users and that risks to information being deleted, lost or disclosed are minimized.

**Budget resources****€10,310.1 thousand**

780. The total proposed increase in IMSS amounts to €1,850.1 thousand, or 21.9 per cent. The proposed increase is mostly linked to increases in non-staff costs (contractual services, general operating expenses, supplies and materials, and furniture and equipment) amounting to €1,476.0 thousand required for priority investments agreed by the Coordination Council for key Court-wide information management projects and security capacity. Such projects include IT investments in the Court's capacity for data storage required to support the increase in courtroom activities, improvements to information security, and updating the Court's hardware and software to protect the Court's information. The number of established posts remains the same and there are no GTAs requested in IMSS. The increase in staff costs of €364.1 thousand is therefore the result of the implementation of the Registry's structure in light of the reductions made in 2016 with a view to staggering its implementation.

**Table 72: Sub-programme 3325: Proposed budget for 2017**

3325 Information Management Services Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,769.1	275.9	15.6	2,045.0
General Service staff				2,200.8	88.2	4.0	2,289.0
<i>Subtotal staff</i>	<i>4,351.7</i>		<i>4,351.7</i>	<i>3,969.9</i>	<i>364.1</i>	<i>9.2</i>	<i>4,334.0</i>
General temporary assistance	243.2		243.2				
Temporary assistance for meetings				10.0			10.0
Overtime	14.5		14.5	25.0	10.0	40.0	35.0
<i>Subtotal other staff</i>	<i>257.7</i>		<i>257.7</i>	<i>35.0</i>	<i>10.0</i>	<i>28.6</i>	<i>45.0</i>
Travel	49.7		49.7	24.8	-0.1	-0.4	24.7
Hospitality							
Contractual services	263.9		263.9	205.6	182.2	88.6	387.8
Training	68.7		68.7	60.7			60.7
Consultants							
Counsel for Defence							
Counsel for Victims							
General operating expenses	2,938.3	10.4	2,948.7	3,478.4	536.2	15.4	4,014.6
Supplies and materials	113.8	26.1	139.9	152.6	90.4	59.2	243.0
Furniture and equipment	750.1	78.6	828.7	533.0	667.3	125.2	1,200.3
<i>Subtotal non-staff</i>	<i>4,184.5</i>	<i>115.1</i>	<i>4,299.6</i>	<i>4,455.1</i>	<i>1,476.0</i>	<i>33.1</i>	<i>5,931.1</i>
<b>Total</b>	<b>8,793.9</b>	<b>115.1</b>	<b>8,909.0</b>	<b>8,460.0</b>	<b>1,850.1</b>	<b>21.9</b>	<b>10,310.1</b>

**Table 73: Sub-programme 3325: Proposed staffing for 2017**

3325 Information Management Services Section										Total P-staff and above			Total GS-staff	Total staff
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1		GS-PL	GS-OL		
<b>Established Posts</b>														
Existing	-	-	-	-	1	5	6	7	-	19	-	36	36	55
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>-</b>	<b>19</b>	<b>-</b>	<b>36</b>	<b>36</b>	<b>55</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**(d) Sub-programme 3330: Detention Section**

781. The Detention Section (DS) provides safe, secure and humane conditions for persons detained by the Court while awaiting trial or pending appeal. Its overall objective is to ensure a physically and mentally healthy environment for detained persons at every stage of detention, from their initial transfer to the Court until they are either released on the Court's order or transferred to a State of enforcement to serve a sentence.

**Budget resources****€2,483.2 thousand**

782. The proposed increase for DS for 2017 amounts to €292.0 thousand, or 13.3 per cent. The major cost driver in DS constitutes an increase of €276.0 thousand in general operating expenses for the expenses incurred by the Detention Centre due to the downscaling of the ICTY, which forces the Registry to cover the rest of the costs formerly shared with ICTY. The number of established posts remains unchanged and no GTAs have been requested for 2017.

**Table 74: Sub-programme 3330: Proposed budget for 2017**

3330 Detention Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				305.2	-3.4	-1.1	301.8
General Service staff				130.0	-2.8	-2.2	127.2
<i>Subtotal staff</i>	<i>408.6</i>		<i>408.6</i>	<i>435.2</i>	<i>-6.2</i>	<i>-1.4</i>	<i>429.0</i>
General temporary assistance							
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>							
Travel	2.4		2.4		3.9		3.9
Hospitality							
Contractual services							
Training					16.8		16.8
Consultants	50.0	5.0	55.0	6.0			6.0
Counsel for Defence							
Counsel for Victims							
General operating expenses	1,749.8	48.8	1,798.6	1,744.0	276.0	15.8	2,020.0
Supplies and materials	2.1		2.1	6.0	1.5	25.0	7.5
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>1,804.3</i>	<i>53.8</i>	<i>1,858.1</i>	<i>1,756.0</i>	<i>298.2</i>	<i>17.0</i>	<i>2,054.2</i>
<b>Total</b>	<b>2,212.9</b>	<b>53.8</b>	<b>2,266.7</b>	<b>2,191.2</b>	<b>292.0</b>	<b>13.3</b>	<b>2,483.2</b>

**Table 75: Sub-programme 3330: Proposed staffing for 2017**

3330 Detention Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	-	1	-	2	-	3	-	2	2	5
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>5</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**(e) Sub-programme 3340: Languages Services Section**

783. The Language Services Section (LSS) provides language services, including translation, revision and editing of Court documents, to the Judiciary, the parties to the proceedings and the Registry. It also provides simultaneous interpretation for trial hearings, press conferences, meetings and other events at the seat of the Court and elsewhere. Furthermore, the Section oversees language tools to ensure that consistent terminology is used across the Court, and assists with the recruitment, training and accreditation of field interpreters jointly with the Language Services Unit of the Office of the Prosecutor.

**Budget resources****€7,217.4 thousand**

784. The proposed increase for LSS for 2017 amounts to €904.1 thousand, or 14.3 per cent. The increase of €178.7 thousand in established posts is due to the restoration of costs deferred in 2016 in the light of the staggered implementation of the Registry's structure; no new established posts are requested. The main increase corresponds to the request for an additional €659.6 thousand in GTA costs in order to fund the additional capacity required to support the three ongoing trial proceedings in the most cost-effective way.

785. Three Court Interpreters (P-3), one for English and two for French, are being requested for six months each in relation to the capacity necessary to provide services in three ongoing trial proceedings. Three new Paraprofessional Interpreters in Acholi (P-1) and one Language Assistant in Acholi (GS-PL) are required to support trial proceedings in the *Ongwen* case in order to provide interpretation in the language of the accused, as well as that of the majority of the witnesses. One new Administrative Assistant (GS-OL) is required to provide general operational support in all judicial support activities.

**Table 76: Sub-programme 3340: Proposed budget for 2017**

3340 Language Services Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				4,391.4	157.5	3.6	4,548.9
General Service staff				503.7	21.2	4.2	524.9
<i>Subtotal staff</i>	<i>5,248.7</i>		<i>5,248.7</i>	<i>4,895.1</i>	<i>178.7</i>	<i>3.7</i>	<i>5,073.8</i>
General temporary assistance	539.0	62.6	601.6	560.0	659.6	117.8	1,219.6
Temporary assistance for meetings	593.8		593.8	639.8	12.5	2.0	652.3
Overtime							
<i>Subtotal other staff</i>	<i>1,132.8</i>	<i>62.6</i>	<i>1,195.4</i>	<i>1,199.8</i>	<i>672.1</i>	<i>56.0</i>	<i>1,871.9</i>
Travel	138.9	13.3	152.2	132.9	18.8	14.1	151.7
Hospitality							
Contractual services	74.6		74.6	75.6	-9.5	-12.6	66.1
Training	9.4		9.4	2.7	-2.7	-100.0	
Consultants	0.5		0.5		46.7		46.7
Counsel for Defence							
Counsel for Victims							
General operating expenses							
Supplies and materials	10.2		10.2	7.2			7.2
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>233.6</i>	<i>13.3</i>	<i>246.9</i>	<i>218.4</i>	<i>53.3</i>	<i>24.4</i>	<i>271.7</i>
<b>Total</b>	<b>6,615.1</b>	<b>75.9</b>	<b>6,691.0</b>	<b>6,313.3</b>	<b>904.1</b>	<b>14.3</b>	<b>7,217.4</b>

**Table 77: Sub-programme 3340: Proposed staffing for 2017**

3340 Language Services Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	13	19	8	-	41	1	7	8	49
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>13</b>	<b>19</b>	<b>8</b>	<b>-</b>	<b>41</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>49</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	3.00	-	-	3.00	1.67	0.18	1.85	4.85
New	-	-	-	-	-	-	1.50	-	3.00	4.50	0.03	3.04	3.07	7.57
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.50</b>	<b>-</b>	<b>3.00</b>	<b>7.50</b>	<b>1.70</b>	<b>3.22</b>	<b>4.92</b>	<b>12.42</b>



**(f) Sub-programme 3360: Victims Participation and Reparations Section**

786. The Victims Participation and Reparations Section (VPRS) is responsible for assisting victims in participating in different phases of the proceedings and reparations. The Section undertakes operations both in the field, to enable victims to make their applications, be legally represented and participate in proceedings effectively, and at the seat of the Court, to manage applications for participation and reparations.

**Budget resources****€1,691.7 thousand**

787. The proposed increase for VPRS for 2017 amounts to €262.6 thousand, or 18.4 per cent. The increase is mainly in relation to the additional €171.8 thousand in GTA resources to fund two Assistant Legal Officers (P-1) and two Data Processing Assistants (GS-OL) for six months each. These posts are related to support the victims participation process in the Ongwen case, which expects a substantial amount of victims applying for participation in addition to the 2,000 victims already participating in the proceedings. While the number of established posts remains unchanged, a reclassification of the post of the Chief of VPRS from P-4 to P-5 is proposed.

**Table 78: Sub-programme 3360: Proposed budget for 2017**

3360 Victims Participation and Reparation Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				845.9	134.8	15.9	980.7
General Service staff				390.1	-8.6	-2.2	381.5
<i>Subtotal staff</i>	<i>1,249.9</i>		<i>1,249.9</i>	<i>1,236.0</i>	<i>126.2</i>	<i>10.2</i>	<i>1,362.2</i>
General temporary assistance	458.4	3.5	461.9		171.8		171.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>458.4</i>	<i>3.5</i>	<i>461.9</i>		<i>171.8</i>		<i>171.8</i>
Travel	101.7	18.7	120.4	119.8	-26.4	-22.0	93.4
Hospitality							
Contractual services	41.1	24.6	65.7	57.5	-10.5	-18.3	47.0
Training	3.5		3.5	2.8	2.5	89.3	5.3
Consultants	30.7		30.7	10.0			10.0
Counsel for Defence							
Counsel for Victims							
General operating expenses							
Supplies and materials	1.7		1.7	3.0	-1.0	-33.3	2.0
Furniture and equipment	1.4		1.4				
<i>Subtotal non-staff</i>	<i>180.1</i>	<i>43.3</i>	<i>223.4</i>	<i>193.1</i>	<i>-35.4</i>	<i>-18.3</i>	<i>157.7</i>
<b>Total</b>	<b>1,888.4</b>	<b>46.8</b>	<b>1,935.2</b>	<b>1,429.1</b>	<b>262.6</b>	<b>18.4</b>	<b>1,691.7</b>

**Table 79: Sub-programme 3360: Proposed staffing for 2017**

3360 Victims' Participation and Reparations Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	-	2	6	1	10	-	6	6	16
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>10</b>	<b>-</b>	<b>6</b>	<b>6</b>	<b>16</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	1.00	1.00	-	1.00	1.00	2.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>1.00</b>	<b>-</b>	<b>1.00</b>	<b>1.00</b>	<b>2.00</b>

**(g) Sub-programme 3370: Office of Public Counsel for the Defence**

788. The Office of Public Counsel for the Defence (OPCD) can be appointed to represent the rights of suspects at the initial stages of a case. At the same time, the Office assists the Defence teams with legal research and case management ensuring their ability to comply with judicial deadlines and focus on relevant legal issues.

**Budget resources****€663.8 thousand**

789. The total increase for OPCD for 2017 amounts to €49.0 thousand, or 8.0 per cent, and is directly linked to an increase in GTA resources. While there are no new GTA positions requested in 2017, €53.0 thousand are required to fund for a full year the Legal Officer (P-3) GTA position approved in 2016 for seven months.

**Table 80: Sub-programme 3370: Proposed budget for 2017**

3370 Office of Public Counsel for Defence (OPCD)	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				456.5	-4.1	-0.9	452.4
General Service staff				65.0	-1.4	-2.2	63.6
<i>Subtotal staff</i>	<i>459.1</i>		<i>459.1</i>	<i>521.5</i>	<i>-5.5</i>	<i>-1.1</i>	<i>516.0</i>
General temporary assistance	40.2		40.2	69.8	53.0	75.9	122.8
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>40.2</i>		<i>40.2</i>	<i>69.8</i>	<i>53.0</i>	<i>75.9</i>	<i>122.8</i>
Travel	6.9		6.9	3.0	1.4	46.7	4.4
Hospitality							
Contractual services	0.2		0.2	20.0	-20.0	-100.0	
Training				0.5	0.1	20.0	0.6
Consultants					20.0		20.0
Counsel for Defence							
Counsel for Victims							
General operating expenses							
Supplies and materials	0.4		0.4				
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>7.5</i>		<i>7.5</i>	<i>23.5</i>	<i>1.5</i>	<i>6.4</i>	<i>25.0</i>
<b>Total</b>	<b>506.8</b>		<b>506.8</b>	<b>614.8</b>	<b>49.0</b>	<b>8.0</b>	<b>663.8</b>

**Table 81: Sub-programme 3370: Proposed staffing for 2017**

3370 Office of Public Counsel for Defence	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	1	-	1	1	4	-	1	1	5
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>5</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

**(h) Sub-programme 3380: Office of Public Counsel for Victims**

790. The Office of Public Counsel for Victims (OPCV) assists victims in proceedings before the Court, provides high-quality representation for victims and support and assistance to external counsel, and appears before Chambers in respect of specific issues. Counsel from the OPCV have been appointed as common Legal Representatives in Ntaganda, Gbabgo and Blé Goudé and Ongwen at trial, and in Lubanga reparations proceedings, as well as for applicants for reparations in the Bemba proceedings.

**Budget resources****€1,833.0 thousand**

791. The proposed increase for OPCV for 2017 amounts to €250.7 thousand, or 15.8 per cent. The number of established posts remains unchanged from 2016. There are no new GTA positions requested in 2017. The main budgetary increase is linked to an increase in consultants of €149.7 thousand and travel of €42.5, resources which are required as a result of the appointment of OPCV as common Legal Representative in the *Ongwen* case, as well as Legal Representative of potential beneficiaries for reparations in the *Lubanga* case.

**Table 82: Sub-programme 3380: Proposed budget for 2017**

3380 Office of Public Counsel for Victims (OPCV)	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,128.5	37.6	3.3	1,166.1
General Service staff				65.0	-1.4	-2.2	63.6
<i>Subtotal staff</i>	<i>1,044.2</i>		<i>1,044.2</i>	<i>1,193.5</i>	<i>36.2</i>	<i>3.0</i>	<i>1,229.7</i>
General temporary assistance	131.3		131.3	97.4	2.3	2.4	99.7
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>131.3</i>		<i>131.3</i>	<i>97.4</i>	<i>2.3</i>	<i>2.4</i>	<i>99.7</i>
Travel	75.0		75.0	96.5	42.5	44.0	139.0
Hospitality							
Contractual services				30.0	20.0	66.7	50.0
Training							
Consultants	115.2		115.2	153.9	149.7	97.3	303.6
Counsel for Defence							
Counsel for Victims							
General operating expenses	19.0	4.8	23.8	11.0			11.0
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>	<i>209.2</i>	<i>4.8</i>	<i>214.0</i>	<i>291.4</i>	<i>212.2</i>	<i>72.8</i>	<i>503.6</i>
<b>Total</b>	<b>1,384.7</b>	<b>4.8</b>	<b>1,389.5</b>	<b>1,582.3</b>	<b>250.7</b>	<b>15.8</b>	<b>1,833.0</b>

**Table 83: Sub-programme 3380: Proposed staffing for 2017**

3380 Office of Public Counsel for Victims	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	2	3	3	2	11	-	1	1	12
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>11</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>12</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

**(i) Sub-programme 3390: Counsel Support Section**

792. The Counsel Support Section (CSS) is responsible for centralizing and coordinating all assistance provided to Counsel by the Court, and serves as the Registry's focal point for the Offices of Public Counsel. The Section also manages the Court's programme of legal aid for indigent defendants and victims and handles all provisions relating to the activities of the Court's disciplinary organs.

**Budget resources****€5,943.4 thousand**

793. The Section's proposed budget for 2017 has identified a total decrease of resources of €1,347.9 thousand, or -18.5 per cent. The decrease is mainly due to the application of the amended remuneration for Counsel representing clients in cases concerning offences against the administration of justice (article 70 of the Rome Statute), as well as the appointment of the OPCV to represent victims in *Ongwen*. While no new established posts are requested, there is one new GTA position requested in 2017 amounting to an increase in GTA of €72.3 thousand, namely, a Service Coordinator (GS-OL) required to ensure a timely reaction to all service requests from defence teams and to ensure timely delivery of required services to such teams. The increase in established posts is due to the staggering number of vacant posts in the Section during 2016, for which resources will be required in 2017.

**Table 84: Sub-programme 3390: Proposed budget for 2017**

3390 Counsel Support Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				514.3	152.2	29.6	666.5
General Service staff				260.1	-5.7	-2.2	254.4
<i>Subtotal staff</i>	<i>667.5</i>		<i>667.5</i>	<i>774.4</i>	<i>146.5</i>	<i>18.9</i>	<i>920.9</i>
General temporary assistance	50.0	31.1	81.1		72.3		72.3
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>	<i>50.0</i>	<i>31.1</i>	<i>81.1</i>		<i>72.3</i>		<i>72.3</i>
Travel	3.2		3.2	10.3	60.4	586.4	70.7
Hospitality							
Contractual services							
Training							
Consultants	21.7		21.7	20.0	-20.0	-100.0	
Counsel for Defence	3,030.2	1,847.3	4,877.5	4,521.4	-851.7	-18.8	3,669.7
Counsel for Victims	1,233.6		1,233.6	1,963.2	-760.4	-38.7	1,202.8
General operating expenses				2.0	5.0	250.0	7.0
Supplies and materials							
Furniture and equipment	5.4		5.4				
<i>Subtotal non-staff</i>	<i>4,294.1</i>	<i>1,847.3</i>	<i>6,141.4</i>	<i>6,516.9</i>	<i>-1,566.7</i>	<i>-24.0</i>	<i>4,950.2</i>
<b>Total</b>	<b>5,011.6</b>	<b>1,878.4</b>	<b>6,890.0</b>	<b>7,291.3</b>	<b>-1,347.9</b>	<b>-18.5</b>	<b>5,943.4</b>

**Table 85: Sub-programme 3390: Proposed staffing for 2017**

3390 Counsel Support Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	2	-	2	1	6	-	4	4	10
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>-</b>	<b>4</b>	<b>4</b>	<b>10</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	1.00	1.00	1.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>

**4. Programme 3800: Division of External Operations (DEO)****(a) Sub-programme 3810: Office of the Director, Division of External Operations**

794. The Office of the Director (OD-DEO) has the overall responsibility for the Registry's functions in the areas of cooperation, external communications, witness protection, analysis and field operations. OD-DEO also coordinates operations in the field, including the establishment and maintenance of field offices as well as mission planning.

**Budget resources****€421.4 thousand**

795. The requested resources have increased by €0.1 thousand, or 0.0 per cent. Taking into account the increase in staff costs, which is fully accounted for by the staggered implementation of the Registry's structure, the operational costs for OD-DEO have in fact decreased. With respect to non-staff resources, the major cost-driver for the sub-programme is travel, where increased funds are requested to allow for the Director of DEO to fulfil his functions with respect to oversight of the field offices, implementation of judicial decisions and engagement with external interlocutors to further the operations of the Registry. Funds previously budgeted under general operating expenses have been redeployed to the Office of the Director, Division of Judicial Services.



**Table 86: Sub-programme 3810: Proposed budget for 2017**

3810 Office of the Director, Division of External Operations	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl.CF		Amount	%	
Professional staff				238.7	43.4	18.2	282.1
General Service staff				65.0	-1.4	-2.2	63.6
<i>Subtotal staff</i>				<i>303.7</i>	<i>42.0</i>	<i>13.8</i>	<i>345.7</i>
General temporary assistance							
Temporary assistance for meetings							
Overtime							
<i>Subtotal other staff</i>							
Travel				20.3	55.4	272.9	75.7
Hospitality							
Contractual services							
Training							
Consultants							
General operating expenses				97.3	-97.3	-100.0	
Supplies and materials							
Furniture and equipment							
<i>Subtotal non-staff</i>				<i>117.6</i>	<i>-41.9</i>	<i>-35.6</i>	<i>75.7</i>
<b>Total</b>				<b>421.3</b>	<b>0.1</b>	<b>0.0</b>	<b>421.4</b>

**Table 87: Sub-programme 3810: Proposed staffing for 2017**

3810 Office of the Director DEO	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	1	-	-	1	-	-	2	-	1	1	3
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>3</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**(b) Sub-programme 3820: External Operations Support Section**

796. The External Operations Support Section (EOSS) performs the Registry's functions with respect to State cooperation and external relations, mission planning, support to the field offices and crisis management support as well as information collection and analysis.

**Budget resources****€2,239.1 thousand**

797. The requested resources have increased by €211.1 thousand, or 10.4 per cent. The entirety of this increase is accounted for by the staggered implementation of Registry staffing. Non-staff resources have decreased by €10.1 thousand or 8.4 per cent primarily due to postponement of investments and redeployment of funds under contractual services. Increased resources are requested under general operating expenses for data analysis and training in relation to security analysis and financial investigations.

**Table 88: Sub-programme 3820: Proposed budget for 2017**

3820 External Operations Support Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,485.4	198.7	13.4	1,684.1
General Service staff				422.6	22.5	5.3	445.1
<i>Subtotal staff</i>	<i>2,002.8</i>		<i>2,002.8</i>	<i>1,908.0</i>	<i>221.2</i>	<i>11.6</i>	<i>2,129.2</i>
General temporary assistance	562.6	23.3	585.9				
Temporary assistance for meetings							
Overtime	16.8		16.8				
<i>Subtotal other staff</i>	<i>579.4</i>	<i>23.3</i>	<i>602.7</i>				
Travel	173.5	54.5	228.0	52.0	-0.1	-0.2	51.9
Hospitality							
Contractual services	339.2	69.3	408.5	65.0	-50.0	-76.9	15.0
Training	1.6		1.6		20.0		20.0
Consultants							
General operating expenses	847.4	95.2	942.6		23.0		23.0
Supplies and materials	142.9	28.8	171.7	3.0	-3.0	-100.0	
Furniture and equipment	248.1	249.1	497.2				
<i>Subtotal non-staff</i>	<i>1,752.7</i>	<i>496.9</i>	<i>2,249.6</i>	<i>120.0</i>	<i>-10.1</i>	<i>-8.4</i>	<i>109.9</i>
<b>Total</b>	<b>4,334.9</b>	<b>520.2</b>	<b>4,855.1</b>	<b>2,028.0</b>	<b>211.1</b>	<b>10.4</b>	<b>2,239.1</b>

**Table 89: Sub-programme 3820: Proposed staffing for 2017**

3820 External Operations Support Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	3	5	7	-	16	-	7	7	23
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>-</b>	<b>16</b>	<b>-</b>	<b>7</b>	<b>7</b>	<b>23</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**(c) Sub-programme 3830: Victims and Witnesses Section**

798. The Victims and Witnesses Section (VWS) provides protective measures and security arrangements, counselling and other appropriate assistance to witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses. The VWS implements the Court's protection and support programmes and ensures the appearance before the Court of witnesses and victims called to appear before the Chambers.

**Budget resources****€11,340.7 thousand**

799. The requested resources have increased by €1,084.3 thousand, or 10.6 per cent. Over half of this increase is the result of the staggered implementation of the Registry's staffing. Three new GTA positions (1.83 FTE) are requested for the field operations in Georgia, namely one Team Leader (P-3) for 10 months, one Associate Team Leader (field) (P-2) for six months and one Associate Field Case Officer (P-2) also for six months. The cost-drivers for the VWS under non-staff resources are general operating expenses amounting to €271.0 thousand from where the core protection and assistance operations are funded. The increase resulting from an upsurge in the workload, including the new situation in Georgia has been contained by more effective workflows achieved through training as well as strengthened case management in the field.

**Table 90: Sub-programme 3830: Proposed budget for 2017**

3830 Victims and Witnesses Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				3,013.6	363.8	12.1	3,377.4
General Service staff				1,249.7	154.3	12.3	1,404.0
<i>Subtotal staff</i>	<i>3,061.0</i>		<i>3,061.0</i>	<i>4,263.3</i>	<i>518.1</i>	<i>12.2</i>	<i>4,781.4</i>
General temporary assistance	1,341.3		1,341.3	377.3	302.0	80.0	679.3
Temporary assistance for meetings				366.7	26.4	7.2	393.1
Overtime							
<i>Subtotal other staff</i>	<i>1,341.3</i>		<i>1,341.3</i>	<i>744.0</i>	<i>328.4</i>	<i>44.1</i>	<i>1,072.4</i>
Travel	1,085.7	49.8	1,135.5	1,086.1	-9.2	-0.8	1,076.9
Hospitality							
Contractual services	1.0		1.0				
Training	7.8		7.8	47.0	-23.5	-50.0	23.5
Consultants							
General operating expenses	2,357.2	51.4	2,408.6	4,111.0	271.0	6.6	4,382.0
Supplies and materials	4.7		4.7	5.0	-0.5	-10.0	4.5
Furniture and equipment	11.3		11.3				
<i>Subtotal non-staff</i>	<i>3,467.7</i>	<i>101.2</i>	<i>3,568.9</i>	<i>5,249.1</i>	<i>237.8</i>	<i>4.5</i>	<i>5,486.9</i>
<b>Total</b>	<b>7,870.0</b>	<b>101.2</b>	<b>7,971.2</b>	<b>10,256.4</b>	<b>1,084.3</b>	<b>10.6</b>	<b>11,340.7</b>

**Table 91: Sub-programme 3830: Proposed staffing for 2017**

3830 Victims and Witnesses Section											Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1						
<b>Established Posts</b>															
Existing	-	-	-	-	1	3	7	23	-	34	4	25	29	63	
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>23</b>	<b>-</b>	<b>34</b>	<b>4</b>	<b>25</b>	<b>29</b>	<b>63</b>	
<b>GTA Posts (FTE)</b>															
Existing	-	-	-	-	-	-	-	3.00	-	3.00	-	2.00	2.00	5.00	
New	-	-	-	-	-	-	0.83	1.00	-	1.83	-	-	-	1.83	
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.83</b>	<b>4.00</b>	<b>-</b>	<b>4.83</b>	<b>-</b>	<b>2.00</b>	<b>2.00</b>	<b>6.83</b>	

**(d) Sub-programme 3840: Public Information and Outreach Section**

800. The Public Information and Outreach Section (PIOS) provides accurate and timely information about the principles, objectives and activities of the Court to the public at large and target audiences. Public information, especially through social media, is at the forefront in the Court's efforts to raise overall awareness and appreciation towards its activities among the general public. Through outreach to victims, PIOS ensures that communities affected by the cases before the Court are kept apprised of judicial proceedings.

**Budget resources****€2,404.8 thousand**

801. The requested resources have increased by €166.5 thousand, or 7.4 per cent. This increase is fully the result of the staggered implementation of the Registry structure. The increase is partly off-set by non-staff resources which have been reduced by €54.5 thousand, or 16.1 per cent. The reduction has been achieved by limiting expenditure on materials and events used for public information. The increases under supplies and materials as well as furniture and equipment is due to redeployment of funds previously budgeted under general operating expenses and is accompanied with a concomitant reduction under that budget line.

**Table 92: Sub-programme 3840: Proposed budget for 2017**

3840 Public Information and Outreach Section	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				999.2	166.9	16.7	1,166.1
General Service staff				899.6	54.1	6.0	953.7
<i>Subtotal staff</i>	<i>2,114.7</i>		<i>2,114.7</i>	<i>1,898.8</i>	<i>221.0</i>	<i>11.6</i>	<i>2,119.8</i>
General temporary assistance	281.6		281.6				
Temporary assistance for meetings	7.5		7.5				
Overtime							
<i>Subtotal other staff</i>	<i>289.1</i>		<i>289.1</i>				
Travel	84.8	38.6	123.4	33.9	1.3	3.8	35.2
Hospitality	1.0		1.0				
Contractual services	551.3	78.9	630.2	222.8	-42.0	-18.9	180.8
Training				7.0	3.0	42.9	10.0
Consultants							
General operating expenses	71.9		71.9	75.8	-55.8	-73.6	20.0
Supplies and materials	105.5		105.5		19.0		19.0
Furniture and equipment	29.5		29.5		20.0		20.0
<i>Subtotal non-staff</i>	<i>844.0</i>	<i>117.5</i>	<i>961.5</i>	<i>339.5</i>	<i>-54.5</i>	<i>-16.1</i>	<i>285.0</i>
<b>Total</b>	<b>3,247.8</b>	<b>117.5</b>	<b>3,365.3</b>	<b>2,238.3</b>	<b>166.5</b>	<b>7.4</b>	<b>2,404.8</b>

**Table 93: Sub-programme 3840: Proposed staffing for 2017**

3840 Public Information and Outreach Section	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	1	2	3	5	-	11	-	15	15	26
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>-</b>	<b>11</b>	<b>-</b>	<b>15</b>	<b>15</b>	<b>26</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**(e) Sub-programme 3850: Field Offices**

802. Field offices are established in situation countries where they facilitate and serve as the base for the operations of the Court. They provide office space, vehicular support for missions and communication equipment for all Court staff, external counsel as well as the TFV working on the ground. The size and composition of each field office is determined by the stage of investigative or judicial activities and is therefore bound to fluctuate according to concrete needs.

**Budget resources****€7,973.5 thousand**

803. The requested resources have increased by €1,331.0 thousand, or 20.0 per cent. Most of this increase is under established posts (€958.5 thousand) and concerns solely the additional resources to fund the approved structure in the field where implementation was staggered in 2016. Notably, the down-sizing of staff in the Kenya Field Office (€673.0 thousand) has fully offset increases in established posts in other field offices (€554.2 thousand), resulting in a net reduction of €118.8 thousand in established posts.

804. The major cost-driver for the field offices under non-staff resources is mission travel which results from increased activities in the field. These resources are required mainly to cover the DSA of field staff on outreach and victim participation missions, including necessary logistical and security support. Increases for the field offices in CAR, Côte d'Ivoire, Uganda and Georgia, are partly off-set by decreases for the other field presences, in particular the substantial downsizing of the Kenya Field Office. The upsurge in activities in the field and the setting up of new offices also has an effect on supplies and materials as well as general operating expenses due to the need, among other things, to purchase more fuel for generators and vehicles to support the additional missions taking place in 2017. Reductions for furniture and equipment partly off-set the increases for the other budget lines.

**Table 94: Overview of all established posts in the field offices for 2016 (approved) and 2017 (proposed).**

	CAR		CIV		DRC		GEO		KEN		MLI		UGA		Total	
	16	17	16	17	16	17	16	17	16	17	16	17	16	17	16	17
Chief of Field Office (P-5)	1	1	1	1	1	1	-	1	1	-	-	-	-	1	4	5
Administration and Operations Officer (P-3)	1	1	1	1	2	2	-	-	1	1	1	1	1	1	7	7
Administrative Assistant (GS-OL)	1	1	1	1	1	1	-	-	1	-	1	1	1	1	6	5
Cleaner (GS-OL)	1	1	1	1	2	2	-	-	-	-	-	-	1	1	5	5
Senior Driver (GS-OL)	-	-	1	1	-	-	-	-	-	-	-	-	2	2	3	3
Driver (GS-OL)	3	3	4	4	10	10	-	-	2	-	-	-	2	2	21	19
Field Security Officer (P-3)	1	1	1	1	1	1	-	1	1	-	-	-	1	1	5	5
Associate Field Security Officer (P-2)	-	1	1	1	1	1	-	-	-	-	-	-	1	1	3	4
Local Security Assistant (GS-OL)	1	1	1	1	2	2	-	-	1	-	-	-	1	1	6	5
Field Officer (VPRS/Outreach) (P-3)	1	1	2	2	2	2	-	-	2	-	-	-	2	2	9	7
Field Assistant (VPRS/Outreach) (GS-OL)	2	2	3	3	4	4	-	1	2	-	-	-	2	2	13	12
<b>Total</b>	<b>12</b>	<b>13</b>	<b>17</b>	<b>17</b>	<b>26</b>	<b>26</b>	<b>-</b>	<b>3</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>14</b>	<b>15</b>	<b>82</b>	<b>77</b>

**Table 95: Overview of all GTA in the field offices for 2016 (approved) and 2017 (proposed).**

	CAR		CIV		DRC		GEO		KEN		MLI		UGA		Total	
	16	17	16	17	16	17	16	17	16	17	16	17	16	17	16	17
Cleaner (GS-OL)	-	-	-	-	2	-	-	-	-	-	-	-	-	-	2	-
Driver (GS-OL)	-	-	-	-	1	-	-	-	-	-	-	-	-	1	1	1
ICT Technician (GS-OL)	1	1	1	1	1	1	-	-	1	1	-	-	1	1	5	5
Field Security Officer (P-3)	-	-	-	-	-	-	-	-	-	-	1	1	-	-	1	1
Associate Field Security Officer (P-2)	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Field Assistant (VPRS/Outreach) (GS-OL)	-	-	-	-	1	-	-	-	-	-	-	-	-	2	1	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>10</b>	<b>10</b>

**Table 96: Sub-programme 3850: Proposed budget for 2017**

3850 Field Offices	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				2,865.2	965.8	33.7	3,831.0
General Service staff				1,113.9	-7.3	-0.7	1,106.6
<i>Subtotal staff</i>				<i>3,979.1</i>	<i>958.5</i>	<i>24.1</i>	<i>4,937.6</i>
General temporary assistance				251.5	210.7	83.8	462.2
Temporary assistance for meetings							
Overtime				30.0	-30.0	-100.0	
<i>Subtotal other staff</i>				<i>281.5</i>	<i>180.7</i>	<i>64.2</i>	<i>462.2</i>
Travel				120.0	117.2	97.7	237.2
Hospitality							
Contractual services				1,020.3	4.9	0.5	1,025.2
Training					12.7		12.7
Consultants							
General operating expenses				985.4	20.8	2.1	1,006.2
Supplies and materials				201.7	64.4	31.9	266.1
Furniture and equipment				54.5	-28.2	-51.7	26.3
<i>Subtotal non-staff</i>				<i>2,381.9</i>	<i>191.8</i>	<i>8.1</i>	<i>2,573.7</i>
<b>Total</b>				<b>6,642.5</b>	<b>1,331.0</b>	<b>20.0</b>	<b>7,973.5</b>

**Table 97: Sub-programme 3850: Proposed staffing for 2017**

3850 Field Offices	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total staff
<b>Established Posts</b>														
Existing	-	-	-	-	3	-	18	3	-	24	-	48	48	72
New	-	-	-	-	2	-	1	1	-	4	-	1	1	5
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5</b>	<b>-</b>	<b>19</b>	<b>4</b>	<b>-</b>	<b>28</b>	<b>-</b>	<b>49</b>	<b>49</b>	<b>77</b>
<b>GTA Posts (FTE)</b>														
Existing	-	-	-	-	-	-	1.00	-	-	1.00	-	4.25	4.25	5.25
New	-	-	-	-	-	-	-	1.00	-	1.00	-	3.00	3.00	4.00
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>1.00</b>	<b>-</b>	<b>2.00</b>	<b>-</b>	<b>7.25</b>	<b>7.25</b>	<b>9.25</b>



## Annexes

### Annex I

#### **Draft Resolution of the Assembly of States Parties on the proposed programme budget for 2017, the Working Capital Fund for 2017, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2017 and the Contingency Fund**

*The Assembly of States Parties,*

*Having considered* the 2017 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the report of the Committee on Budget and Finance (“the Committee”) on the work of its twenty-sixth and twenty-seventh sessions,

#### **A. Programme budget for 2017**

1. *Approves* appropriations totalling €150,238,000 in the appropriation sections described in the following table:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I      Judiciary	13,243.7
Major Programme II      Office of the Prosecutor	46,280.2
Major Programme III      Registry	79,603.0
Major Programme IV      Secretariat of the Assembly of States Parties	2,917.8
Major Programme V      Premises	1,454.9
Major Programme VI      Secretariat of the Trust Fund for Victims	2,502.1
Major Programme VII-5      Independent Oversight Mechanism	554.8
Major Programme VII-6      Office of Internal Audit	694.2
<i>Sub-total</i>	<i>147,250.7</i>
Major Programme VII-2      Host State Loan	2,987.3
<b>Total</b>	<b>150,238.0</b>

2. *Notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises, and have made such payments in full, will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan amounting to €2,987,300;

3. *Further notes* that these contributions will bring down the level of the 2017 programme budget appropriations that need to be assessed for contributions by States Parties from €150,238,000 to €147,250,700 and that this amount will be assessed following the principles described in section D;

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

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat Assembly of States Parties</i>	<i>Secretariat Trust Fund for Victims</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG		1						1
ASG		1	1					2
D-2								
D-1		3	3	1	1		1	9
P-5	4	17	22	1		1		45
P-4	3	36	43	1	4	1	1	89
P-3	20	77	85	1	3		1	187
P-2	12	71	89	1	8	1		182
P-1		33	5					38
<i>Subtotal</i>	<i>39</i>	<i>239</i>	<i>248</i>	<i>5</i>	<i>16</i>	<i>3</i>	<i>3</i>	<i>553</i>
GS-PL	1	1	15	3				20
GS-OL	12	77	311	2	3	1	1	407
<i>Subtotal</i>	<i>13</i>	<i>78</i>	<i>326</i>	<i>5</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>427</i>
<b>Total</b>	<b>52</b>	<b>317</b>	<b>574</b>	<b>10</b>	<b>19</b>	<b>4</b>	<b>4</b>	<b>980</b>

## **B. Working Capital Fund for 2017**

*The Assembly of States Parties,*

*Resolves* that the Working Capital Fund for 2017 shall be established in the amount of €11,600,000, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court.

## **C. Scale of assessment for the apportionment of expenses of the Court**

*The Assembly of States Parties,*

1. *Decides* that for 2017, the contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget applied for 2016-2018, and adjusted in accordance with the principles on which the scale is based;<sup>1</sup> and

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

## **D. Financing of appropriations for 2017**

*The Assembly of States Parties,*

*Notes* that the contributions to the interim premises by the host State and the payments corresponding to Major Programme VII-2 Host State Loan will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €147,250,700; and

<sup>1</sup> Rome Statute of the International Criminal Court, article 117.

*Resolves* that for 2017, assessed contributions for the budget amounting to €147,250,700 and the amount for the Working Capital Fund of €11,200,000, approved by the Assembly under section A, paragraph 1, and section B, respectively, of the present resolution, will be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

## **E. Contingency Fund**

*The Assembly of States Parties,*

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

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

*Notes* that the current level of the Fund is €5.8 million;

*Decides* to replenish the Fund in the amount of €1.2 million in 2017;

*Decides* to maintain the Contingency Fund at a level consistent with the €7.0 million threshold for 2017;

*Decides* that, should the Fund fall below €7.0 million by year-end, the Assembly shall decide on its replenishment up to an amount considered appropriate, but to no less than €7.0 million;

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

## **F. Transfer of funds between major programmes under the 2016 approved programme budget**

*The Assembly of States Parties,*

*Recognizing* that under Financial Regulation 4.8 no transfer between appropriation sections may be made without authorization by the Assembly,

*Notes* that the amount of €1,750,000, represents the cost overrun of the Permanent Premises,

*Decides* that prior to the transfer of funds between major programmes at the conclusion of 2016, the cost overrun of the Permanent Premises should be covered by any surplus which exists under the major programmes,

*Further decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes after the overrun has been covered should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund.

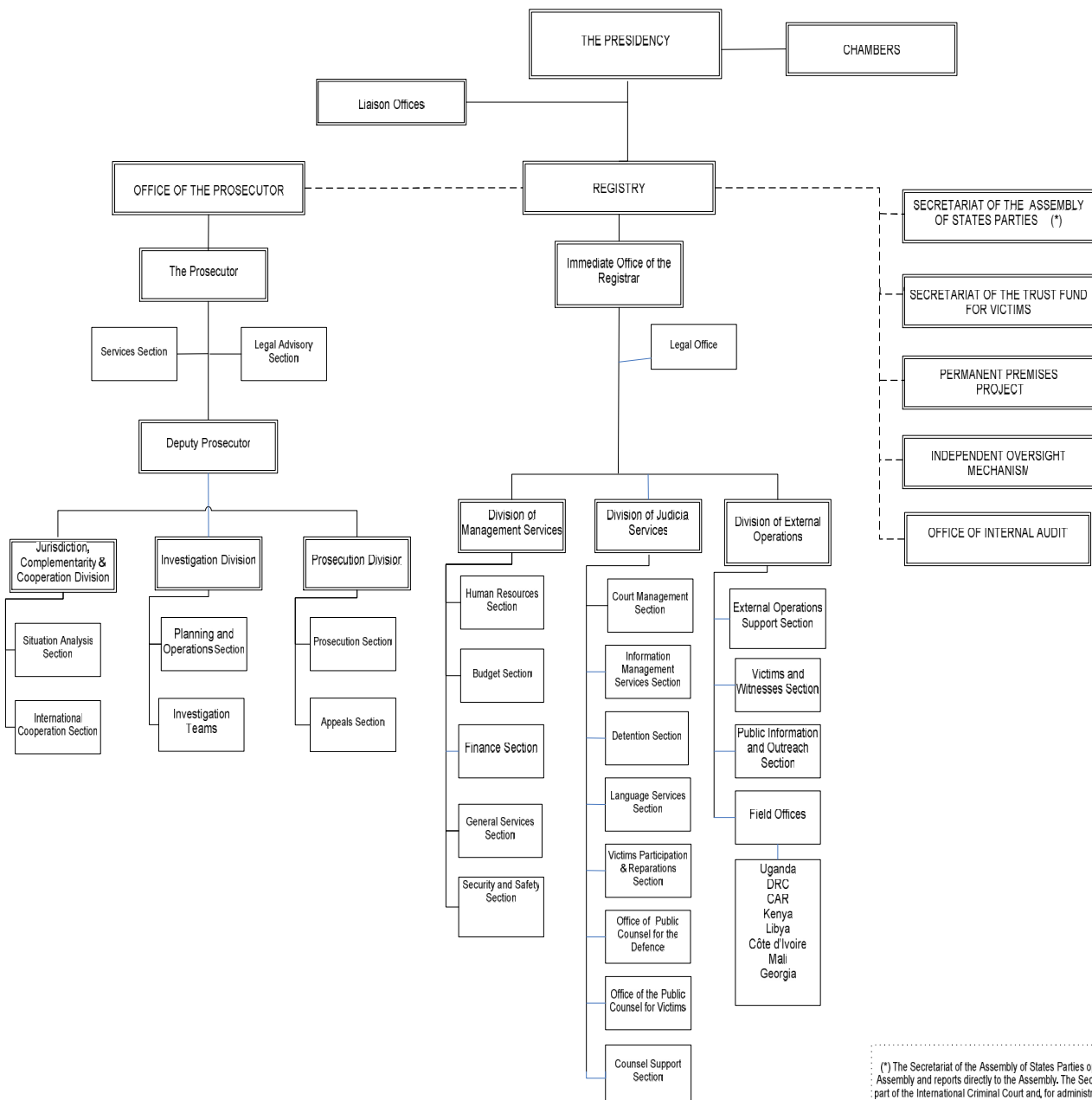
## **G. Salaries of the judges of the International Criminal Court**

*The Assembly of States Parties,*

*Approves* in implementation of Resolution ICC-ASP/3/Res.3, the salary alignment of the judges of the International Criminal Court with the remuneration of the judges of the International Court of Justice.”

## Annex II

### Organizational structure of the Court



(\*) The Secretariat of the Assembly of States Parties operates under the full authority of the Assembly and reports directly to the Assembly. The Secretariat of the Assembly is an integral part of the International Criminal Court and, for administrative purposes, the Secretariat and its staff are attached to the Registry of the Court

## Annex III

### Assumptions and parameters for the 2017 proposed programme budget

<i>2017 Parameters</i>	<i>Total PPB</i>	<i>Description</i>
1. Number of situations	11	Central African Republic (I and II), Cote d'Ivoire, Darfur, Democratic Republic of Congo, Georgia, Kenya, Libya, Mali, Uganda and Comoros.
2. Number of preliminary examinations	9	Afghanistan, Burundi, Colombia, Guinea, Iraq, Nigeria, Palestine, Comoros and Ukraine.
3. Number of active investigations	6	CAR II. a (Séléka); CAR II. B; (anti-balaka); Libya 3; CIV II; Georgia and Darfur.
4. Number of persons in Protection Programme	110	Witness under VWS protection including: ICCPP, assisted moves, assessment and support. Includes 49 internationally relocated witnesses which are in care of a third entity and under monitoring of ICC VWS.
5. Number of persons under Protection	575	It is reasonable to consider that the number of persons under protection measures is likely to remain high in 2017. Currently, 575 (110 witnesses and 465 dependents) are under protection and care of the VWS in 14 Countries.
6. Number of victims applying for participation/reparation	14,100	Ntaganda: 100; Ongwen: 2,000; Bemba (reparations): 5,000; CAR II a (Seleka): 1,200 CAR II b (anti balaka): 1,100; Gbagbo-Blé Goudé: 100, CIV II: 2,000; Mali: 100; Georgia: 500; Lubanga (reparations): 1,500; Mudacumura: 500.
7. Number of field offices/presences	10	2 in DRC (Kinshasa and Bunia), 2 in Uganda (Kampala and Gulu), 1 in Kenya (Nairobi), 1 in CAR (Bangui), 2 in CIV (Abidjan and Western CIV), 1 in Mali (Bamako), 1 in Georgia (Tbilisi). Kenya field office has been reviewed.
8. Arrest warrants pending execution	12	Libya 1 (1), Libya 2 (1), Dar 1 (2), Dar 2&4 (1), Dar 3 (1), CIV 1Bis (SG) (1), DRC 3&4 (1), Kenya Art.70 (3), Uganda (Kony) (1),
9. Number of languages supported for correspondence with States Parties	24	<i>na</i>
10. Number of suspects/accused appearing before the Court	9	The term "suspect" refers to a person against whom a warrant of arrest has been delivered; the term "accused" refers to a person against whom charges are confirmed until appeals Chamber judgment is final (convicted/acquitted).
11. Number of defence teams financed by Legal Aid	12	Ntaganda, Sang, Bemba (2 teams), Kilolo, Babala, Mangenda, Arido, Ongwen, Gbagbo L, Blé Goudé, Gbagbo S (reduced activity), Gaddafi (reduced activity), Banda (reduced activity), Lubanga, Katanga
12. Number of cells required	6	Cells come in blocks of 6
13. Number of suspects/accused in detention	5	<i>na</i>
14. Number of victims' representatives financed by Legal Aid	5	1 in Bemba 2 in Lubanga, 1 in Katanga, 1 in Ongwen.
15. Number of case-related languages supported	24	1 -Tamasheq, 2-Zaghawa, 3-Swahili standards, 4-Swahili Congolese, 5-Kinyarwanda, 6-Acholi, 7-Dioula, 8-Bambara, 9-Lingala ,10-Alur, 11-Arabic (standard), 12-Arabic (Sudanese), 13-Ateso, 14-Fur, 15-Kalenjin, 16-Kikuyu, 17-Lango, 18-Luganda, 19-Luo, 20-Ngiti, 21-Sango, 22- Russian, 23- Georgian and 24-South-Ossetian.
16. Number of planned Court hearings in 12 months	500	Case 1: 35 weeks - 175 days; Case 2: 33 Weeks - 165 days; Case 3: 32 weeks - 160 days. Only 6 x 2 weeks of 3 <sup>rd</sup> courtroom use = 60 days
17. Number of trial teams (Chambers)	3 plus two reparations teams	Trial Chamber I (Gbagbo/Blé Goudé); Trial Chamber VI (Ntaganda); new Trial Chamber IX (Ongwen). This assumes that current trial proceedings in Bemba et al (Article 70) and Al-Mahdi are concluded by the end of 2016. In addition there will be continuing work on reparations in the Lubanga, Katanga and Bemba cases in Trial Chamber II and possibly in Trial Chamber III.
18. Number of trial teams (OTP)	3	CIV 1 (LG & CBG), DRC 6 (Bosco Ntaganda), Uganda (Dominic Ongwen).

2017 Parameters	Total PPB	Description
19. Number of Registry courtroom support teams	2+ teams	
20. Number of languages supported in courtroom	8	1-English, 2-French, 3- Congolese Swahili, 4-Kinyarwanda, 5-Acholi, 6-Dioula, 7-Bambara, 8-Lingala.
21. Number of witnesses appearing for testimony	92	92 witnesses for three trial hearing / year: Ntaganda; CIV: Gbagbo/L, Blé Goudé; and Ongwen.
22. Expected maximum duration of stay per witness	15	5 Prep days + 5 hearing days + 3 familiarization days + 2 days (1 weekend after 15 average per witness).
23. Number of final appeals	2	Bemba <i>et al</i> (Article 70), Bemba (main case).

## Annex IV

### List of potential developments which could impact on the 2017 proposed programme budget

1. Procedural developments leading to delays in ongoing proceedings:
  - (a) Delays in proceedings due to unexpected evidentiary obstacles (example: (temporary) unavailability of witnesses); and
  - (b) Issues subject to interlocutory appeals before the Appeals Chamber: any interlocutory appeals (requiring suspensive effect) in cases on trial, delaying progress in proceedings on the merits.
2. Procedural developments currently unforeseeable:
  - (a) United Nations Security Council referral of a situation to the Court;
  - (b) State Party referral;
  - (c) Prosecutor opening a *proprio motu* investigation in a new situation (after having sought and obtained leave to do so from the Pre-Trial Chamber);
  - (d) Arrest or surrender to the Court of persons sought under a warrant of arrest;
  - (e) Surrender to the Court of persons sought under a warrant of arrest and already detained in other countries (examples: Simone Gbagbo; Saif Al-Islam Gaddafi; Abdullah Al-Senussi); and
  - (f) (Temporary) unavailability of a judge or other key party to the proceedings due to serious illness.

## Annex V (a)

## List of strategic goals of the International Criminal Court (2013-2017)

<i>Goal 1: Judicial and Prosecutorial</i>	<i>Goal 2: Managerial</i>	<i>Goal 3: Cooperation and Support</i>
1.1 Ensure high quality, fair, transparent and expeditious judicial proceedings, while further refining legal standards through well-developed jurisprudence and encouraging the development of standardised processes.	2.1 Deliver coherent governance and efficient, well-planned and cost-effective administration to support the Court's judicial functions, actively managing change while retaining the ability to respond effectively to unexpected developments.	3.1 Facilitate the work of the Assembly of States Parties ("ASP") in exercising its management oversight while fully respecting the independence of the Court.
1.2 Perform high quality, independent and impartial preliminary examinations.	2.2 Maintain high standards of integrity, professionalism and respect for diversity.	3.2 Further foster global support for the Court by strengthening the understanding, trust and commitment of States, international and regional organizations, NGOs and other key partners and stakeholders.
1.3 Perform impartial, in-depth, open-ended investigations and objective, efficient and well-founded prosecutions, supported by effective international cooperation	2.3 Provide adequate human resources to deliver the Court's mandate and ensure equitable geographical representation and fair gender balance.	3.3 Encourage full and timely cooperation by States in accordance with their obligations under the Rome Statute, including compliance with Court orders such as warrants of arrest, and identification, tracing, and freezing of assets.
1.4 Guarantee the rights of the defence to a fair and impartial trial.	2.4 Provide and maintain a healthy, motivating, sustainable and caring environment for staff and others participating in the Court's work and strive to offer career development and mobility opportunities.	3.4 Encourage States to conclude further voluntary agreements with the Court on enforcement of sentences, relocation of witnesses and interim and other forms of release.
1.5 Ensure adequate and meaningful participation and representation of victims.	2.5 Ensure adequate and effective technological support for judicial and administrative activities.	3.5 With States Parties, intergovernmental and nongovernmental organizations, encourage and support further accessions to the Rome Statute and the Agreement on the Privileges and Immunities of the Court with the ultimate goal of universality.
1.6 Ensure meaningful reparations and a successful implementation of reparation orders including coherent principles for victim reparations.	2.6 Further develop the Court's processes for planning and budgeting strategically, including efficient management of performance and risks.	3.6 With States Parties and other stakeholders such as intergovernmental and non-governmental organizations, encourage and facilitate the development of national capacities to achieve the goals of the Rome Statute.
1.7 Increase awareness of, communication with, and understanding amongst victims and affected communities, in line with the stages of the proceedings, of the Court and its processes generally.	2.7 Ensure an efficient, timely and cost-effective transition to the permanent premises, followed by making full, innovative use of their new potential.	
	2.8 Ensure adequate security and protection for staff and other persons at risk on account of their interaction with the Court, as well as for information and other assets.	

**Annex V (b)****List of strategic goals of the OTP Strategic Plan (2016-2018)**

1. Achieving high performance in relation to the Office's mandate
  - (a) *Strategic goal 1:* conduct impartial, independent, high quality preliminary examinations, investigations and prosecutions;
  - (b) *Strategic goal 2:* continue to integrate a gender perspective in all areas of the Office's work and to implement the policies in relation to sexual and gender-based crimes (SGBC) and crimes against children;
  - (c) *Strategic goal 3:* further improve the quality and efficiency of preliminary examinations, investigations and prosecutions; and
  - (d) *Strategic goal 4:* further adapt the Office's investigative and prosecutorial capabilities and network to the complex and evolving scientific and technological environment.
2. Creating the necessary conditions to fulfil the Office's mandate
  - (a) *Strategic goal 5:* achieve a basic size which can respond to the demands placed upon the Office so that it may perform its functions with the required quality, effectiveness and efficiency;
  - (b) *Strategic goal 6:* contribute to strengthening cooperation, and promoting general support towards the mandate and activities of the Office;
  - (c) *Strategic goal 7:* adapt the Office's protection strategies to the new security challenges; and
  - (d) *Strategic goal 8:* ensure a professional, accountable, transparent and efficient management of the Office.
3. Contributing to a coordinated investigative and prosecutorial strategy to further close the impunity gap for ICC crimes
  - (a) *Strategic goal 9:* develop with partners a coordinated investigative and prosecutorial strategy to close



## Annex V (c)

## OTP Objectives, performance indicators and targets 2017

<i>Strategic goal</i>	<i>Objective 2017</i>	<i>Performance indicator</i>
1. Conduct impartial, independent, high quality preliminary examinations, investigations and prosecutions	1. To produce the yearly defined level of activities in the light of the allocated budget	1. Milestones per core activity: planned versus actual 2. Pattern of judicial findings on how preliminary examinations, investigations and prosecutions are conducted 3. Compliance with OTP policies and standards 4. Quality of interaction with the OTP 5. Lessons learnt implemented 6. Prosecutorial results in terms of perpetrators Arrest warrants/summonses to appear granted/requested: (a) Persons confirmed / charged (b) Persons convicted / charged 7. Counts granted / counts charged at stage of arrest warrant, confirmation, trial.
2. Continue to integrate a gender perspective in all areas of the Office's work and implement policies in relation to SGBC and crimes against children	1. Specialized training provided for relevant staff on interviewing vulnerable witnesses 2. Sexual and Gender Based Crimes Policy effectively implemented in the investigative and prosecutorial activities of the Office 3. The Children's Policy and implementation plan adopted	8. Milestones: planned versus actual 9. Impact of improvement projects on effectiveness, operational and management excellence
3. Further improve the quality and efficiency of the preliminary examinations, investigations and prosecutions	<i>Preliminary examination</i> 1. Define the possibilities to further integrate investigative needs and start-up in the preliminary examination phase 2. Further increase communication in relation to preliminary examinations 3. Further develop the early response function to upsurges or serious risks of violence <i>Investigations</i> 1. Implement selected improvement projects related to priority areas: closing time gap, forensics and technology, analysis, standards, financial investigations and field presence <i>Prosecutions and appeals</i> 1. Implement the selected improvement projects related to the priority areas: internal processes, management capabilities, case design, case review process, technology, key competences <i>Cooperation</i> 1. Assessment of the quality of the internal cooperation dimension done and the selected improvement projects implemented	10. Milestones: planned versus actual 11. Impact of improvement projects on effectiveness, operational and management excellence

<i>Strategic goal</i>	<i>Objective 2017</i>	<i>Performance indicator</i>
4. Further adapt the Office's investigative and prosecutorial capabilities and network to the complex and evolving scientific and technological environment	<ol style="list-style-type: none"> <li>1. All relevant staff trained in the basics of online investigations and handling of electronic evidence</li> <li>2. Capability to use technology to present evidence in court strengthened</li> </ol>	<ol style="list-style-type: none"> <li>12. Milestones: planned versus actual</li> <li>13. Impact of improvement projects on effectiveness, operational and management excellence</li> </ol>
5. Achieve a basic size which can respond to demands placed upon the Office with the required quality, effectiveness and efficiency	<ol style="list-style-type: none"> <li>1. To implement the approved resource evolution and adapt the output accordingly</li> <li>2. To present the impact of the identified efficiency gains on the budget proposal for 2017</li> <li>3. To review the continuum of services and the possible synergies and efficiencies between the Registry and OTP</li> </ol>	<ol style="list-style-type: none"> <li>14. Milestones: planned versus actual</li> <li>15. Impact of improvement projects on effectiveness, operational and management excellence</li> <li>16. Yearly achieved efficiency gains</li> </ol>
6. Contribute to strengthening cooperation and promoting general support towards the mandate and activities of the Office	<ol style="list-style-type: none"> <li>1. Cooperation plans for critical support to investigations implemented as planned</li> <li>2. Expansion of network of operational focal points towards three partners</li> <li>3. Communication to stakeholders implemented as planned</li> </ol>	<ol style="list-style-type: none"> <li>17. Milestones: planned versus actual</li> <li>18. Impact of improvement projects on effectiveness, operational and management excellence</li> </ol>
7. Adapt the Office's protection strategies to the new security challenges	<ol style="list-style-type: none"> <li>1. Establish a partnership with two key partners in relation to cyber and information security</li> <li>2. Establish a coordinated security-related intelligence cycle with partners within and outside the Court</li> <li>3. Update of the field craft requirements finalized</li> <li>4. Review of existing protocols with the security entities within Registry</li> </ol>	<ol style="list-style-type: none"> <li>19. Milestones: planned versus actual</li> <li>20. Impact of improvement projects on effectiveness, operational and management excellence</li> </ol>
8. Ensure a professional, accountable, transparent and efficient management of the Office	<ol style="list-style-type: none"> <li>1. Improved gender and nationality balance</li> <li>2. All training and performance appraisals implemented</li> <li>3. Values embedment program implemented</li> <li>4. Working climate recommendation implemented</li> <li>5. Occupational hazard review performed</li> <li>6. Review of information management strategy and structure</li> <li>7. Systems for performance indicators, risk management and lessons learnt established</li> </ol>	<ol style="list-style-type: none"> <li>21. Evolution of the overall gender and nationality balance per year</li> <li>22. Implementation of training program per year: planned versus actual</li> <li>23. Working climate survey (incl. values)</li> <li>24. " "</li> <li>25. Evolution of fitness for work</li> <li>26. Impact of improvement projects on effectiveness, operational and management excellence</li> <li>27. " "</li> <li>28. Yearly implementation rate of the budget</li> <li>29. Implementation rate of measures to control priority risks out of the OTP risk register</li> </ol>
9. Develop with partners a coordinated investigative and prosecutorial strategy	<ol style="list-style-type: none"> <li>1. Consultations on the content, conditions and implications of a coordinated investigative and prosecutorial strategy assessed and OTP's contribution identified</li> </ol>	<ol style="list-style-type: none"> <li>30. Milestones: planned versus actual</li> <li>31. Impact of improvement projects on effectiveness, operational and management excellence</li> </ol>

## Annex V (d)

### Judiciary Strategic Goals

#### Expected results, performance descriptions and targets 2017

<i>Expected results</i>	<i>Performance descriptions</i>	<i>Target 2017</i>
<p><b>Objectives 1-3</b> (POs 1.1.1, 1.1.2, and 2.6.3)</p> <p>1. Provide effective Presidency planning and support for the efficient management of judicial proceedings</p> <p>2. Fair and expeditious conduct of pre-trial, trial and appellate processes, with full respect for the rights of the accused and due regard for the protection of victims and witnesses</p> <p>3. Continue the “lessons learnt” review of judicial processes, consulting stakeholders as appropriate, with emphasis on changes not requiring amendments to the Rules of Procedure and Evidence</p> <p>4. Develop appropriate performance indicators for judicial processes and relevant judicial support</p>	<ul style="list-style-type: none"> <li>• Potential issues identified and effectively managed</li> <li>• Quality of preparation and support for Presidency and Judges’ meetings</li> <li>• Efficient management of applications/filings before the Presidency</li> <li>• Timeliness and quality of advice to the President and Vice-Presidents on administrative and managerial issues</li> <li>• Time lines between phases of proceedings shortened, without prejudice to the rights of the parties, participants and victims to fairness and protection as the case may be</li> <li>• Full use of the new facilities in the permanent premises, especially the increased availability of courtrooms</li> <li>• Continued harmonization of Chambers’ practice</li> <li>• New performance indicators implemented for both Court-wide and Judiciary purposes</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> <li>• Fully satisfactory</li> <li>• All decisions issued within agreed timeline</li> <li>• Fully satisfactory</li> <li>• Measurably by comparison with earlier cases</li> <li>• 100%</li> <li>• By end of 2017</li> <li>• By end of 2017</li> </ul>
<p><b>Objective 4</b> (PO 2.7.2)</p> <p>1. Chambers fully aware of financial impacts during deliberations and when taking decisions</p>	<ul style="list-style-type: none"> <li>• Appropriate advice from Registry; awareness reflected in relevant decisions, without prejudice to judicial independence</li> </ul>	<ul style="list-style-type: none"> <li>• Whenever relevant</li> </ul>
<p><b>Objective 5</b> (POs 2.1.2 and 2.5.1)</p> <p>1. Effective resource management including identification and implementation of possible further efficiency measures</p> <p>2. Efficient use of Chambers staff resources through central management and flexible deployment to meet changing case workload needs</p>	<ul style="list-style-type: none"> <li>• Impact/effectiveness of Chambers staffing changes introduced by 2017 Budget</li> <li>• Improvements in timeliness of judicial proceedings through implementation of “lessons learnt” changes</li> <li>• Number of areas where further efficiencies can be achieved</li> <li>• Effective central management by new P-5 Head of Chambers</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> <li>• Measurable improvements</li> <li>• 1</li> <li>• 100%</li> </ul>
<p><b>Objective 6</b> (PO 1.5.1)</p> <p>1. Development of a more consistent approach to handling of victim applications for participation in the proceedings</p>	<ul style="list-style-type: none"> <li>• Applying effectively the new victim application system adopted in February 2016 as part of the “Chambers Practice Manual”.</li> </ul>	<ul style="list-style-type: none"> <li>• By mid-2017</li> </ul>
<p><b>Objective 7</b> (PO 2.3.1)</p> <p>1. Further improve management of staff performance</p>	<ul style="list-style-type: none"> <li>• Full MP1 compliance with the Court’s performance appraisal system, including appropriate input from line managers and judges</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
<p><b>Objective 8</b> (PO 3.1.1)</p> <p>1. Transparent and effective communication and information exchange between Judiciary and Working Groups of the Assembly</p>	<ul style="list-style-type: none"> <li>• Number of HWG/SGG meetings attended by a Presidency/Court representative as appropriate</li> <li>• Provision of requested reports and information in a timely and transparent manner</li> </ul>	<ul style="list-style-type: none"> <li>• Representation at every meeting</li> <li>• 100%</li> </ul>
<p><b>Objective 9</b> (POs 3.1.1, 3.2.1, 3.2.2, 3.5.1, 3.5.2 and 3.6.2)</p> <p>1. Strengthened trust, commitment and support among the Court’s external stakeholders through information-sharing at meetings, conferences etc.</p> <p>2. Further accessions to/ratifications of the Rome Statute and the Agreement on Privileges and Immunities (APIC) and enhanced communication and cooperation of</p>	<ul style="list-style-type: none"> <li>• Number of high-level meetings held with States, international organizations and civil society by the President/Presidency</li> <li>• Presidency participation in ASP, HWG, SGG and CBF meetings, diplomatic and NGO briefings etc.</li> <li>• Transmit and pursue all requests by the Court for cooperation with relevant interlocutors at the UN until completion of requests</li> <li>• Organize/provide briefings for States and other stakeholders in New York</li> </ul>	<ul style="list-style-type: none"> <li>• 100</li> <li>• Whenever desirable</li> <li>• 1 new accession to Rome Statute and 1 to APIC</li> <li>• 1</li> <li>• 100%</li> <li>• 10</li> </ul>

<i>Expected results</i>	<i>Performance descriptions</i>	<i>Target 2017</i>
<p>non-States Parties with the Court</p> <p>3. Conclusion of further sentence enforcement agreements with States</p> <p>4. (NYLO) Effective communication and cooperation with the United Nations and its agencies, with national delegations (both States Parties and non-States Parties) and civil society representatives in New York; and provision of logistical support to the Assembly and its subsidiary bodies</p>	<ul style="list-style-type: none"> <li>• Provide support to visiting Court officials</li> <li>• Monitor and participate in relevant UN meetings, follow up issues bilaterally and provide regular reports for the Court</li> <li>• Provide input for UN reports and resolutions on Court-related subjects and provide support to the facilitator of the annual ICC Resolution in the UN General Assembly.</li> <li>• Participate and intervene in seminars and workshops on Court-related subjects</li> </ul> <p>Provide logistical support to the Assembly, the Bureau and the New York Working Group and represent the Court at meetings of the Bureau and the New York Working Group.</p>	<ul style="list-style-type: none"> <li>• all visits</li> <li>• bi-weekly and ad hoc reports as needed</li> <li>• 5-8 resolutions</li> <li>• 4 seminars/workshops</li> <li>• 15-20 meetings</li> </ul>

## Annex V (e)

### Major Programme II

#### Sub-Programme 2110: Expected results, performance indicators and targets 2017

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<p><b>Judicial and Prosecutorial 1.2</b> OTP Strategic Goal 1</p> <ul style="list-style-type: none"> <li>• Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions</li> </ul>	<ul style="list-style-type: none"> <li>• Contributions to legal research and advice to the Office as required, in respect of situations and cases</li> <li>• Explain and raise awareness of the activities of the Office through public information</li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul> <p>ExCom frequency and decisions</p>	<p>Provide legal research and advice as requested</p> <p>Conduct interviews, prepare opinion pieces, press releases, statements, etc.</p>
<p><b>Judicial and Prosecutorial 1.2</b> OTP Strategic Goal 2</p> <p>Continue to integrate a gender perspective into all areas of the Office's work and to implement the policies in relation to sexual and gender-based crimes (SGBC) and crimes against children</p>	<ul style="list-style-type: none"> <li>• Development of the Implementation Plan for Sexual and Gender-Based Crimes Policy</li> <li>• Development of the Policy on Children and Implementation Plan</li> <li>• Raise public awareness on SGBC through public information</li> </ul>	<p>Performance Indicator 4: Compliance with key Office policies and standards</p> <ul style="list-style-type: none"> <li>• Milestones: implemented versus planned</li> </ul>	<p>SGBC Implementation Plan finalized for implementation by teams</p> <p>Policy on Children adopted</p> <p>Draft Implementation Plan For Policy on Children</p>
<p><b>Judicial and Prosecutorial 1.2</b> OTP Strategic Goal 3</p> <p>Further improve the quality of the preliminary examinations, investigations and prosecutions</p>		<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>Provide legal research and advice as requested</p>
<p><b>Cooperation and Support 3.2, 3.3</b> OTP Strategic Goal 6</p> <p>Contribute to strengthening cooperation, and promoting general support for the mandate and activities of the Office</p>	<ul style="list-style-type: none"> <li>• Support the Prosecutor's missions, conduct interviews, prepare opinion pieces, press releases, statements, etc.</li> <li>• Further development of academic network, including through the organization of guest lectures</li> <li>• Contribution to public information and external representation of the Office</li> <li>• Further development and management of the Legal Tools Project</li> </ul>	<p>Performance Indicator 5: Quality of interaction with the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>Explain, raise awareness and build support and cooperation for the activities of the Office through missions undertaken by the Prosecutor, and public information</p> <p>Communication to stakeholders implemented as planned</p>
<p><b>Managerial Objectives 2.1, 2.2, 2.3 and 2.4</b></p>	<ul style="list-style-type: none"> <li>• Provision of legal advice and drafting with regard to individual administrative matters</li> </ul>	<p>Performance Indicator 14: Impact of improvement</p>	<p>Minimize litigation and ensure satisfactory outcomes whenever litigation is</p>

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
OTP Strategic Goal 8 Ensure professional, transparent, accountable and efficient management of the Office	<ul style="list-style-type: none"> <li>• Development of the Office's internal regulatory framework</li> <li>• Contribution to development of the Court's internal regulatory framework</li> <li>• Development of strategic policies for the Office</li> <li>• Implementation of the Lessons Learnt Project</li> <li>• Development of assurance system to monitor compliance</li> <li>• In liaison with HR, delivery of the annual OTP training plan for staff</li> <li>• Liaising with HRS, finalize policies with respect to teleworking and other policies relating to staff</li> <li>• Improved gender and nationality balance in the OTP workforce</li> <li>• Key working climate issues within OTP's control addressed</li> <li>• Office's core values project finalized and implemented</li> <li>• OTP internal structure reviewed in order to increase effectiveness and efficiency and ensure enhanced quality assurance</li> </ul>	<p>projects on effectiveness, operational and management excellence</p> <p>Provision of legal advice and drafting with regard to individual administrative matters</p> <p>Development of the Office's internal regulatory framework</p> <p>Contribution to development of the Court's internal regulatory framework</p> <p>Development of strategic policies for the Office</p> <p>Implementation of the Lessons Learnt Project</p>	<p>inevitable</p> <p>Operations Manual reviewed and updates prepared as and when needed</p> <p>Timely contributions provided</p> <p>Satisfactory representation of Office views and interests</p> <p>Implementation plan for Sexual and Gender-Based Crimes Policy adopted</p> <p>Policy on Crimes against Children adopted</p> <p>Project implemented, electronic system operational, and Lessons Learnt incorporated into general Office practice</p> <p>Framework for OTP assurance system defined and being implemented</p>

### Sub-Programme 2120: Expected results, performance indicators and targets 2017

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<b>Managerial Objectives 2.1, 2.4 and 2.6</b> OTP Strategic Goal 8 Ensure professional, transparent, accountable and efficient management of the Office	<ul style="list-style-type: none"> <li>• Maximize efficient budget implementation rate</li> <li>• Maximize efficient Contingency Fund implementation rate</li> <li>• Maintain effective reconciliations process (percentage and time)</li> <li>• Update procedures/processes</li> <li>• Timely and efficient provision of services to the OTP (variance compared to expected time and effort foreseen in the agreed processes and procedures)</li> <li>• Timely completion of performance appraisal cycles</li> </ul>	<p>Performance Indicator 7:</p> <p>Productivity of the Office</p> <p>Performance Indicator 8: Staff development</p> <p>Performance Indicator 12: Financial planning, performance and compliance</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>95% &lt; budget impl. rate &lt; 100%</p> <p>CF impl. rate &gt; 70%</p> <p>Travel claims 95% within 60 days</p> <p>Field Office expenses 100% within 60 days</p> <p>Complete the analysis of the Section's procedures (KBU and IEU), work flows and processes with the assistance of OIA</p> <p>Complete the review of the organization of the Units to ensure structures are capable of providing services to the OTP in a timely and efficient manner (minimize variances: &lt; 5%)</p> <p>Develop e-learning platform for delivery of internal training</p> <p>Develop specs (project to be done in coordination with Registry and Chambers) to implement/configure SAP tools that can lead to proper accounting of cost per case</p> <p>Develop electronic questionnaire to assess client satisfaction and identify areas for process improvement</p> <p>100% of PAF completed on time</p>
<b>Managerial Objective 2.3</b> OTP Strategic Goal 3 Further improve the	<ul style="list-style-type: none"> <li>• Provide effective and timely support for evidence registration</li> <li>• Provide effective and timely support for disclosure</li> </ul>	<p>Performance Indicator 7:</p> <p>Productivity of the Office</p>	<p>95% or more of the evidence registered within two days (non-electronic) or three days (electronic)</p> <p>Disclosure errors &lt; 3%</p>

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
quality of preliminary examinations, investigations and prosecutions	<ul style="list-style-type: none"> <li>• Provide effective and timely guidance for information management projects across the Office</li> <li>• Provide effective and timely guidance for data management across the Office</li> <li>• Provide effective and timely language support to Integrated Teams in field missions</li> <li>• Provide effective and timely language support to Integrated Teams for transcription and translation of evidence and documents relevant to the Office's operations and activities</li> </ul>	<p>Performance Indicator 14: Impact of improvement projects on effectiveness, operational and management excellence</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>Upgrade the procedures in the affected units following the replacement of obsolete equipment and quantify efficiencies achieved and achievable</p> <p>Develop and maintain an inventory of applications, licenses and systems used and needed by the Office</p> <p>Develop and maintain an inventory of equipment used by the Office (e.g.: Integrated Teams on mission)</p> <p>Language support provided as per agreed schedule 98% of time</p>

### Programme 2200: Expected results, performance indicators and targets 2017

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<p><b>Judicial and Prosecutorial Objective 1.2</b></p> <p>OTP Strategic Goal 1</p> <p>Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions</p>	Conduct nine preliminary examinations	<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Closure ratio (number of completed vs. newly-opened PEs)</li> </ul>	Number of Preliminary Examinations: 9
<p><b>Judicial and Prosecutorial Objectives 1.2, 1.3</b></p> <p>OTP Strategic Goal 3</p> <p>Further improve the quality of preliminary examinations, investigations and prosecutions</p>	<p>Preliminary examination Cooperation</p> <ul style="list-style-type: none"> <li>• Define and conduct internal cooperation training programs and experience sharing exercises</li> <li>• Ensure coordination and rolling assessment of the quality of internal cooperation and of the selected improvement projects implemented</li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> <li>• Impact of improvement projects on effectiveness, operational and management excellence</li> <li>• Rate of successful article 15 applications</li> <li>• Processing rate of article 15 communications (including responses to senders)</li> <li>• Compliance with transparency commitment (PE report and other public reports in support of key decisions)</li> </ul>	<p>Preliminary examination</p> <p>Timely processing of article 15 communications and submission of at least one report to ExCom for approval of recommendation with regard to all pending Phase 1 reports</p> <p>Publication of one OTP report on PE activities prior to ASP and other public reports in support of key decisions</p> <p>Cooperation</p> <p>90% of relevant staff trained</p> <p>75% of the training program conducted</p> <p>Improvement projects defined and assessment mechanism in place with regular review of quality ongoing</p>
<p><b>Cooperation and Support Objectives 3.2, 3.3, 3.4, 3.6</b></p> <p>OTP Strategic Goal 6</p> <p>Contribute to strengthening of cooperation and promoting general support for the mandate and activities of the Office</p>	<ul style="list-style-type: none"> <li>• Annual cooperation and external relations strategic objective defined and implemented</li> <li>• Cooperation plans for critical support to the investigations drafted and implemented as planned</li> <li>• Expansion of network of operational focal points to three partners</li> <li>• Ensure relative stability or improvement of the response rate for requests for assistance (RFAs) bearing in</li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>Annual cooperation and external relations plan drafted, circulated and approved, and steps defined for the relevant period implemented</p> <p>100% cooperation plans drafted and implementation ongoing with the steps planned for the period of reference implemented</p> <p>Network expanded to more</p>

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
	<p>mind the relative variety/sensitivity of the requests and the weight of external factors beyond OTP control</p> <ul style="list-style-type: none"> <li>• Ensure quality of judicial assistance requests to States and international organizations to enable effective investigations and prosecutions</li> <li>• Make available relevant cooperation channels to ensure range of judicial assistance measures requested is in line with the diversification of evidence types</li> <li>• Ensure proper communication to stakeholders implemented as planned</li> </ul>		<p>than 3 partners</p> <p>More than 75% of RFAs responded to</p> <p>About 95% of the requests drafted reviewed and checked for quality control</p> <p>Support to diversified types of assistance requested implemented</p> <p>Communication to stakeholders implemented as planned</p>
<p><b>Cooperation and Support Objectives 3.2, 3.3, 3.4, 3.6</b></p> <p>OTP Strategic Goal 9</p> <p>Develop and manage, together with ID, a coordinated investigative and prosecutorial strategy to further close the impunity gap for ICC crimes</p>	<ul style="list-style-type: none"> <li>• Take into account, as appropriate, a positive complementarity approach to the cooperation plans in support of the Office's investigations</li> <li>• Consolidate and further expand the Office's network of general and operational focal points and judicial actors, and streamline and standardize processes and interactions with partners (States, international and regional organizations, NGOs)</li> <li>• Together with other divisions, contribute to implementation of further consultations on the content, conditions and implications of a coordinated investigative and prosecutorial strategy, assess findings and identify the Office's contribution</li> <li>• Ensure high ratio of responses to incoming requests for assistance</li> </ul>	<p>Performance Indicator 14.1: Evaluation of improvement projects</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>Implemented when appropriate in all recent investigations</p> <p>General strategy developed and consultation sessions implemented in relation to two ongoing investigations</p> <p>Responses sent for almost all requests and consultations ongoing on others</p>

### Programme 2300 : Expected results, performance indicators and targets 2017

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<p><b>Judicial and Prosecutorial Objective 1.2</b></p> <p>OTP Strategic Goal 1</p> <p>Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions</p>	<p>Conduct six investigations, investigative support to three trials and preserve nine investigations pending an arrest</p>	<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>Number of Investigative activities: 6 + 3 + 9</p> <p>80% or more of the investigative steps within ID control on track</p>
<p><b>Judicial and Prosecutorial Objective 1.2, 1.3</b></p> <p>OTP Strategic Goal 2</p> <p>Continue to integrate a gender perspective in all areas of work and implement the policies in relation to SGBC and crimes against children</p>	<ul style="list-style-type: none"> <li>• (Investigative) policy in relation to sexual and gender-based crimes and crimes against children implemented in all active investigations</li> <li>• Roll-out of the Policy on Children</li> </ul>	<p>Performance Indicator 4: Compliance with key Office policies and standards</p> <ul style="list-style-type: none"> <li>• Milestones: implemented versus planned</li> </ul>	<p>80% or more of the measures foreseen in the policies implemented across all active investigations</p>
<p><b>Judicial and Prosecutorial Objective 1.2</b></p> <p>OTP Strategic Goal 3</p> <p>Further improve the quality of preliminary examinations, investigations and prosecutions</p>	<ul style="list-style-type: none"> <li>• Training program implemented as planned</li> </ul>	<p>Performance Indicator 8: Staff performance and development</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<p>80% or more of relevant staff trained</p>

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<b>Managerial Objective 2.5</b> OTP Strategic Goal 4 Further adapt the Office's investigative and prosecutorial capabilities and network to the scientific and technological environment in which it operates	<ul style="list-style-type: none"> <li>Scientific and technological projects to increase the ability of the OTP to securely and efficiently perform its investigations implemented as planned (e.g.: automated searches, Internet archive)</li> </ul>	Performance Indicator 14.1: Evaluation of improvement projects <ul style="list-style-type: none"> <li>Milestones: planned versus actual</li> </ul>	80% or more implemented as planned
<b>Managerial Objective 2.8</b> OTP Strategic Goal 7 Adapt the Office's protection strategies to new security challenges	All foreseeable risks properly managed Yearly strategic security risk assessment and strategy updated for staff, witness and information security performed as planned Project to improve information security with Registry implemented as planned	Performance Indicator 13: Risk management <ul style="list-style-type: none"> <li>Compliance with standards (positive conclusion of assurance report)</li> <li>Recommendations accepted vs made</li> <li>Milestones: planned versus actual</li> </ul>	All critical protection measures required to manage the foreseeable risks implemented as planned All main recommendations approved by ExCom 80% or more implemented as planned
<b>Managerial Objectives 2.1, 2.2, 2.3 and 2.4</b> OTP Strategic Goal 8 Ensure professional, transparent and efficient management of the Office	Efficiency gains through process review identified and achieved	Performance Indicator 6: yearly efficiency gains <ul style="list-style-type: none"> <li>Total efficiency gains vs. total ID budget</li> </ul>	1% efficiency gain
<b>Cooperation and Support Objective 3.3</b> OTP Strategic Goal 9 Close the impunity gap through coordinated investigative and prosecutorial strategy	Priority projects implemented as planned (e.g.: increase in the exchange of information with WCU; increase in the number of coordinated activities with relevant jurisdictions)	Performance Indicator 14.1: Evaluation of improvement projects <ul style="list-style-type: none"> <li>Milestones: planned versus actual</li> </ul>	80% or more

### Programme 2400: Expected results, performance indicators and targets 2017

<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<b>Judicial and Prosecutorial Objective 1.3</b> OTP Strategic Goal 1 Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions	<ul style="list-style-type: none"> <li>Be ready to litigate three trials (actual number depending on the availability of courtrooms and judges), two final appeals, and conduct pre-trial activities in six investigations</li> </ul>	Performance Indicator 1: Prosecutorial results in terms of perpetrators Performance Indicator 2: Prosecutorial results in terms of charges Performance Indicator 7: Productivity of the Office	Activities: 3 trials, 2 final appeals, and pre-trial support in 6 investigations
<b>Judicial and Prosecutorial Objectives 1.2, 1.3</b> OTP Strategic Goal 2 Continue to integrate a gender perspective into all areas of work and implement the policies in relation to SGBC and crimes against children	<ul style="list-style-type: none"> <li>Integrate SGBC and crimes against children charges in prosecution of cases, wherever applicable, implementing the guidelines contained in the relevant OTP policies</li> </ul>	Performance Indicator 1: Prosecutorial results in terms of perpetrators Performance Indicator 2: Prosecutorial results in terms of charges Performance Indicator 3: Quality of mandated activities Performance Indicator 4: Compliance with key Office policies and standards	80% or more of the measures foreseen in the policies implemented across all prosecutorial activities



<i>Strategic Goal</i>	<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<b>Judicial and Prosecutorial Objective 1.3</b> OTP Strategic Goal 3 Further improve the quality of the preliminary examinations, investigations and prosecutions	<ul style="list-style-type: none"> <li>• Maintain or improve success rate of confirmation of charges</li> <li>• Maintain or improve success rate of acceptance of submission</li> <li>• Have independent reviews performed for each case</li> <li>• Have evidence reviews performed for each case</li> </ul>	Performance Indicator 1: Prosecutorial results in terms of perpetrators Performance Indicator 2: Prosecutorial results in terms of charges Performance Indicator 4: Compliance with key Office policies and standards <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	Charges confirmed vs. charges issued/granted/convicted $\geq$ 80%. Submissions accepted and requests granted vs. number of requests $>$ 80% 100% of cases reviewed by independent panel 100% of evidence reviewed
<b>Managerial Objective 2.5</b> OTP Strategic Goal 4 Further adapt the Office's investigative and prosecutorial capabilities and network to the scientific and technological environment in which it operates	<ul style="list-style-type: none"> <li>• Revise training programme for prosecutors defined in annual Training Plan including additional advocacy skills training sessions and training on the use of new technologies in the courtroom</li> <li>• Implement the selected improvement projects related to the priority areas: internal processes, management capabilities, case design, case review process, technology, key competences</li> </ul>	Performance Indicator 14.1: Evaluation of improvement projects Performance Indicator 8.2: Implementation of annual training plan/number of training days per staff member per year	80% or more implemented as planned
<b>Managerial Objectives 2.1, 2.2, 2.3 and 2.4</b> OTP Strategic Goal 8 Ensure professional, transparent and efficient management of the Office	<ul style="list-style-type: none"> <li>• Priority areas for efficiency gains identified; potential gains identified; contribution to office-wide efficiency improvement initiatives</li> </ul>	Performance Indicator 6: yearly efficiency gains Total potential efficiency gains vs. total PD budget	Priority areas and potential for efficiency gains identified; potential gains identified Contribution to office-wide efficiency improvement initiatives

## Annex V (f)

### Registry Strategic Goals

#### A. Office of the Registrar

- 2.1.1 Re-examine and adapt the structure, staffing and resources of the Court in the light of practical experience, promoting efficiency and effectiveness while ensuring the capacity to deliver on the Organ's respective mandates and responsibilities.
- 2.1.2 Effective resource management and identification and implementation of possible further efficiency measures. In particular focus on field activities with a view to promoting better coordination and achieving higher impact of the Court's work in situation countries.
- 2.1.3 Strengthen the Registry's management architecture.

#### OTR: Expected results, performance indicators and targets 2017

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2017</i>
<b>Objective 2.1.1</b>		
1. Fully implement the structure of the Registry.	<ul style="list-style-type: none"> <li>• Finalization of recruitment.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction of vacancy rate from 12% to 10% by June 2017.</li> </ul>

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2017</i>
<b>Objective 2.1.2</b>		
2. Establish field presence in Tbilisi, Georgia.	• Cooperation with authorities in Georgia.	• Full set-up of an adequate field presence.
<b>Objective 2.1.3</b>		
1. Enhance accountability through empowerment and delegation of authority to divisions and sections.	• Frequency of meetings of Registry chiefs and directors.	• Weekly meetings.

## **B. Division of Management Services**

- 2.3.1 Further improve the management of staff performance.
- 2.3.2 Further improve the gender balance and geographical representation through the different levels of the Court's structure
- 2.4.1 Improve working environment
- 2.4.2 Develop a strategic approach to staff development (including staff mobility).
- 2.5.3 Improve efficiency through technological developments.
- 2.6.1 Further improvement of Court's budget process, including further dialogue with States Parties on the Court's budget process
- 2.6.2 Refine the Court's risk management framework
- 2.6.3 Improve the performance measurement and evaluation of the Court
- 2.7.2 Make best use of the new premises to provide for the business needs of the Court. Maximise the flexibility of their design to allow for expansion with minimum disruption and cost.
- 2.8.3 Management of security and safety risks through a risk management process.

### **DMS: Expected results, performance indicators and targets 2017**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2017</i>
<b>Priority Objective 2.3.1</b>		
Improve the Court-wide human resources performance management system.	• Development of a strategy and improved compliance.	• HR strategy related to performance management developed and improved court-wide compliance rate.
<b>Priority Objective 2.3.2</b>		
Increased participation of women in recruitment through gender-neutral vacancy announcement and through increased inclusion in selection rounds.	• # of statistical reports on gender balance issued.	• 2
<b>Priority Objective 2.4.1</b>		
Prepare and issue priority policies crucial for ensuring a proper regulatory framework on key HR issues: Provisional and amended Staff Rules, Staff Selection, and Special Leave.	• # of key policies promulgated.	• 3
Improved outreach to and recruitment from non and underrepresented countries.	• # of targeted outreach initiatives.	• Two targeted campaigns.
<b>Priority Objective 2.4.2</b>		
Coordinate (non-technical) training initiatives for the benefit of staff throughout the Court.	• # of non-technical training programmes centralized in HRS.	• 5

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2017</i>
<b>Priority Objective 2.5.3</b>		
Improved SAP capability to deal with increased workloads with regards to business processes, especially human resources and budget related.	<ul style="list-style-type: none"> <li>• Number of business processes reviewed and improved through increased SAP capability.</li> </ul>	<ul style="list-style-type: none"> <li>• 5</li> </ul>
Alignment of SAP to the changes necessary for implementation of the new UN common system compensation package.	<ul style="list-style-type: none"> <li>• Percentage of entitlements aligned with new compensation package.</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
<b>Priority Objective 2.6.1</b>		
Automation of budgetary and forecasting processes.	<ul style="list-style-type: none"> <li>• % of reduction in manual processing time.</li> </ul>	<ul style="list-style-type: none"> <li>• 50%</li> </ul>
Further develop dedicated systems for performance reporting, regular income and expenditure forecasting, cash flow analysis and ad hoc reporting.	<ul style="list-style-type: none"> <li>• # of significant adverse audit observations relating to financial management and control.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Transition to the new UN common system compensation scheme.	<ul style="list-style-type: none"> <li>• % of compliance of the Court with the new scheme</li> </ul>	<ul style="list-style-type: none"> <li>• 100% compliance where applicable to the Court.</li> </ul>
<b>Priority Objective 2.6.2</b>		
Further implementation of high-level risk management system.	<ul style="list-style-type: none"> <li>• # of risks in the risk register reviewed and reassessed.</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
<b>Priority Objective 2.6.3</b>		
Operationalization of IPSAS compliant policies.	<ul style="list-style-type: none"> <li>• # of automated IPSAS compliant reports developed.</li> </ul>	<ul style="list-style-type: none"> <li>• 3</li> </ul>
<b>Priority Objective 2.7.2</b>		
To place a medium-term contract for preventive and corrective maintenance for the Permanent Premises.	<ul style="list-style-type: none"> <li>• % of procurement exercise to select company for preventive and corrective maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>• 100%.</li> </ul>
<b>Priority Objective 2.8.3</b>		
Security risk assessment updated and measures reviewed yearly or when required.	<ul style="list-style-type: none"> <li>• Security risk assessment reviewed and updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Court-wide review conducted.</li> </ul>
Completion of UN MOSS self-assessment for all field offices and update ICC-specific SRA.	<ul style="list-style-type: none"> <li>• % of self-assessment carried out and % of compliance with local standards.</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
Replacement of all obsolete vehicles in the field over a 5 year period.	<ul style="list-style-type: none"> <li>• Number of vehicles replaced.</li> </ul>	<ul style="list-style-type: none"> <li>• 20%</li> </ul>

## C. Division of Judicial Services

- 1.4.1 Implement the revised legal aid system and continuously monitor its adequacy and cost-effectiveness in a manner consistent with judicial decisions and the rights of the defence (SG 1.4).
- 1.6 Ensure meaningful reparations and a successful implementation of reparation orders including coherent principles for victim reparations.
  - 1.6.1 Apply and refine principles of victims' reparations established through the first proceedings of the ICC.
  - 1.6.2 Develop coordination mechanisms with the TFV for the implementation of the judicial decisions in relation to reparation.
- 2.1.1 Re-examine and adapt the structure, staffing and resources of the Court in the light of practical experience, promoting efficiency while ensuring the capacity to deliver on the Organs' respective mandates and responsibilities.
- 2.1.5 Improve judicial services performance.
- 2.5.2 Review use of standard processes, methods and technologies, in particular in relation to the Court's security requirements and appetite.
- 2.5.3 Improve efficiency through technological developments.

**DJS: Expected results, performance indicators and targets for 2017**

<i>Expected Results</i>	<i>Performance Indicator</i>	<i>Target 2017</i>
<p><b>Priority Objective 1.4.1</b> Implement the revised legal aid system and continuously monitor its adequacy and cost-effectiveness in a manner consistent with judicial decisions and the rights of the defence</p>	<ul style="list-style-type: none"> <li>• Achieve adequate and sustainable representation of indigent defendants in a manner that is economically efficient for the Court</li> </ul>	<ul style="list-style-type: none"> <li>• Registry continues to monitor the legal aid system and duly inform the Defence teams of any changes in the payment of legal aid</li> <li>• Registry considers amendments to the legal aid system</li> <li>• Registry proposes more innovative and suitable solutions based on the nature of the cases</li> </ul>
<p><b>Priority Objective 1.6</b> Ensure meaningful reparations and a successful implementation of reparation orders including coherent principles for victim reparations</p>	<ul style="list-style-type: none"> <li>• Registry facilitation of the victims' reparations process for as many qualifying victims as possible</li> <li>• Registry neutral reporting and service provision to Chambers on issues linked to reparations</li> <li>• Coordination by the Registry the implementation of reparation procedures with various interlocutors (TFV, LRV, OPCV, Chambers)</li> <li>• Representation of victims interests in reparation proceedings</li> <li>• Implement Business Intelligence for collecting victims applications</li> </ul>	<ul style="list-style-type: none"> <li>• Registry cooperates fully with the TFV and the LRV in order to ensure that potential qualifying victims are identified</li> <li>• Registry organises victim consultations on common legal representation for reparations proceedings</li> <li>• Registry files quality and timely reports on issues linked to reparations</li> <li>• Victims are regularly informed</li> <li>• OPCV acting as an independent office provides in-house legal representation of victims in reparation proceedings when appointed as legal representative</li> <li>• Registry provides optimized support and assistance to external legal representatives of victims and the Trust Fund for Victims in reparation proceedings</li> <li>• The Registry to continue improving VAMS system to reduce duplication of work with victims applications</li> </ul>
<p><b>Priority Objective 1.6.1</b> Apply and refine principles of victims' reparations established through the first proceedings of the ICC</p> <p><b>Priority Objective 1.6.2</b> Develop coordination mechanisms with the TFV for the implementation of the judicial decisions in relation to reparation</p>	<ul style="list-style-type: none"> <li>• Compliance with article 75(1) of the Statute through judicial clarification of principles relating to reparations</li> <li>• Establishment of coordination regime between the Court and the TFV with regard to decisions pursuant to article 75 of the Statute</li> <li>• In the light of judicial decisions in the <i>Katanga</i> and <i>Lubanga</i> cases, establish a framework for the Registry's work on reparations and begin implementation, taking account of the separate roles and responsibilities of the TFV and Registry</li> </ul>	<ul style="list-style-type: none"> <li>• Full cooperation between the TFV and the Registry on reparation matters</li> <li>• Enhance client satisfaction</li> <li>• Provide timely and quality information to Chambers whenever required</li> </ul>
<p><b>Priority Objective 2.1.1.</b> Re-examine and adapt the structure, staffing and resources of the Court in the light of practical experience, promoting efficiency while ensuring the capacity to deliver on the Organs' respective mandates and responsibilities</p>	<ul style="list-style-type: none"> <li>• Maintain delivery of detention services in light of the decrease of ICTY and potential closure of the current facility by the Host State</li> </ul>	<ul style="list-style-type: none"> <li>• Detention Center is provided with additional staff to continue performing its duties</li> <li>• Develop partnership with the Host State</li> <li>• Upgrade the technological system used in the ICC Detention Center to monitor the detained persons</li> </ul>
<p><b>Priority Objective 2.1.5</b> Improve judicial services performance</p>	<ul style="list-style-type: none"> <li>• Optimize courtroom services</li> </ul>	<ul style="list-style-type: none"> <li>• Provide cost effective trainings to promote the use of Ecourt and proper information management</li> <li>• Implement more sustainable storage by purchasing hardware and software required for use of daily court operations</li> </ul>

<i>Expected Results</i>	<i>Performance Indicator</i>	<i>Target 2017</i>
<p><b>Priority Objective 2.5.2</b> Review use of standard processes, methods and technologies, in particular in relation to the Court's security requirements and appetite</p>	<ul style="list-style-type: none"> <li>• Ensure that appropriate tools are in place and up-to-date to mitigate any risk of unauthorized data disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• Implement Phase 2 of Threat Vulnerability Detection and monitoring</li> <li>• Provide secure communication through encryption</li> <li>• Implementation of VAMS system in the field for victims application</li> <li>• Provide trainings to staff on the safe use of the mobile systems</li> </ul>
<p><b>Priority Objective 2.5.3</b> Improve efficiency through technological developments</p>	<ul style="list-style-type: none"> <li>• Ensure integrated approach in the process of managing information</li> <li>• Monitor and supervise the services being provided by the Sections to our clients and encourage the Sections to understand their needs, monitor developments in the clients' environments, and be able to adapt swiftly to changes so as to protect and serve their interests.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement Information Management Governance Board (IMGB)</li> <li>• Implement IMSS service catalogue</li> <li>• Implement a global solution change requests system for the Court</li> </ul>

## D. Division of External Operations

- 1.7.1 Conduct effective outreach to and communication with victims and affected communities in accordance with the Court's relevant strategic documents (SG 1.7).
- 2.1.2 Effective resource management and identification and implementation of possible further efficiency measures (SG 2.1).
- 2.8.3 Management of security and safety risks through a risk management process (SG 2.8).
- 3.3.2 Engage in constructive discussions with States to overcome obstacles and to promote best practices, such as consulting promptly with the Court in order to resolve any matter that has impeded or prevented the execution of requests (SG 3.3).
- 3.4.3 Explore partnerships to assist States to conclude agreements of key importance to the Court (SG 3.4).
- 3.4.4 Increase external and internal level of cooperation in relation to witness protection (SG 3.4).

### DEO: Expected results, performance indicators and targets 2017

<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
<p><b>Priority Objective 1.7.1</b> Conduct effective outreach to and communication with victims and affected communities in accordance with the Court's relevant strategic documents</p>	<ul style="list-style-type: none"> <li>• Volume and inclination of feedback provided via traditional and social media platforms</li> <li>• Number of likes, retweets, hits, etc. on social media sites</li> <li>• Number of radio broadcasts in concerned countries is the same or increased compared to 2016</li> <li>• Higher percentage of questions showing that the level of understanding of participants in outreach sessions has become more sophisticated than in 2016</li> </ul>	<ul style="list-style-type: none"> <li>• Raise the profile of the ICC positively to a broader audience than the usual ICC public</li> <li>• Improve the perception of the Court's work</li> <li>• Greater use of social media to directly disseminate accurate and timely information pertaining to the activities of the court.</li> <li>• Best practices of outreach methods are implemented successfully, leading to improved communications with external and internal stakeholders;</li> <li>• Same or increased capacity amongst the local populations to follow judicial developments of relevant cases in offices with Registry field presence ;</li> <li>• Increased understanding of the Court's mandate and proceedings amongst victims and affected communities.</li> </ul>
<p><b>Priority Objective 2.1.2</b> Effective resource management and</p>	<ul style="list-style-type: none"> <li>• Accuracy of budget forecasting;</li> <li>• Effectiveness of coordination between Headquarters and the field offices.</li> </ul>	<ul style="list-style-type: none"> <li>• Liaise with the other two Divisions in better forecasting budget and determination of financial and staff resources required</li> <li>• Decentralisation of activities from Headquarters to the field offices to achieve efficiencies and greater coordination;</li> </ul>

<i>Expected Results</i>	<i>Performance Indicators</i>	<i>Target 2017</i>
identification and implementation of possible further efficiency measures.	<ul style="list-style-type: none"> <li>• Number of bi-weekly meetings held between the HQ and the field offices, and the number of standing issues resolved.</li> <li>• Quality and usefulness of the manual for field offices.</li> <li>• All budgeted staff recruited during first quarter of 2017.</li> <li>• Frequency at which other organs are invited to relevant activities led by the Division.</li> <li>• Number of synergies identified and implemented.</li> </ul>	<ul style="list-style-type: none"> <li>• Bi-weekly meetings between the HQ and the Field Offices to ensure the sharing of information and efficient decision making;</li> <li>• Creation of a manual for the Field Offices for efficient and effective work process;</li> <li>• Re-establish the mission planning SOP to achieve the efficiency and cost saving.</li> <li>• Recruit personnel to ensure that the activities of the division are efficiently carried out;</li> <li>• Activities of the Division are implemented in partnership with the other parts of the Court, whenever feasible, with a particular interest in identifying synergies.</li> </ul>
<p><b>Priority Objective 2.8.3</b></p> <p>Management of security and safety risks through a risk management process.</p>	<ul style="list-style-type: none"> <li>• Completion of annual review by the end of each year. Avoid incidents and if incidents occur, 100% professional handling;</li> <li>• Maintain full compliance with UN MOSS by the field offices</li> <li>• Implement a fully-functioning Registry warning system by the first quarter of 2017 which entails 1) having in place a hotline number to be used to report all serious incidents as well as a calling chain, 2) maintaining a list of Duty Officers, and 3) creating guidelines on the handling of crisis by the Duty Officer;</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct yearly review of the state of readiness of the staff and witness protection;</li> <li>• Complete the UN MOSS self-assessment for all field offices and update ICC-specific Security Risk Assessment.</li> <li>• Implement the Registry Warning system.</li> </ul>
<p><b>Priority Objective 3.3.2</b></p> <p>Engage in constructive discussions with States to overcome obstacles and to promote best practices, such as consulting promptly with the Court in order to resolve any matter that has impeded or prevented the execution of requests.</p>	<ul style="list-style-type: none"> <li>• Level of general support and cooperation by States;</li> <li>• Complete and updated list of focal points created;</li> <li>• Number of and quality of manuals developed;</li> <li>• Degree of cooperation by States pertaining to suspects, financial investigations, and other matters;</li> <li>• Development of system to measure practical capacity built via cooperation seminars.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase understanding regarding the Court's mandate and processes amongst influential stakeholders by addressing their information needs and concerns in a timely manner;</li> <li>• Develop an updated list of focal points of central authorities to discuss format of requests for assistance;</li> <li>• Develop manuals on cooperation procedures to encourage cooperation of the States on freezing of assets</li> <li>• Explore opportunities to seek cooperation of the States in collecting information pertaining to the whereabouts of suspects at large in order to secure arrests,</li> <li>• Research into the legislation and practice in different States to refine the financial investigation strategy;</li> <li>• Develop of systems enabling proper follow-up of cooperation seminars and sustainability of the exchanges.</li> </ul>
<p><b>Priority Objective 3.4.3</b></p> <p>Explore partnerships to assist States to conclude agreements of key importance to the Court, including relocation agreements.</p>	<ul style="list-style-type: none"> <li>• Five new cooperation agreements;</li> <li>• Four negotiations initiated.</li> </ul>	<ul style="list-style-type: none"> <li>• Conclude new agreements;</li> <li>• Advance in negotiations with States Parties and other possible partner states;</li> <li>• Establish a list of States which the Court could approach for different ad hoc cooperation requests and refine its negotiation strategy;</li> <li>• Develop strategy on the creation of partnership with States to encourage States to conclude different agreement with the Court.</li> </ul>
<p><b>Priority Objective 3.4.4</b></p> <p>Increase external and internal level of cooperation in relation to witness protection.</p>	<ul style="list-style-type: none"> <li>• Improved relations with the Prosecution and Defence in the area of cooperation.</li> <li>• Number and degree of seriousness directed at the witnesses</li> <li>• Care maintenance delivered in a timely manner</li> </ul>	<ul style="list-style-type: none"> <li>• Reply provided within one month to all queries relating to the conclusion of an agreement.</li> <li>• Protection of the witnesses referred by the parties and participants</li> <li>• Undertake in-depth review of witness protection ;</li> <li>• Provision of care maintenance to the witnesses under protection of the Court</li> </ul>

## Annex VI

### Staffing information

#### Annex VI (a)

#### Proposed Court staffing in 2017 by Major Programme

Total Court	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-staff and above	GS-PL	GS-OL	Total GS-staff	Total Staff
Major Programme I					4	3	20	12		39	1	12	13	52
Major Programme II	1	1		3	17	36	77	71	33	239	1	77	78	317
Major Programme III		1		3	22	43	85	89	5	248	15	311	326	574
Major Programme IV				1	1	1	1	1		5	3	2	5	10
Major Programme VI				1		4	3	8		16		3	3	19
Major Programme VII.5					1	1		1		3		1	1	4
Major Programme VII.6				1		1	1			3		1	1	4
<b>Grand Total</b>	<b>1</b>	<b>2</b>		<b>9</b>	<b>45</b>	<b>89</b>	<b>187</b>	<b>182</b>	<b>38</b>	<b>553</b>	<b>20</b>	<b>407</b>	<b>427</b>	<b>980</b>

#### Annex VI (b)

#### List of reclassifications 2017

Level				Functional Title	
Number of Posts	Current	New/Requested	Organ/Section	From	To
1	P-4	P-5	Registry/VPRS	Chief of VPRS	Chief of VPRS
<b>Total VPRS Reclassification: 1</b>					
1	P-3	P-4	STFV (CIV / CAR)	Programme Manager	Programme Manager
1	P-3	P-4	STFV (Uganda / Kenya)	Programme Manager	Programme Manager
1	P-3	P-4	STFV (DRC / Bunia)	Programme Manager	Programme Manager
1	GS-OL	P-2	SFTV	Executive Assistant	Associate Executive Officer
<b>Total STFV Reclassification: 4</b>					
<b>Total Reclassifications: 5</b>					

**Annex VI (c)****List of conversions 2017 (GTA to Established posts)**

<i>Number of Posts</i>	<i>Level</i>	<i>From 2016</i>	<i>To 2017</i>	<i>Programme / Section</i>	<i>Functional Title</i>
2	P-3	GTA	Established posts	Appeals Section	Appeals Counsel
3	P-3	GTA	Established posts	Forensic Science Section	Cyber Forensic Investigator
1	P-3	GTA	Established posts	Forensic Science Section	Forensic Officer
1	GS-OL	GTA	Established posts	International Cooperation Section	Administrative Assistant
1	GS-OL	GTA	Established posts	International Cooperation Section	Judicial Cooperation Assistant
2	P-3	GTA	Established posts	Investigative Analysis Section	Analyst
3	P-3	GTA	Established posts	Investigation Team	Investigator
7	P-2	GTA	Established posts	Investigation Team	Associate Investigator
1	GS-OL	GTA	Established posts	Investigation Team	Information Management Assistant
1	P-2	GTA	Established posts	Legal Advisory Section	Associate Legal Advisor
1	P-3	GTA	Established posts	Planning and Operations Section	Operations Officer
1	P-2	GTA	Established posts	Planning and Operations Section	Associate Victims Expert
1	P-1	GTA	Established posts	Planning and Operations Section	Assistant Analyst
1	GS-OL	GTA	Established posts	Planning and Operations Section	Administrative Assistant
6	GS-OL	GTA	Established posts	Planning and Operations Section	Data Processing Assistant
2	GS-OL	GTA	Established posts	Planning and Operations Section	Protection Strategies Assistant
1	GS-OL	GTA	Established posts	Planning and Operations Section	Administrative Assistant
1	P-4	GTA	Established posts	Prosecution Section	Trial Lawyer
10	P-3	GTA	Established posts	Prosecution Section	Trial Lawyer
4	P-2	GTA	Established posts	Prosecution Section	Associate Trial Lawyer
16	P-1	GTA	Established posts	Prosecution Section	Assistant Legal Officer
3	P-1	GTA	Established posts	Prosecution Section	Case Manager
1	P-3	GTA	Established posts	Services Section	Translator
1	P-2	GTA	Established posts	Services Section	Translator (Arabic)
1	P-1	GTA	Established posts	Services Section	Database Coordinator
6	P-2	GTA	Established posts	Situation Analysis Section	Associate Situation Analyst
<b>Total OTP Conversions:</b>		<b>78</b>			
1	P-3	GTA	Established posts	Fundraising Visibility Officer	Fundraising and Visibility Officer
1	P-3	GTA	Established posts	Finance Officer	Finance Officer
<b>Total STFV Conversions:</b>		<b>2</b>			
<b>Total Conversions:</b>		<b>80</b>			



## Annex VI (d)

### List of conversions/reclassifications 2017 (GTA to Established posts)

<i>Level</i>						<i>Functional Title</i>	
<i>Number of Posts</i>	<i>From 2016</i>	<i>To 2017</i>	<i>Current</i>	<i>New / Requested</i>	<i>Programme / Section</i>	<i>From</i>	<i>To</i>
1	GTA	Established post	GS-OL	P-2	STFV (CIV)	Field Programme Assistant	Associate Field Programme Officer
1	GTA	Established post	GS-OL	P-2	STFV (CAR)	Field Programme Assistant	Associate Field Programme Officer
1	GTA	Established post	GS-OL	P-2	STFV (Uganda)	Field Programme Assistant	Associate Field Programme Officer
1	GTA	Established post	GS-OL	P-2	STFV (Kenya)	Field Programme Assistant	Associate Field Programme Officer
2	GTA	Established post	GS-OL	P-2	STFV (DRC-Bunia)	Field Programme Assistant	Associate Field Programme Officer
<b>Total Conversions/Reclassifications: 6</b>							

## Annex VI (e)

### Judges' salary and entitlements for 2017 (thousands of euro)

	<i>Costs</i>
<b>Presidency</b>	
Special allowance for President and Vice-Presidents	28.0
<i>Subtotal Presidency</i>	28.0
<b>Chambers: 24 Judges</b>	
Standard salary costs - 18 Judges	3,712.9
Judges' pensions	1,589.8
<i>Subtotal Chambers</i>	5,302.7
<b>Additional requirements</b>	
Accruals for annual leave	126.0
Accruals for relocation	181.2
Estimates of home leave and education grant expenses	276.1
Service incurred injury insurance - Court requirement	36.0
<i>Subtotal Additional requirements</i>	619.3
<b>Total Judges' salary and entitlements for 2017</b>	<b>5,950.0</b>

The Judiciary budget includes a revision of the judges' remuneration in implementation of Assembly Resolution ICC-ASP/3/Res.3 of 2004. The consequent salary alignment of the judges of the Court with the remuneration scheme of the judges of the International Court of Justice and other international courts and tribunals, will amount to an increase in judges' costs of €580.9 thousand.

**Annex VI (f)****Comparison of ICC Judges' salary with Judges of other International Tribunals and senior officials**

	<i>Annual Remuneration ICC Judges (thousands of euro)</i>	<i>Annual Remuneration ICJ, ICTY, STL Judges (thousands of euro)</i>	<i>Annual Net Base Salary USG (ICC Prosecutor) (thousands of euro)</i>	<i>Annual Net Base Salary ASG (ICC Deputy Prosecutor and Registrar) (thousands of euro)</i>
2003	180,000	136,960	148,933	136,599
2004	180,000	164,352	148,525	136,225
2005	180,000	174,706	147,180	133,934
2006	180,000	174,706	149,976	136,478
2007	180,000	174,706	152,208	138,509
2008	180,000	179,064	151,020	138,577
2009	180,000	186,720	161,532	148,518
2010	180,000	188,640	157,984	149,308
2011	180,000	190,292	163,531	149,989
2012	180,000	197,607	170,136	156,047
2013	180,000	198,277	171,495	157,293
2014	180,000	197,640	170,534	156,413
2015	180,000	206,990	178,771	163,967
2016	180,000	206,270	178,140	163,392

## Annex VI (g)

### Standard salary costs for 2017 - Professional and General Service staff at Headquarters (thousands of euro)

<i>Post level</i>	<i>Net salary</i>	<i>Common staff costs</i>	<i>Representation allowance</i>	<i>Total</i>
	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(1)+(2)+(3)=(4)</i>
USG	177.6	72.3	4	253.9
ASG	162.9	66.3	3	232.2
D-1	140.5	57.2		197.7
P-5	121.6	49.5		171.1
P-4	102.1	41.6		143.7
P-3	87.3	35.5		122.8
P-2	70.9	28.8		99.7
P-1	70.9	28.8		99.7
GS-PL	64.4	26.2		90.6
GS-OL	51.4	20.9		72.3

Delayed recruitment factors:

- (a) Existing Professional and General Service posts in MP I: 5 per cent
- (b) Existing Professional and General Service posts in MP II, IV and VI: 10 per cent
- (c) Existing Professional and General Service posts in MPs III: 12 per cent
- (d) Existing Professional and General Service posts in MPs VII-5 and VII-6: 0 per cent

<i>Delayed recruitment factors</i>				
<i>Post level</i>	<i>(0%)</i>	<i>(5%)</i>	<i>(10%)</i>	<i>(12%)</i>
USG	253.9	241.2	228.5	223.4
ASG	232.2	220.6	208.9	204.3
D-1	197.7	187.8	177.9	174.0
P-5	171.1	162.6	154.0	150.6
P-4	143.7	136.5	129.3	126.4
P-3	122.8	116.7	110.5	108.1
P-2	99.7	94.7	89.7	87.7
P-1	99.7	94.7	89.7	87.7
GS-PL	90.6	86.1	81.6	79.8
GS-OL	72.3	68.6	65.0	63.6

## Annex VII

### Proposed budget for 2017 for the African Union Liaison Office (AULO)

In line with resolution ICC-ASP/9/Res.4, IX of the Assembly of States Parties,<sup>1</sup> no resources have been allocated to the African Union Liaison Office in the proposed programme budget for 2017. Should the African Union agree to the Court's request to open a Liaison Office in Addis Ababa, the Court will notify the Committee of the need to access the Contingency Fund up to the amount in the Court's proposed budget for 2017 of €377,000 in order to proceed with the establishment of the said Liaison Office.

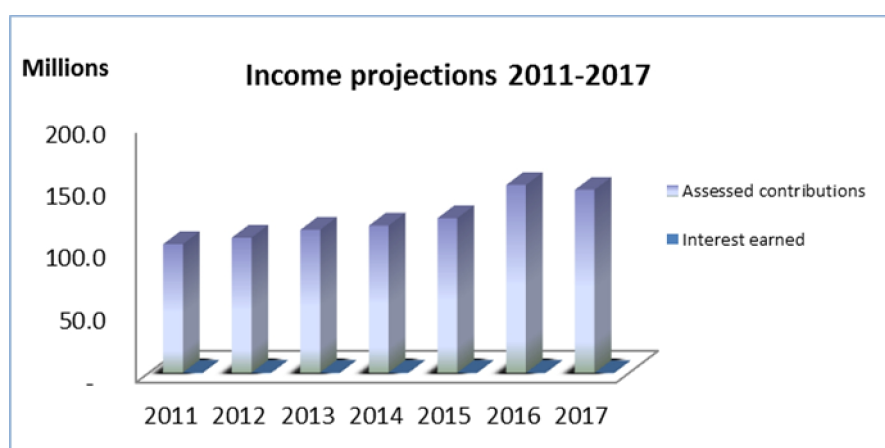
1320 African Union Liaison Office	2015 Expenditures (thousands of euro)			2016 Approved Budget	Resource changes		Proposed 2017 estimates (thousands of euro)
	Total	Cont. Fund	Total incl. CF		Amount	%	
<i>Judges</i>							
Professional staff							177.9
General Service staff							65.0
<i>Subtotal staff</i>							242.9
General temporary assistance							
Temporary assistance for meetings							
Overtime							
Short term assistance							
<i>Subtotal other staff</i>							
Travel							15.2
Hospitality							1.0
Contractual services							15.6
Training							0.0
Consultants							0.0
General operating expenses							49.6
Supplies and materials							5.0
Furniture and equipment							47.7
<i>Subtotal non-staff</i>							134.1
<b>Total</b>							<b>377.0</b>

<sup>1</sup> Official Records... Ninth Session ... 2010 (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.4.

## Annex VIII

### Income projections 2011-2017 (millions of euro)

	2011	2012	2013	2014	2015	2016	2017
Assessed contributions	103.6	108.8	115.1	118.6	124.5	151.1	147.3
Interest earned	0.4	0.4	0.4	0.4	0.3	0.2	0.1
<b>Total</b>	<b>104.0</b>	<b>109.2</b>	<b>115.5</b>	<b>119.0</b>	<b>124.8</b>	<b>151.3</b>	<b>147.4</b>



## Annex IX

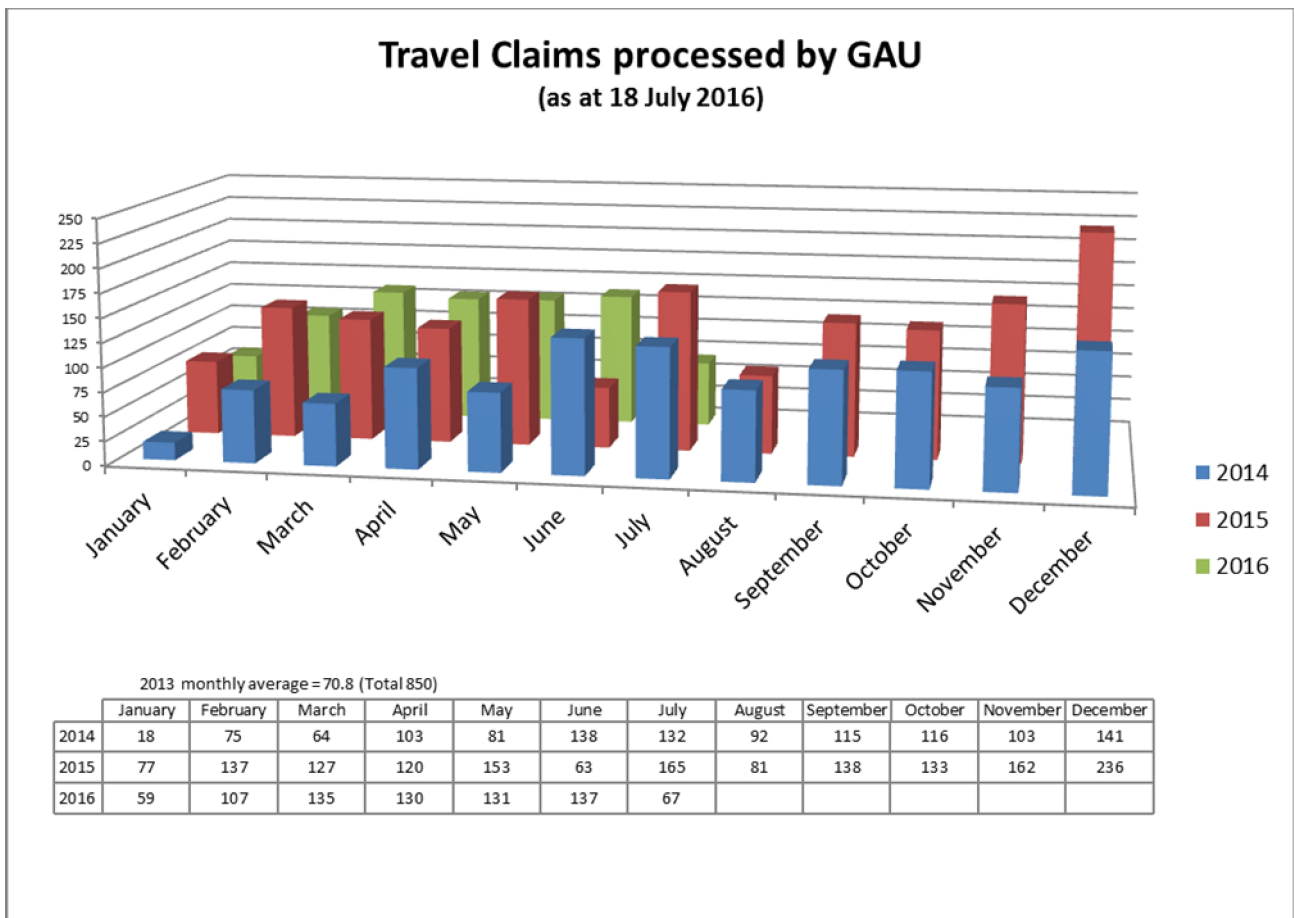
### 2017 estimated income statements

#### Least-Developed Countries Trust Fund

<i>Item</i>	<i>Euro</i>
<b>Estimated income 2017</b>	
Donor contributions	50,000
<i>Subtotal income</i>	<i>50,000</i>
<b>Estimated expenditure 2017</b>	
Travel	42,200
Administration costs	7,800
<i>Subtotal expenditure</i>	<i>50,000</i>
<b>Net income 2017</b>	<b>0</b>

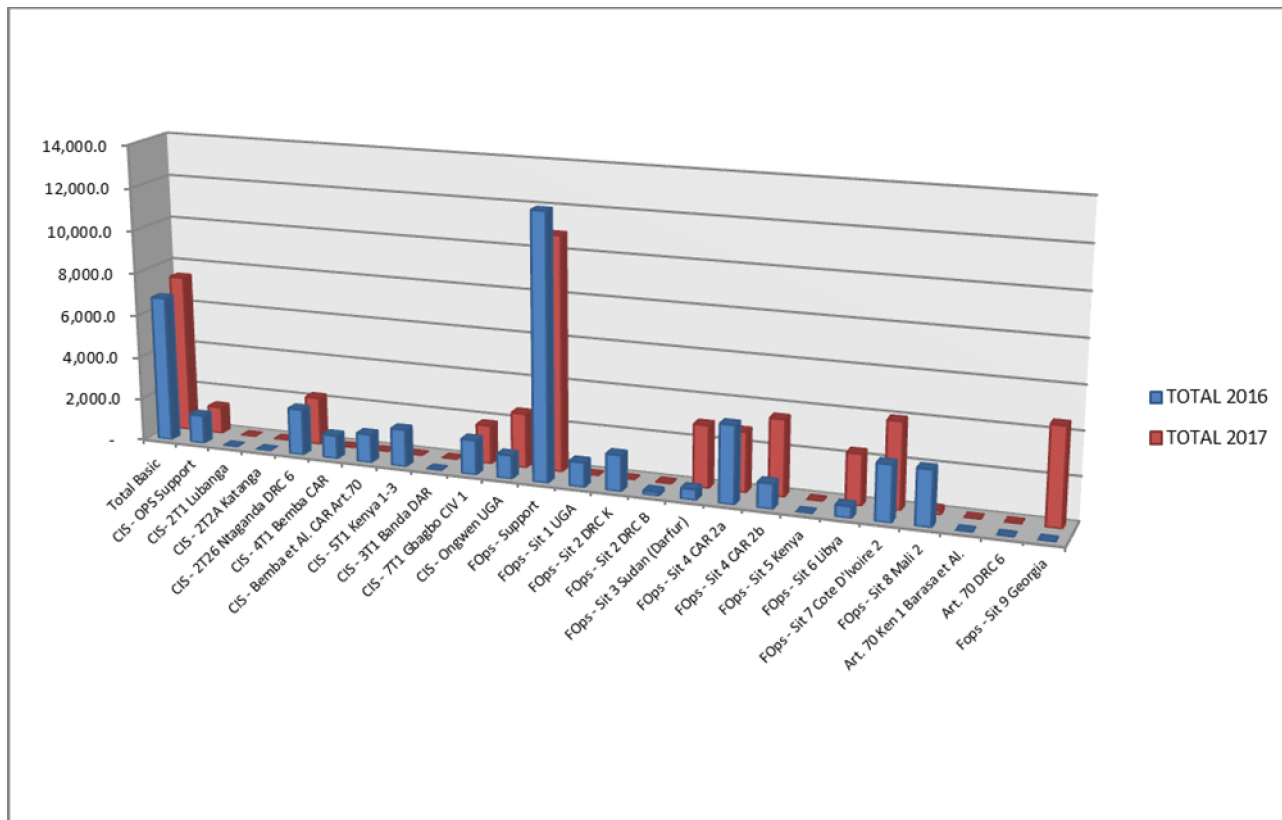
## Annex X (a)

### Travel claims



**Annex X (b)**

**OTP resource allocation to cases 2016 compared to 2017  
(euro thousands)**



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**A. Overview**

148. The International Criminal Court’s (“the Court”) proposed programme budget for 2017 amounts to **€147.25 million**. This represents an increase of **€9.86 million, or 7.2 per cent**, over the 2016 approved budget (€137.39 million).

149. The proposed increase is largely the direct result of the implementation in 2017 of the strategic Court-wide priorities agreed by the Court’s Principals in the context of the Coordination Council (CoCo), and is based on a genuine and realistic assessment of the Court’s needs for 2017. The high-level strategic priorities identified for 2017 are:

- (a) Running and supporting proceedings in three trials
  - (i) Three cases are expected to be at the trial hearing stage during 2017: *Bosco Ntaganda (DRC)*, *Dominic Ongwen (Uganda)*, and *Laurent Gbagbo and Charles Blé Goudé (Côte d’Ivoire)*.
  - (ii) Additional resources are needed for the trial and courtroom support teams and for three operational courtrooms to be running simultaneously, where required. This increase has a direct impact on the level of services and operations required of the Registry, such as court management, language services, information technologies and witness support and protection, amounting to a proposed increase of approximately **€2.4 million**.

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\* Received by the Secretariat on 25 July 2016.



(iii) It is envisaged that trial proceedings in three cases will be mainly conducted in two of the three courtrooms, with only 60 days of full overlap in which the use of the third courtroom will be required.

(iv) This means that support will be required for 500 days of hearings, of which 440 days of simultaneous trial proceedings will take place in two courtrooms, with additional capacity to run three courtrooms simultaneously over 60 days.

(b) Conducting and supporting six active investigations

(i) In 2016, the Office of the Prosecutor (“the OTP”) was granted resources enabling it to conduct four and a half active investigations.<sup>1</sup> In 2017, the OTP plans to increase its number of active investigations to six, while noting that the OTP Integrated Teams for these six investigations will not be fully staffed. These six active investigations will be: two in the Central African Republic (CAR II.a *Séléka* and CAR II.b *anti-balaka*), one in Libya (LBY 3), one in Côte d’Ivoire (CIV 2), one in Georgia and one in Darfur.

(ii) The OTP aims at delivering quality in its investigations through the application of standards, a flexible use of resources to respond to opportunities and prioritization of the most relevant cases.

(iii) In order to provide the necessary support to the OTP during its investigations, as well as to support overall Court operations in the field, additional resources amounting to approximately **€2.1 million** are also required in the Registry to enhance the required level of services, including field support, witness protection, security, information security and other forms of logistical and technical support.

(c) Ensuring the Registry’s capacity to deliver Court-wide services

(i) At last year’s Assembly session, the Registry’s approved staff costs were reduced by approximately **€3.8 million**<sup>2</sup> through the proposed staggered approach to the implementation of the Registry structure.

(ii) In its report on its twenty-fifth session, the Committee on Budget and Finance (“the Committee”) expressly noted that the reductions in the 2016 budget increase achieved by postponing staffing in the Registry represented a **delay in expenditures** and anticipated that such costs would have to appear in the Court’s 2017 budget.

(iii) In order to maintain the Registry’s ability to provide Court-wide support to the level of activities estimated for 2017, including, in particular, to judicial and investigative activities, the organ’s approved structure must be fully implemented.

(iv) The Registry is proposing a temporary increase in its vacancy rate from **10 to 12 per cent** so as to further stagger recruitment in 2017 by approximately **€0.9 million** of the €3.8 million that should, in principle, be restored in the Registry’s staff costs, which will lead to a net increase of €2.6 million in 2017 in established posts.

(v) It is expected that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

(d) Investments in key Court-wide information management projects and security capacity:

(i) To support the Court’s strategic objectives in 2017, investments in storage and associated infrastructure and new solutions are proposed as a high priority. Specific focus will be on data storage, new technical solutions across organs and new hardware, with centralized ownership for maintenance.

<sup>1</sup> CAR II. (a) (*Séléka*), CAR II. (b) (*anti-balaka*), CIV 2, Mali, and for six months in Uganda (*Ongwen*).

<sup>2</sup> The total amount of €3.8 million corresponds to €3.4 million for established posts and an additional reduction of €0.4 million in GTA resources in 2016.

(ii) Investments are necessary in priority areas in respect of systems required to improve the judicial process; improvements to information management practices and systems for creating, capturing, maintaining and archiving information; and developing a robust information security capability for the Court.

(iii) Ensuring operational security and witness protection is of paramount importance. The latest threats posed by cyber-attacks, external viruses and leaked information have threatened the image of the Court, the integrity of its proceedings, the security of witnesses and the security of staff. Accordingly, the Court must take all necessary measures to resolve these issues.

150. The CoCo further agreed to include in the Judiciary budget a revision of the judges' remuneration in implementation of Resolution ICC-ASP/3/Res.3. The requested salary alignment with the remuneration scheme of the judges of the International Court of Justice and other international courts and tribunals will amount to an increase in judges' costs of approximately **€0.5 million**.

151. In addition, and in line with standard practice, the proposed programme budget for 2017 includes an approximate increase of 2 per cent in its staff costs resulting from the application of the United Nations Common System, which amounts to a proposed increase of approximately **€1.84 million**.

152. The Court submits this proposed increase being fully aware of the challenging financial times currently affecting the international community. The Court is also fully mindful of the expectations on it to produce concrete results, including effective investigations, prosecutorial results and faster trials. The Court strongly believes, however, that the proposed investments will result in tangible long-term efficiencies, mainly through more expeditious judicial proceedings ensuring full respect for the principles of fair trial, maintenance of the required quality of preliminary examinations, investigations and prosecutions, enhanced impact on the ground and a secure information environment for the Court's operations.

## **B. 2017 assumptions and operating environment**

153. It is expected that in 2017 the Court will continue operating in 10 situations under investigation: the Central African Republic (I and II) (CAR), Côte d'Ivoire (CIV), Darfur, the Democratic Republic of the Congo (DRC), Georgia, Kenya, Libya, Mali and Uganda.

154. In addition, the OTP will continue its analysis of nine situations under preliminary examination: Afghanistan, Burundi, Colombia, Guinea, Iraq, Nigeria, Palestine, Comoros and Ukraine.

155. It is important to note that, in the course of its preliminary examination activities, as per its policy on the issue and its 2012-2015 and 2016-2018 Strategic Plans, the OTP seeks to contribute to two overarching goals of the Rome Statute, i.e. the ending of impunity, by encouraging genuine national proceedings, and the prevention of crimes, thereby potentially obviating the need for the Court's intervention. Preliminary examination activities therefore constitute one of the most cost-effective ways for the Office to fulfil the Court's mission.

156. The OTP is expected to **increase the number of active investigations from four and a half in 2016 to six in 2017**, namely, CAR II.a (*Séléka*), CAR II.b (*anti-balaka*), Libya (LBY 3), CIV 2, Georgia and Darfur.

157. It is foreseen that the Court will maintain **10 field presences** in 2017 – two in the DRC (Kinshasa and Bunia), one in Kenya (Nairobi), one in CAR (Bangui), two in Côte d'Ivoire (Abidjan and Western Côte d'Ivoire), one in Mali (Bamako), two in Uganda (Kampala and Gulu) and one in Georgia (Tbilisi). A very limited capacity will be maintained in Nairobi, Kenya, with a view to closing the field office in the course of 2017. The presences in Western Côte d'Ivoire and Gulu act as small hubs to support focused operations in the respective areas of the countries.

158. In the light of the continued operations in all situations under investigation, the **number of persons under protective measures** will remain high in 2017. More than **110**

**witnesses** will remain under protection in 2017, including witnesses in the Court's protection programme, assisted moves and other types of support. This figure includes **49 internationally relocated witnesses** who are in the care of a third entity and under continued monitoring by the Registry's Victims and Witnesses Section (VWS). There are currently **575 persons under protective measures** (110 witnesses and 465 dependents). Similarly, it is expected that more than **14,100 individuals will apply to participate as victims** in the different ongoing judicial proceedings. Furthermore, in order to operate in the Court's situations under investigation, support will continue to be required for more than **24 situation-related languages** in 2017.

159. At the judicial level, it is foreseen that at least **nine accused persons** will be appearing before the Court in 2017, of whom **five will remain in detention. One cell-block of six cells** will thus be required in the Detention centre. At least **three cases are expected to continue at the trial stage** throughout 2017, namely, *Gbagbo and Blé Goudé*, *Ntaganda* and *Ongwen*. In addition to trial proceedings, **two final appeals** are expected to be ongoing throughout 2017, as well as **reparation proceedings in at least two cases**.

160. For the purpose of the proceedings in these three trials, **92 witnesses are expected to appear** to give testimony, requiring full support from the Registry's VWS. **Eight languages** will need to be supported in courtroom proceedings, in addition to English and French. Importantly, **12 defence teams** and up to **five teams of legal representatives of victims** will continue to be financed through legal aid in 2017.

### C. Budget process

161. In response to the recommendations of the Committee and the resolution adopted by the Assembly at its fourteenth session,<sup>3</sup> the Principals of the Court have taken steps to further streamline its budget process and improve the coherence of its annual budget document. While the Court will continue to implement its Court-wide strategic plan, as well as that of the OTP, it will present a revamped budget proposal that reflects more clearly a "One Court" approach to defining its budgetary requirements based on common priorities among the organs, and improving the internal coherence of the budget document in terms of clarity and consistency with regard to the presentation of its narratives and corresponding resource tables and figures.

162. Court-wide coordination of organ-specific activities has been significantly enhanced, leading to increased efficiency and synergies. This is manifest in an integrated, coordinated approach of the OTP and the Registry regarding field activities; close cooperation between Chambers and the Registry as regards courtroom needs in 2017; and a more strategic, streamlined and coordinated approach on the budget.

163. In order to weed-out the risk of presenting overlapping or uncoordinated proposals and create a better process to ensure consistency of message and policy across the Court, the 2017 budget process has been guided by a common vision from the Coordination Council (CoCo) on Court-wide budgetary needs. This, in combination with other important ongoing Court-wide initiatives, has not only ensured a more coherent and coordinated proposed budget, but has also allowed for better identification and execution of efficiencies and synergies due to the avoidance of duplications and the streamlining of activities.

164. In this last regard, the Court has been attentive to States Parties' guidance at last year's Assembly session.<sup>4</sup> The internal budget process has benefited from this review and as a result has become more streamlined, steered commonly and closely by the Principals following the One-Court-principle in a top-down approach as regards general strategic objectives.

165. Accordingly, in January 2016, CoCo agreed on the establishment of the high-level priorities for 2017 as a crucial milestone in the new budget process. As a result, all major programmes within the Court were requested to justify and calculate their resource

<sup>3</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015* (ICC-ASP/14/20), vol. II, part B; and vol. I, part III, resolution ICC-ASP/14/Res.1

<sup>4</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, resolution ICC-ASP/14/Res.1.

requirements based exclusively on the priorities identified by the Court's Principals for 2017. In other words, the level of proposed resources, whether increased or reduced, had to be fully consistent with and a direct result of the priorities and activities identified. While the initial estimated costings of these activities showed that they triggered a substantial increase in workload and resources, the Court was able to strategize and seek a consolidated approach to ensure, to the extent possible, very restricted budget increases.

#### **D. High-level strategic budget priorities for 2017**

166. The Court's strategic vision remains focused on generating fast and high quality output in all its mandated activities, mindful of the overarching principle of the fairness of proceedings. In the light of increasing pressure on a Court that is steadily intensifying its operations in various situations around the globe, the One-Court principle remains essential and all efforts of the Court's Principals are guided by this key postulate. This is also expressed in the present budget, as will be briefly outlined below.

167. The Court's key budget priorities for 2017 are reflective of the institution's general strategic vision and the more immediate requirements for the Court to fulfil its mandate. Importantly, the Court's focus is geared towards its main – and most essential – activities, while being mindful of its budgetary constraints. As a result, the Court's Principals have agreed on activity assumptions which represent the minimum required for the Court to fulfil its judicial mandate while remaining within reasonable budgetary confines.

168. Following the decisions taken by the Court's Principals in the context of CoCo and in the light of the judicial activities and operations foreseen for next year, the high-level priorities for 2017 have been broken down into the building blocks below. It is important in this regard to note that these priorities and activities reflect what could be reasonably foreseen for 2017 at this stage. It must be stressed, however, that such priorities and activities may be impacted by the fluidity of the judicial and prosecutorial work of the Court.

##### **1. Enhancing judicial efficiency: Running and supporting proceedings in three trials**

169. With three cases expected to be at the trial hearing stage during 2017, likely new activity before the Pre-Trial Division later in 2017 and a full docket of cases on appeal,<sup>5</sup> the Registry will require increased staff and non-staff resources for the trial and courtroom support teams to be able to perform effectively and a maximum of three courtrooms to be fully functional and running simultaneously where required, such as in relation to court management, language services, and witness support and protection. The overall increase required by the Registry in relation to supporting proceedings in judicial activities amounts to approximately **€2.4 million**.

170. In close coordination between the Chambers and the Registry, a hearing scheme was devised, providing for a standing capacity of two courtroom teams with sufficient extra capacity to provide for temporary sequences of three courtroom teams, thereby ensuring maximum use of courtroom capacity against minimal increases in required resources. Accordingly, proceedings in three trials are envisaged to be mainly conducted in two of the three courtrooms, with only 60 days of full overlap in which the use of the third courtroom will be required. This means that support will be required for a total of 500 days of hearings, of which 440 days of simultaneous trial proceedings will take place in two courtrooms, with additional capacity to simultaneously run three courtrooms over 60 days.

171. To this effect, investments will be necessary for a sequential third courtroom team in the Registry, so as to save on the much higher costs that would otherwise have been incurred for a standing capacity of a third courtroom team. Having fully operational courtrooms in line with judicial needs will facilitate better planning, coordination and more expeditious proceedings, which in turn will result in savings for the institution.

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<sup>5</sup> See the detailed update on present and foreseen activities below.

Chart 1: Courtroom usage for trial proceedings in 2017



172. Requests for additional resources arising from the increase in judicial activities are limited to the strict minimum required to support the hearings, with provision for complementary resources by way of hiring freelancers, paying overtime and ensuring multi-disciplinary cross-training of relevant staff with a view to enabling an efficient and flexible use of resources. In other words, for the most part, the level of trial activities foreseen in 2017 can be sustained with the existing resources for two courtroom teams, while minimal extra capacity will be required to provide for the additional 60 days when three courtroom teams will be required to run simultaneously.

173. The envisaged solution is based on the average maximum use of courtroom capacity of other international tribunals, in particular the ICTY, during the peak of their judicial activities.

## 2. Ensuring high-quality investigations: Conducting and supporting six active investigations

174. In implementing the Strategic Plan for 2016-2018, the OTP continues to set priorities by balancing, as best as possible, operational demands against the resources made available by the States Parties.

175. Support for cases that are being prepared for trial or that are at the trial stage is always the OTP's top priority. At the same time, as the Court often operates in highly volatile political and security environments, focus and resources are also devoted to active investigations in order to capitalize on opportunities when this is still achievable.

176. The Proposed Court budget would allow the OTP to conduct its preliminary examinations, investigations, and prosecutions with sufficient quality and efficiency, with an acceptable level of case prioritization, without yet reaching the desired pace because the standard team compositions are not yet met.

177. In the face of increasing global demand for its intervention, the OTP will continue to prioritize its activities in line with its strategy to ensure high quality investigations. In 2016, following the authorization granted by Pre-Trial Chamber I, the OTP opened a new investigation in the Georgia situation funded through the Contingency Fund. In 2017 the OTP will continue its active investigation in Georgia.

178. In addition to Georgia, the OTP will continue to conduct five active investigations in existing situations; one for a full year in Côte d'Ivoire (CIV 2), one for a full year in CAR (CAR II.b), one for a full year also in CAR (CAR II.a), one for a full year in Darfur and one for a full year in Libya (LBY 3).

179. Recent experience has shown that, regrettably, interference with the administration of justice (Article 70 offences) is becoming a common feature when cases are brought to the trial phase. In the event of such an occurrence in the course of one or more of the trials foreseen for 2017, the OTP will respond, to the extent possible, using the resources available in the approved budget (which, of course, will have an impact on the other cases).

### (a) Overview of Court-wide needs regarding the 2017 six active investigations:

180. **Georgia:** The OTP will continue active investigations in Georgia throughout 2017, which will, in turn, require enhanced support from the Registry. The level of cooperation that the OTP receives will in part determine the effectiveness of the investigations.

181. In order to provide efficient and effective support to these activities, it will be necessary for the Registry to set up a small field office in Tbilisi. The limited field presence will allow direct and immediate access to national and local authorities, on whose cooperation and assistance the Court relies for the implementation of its operations in the country. A large number of victims is anticipated to apply to participate in proceedings. The Court must prioritize outreach activities in Georgia, failing which the participation of victims and affected communities, and ultimately the credibility of the Court, would be seriously undermined. For the purposes of witness protection, the Registry will at this stage establish a limited situational team for Georgia to begin building capacity to provide the required support.

182. One of the main challenges for the new Field Office is the need to establish and maintain secure communications. Investments at both Headquarters and in the field will be required for enhanced physical and information security to safeguard the confidentiality of sensitive operations. Language support will be required in Georgian, South-Ossetian and Russian.

183. **CIV II:** Throughout 2017, the OTP will actively continue its investigation of CIV II. Investigative activities are expected to be conducted in various parts of Côte d'Ivoire and abroad, with possible forward operating bases rather than field offices. The start of the investigation in CIV II was delayed due to resource constraints, leading to substantial reputational damage for the Court, being seen as one-sided in its investigations. It is therefore crucial that in 2017 the Office has full resources to capitalize and build on the good progress made during 2016.

184. For the Registry to support these activities, a continued field presence in Abidjan and a newly established satellite office in Western Côte d'Ivoire will be required, as well as support in two situation languages, Dioula and Bambara, and witness support and protection.

185. **CAR II.a and CAR II.b:** In 2017, the OTP will continue its active investigations in relation to the two cases. Investigative activities will also include forensic missions, which will have a significant impact on resource requirements.

186. Cooperation from the CAR authorities as well as other key-stakeholders in CAR and the wider region has thus far been forthcoming.

187. Significant changes in the political and/ or regional context and the security situation in CAR are, however, elements that must be taken into account, as they may severely impact the OTP's investigations and the Court's operations. Increased measures are needed to protect staff on the ground on account of the volatile security situation and deficient infrastructure in the country.

188. **Darfur:** Crimes falling under the Court's jurisdiction continue to be committed in Darfur, and the OTP cannot ignore this serious situation on which it has to report every six months to the UN Security Council. Additionally, investigative opportunities have arisen in recent months to further develop the existing cases, resulting in the OTP's need for additional resources to be provided to the Darfur Integrated Team. This will also allow the OTP to meet its standard of being as trial-ready as possible from the earliest phases of the proceedings. It will also reduce the need to request postponement of the confirmation hearing in the event of an arrest, as has occurred in other cases where suspects connected to hibernated cases were arrested, thereby increasing the overall efficiency and pace of judicial proceedings before the Court.

189. In addition, a continued minimum level of staff resources for both the OTP and the Registry is required to monitor and track the movements of suspects and manage witnesses.

190. **LBY 3:** The OTP continues to carefully evaluate how best to utilize its limited resources to maximize its impact on the present situation in Libya. The investigative leads obtained and processed in the past months are connected both to its investigations into officials linked to the reign of Mr Muammar Gaddafi (some of whom are still involved in ongoing crimes), but also to the ongoing crimes in Libya, such as those alleged to have been committed by *Daesh* and *Ansar Al-Sharia*.

191. The current level of crime within Libya being committed by a variety of organizations and having an impact beyond the borders of Libya due to the transnational, organized, financial and terrorist nature of such crime, is also high. The OTP is working with its partners at the national and international level to have a coordinated approach to maximize the impact of each other's work within each individual mandate. In this regard, and in order to maximize the impact of its activities, the OTP will continue its consultations with relevant international and regional partners and agencies for the purpose of exploring the possibility of cooperation, coordination and information sharing, where appropriate.

192. In relation to the situation in Libya overall, despite the OTP's plans to operate mostly from outside Libya, some witness protection measures will need to be provided by the Registry. Support in one situation language – Standard Arabic – will be required.

### **3. Ensuring the Registry's capacity to deliver crucial services in support of the Court's activities**

193. The staff costs component of the approved Registry budget for 2016 was reduced by approximately €3.8 million as a result of the proposed staggered approach to the implementation of the Registry structure. In its report on its twenty-fifth session, the Committee expressly noted that the reductions to the 2016 budget increase achieved by postponing staffing the Registry represented a delay in expenditures. As a result, the Committee anticipated that some of these costs would appear in the Court's 2017 budget.<sup>6</sup>

194. Owing to this reduction, the Registry was required to stagger the implementation of its new structure throughout the year. Such a slow build-up of its structure means that the Registry is operating below the necessary capacity to provide the services required by the Court, including, in particular, judicial and investigative activities.

195. In order to ensure the Registry's ability to support the level of activities estimated for 2017, the organ's approved structure must be fully implemented. In this regard, the Registry first needs to consolidate its current structural requirements so as to further support the foreseen increased workload of the institution next year.

196. In principle, in order to achieve this, the Registry would require the full restoration of staffing resources under established posts that were staggered in 2016, as well as the restoration of resources for the workload posts in the field. However, the Registry has taken a conservative approach, continuing the staggering to some degree into 2017 in order to contain the budgetary increases. In this regard, in the light of the continued recruitment expected to extend into 2017, the Registry is proposing a temporary increase of its vacancy rate from 10 to 12 per cent so as to accurately reflect the recruitment realities in the Registry. This measure is aimed at containing the increase in the Registry's staff costs by further staggering recruitment in 2017 by approximately **€0.9 million** of the €3.8 million that should, in principle, be restored in the Registry's staff costs, which will lead to a net increase of approximately **€2.6 million**. It is expected in this regard that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

### **4. Investment in key Court-wide information management projects and security capacity**

197. In order to implement the first phase of the five-year plan currently being developed to identify areas of improvement in information management and information security Court-wide, a number of investments have been identified.

198. While the Court's overall level of activities, budget and staffing have increased since 2011, the central IT budget has decreased steadily from 9 per cent of the overall budget in 2012 to 6 per cent in 2016. Capital investments to fund the basic operating costs for hardware and software requirements have been deferred Court-wide. In 2016, 85 per cent of IMSS non-staff costs are allocated to existing contractual obligations.

<sup>6</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para 33.

199. To support the Court's strategic objectives in 2017, investments amounting to **€1.8 million** in the following three areas will be made throughout 2017:

(a) Augmentation of the Court's capacity for data storage required to support the increase in courtroom activities and thus digital recordings of all Court activities and the increase in investigation activities by the OTP;

(b) Improvements to the Court's information security capabilities to ensure the confidentiality and integrity of investigation activities in high surveillance environments;

(c) Updating the Court's hardware and software to protect the court's information in a challenging environment with an increasingly mobile workforce.

## E. Proposed Programme Budget for 2017

200. The Court's proposed programme budget for 2017 amounts to **€147.25 million**. This represents an increase of **€9.86 million, or 7.2 per cent**, over the 2016 approved budget (€137.39 million). Following the recommendation of the Committee at its twenty-fifth session, the figures for the proposed regular budget are presented separately from the interest on the host State loan for the permanent premises. As indicated by the Committee, this has been done with a view to improving transparency and allowing for a comparative assessment of the resources needed for the Court's activities in 2017. When including the interest in respect of the permanent premises project of **€2.99 million**, the Court's proposed programme budget for 2017 amounts to **€150.24 million, or 7.6 per cent**.<sup>7</sup>

ICC	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
MP I: Judiciary	12,430.6	813.1	6.5	13,243.7
MP II: OTP	43,233.7	3,046.5	7.0	46,280.2
MP III: Registry	72,759.2	6,843.8	9.4	79,603.0
MP IV: SASP	2,808.8	109.0	3.9	2,917.8
MP V: Premises	2,824.6	-1,369.7	-48.5	1,454.9
MP VI: STFV	1,884.5	617.6	32.8	2,502.1
MP VII-5: IOM	315.1	239.7	76.1	554.8
MP VII-7: OIA	681.8	12.4	1.8	694.2
<i>Sub-total</i>	<i>137,390.1</i>	<i>9,860.6</i>	<i>7.2</i>	<i>147,250.7</i>
MP VII-2: Interest/Loan Repayment	2,200.5	786.8	35.8	2,987.3
<b>Total</b>	<b>139,590.6</b>	<b>10,647.4</b>	<b>7.6</b>	<b>150,238.0</b>

### 1. Major Programme I: Judiciary

201. In terms of staff resources, the 2017 Judiciary budget represents a straightforward continuation of 2016 with a full complement of 18 judges for the whole of 2017, all on the revised pension scheme. The most striking feature of the envisaged activities for 2017 will be that there will be proceedings in three parallel trials. In order for the trials to be able to proceed simultaneously where necessary, adequate provision of courtroom time as well as team support from the Registry will be required. It is envisaged that the 2017 caseload will be successfully tackled through the flexible deployment of staff to the changing casework needs, coupled with effective coordination between the Divisions. This is expected to lead to an increase in staff output and an improvement in individual staff members' skills. Despite an expected increase in judicial activity, the Judiciary will request no additional staff resources over and above the 2016 approved staffing level.

<sup>7</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para 12.



202. The Judiciary budget includes a revision of the judges' remuneration in implementation of Resolution ICC-ASP/3/Res.3, taking into account the remuneration scheme of the judges of the Court and other international courts and tribunals. The requested adjusted annual remuneration of the Court's judges, in implementation of the said Resolution, will translate into an increase in judges' costs of approximately **€0.5 million**.

203. There will be minor increases in travel on account of the 2017 Assembly being held in New York, as well as in training. Finally, increased rent will lead to a moderate increase in the operating costs of the New York liaison office.

204. The total cost for Major Programme I will therefore increase in 2017 by **€0.8 million**, from €12.43 million to **€13.24 million**, or **6.5 per cent**.

Major Programme I Judiciary	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Judges	5,369.1	580.9	10.9	5,950.0
Staff Costs	5,355.9	139.5	2.6	5,495.4
Other Staff Costs	1,474.6	36.3	2.5	1,510.9
Non-Staff Costs	231.0	56.4	24.4	287.4
<b>Total</b>	<b>12,430.6</b>	<b>813.1</b>	<b>6.5</b>	<b>13,243.7</b>

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

205. The OTP is seeking a budget increase of **€3.04 million**, or **7 per cent**, for 2017, that is, an increase from €43.23 million granted by the Assembly for 2016 to **€46.28 million** for the coming year.

206. The Office has striven to maximize the use of existing resources and has redeployed staff from folding activities to the active trials and investigations so as to strengthen teams and make them more effective.

207. The investigation in the Georgia situation, which has been funded through the Contingency Fund in 2016, is now incorporated into the 2017 budget proposal.

208. The net impact of the 2017 budget cost drivers is **€3.04 million**. Staff costs and Non-Staff Costs account for **€2.56 million** and **€487.4 thousand**, respectively. This means that the OTP has managed to limit the impact of incorporating both the Georgia situation and strengthening the other existing integrated teams into the regular budget proposal.

209. The non-operational components of the increase are the UN Common System costs and the financial benefit arising from the conversion of long-standing GTA. The benefits of conversion completely offset the increase linked to the UN Common System.

210. Lastly, in the light of the continued delay in implementing the Registry's structure which is being extended into 2017, the OTP is proposing a temporary increase in its vacancy rate from **8 to 10 per cent** so as to accurately reflect the recruitment realities in the Court. Once the Registry's structure has returned to its appropriate approved level, the vacancy rate can be re-aligned to its previous rate of 8 per cent (which is based on actual historical statistics).

Major Programme II Office of the Prosecutor	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Staff Costs	23,898.8	7,180.4	30.0	31,079.2
Other Staff Costs	15,309.0	-4,621.3	-30.2	10,687.7
Non-Staff Costs	4,025.9	487.4	12.1	4,513.3
<b>Total</b>	<b>43,233.7</b>	<b>3,046.5</b>	<b>7.0</b>	<b>46,280.2</b>

### 3. Major Programme III: Registry

211. The proposed 2017 budget for the Registry amounts to **€79.60 million**, which represents an increase of **€6.84 million**, or **9.4 per cent**, compared to the 2016 approved budget of €72.75 million. Importantly, almost half of this growth is the result of in-built increases due to the application of the UN Common System (**€0.8 million**), as well as the reintegration of reductions in staffing costs made in 2016 as a result of the staggered implementation of the Registry's new structure (**€2.6 million**). Accordingly, the real operational increase in the Registry, that is, the increase in resources required to fund the upsurge in the workload resulting from the 2017 judicial assumptions and the Court-wide strategic priorities, is approximately **€3.4 million**, representing an increase of **4.7 per cent** when compared to the 2016 approved programme.

212. The Registry is required to provide necessary and crucial services and investments for the realization of high-level Court-wide priorities, including support to increased field operations, and in particular an increase in investigations by the OTP from four and a half in 2016 to six in 2017 (**€2.1 million**), the additional support required in the light of the increase workload to proceedings in three trials in 2017 and other related support to judicial activities (**€2.4 million**), and key investments in information management and information security which, in turn, are indispensable for overall support to both investigations and judicial activities (**€1.8 million**).

213. At the same time, important reductions and savings have been identified throughout the organ for 2017, aimed at containing the overall increase. For example, most additional investments in field operations, including the establishment and maintenance of one new Field Office in Tbilisi, Georgia, and the maintenance of field presences and increased activities in Gulu, Uganda and in Western Côte d'Ivoire, have been offset by the reductions achieved through the scaling down and eventual closure in 2017 of the Nairobi Field Office and other reductions in the field (**€1.07 million**). Similarly, reductions amounting to approximately **€1.6 million** have been achieved in legal aid mainly due to the resources required at the appeal phase of the proceedings in *Bemba et al* (Article 70) pending a final comprehensive review of the legal aid system. This was done taking into consideration the request of the Assembly and the recommendation of the Committee at their last sessions, respectively, to consider policy options on the level of legal aid to be provided by the Court to the accused in cases of offences against the administration of justice.<sup>8</sup>

#### Calculation of net increase based on approximate increases and reductions in Registry

##### Investments

Support to judicial proceedings	€2.4 million
Support to field operations, including increased OTP investigations	€2.1 million
Information management and information security investments	€1.8 million
Other investments	€0.3 million
<i>Sub Total</i>	<i>€6.6 million</i>

##### Reductions

Legal Aid	€1.6 million
Field Office (Kenya)	€0.9 million
Field Office (Others)	€0.2 million
Other reductions	€0.5 million
<i>Sub Total</i>	<i>€3.2 million</i>

<b>Net Increase</b>	<b>€3.4 million</b>
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<sup>8</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, resolution ICC-ASP/14/Res.1, para. 14 and ICC-ASP/15/5, para 100.

214. Lastly, with regard to the restoration of staff resources in the Registry following the staggered implementation of its structure in the light of the budgetary reductions in its 2016 approved budget, it is crucial to emphasize once again that, in order to ensure the Registry's ability to support the level of activities estimated for 2017, including, in particular, its judicial and investigative activities, its approved structure must be fully implemented. The Registry has nevertheless taken a more conservative approach, and will continue the staggering to some degree into 2017 in order to reduce budgetary needs.

215. In the light of the continued recruitment expected to extend into 2017, the Registry is proposing a temporary increase in its vacancy rate from 10 to 12 per cent, which will result in a further staggering of recruitment in 2017 by approximately **€0.9 million** of the €3.8 million<sup>9</sup> that should, in principle, be restored in the Registry's staff costs. This will lead to a net increase of **€2.6 million** in 2017 in established posts. It is expected that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

<b>Major Programme III Registry</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	42,069.3	3,387.0	8.1	45,456.3
Other Staff Costs	3,415.3	2,406.9	70.5	5,822.2
Non-Staff Costs	27,274.6	1,049.9	3.8	28,324.5
<b>Total</b>	<b>72,759.2</b>	<b>6,843.8</b>	<b>9.4</b>	<b>79,603.0</b>

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

216. The proposed 2017 budget for Major Programme IV amounts to **€2.92 million**, which represents an increase of **€109 thousand**, or **3.9 per cent**, compared to the 2016 approved budget of €2.81 million. This is due mainly to a request for a Special Assistant (P-2) that will be located in Dakar, funding of the Senior Administrative Assistant post (GS-PL) approved in 2016, and the travel costs to The Hague of the five members of the Audit Committee. Furthermore, there is one additional new cost – the travel of the nine members of the Advisory Committee on Nominations of Judges. This subsidiary body of the Assembly would, in principle, meet on a triennial basis (before the Assembly is to elect six judges). The increases have been mainly offset by a reduction under contractual services as a result of a reduction in costs arising out of the forthcoming annual session of the Assembly being held at the United Nations Headquarters in New York.

<b>Major Programme IV Secretariat of the Assembly of States Parties</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	939.6	96.7	10.3	1,036.3
Other Staff Costs	824.6	42.1	5.1	866.7
Non-Staff Costs	1,044.6	-29.8	-2.9	1,014.8
<b>Total</b>	<b>2,808.8</b>	<b>109.0</b>	<b>3.9</b>	<b>2,917.8</b>

#### 5. Major Programme V: Premises

217. The proposed 2017 budget for Major Programme V amounts to **€1.45 million**, which represents a decrease of **€1.37 million**, or **48.5 per cent**, compared to the 2016 approved budget of €2.82 million. With the guarantee period for buildings and installations at the Court's premises due to expire at the end of October 2016, resources will be required

<sup>9</sup> The total amount of €3.8 million corresponds to €3.4 million for established posts and an additional reduction of €0.4 million in GTA resources in 2016.

to cover the cost of corrective maintenance in 2017. The decrease is attributable to the termination of the rental contracts for the interim premises.

<b>Major Programme V Premises</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	2,824.6	-1,369.7	-48.5	1,454.9
<b>Total</b>	<b>2,824.6</b>	<b>-1,369.7</b>	<b>-48.5</b>	<b>1,454.9</b>

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

218. The TFV proposed 2017 budget amounts to **€2.5 million**, representing an increase of **€17.6 thousand**, or **32.8 per cent**, compared to the 2016 approved budget of **€2.5 million**.

219. The TFV's budget thus, in essence, reprises the budget corrigendum submitted for 2016, which was based on the new structure of the TFV Secretariat as decided by the Board of Directors aiming to strengthen the Secretariat in two critical areas: financial-administrative capacity in The Hague and on-site programme management. The new structure is informed by the TFV's current understanding of the required organizational capacity to sustain the development and implementation of Court-ordered reparations awards, as well as the expansion of assistance mandate activities to other situation countries.

220. The TFV further notes that the Board of Directors has maintained its earlier decision to outsource activities related to the conduct of situational assessments under the assistance mandate, capacity building of TFV implementing partners, and the design and implementation of a mandate-specific programme management information system (PMIS), for which funds have been allocated from resources originating from voluntary contributions (total €1.05 million), therefore from outside the Major Programme VI budget.

<b>Major Programme VI Secretariat of the Trust Fund for Victims</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	968.1	802.8	82.9	1,770.9
Other Staff Costs	345.9	-345.9	-100.0	-
Non-Staff Costs	570.5	160.7	28.2	731.2
<b>Total</b>	<b>1,884.5</b>	<b>617.6</b>	<b>32.8</b>	<b>2,502.1</b>

## 7. Major Programme VII-2: Interest and Loan Repayment

221. The proposed 2017 budget for Major Programme VII-2 amounts to **€2.99 million**, which represents an increase of **€786.8 thousand**, or **35.8 per cent**, compared to the 2016 approved budget of €2.20 million. Major Programme VII-2 manages the payment of interest on the host State loan, which in 2017 must be received and paid to the host State no later than 1 February 2017.

222. Repayment of the loan will start after surrender of the interim premises leases on 30 June 2016. Repayment of capital and interest for the period 1 July to 31 December 2016 amounts to €1.8 million and will be payable on or before 1 February 2017. The interest-only payment for the period 1 January to 30 June 2016 amounts to €1.191 million.

<b>Major Programme VII-2 Interest and Loan Repayment</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	2,200.5	786.8	35.8	2,987.3
<b>Total</b>	<b>2,200.5</b>	<b>786.8</b>	<b>35.8</b>	<b>2,987.3</b>

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

223. The proposed 2017 budget for the Independent Oversight Mechanism amounts to **€554.8 thousand**, which represents an increase of **€239.7 thousand**, or **76.1 per cent**, compared to the 2016 approved budget of €0.32 million. The IOM was established by the Assembly at its eighth session in accordance with article 112(4) of the Rome Statute to provide independent, effective and meaningful oversight of the Court.<sup>10</sup> During the course of 2016, the office has focused on recruiting staff in accordance with the staffing level set by the Assembly at its twelfth session<sup>11</sup> and establishing operational effectiveness. The requested amount therefore reflects the increase in staff resources and non-staff resources commensurate with the office being fully operational in 2017.

<b>Major Programme VII-5 Independent Oversight Mechanism</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	260.9	225.8	86.5	486.7
Other Staff Costs	-	-	-	-
Non-Staff Costs	54.2	13.9	25.6	68.1
<b>Total</b>	<b>315.1</b>	<b>239.7</b>	<b>76.1</b>	<b>554.8</b>

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

224. The proposed 2017 budget for Major Programme VII-6 (Office of Internal Audit) amounts to **€694.2 thousand**, which represents an increase of **€12.4 thousand**, or **1.8 per cent**, compared to the 2016 approved budget of €681.8 thousand. The requested resources will enable the Office to contribute to the achievement of Court's strategic and operational objectives by providing assurance to management on the effectiveness and efficiency of governance, internal control frameworks and risk management through audits (a minimum of six) and advisory works. The proposed budget compared to the 2016 approved budget includes an increase in staff, GTA and training resources and a decrease in travel resources.

<b>Major Programme VII-6 Office of Internal Audit</b>	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	528.9	7.6	1.4	536.5
Other Staff Costs	119.6	3.2	2.7	122.8
Non-Staff Costs	33.3	1.6	4.8	34.9
<b>Total</b>	<b>681.8</b>	<b>12.4</b>	<b>1.8</b>	<b>694.2</b>

<sup>10</sup> *Official Records ... Eighth session ...2009* (ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.1.

<sup>11</sup> *Official Records ... Twelfth session ...2013* (ICC-ASP/12/20), vol. I, part III, resolution ICC-ASP/12/Res.1, section L.

## Part B

### Reports of the Committee on Budget and Finance

#### 1. Report of the Committee on Budget and Finance on the work of its twenty-sixth session, April 2016\*

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## Executive Summary

1. At its twenty-sixth session, the Committee considered a vast number of substantive issues, *inter alia*, budgetary governance aspects, financial and budgetary matters, institutional and administrative questions, synergies, reparations, legal aid, questions relating to human resources and the cost-overrun on the permanent premises.
2. The Committee welcomed the initial efforts instigated by the Court to improve its budget process and was pleased that its previous recommendations and suggestions were taken into consideration in a constructive manner. The Committee hopes that the revised structure of the budget document will provide for a more consistent, comparable and transparent presentation of information in line with the “One-Court Principle” and the Committee’s suggestions at its twenty-fourth session, including detailed information on human resources (e.g. established posts, GTA and STA).
3. To complement the reform of the budget process by the Court, the Committee considered reviewing its internal processes and procedures to ensure appropriate compliance with the evolution of international best practices standards.
4. The Committee noted with concern that as at 15 April 2016 contributions of €64.32 million (47.09 per cent) were outstanding for the 2016 approved budget of €136.58 million, and further expressed its deep concern about the increase in outstanding contributions from previous years. The Committee recalled that it was imperative for States Parties to pay their contributions and loan interest on time, in particular with a view to ensuring sufficient cash flow that is essential for the Court’s operation, and to enabling the Court to meet its legal obligations.
5. While the Committee recalled that the Assembly at its fourteenth session had resolved that the Working Capital Fund (WCF) level shall be maintained in the amount of €7.4 million for 2016, the Committee noted that on 31 December 2015 the WCF dropped for the first time to the level of €1.6 million. Thus, the Committee stressed the importance of full and timely contributions by States Parties and reiterated that the WCF should only be used for the purpose that it was created for. Moreover, the Committee further requested the Court to exercise strict financial discipline and transparency in the use of the Court’s funds.
6. The Committee expressed its view that the Court-wide “Basic Size” exercise can provide a valuable basis for the preparatory discussions between the Court and the Assembly on the annual budgetary assumptions. However, the Committee also highlighted the importance of the Court and of States Parties to have a common understanding of the purpose of the model and its relation to annual budget planning. The Committee looked forward to the full costing of the Court-wide impact of the “Basic Size” model at its twenty-seventh session and noted that this exercise, in addition to the revised budget process, may create an opportunity for a better understanding of the cost drivers related to the Court’s overall expenditures.
7. The Committee considered the impact of the Registry’s reorganization, including its short-term and long-term financial implications. The Committee took note of the amended human resource structure in the Registry, in particular of the high increase in the number of staff in the Registry in 2016, compared to the staff level after the Registry’s reorganization. The Committee looked forward to the full assessment of the External Auditor on the ReVision process and would scrutinise it closely.
8. The Committee took note of the most recent initiatives in the lessons learnt process in the Presidency and the efforts aimed at improving the efficiency and effectiveness of the proceedings before the Court. It encouraged the Presidency and Registry to continue their intensified collaboration striving for a more efficient task allocation of administration resources.
9. As regards the identification of Court-wide synergies, the Committee welcomed the Court’s focus on the target areas previously identified by the Committee, including the identification of quantified and non-quantified efficiency gains and savings. The Committee is expecting a continuation of these efforts with a view to identifying further inter-organ synergies and efficiency gains in the areas identified by the Court.



10. The Committee recalled its earlier indication that the issue of reparations had the potential of having a significant impact on the reputation and operations of the Court, while noting the significant administrative and workload implications for the Court in this regard. The Committee suggested that this matter would need to be taken into consideration in the “Basic Size” exercise of the Court and decided to closely monitor the implementation of reparations at its forthcoming sessions.

11. As regards human resources, the Committee noted that in 2015 the Court underwent major changes in its structure and staffing. The Committee encouraged the Court to take the necessary measures in order to ensure that the implementation of the short-term appointment modality will observe the nature of its functions, and will lead to a wider use of this recruitment process by replacing the non-recommended practice of using Special Services Agreements, and resolved to monitor the implementation of short-term appointments, as appropriate. In relation to the requests for reclassification and conversion of posts, the Committee underlined that its deliberations would be facilitated if it was provided with updated assessments and detailed information on the justification for any such potential reclassifications or conversions.

12. The Committee noted that the Court had not yet concluded the reassessment of the legal aid system, as the condition of the completion of a full judicial cycle had not been fulfilled and requested the Court to report thereon, once the conditions were fulfilled. The Committee further recalled the Assembly resolution adopted at its fourteenth session<sup>1</sup> that requested the Court to consider appropriate policy options concerning legal aid to be provided in article 70 cases. The Committee acknowledged legal aid as a very significant cost driver for the Court and resolved to continue closely monitoring any development in this regard.

13. The Committee noted with concern the new cost overrun on the permanent premises project with regard to the expected maximum expenditure level of €204 million as set by the Assembly in 2015. The Committee recommended that, irrespective of the funding source, the Court should ensure meeting its financial obligations as they fall due.

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<sup>1</sup> *Official Records of the Assembly of States Parties, Fourteenth session, The Hague 2015*, (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 14.

## I. Introduction

### A. Opening of the session, election of officers, adoption of the agenda and organization of work

1. The twenty-sixth session of the Committee on Budget and Finance (“the Committee”), comprising nine meetings, was held at the seat of the International Criminal Court (“the Court”) in The Hague, from 18 to 22 April 2016.
2. For the twenty-sixth session, the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its fourteenth meeting on 26 November 2015.
3. For the twenty-sixth session, the Committee elected Ms. Carolina María Fernández Opazo (Mexico) as Chairperson in accordance with rule 10 of its Rules of Procedure. The Committee further decided, by consensus and on an exceptional basis, in accordance with rule 10 of its Rules of Procedure, to extend the term of the Vice-Chairperson, Mr. Richard Veneau (France), until 18 September 2016 in order to allow the Vice-Chairperson to complete a full term of Vice-Chairmanship. Moreover, the Committee decided by consensus that in accordance with rule 10 of its Rules of Procedure and following the practice of geographical rotation, Mr. Hitoshi Kozaki (Japan), would become the new Vice-Chairperson at the beginning of the twenty-seventh session of the Committee from 19 September 2016 until the beginning of the twenty-eighth session of the Committee in April 2017.
4. The Committee appointed Mr. Hugh Adsett (Canada) as Rapporteur.
5. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and the Secretariat of the Assembly of States Parties (“the Secretariat”) provided the logistical servicing for the Committee.
6. At its first meeting, the Committee adopted the following agenda (CBF/26/1):
  1. Opening of the session,
    - (a) Adoption of the agenda; election of officers and participation of observers
  2. Budgetary governance
    - (a) Budget process reform
    - (b) Other budgetary governance issues, including internal processes and procedures
  3. Other financial and budgetary matters
    - (a) Status of contributions and States in arrears
    - (b) Programme performance of the 2015 budget, and 2016 first quarter
    - (c) Amendments
      - (i) Updated Administrative Instruction on cash balance and investment of liquid funds
      - (ii) Amendments to Financial Regulations and Rules on supplementary budget
    - (d) Precautionary reserves
      - (i) Working Capital Fund
      - (ii) Employee Benefit Liability fund
    - (e) Analytical accountability
      - (i) Cost accounting for investigations, trials and cases, including Lubanga and Katanga cases
    - (f) Full costing of the impact of the “Basic Size” and the Strategic Plan for 2016-2018 internal working documents on other organs of the Court

4. Institutional reform and administrative matters
  - (a) Office of the Prosecutor
    - (i) Evaluation of Strategic Plan 2012 - 2015
  - (b) Impact of Registry reform
    - (i) Staggered approach to implementation of Registry structure
    - (ii) An explanation of the added value of the newly established External Relations and Field Cooperation Section of 23 posts
    - (iii) ReVision: Full implications; capacity to absorb increases in the workload and tangible efficiencies
  - (c) Judiciary - Update on Lessons learnt
  - (d) Synergies among the organs of the Court
  - (e) Reparations
  - (f) Transfer of two convicts from The Hague to the Democratic Republic of the Congo
5. Human resources
  - (a) Human resources management annual report
    - (i) Implementation of new performance appraisal system
    - (ii) Plan to correct the geographical representation
    - (iii) UN common system
    - (iv) Reclassification / conversion of posts
6. Legal aid
  - (a) Registry's semi-annual report: Outcome of the reassessment of the legal aid system
7. Permanent premises
  - (a) Report of the Oversight Committee, including Total Cost of Ownership
  - (b) Cost overrun of the permanent premises
8. Other matters

7. The Committee welcomed the new member, Mr. Urmet Lee (Estonia), elected at the fourteenth session of the Assembly. The following members attended the twenty-sixth session of the Committee:

- (a) Hugh Adsett (Canada)
- (b) David Banyanka (Burundi)
- (c) Carolina María Fernández Opazo (Mexico)
- (d) Fawzi A. Gharaibeh (Jordan)
- (e) Hitoshi Kozaki (Japan)
- (f) Urmet Lee (Estonia)
- (g) Rivomanantsoa Orlando Robimanana (Madagascar)
- (h) Mónica Sánchez Izquierdo (Ecuador)
- (i) Gerd Saupe (Germany)
- (j) Elena Sopková (Slovakia)
- (k) Richard Veneau (France)
- (l) Helen Warren (United Kingdom)

## B. Participation of observers

8. The following major programmes of the Court were invited to make presentations in the meetings of the Committee: the Presidency, the Office of the Prosecutor (OTP), and the Registry. Furthermore, the Chair of the Oversight Committee on Permanent Premises (OC), Ambassador Sabine Nölke (Canada), made a presentation to the Committee, and the Head of the International Organisations External Audit Department/External Audit Director of the ICC, Mr. Richard Bellin, addressed the Committee on the Audit Report on the Budget Performance of the Permanent Premises Project.<sup>1</sup> The Committee accepted the request of the Staff Union Council to make a presentation to the Committee. The Committee expressed its appreciation for the presentations.

## II. Consideration of issues on the agenda of the Committee at its twenty-sixth session

### A. Budgetary governance

#### 1. Budget process reform

9. At its twenty-fifth session, the Committee suggested a number of ways in which the Court could improve its budgetary process and document to ensure clear, consistent and transparent information.<sup>2</sup>

10. The Committee attended a workshop organized by the Court to present its work on the budget process reform. Following the One-Court-Principle, representatives from all organs of the Court presented a summary of the overall approach and internal governance of the revised process, as well as the proposed structure to the budget document itself.

11. The Committee thanked the Court for its preparatory work and for consulting the Committee at this stage for feedback. It was pleased that the recommendations and suggestions made in the previous report were taken on board in a constructive manner.

12. Overall the Committee welcomed the proposed changes but requested that the following also be considered:

(a) The overall length of the document must also take into account the financial costs per page of documentation. The document should be understandable and accessible to readers;

(b) The Court must liaise with the Assembly as appropriate during the process, including on the underlying assumptions that form the basis of the budget;

(c) The draft budget must take into account changes to original assumptions and measurement of success against agreed objectives;

(d) Data should be comparable, consistent and presented with year-on-year or trend analysis;

(e) Budget tables should reflect approved budget levels, actual expenditure and the proposed budget; and

(f) The draft budget must include the following information:

(i) Savings: real one-time or continued decreases to spending of approved expenditure;

(ii) Efficiencies: delivering more than assumed with the same approved expenditure or the same with less approved expenditure for the year;

<sup>1</sup> ICC-ASP/15/4.

<sup>2</sup> *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 23 et seq. At its fourteenth session, the Assembly invited the Court to ensure a stringent internal budgetary process and made several suggestions on how to improve the budgetary process. The Assembly invited the Committee in this regard to provide advice to the Court, as required, to ensure these processes are continuously reviewed and improved. Cf. *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 6.

(iii) Agreements that would result in a multi-year spending commitment; and

(iv) Human resource information including a differentiation between established posts, changes to the organigramme, use of General Temporary Assistance (GTA) and Short-term Appointment (STA) for short term activity.

13. The Committee reiterated that all documents submitted by the Court to the Committee must comply with the principles set out in the report of the Committee on its twenty-fifth session,<sup>3</sup> in particular:

(a) All documents should be available 45 days before the Committee session begins; and

(b) Both English and French versions must respect this deadline.

## 2. Other budgetary governance issues, including internal processes and procedures

14. To complement the reform of the budget process by the Court, the Committee considered reviewing its internal processes and procedures to ensure appropriate compliance with the evolution of international best practices standards.

15. The Committee had a preliminary discussion on that issue and has set up an internal working group to undertake an internal review of its working practices including its own budget implementation in order to feed into the new Court-wide process and transparency rules and to report to the Committee at its twenty-eighth session.

## B. Other financial and budgetary matters

### 1. Status of contributions

16. The Committee reviewed the status of contributions as at 15 April 2016 (annex I):

(a) The assessed contribution for the approved budget for 2016 of €136.58 million;<sup>4</sup> and

(b) Interest expense of €2,185,719 generated in 2015 from the use of the loan for the permanent premises.

17. The Committee noted that, as at 15 April 2016, contributions of €64.32 million (47.09 per cent) were outstanding for the 2016 approved budget of €136.58 million. At the same date, the outstanding contributions for the replenishment of the Contingency Fund were €5,746.

18. The Committee noted that the outstanding contributions from previous years stood at €16.9 million at the end of 2015, compared to €9 million at the end of 2014, and expressed its deep concern about the increase in outstanding contributions.

19. As at 31 December 2014, 65 States Parties had chosen to make full one-time payments to contribute to the construction of the new permanent premises. States Parties that had not opted to make a one-time payment were required to cover the interest payments due on the loan from the host State. The outstanding loan interest as at 15 April 2016 stood at €576,424 (€102,915 from the previous year and €473,509 for 2016) making a total of €81,670,593 in outstanding contributions, including the interest.

20. The Committee noted that, as at 15 April 2016, 52.90 per cent of the contributions due in 2016 had been paid compared to 56.82 per cent in 2015. The Committee expressed its concern that only 48 States Parties of 123 had fully paid their contributions as at 15 April 2016. Given the legal obligation of the Court to pay interest and in the future to also repay the loan for the permanent premises, the Committee recalled that it was imperative for States Parties to provide their timely contributions. Failure to do so may result in decreasing available cash flow to the Court for its essential operating activities. The Committee urged all States Parties to make their best efforts to ensure that the Court had sufficient funds

<sup>3</sup> *Ibid.*, paras. 23-28.

<sup>4</sup> *Ibid.*, vol. I, part III, ICC-ASP/14/Res.1, section A, para 4.

throughout the year, in accordance with regulations 5.6 of the Financial Regulations and Rules (FRR). Furthermore, the Committee requested the Court to notify States Parties that had not paid the contribution in full on their payment obligations as soon as possible.<sup>5</sup>

## 2. States in arrears

21. According to article 112, paragraph 8 of the Rome Statute, “a State Party which is in arrears in the payment of its financial contributions toward 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 15 April 2016, 12 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 twice in 2015, and once on 4 April 2016, 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 later in the year highlighting their commitment to the budget. The Committee recommended that all States Parties in arrears settle their accounts with the Court as soon as possible.

## 3. Programme performance of the 2015 budget

22. The Committee considered the Report on activities and programme performance of the International Criminal Court for the year 2015.<sup>6</sup> Based on preliminary and unaudited numbers, the overall implementation rate of the regular budget had been 97.1 per cent or a total of €126.83 million against an approved budget of €130.67 million and overall actual implementation of the four Contingency Fund notifications submitted to the Committee had been 85.6 per cent or a total of €5.36 million against the total notified amount of €6.26 million.

23. Therefore, the Court’s actual expenditure, taking together the regular budget and the Contingency Fund notifications, had been €132.19 million in total (€126.83 million plus €5.36 million). This represented an overspend of €1.52 million (€130.67 million minus €132.19 million) against the 2015 approved budget, which represents an implementation rate of 101.2 per cent.

24. The Committee noted that the implementation rates of the regular budget by the major programmes had been 90.6 per cent for the Judiciary, 96.9 per cent for the OTP, 99.9 per cent for the Registry, 94.8 per cent for the Secretariat, 85.0 per cent for the Secretariat of the Trust Fund for Victims (TFV), 92.5 per cent for the Project Director’s Office, 22.1 per cent for the Independent Oversight Mechanism, 99.9 per cent for the Office of Internal Audit, 89.9 per cent for the Interim Premises and 99.2 per cent for the Permanent Premises Project – Interest.

25. The reason for the main underspend in some major programmes against the 2015 approved budget was related largely to changes in assumptions, such as the later calling to office of the newly elected judges and to a reduction in general operating expenses that were implemented at a rate of 88.5 per cent, or €17.27 million, against the approved budget of €19.52 million, with a residual balance of €2.25 million, as a result of the slow-down in some activities.

26. With respect to the 2015 budget programme performance, the Committee noted the large amount of missions conducted by the Court, and requested the Court to report on how the frequency and costs for missions had developed over the years and on any future developments anticipated at its twenty-seventh session.

27. The Committee noted that travel expenditures had significantly increased to a level of €6.7 million in 2015, compared to €5.6 million in 2014, thereby creating an overrun in real travel expenditures of €1.4 million against the approved budget of €5.3 million, when including the travel-related resources from the Contingency Fund. In order to avoid a continuation of this trend in 2016, the Committee recommended better planning of travel

<sup>5</sup> See paras. 32-37 of this report.

<sup>6</sup> ICC-ASP/15/3.

missions, including with respect to the number of participants, travel duration and other related costs.

28. The Committee welcomed the fact that the multi-year IPSAS project that had started in 2011 was successfully concluded in 2015 within the planned timeline with budgetary savings of €45,300 against the approved budget of €1.92 million. The IPSAS project could serve as an example for future multi-year projects, in particular as regards the flexible transfer of financial resources in the frame of the duration of the project.

(a) *Contingency Fund*

29. The Court was confronted with a number of unforeseen developments, such as unforeseen investigative activities required to complete the cases involving *Charles Blé Goudé*, *Bemba et al.* (CAR article 70), the extension of the mandate of one judge and a limited number of support staff in the case of *Bemba* and activities following the surrender of *Dominic Ongwen* in the Uganda situation. These developments required additional financial resources from the Contingency Fund.

30. The Committee noted that some costs incurred for the construction of the permanent premises were covered by the 2015 regular budget of the Court. As a consequence, the Court had a reduced ability to absorb unforeseen expenditures for core activities and had to resort to the Contingency Fund. In order to maintain strict financial discipline and transparency in the use of the Court's funds, the Committee requested that all construction costs and resources needed for compensation events for the permanent premises paid from the resources originally approved by the Assembly for core activities of the Court, are to be submitted separately to the Committee in a detailed, comprehensive and transparent manner at its twenty-seventh session.

31. At its fourteenth session, the Assembly had resolved that the Contingency Fund was to be maintained at the notional level of €7 million.<sup>7</sup> As at 31 December 2015, the level of the Contingency Fund decreased to a level of €5,784,923, as a result of withdrawals in the amount of €1,708,954. Bearing in mind the need of the Court to be equipped for unforeseen situations and to keep the minimum level of the Contingency Fund as resolved by the Assembly, the Contingency Fund will need to be replenished by assessed contributions of States Parties in the context of the 2017 programme budget.

(b) *Working Capital Fund*

32. At its fourteenth session, the Assembly took note of the conclusions of the External Auditor<sup>8</sup> and the recommendations of the Committee<sup>9</sup> on the appropriate level of the Working Capital Fund (WCF) of the Court and resolved that the WCF shall be maintained in the amount of €7,405,983 for 2016. The Assembly further requested the Court to use the surplus funds of the financial period 2014 and onwards for the replenishment of the WCF, which shall have priority over other potential calls on the use of the surplus funds.<sup>10</sup>

33. The Committee noted that as at 31 December 2015, the level of the WCF had dropped to €1,615,124,<sup>11</sup> resulting from the use of resources to overcome short-term liquidity shortfalls pending receipt of assessed contributions.

34. The Committee recalled that at the time, when the fund was created, the €7.4 million represented one month's average spending of the Court. The level of the fund has not increased since and now corresponds only to average expenditures for approximately two weeks.

35. The Committee again stressed the importance of full and timely contributions. In 2015, it was the first time that the WCF was resorted to, hence, the Committee recommended to States Parties to make use of the WCF for the purpose it was created for.

<sup>7</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section D.

<sup>8</sup> *Ibid.*, part II, section B, para. 4.

<sup>9</sup> *Ibid.*, annex I.

<sup>10</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section B, paras. 1-3.

<sup>11</sup> ICC-ASP/15/3.

36. The Committee noted with concern that payments for assessed contributions that were received in the first quarter of 2016 had to be used to restore the level of the WCF at €7.12 million as at 31 March 2016 and that this balance does not correspond to the level of €7.4 million approved by the Assembly, whereby the difference results from outstanding contributions to the WCF.

37. The Committee requested the Court to analyse the appropriate level of the WCF by taking into account the previous conclusions of the External Auditor and the recommendations of the Committee, and further to submit a report thereon to the Committee at its twenty-seventh session, as a way of assisting the Assembly in taking a decision on the future level of the fund.

#### 4. Programme performance of the 2016 budget: first quarter

38. The Committee had before it the Report on Budget Performance of the International Criminal Court as at 31 March 2016.<sup>12</sup> The Committee observed that the implementation rate was at 28.2 per cent, or €39.29 million, against the 2016 approved budget of €139.59 million, and agreed to continue to monitor the situation at its twenty-eighth session.

39. The Committee noted that the lower implementation rate was connected to lower staff costs due to the staggered recruitment under the ReVision reorganization and that the implementation rate would increase during the course of the year once the vacant positions were filled.

40. While as at April 2016, there was no Contingency Fund notification submitted, the Committee was informed by the Court that developments are expected to take place leading to additional financial needs that had not yet been budgeted for.

#### 5. Amendments

41. The Committee considered the Report of the Court on policy issues,<sup>13</sup> covering the following issues:

- (a) Funding of ASHI liabilities;
- (b) Amendments to the FRR; and
- (c) Investment of liquid funds.

##### (a) *Funding of ASHI liabilities*

42. The Committee noted that the Court had assessed the ASHI funding status within the UN system. The Court is currently following the so-called “pay-as-you-go” approach and will eventually have to adopt a plan to finance Employee Benefits Liabilities, including ASHI.

43. The Committee considered the approach currently followed by the Court and noted that the cost for the funding of ASHI liabilities was moderate (€10,363 for three eligible staff members in 2015). The Committee observed that further work would have to be carried out to determine if the establishment of a reserve would be appropriate. Recalling its recommendations at its twenty-fourth session,<sup>14</sup> the Committee requested the Court to make an assessment on the establishment of a reserve and its appropriate level at its twenty-eighth session and, concluded that the “pay-as-you-go” approach should be maintained in the short-term.

##### (b) *Amendments to the Financial Regulations and Rules*

44. The Committee had before it the Court’s proposal on how to amend the FRR in order to accommodate situations, in which new needs arose after the submission of the proposed programme budget but before the beginning of the financial year to which it

<sup>12</sup> CBF/26/9.

<sup>13</sup> CBF/26/4.

<sup>14</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, paras. 57 et seq.



pertained. The Committee expressed its view that further discussion was required at its twenty-seventh session in order to finalize the amendments before submitting them to the Assembly. The proposed changes to the FRR would encompass the following:

(a) Addendum to the proposed programme budget: for unforeseen circumstances that become known after the preparation of the proposed programme budget and before the meeting of the Assembly in the same year;

(b) Supplementary budget: for matters of an exceptional or extraordinary nature which go beyond the funds available in the Contingency Fund and therefore necessitate a separate decision by the Assembly; and

(c) Contingency Fund: for unforeseen or unavoidable expenses arising for the following budget year after the approval of the programme budget by the Assembly.

(c) *Investment of liquid funds*

45. At its twenty-fifth session the Committee had approved the proposal by the Court to amend Regulation 9.1 of the FRR in order to permit the Registrar to invest money not needed for the investment period up to 36 months (“medium-term investments”).<sup>15</sup> The Committee had before it the updated Administrative Instruction (AI) on the Investment of Surplus Funds, reflecting the proposed amendments.

46. The Committee welcomed the proposed amendments to the AI, while recommending that the third sentence of paragraph 9.4 should read as follows: “This exception shall be approved by the Investment Review Committee.”<sup>16</sup>

47. In line with paragraph 8.2 of the AI,<sup>17</sup> the Committee requested to be informed periodically by the Registrar on all relevant details, such as all short and medium-term investments, with comparative figures of prior years, if applicable, including the nominal value, the cost of the investments, the date of maturity, the issuer, the proceeds of sales and any income earned.<sup>18</sup> The Committee recalled in this regard its responsibility to technically examine any document submitted to the Assembly containing financial and budgetary implications.

## 6. Analytical accountability

48. The Committee had before it the Report of the Court on the development of analytical accountability and the ability to report on the average cost of each step in the judicial process.<sup>19</sup> The Committee noted with concern that there was no further progress in 2015 in terms of developing analytical tools. However, the Committee also noted, that the costing of the “Basic Size” model and the revised budget process rendered an opportunity to understand cost drivers related to the Court’s overall expenditures, which would eventually provide information on costs per activity. The Committee looked forward to a final analysis of the Court on this matter at its twenty-eight session.

## 7. “Basic Size” of the Court

49. The Committee had before it the Interim report of the Court on the Court-wide impact of the OTP “Basic Size” model.<sup>20</sup>

50. The Committee noted the following assumptions made throughout the report:

(a) An increase in the number of situations and countries at successive increments;<sup>21</sup>

<sup>15</sup> *Ibid.*, part B.3, paras. 110-111.

<sup>16</sup> CBF/26/4, annex II, para. 9.4 in the original proposed version reads: “This exception shall be approved by the Chief of the Budget and Finance Section or the Investment Review Committee.”

<sup>17</sup> *Ibid.*, para. 8.2: “In accordance with Financial Regulation 9.1, the Registrar shall report periodically on all investments to the Presidency and through the Committee on Budget and Finance, to the Assembly of States Parties.”

<sup>18</sup> *Ibid.*, para. 11.2.

<sup>19</sup> CBF/26/3.

<sup>20</sup> CBF/26/12.

- (b) Three fully operating Courtrooms;
- (c) 18 judges;
- (d) The maximum capacity of the new premises (1,400 workstations); and
- (e) The time line of the model now spans of six years (rather than three) with the intention of spreading the cost of the incrementally increased annual activity as assumed.

51. The Committee also noted that the model is eventually to include more detailed input from organs other than the OTP, notably the Registry, and will also need to take into account activities that have not yet been fully defined, such as work required to implement reparations awards.

52. The Committee highlighted that the “Basic Size” model projected roughly a doubling of countries and situations that would be under consideration by the Court within five years. Although the model itself is not costed, it could be anticipated that there would be significant cost consequences, if the activities of the Court were to increase to that extent.

53. The Committee wished to draw to the attention of States Parties that it is the Committee’s view that this important work can provide valuable context for the preparatory discussions between the Court and the Assembly on the annual budgetary assumptions. However, the Committee also noted that it would be important for the Court and for States Parties to have a common understanding of the purpose of the model and its relation to annual budget planning.

54. The Committee also looked forward to examining the methodology that will be used to undertake future costing of the Court’s activities. Work to develop and understand cost drivers for the Court’s overall expenditure will be essential to the budgetary process.

55. The Committee was advised that the upcoming 2017 proposed programme budget is not being prepared as a function of the “Basic Size” model. The Committee reiterated its view that, irrespective of the “Basic Size” framework, each annual budget needs to be justified on its own merits.

## **C. Institutional reform and administrative matters**

### **1. Office of the Prosecutor**

#### *(a) The Strategic Plans 2012-2015 and 2016-2018*

56. The Assembly,<sup>22</sup> as well as the Committee<sup>23</sup> had requested the OTP to submit a final analysis and evaluation of the Strategic Plan for 2012-2015. The Committee had before it the OTP’s report on updated results of the Strategic Plan (June 2012-2015).<sup>24</sup> The Committee noted that the results of the Strategic Plan 2012-2015 were reviewed and published in the 2016-2018 Strategic Plan.

### **2. Registry**

#### *(a) Staggered approach to the implementation of the Registry structure*

57. The Committee had before it the Court’s Explanation to the Committee on Budget and Finance on staggered implementation of the new Registry structure,<sup>25</sup> as requested by the Committee<sup>26</sup> and the Assembly.<sup>27</sup> In 2015, the staggered approach led to reductions of €3.4 million in the Registry’s 2016 approved budget. The Registrar informed the Committee that due to the staggered approach there was a 25 per cent vacancy rate in Major Programme III.

<sup>21</sup> *Ibid.*, para. 38.

<sup>22</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 11.

<sup>23</sup> *Ibid.*, vol. II, part B.3, paras. 30-31.

<sup>24</sup> CBF/26/6.

<sup>25</sup> CBF/26/11.

<sup>26</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para 63 (a).

<sup>27</sup> *Ibid.*, vol. I, part B.1, para. 50.

58. The Committee took note that critical vacant posts had been filled through short-term appointments to overcome temporary gaps. The costs for this temporary staffing would be fully absorbed through deferred costs.

59. By filling staggered positions with internal candidates, the staggered approach will extend to 2017 and result in the maintaining of a high vacancy rate. The Committee was of the view that the staggered approach should lead to additional reductions of increased costs, exceeding the originally envisaged level of €3.4 million, as a result of delays in recruitment and the delayed filling of staggered positions. The Committee, therefore, requested the Court to provide a detailed break-down of such reductions at the twenty-eighth session of the Committee. The Committee further expected that the total reduction of work months will lead to reduced costs in the 2017 proposed budget.

(b) *External Operations Support Office*

60. The Committee noted that in the time frame from 2015 to 2016, staff costs for professional staff, general service staff and GTA for Major Programme III increased by €2,290.5 thousand (or 5.5 per cent).<sup>28</sup> In 2016 the increase in the number of staff was 53.9 FTE posts (28 established posts and 25.9 FTE GTA), which represents a staff increase of 9.8 per cent, compared to the staff level after the Registry's reorganization.<sup>29</sup> This unprecedented growth in staff was said to be linked to increased workload, resulting from the need to strengthen the field offices, as well as extra staff for the permanent premises. In this context, the Committee had requested the Registry at its twenty-fifth session to provide an explanation of the added value of the newly established External Operations Support Section (EOSS) for its twenty-sixth session.

61. The Committee had before it the requested Explanation on the role, structure and value of the External Operations Support Section in the Registry,<sup>30</sup> and noted that functions previously spread over different Registry sections are now consolidated within one single section, namely the External Operations Support Section (EOSS).

62. The Committee noted that EOSS consists of 23 posts, compared to 13 posts that existed in the previous Registry structure, thus representing a net staff increase of 10 posts. The objectives of the new structure are to ensure a better coordination and reinforcement of external relations, more comprehensive mission planning, better crisis management support and greater flexibility.

63. The Committee welcomed the fact that it was provided with information on the plans and actions to be undertaken by EOSS, such as the development of a system to avoid duplication of activities between the Coordination and Analysis Unit and OTP's Situation Analysis Section, as well as the drawing up of a comprehensive strategy with States Parties and other relevant stakeholders in relation to all forms of voluntary cooperation and the development of agreements on the freezing of assets. In this regard, the Committee requested the Registry to report on any developments concerning the cooperation with States Parties, including in the context of freezing of assets, at its twenty-eighth session.

(c) *ReVision: Full implications*

64. At its fourteenth session, the Assembly noted that the full implications of the ReVision process, including its financial implications both in the short-term and the long-term, would be the object of further clarifications to the Committee at its twenty-sixth session.

<sup>28</sup> The approved budget for 2015 (in thousands of euros) for professional staff, general service staff and GTA within Major Programme III amounted to €41,802.7 (€20,136.3 + €17,160.5 + €4,505.9 = €41,802.7). The approved budget for 2016 (in thousands of euros) for professional staff, general service staff and GTA within Major Programme III amounted to €44,093.2 (€24,405.7 + €17,663.6 + €2,023.9 = €44,093.2). Thus, the increase from 2015 to 2016 amounts to €2,290.5 thousand (€44,093.2 - €41,802.7 = €2,290.5) or 5.5 per cent (€2,290.5 / €41,802.7 \* 100 = 5.5).

<sup>29</sup> While the approved staffing of the Registry for 2015 comprised 496 established posts (cf. ICC-ASP/13/20, table 27), after the reorganization of the Registry, Major Programme III comprised 551 established posts, when including the post of Staff Council Officer/President of Staff Council that is unfunded, meaning that the costs thereof are being divided amongst and absorbed by Major Programme I, II and III. The approved staffing for Major Programme III for 2016 comprised 579 established posts and 25.9 GTA FTE which represents a staff increase of 9.8 per cent, compared to the post-ReVision level (579 + 25.9 - 551 = 53.9 FTE posts or 9.8 per cent (53.9 / 551 \* 100 = 9.8).

<sup>30</sup> CBF/26/14.

65. The Committee had before it the Court's Report on the benefit-cost analysis of the Registry's reorganization.<sup>31</sup> The report primarily set out the following supposed benefits:

- (a) *Long-term financial savings*, which could allow the Registry to carry out the same activities with fewer resources;
- (b) *One-time financial savings* resulting from the staggered implementation of the new structure;
- (c) *Additional functions* performed by the revised Registry which might come under pre-existing resources;
- (d) Efficiencies through *centralized Registry services* that could increase coordination and cooperation within the Registry;
- (e) Efficiencies through the creation of a more *flexible workforce*, which could enable the Registry to better address shifting priorities and increase its capacity to absorb additional workload; and
- (f) Efficiencies due to the Registry's continued *organizational development* during the reorganization.

66. The Committee noted that the structure of the Registry was reduced, in a first step, from 560.4 established posts and approved positions to a total of 550 posts, as a result of the reorganization of the Registry.<sup>32</sup> In the post-reorganization phase, however, the number of established posts increased to 578, namely 27 additional established posts and one additional established post as a result of a transfer from the Project Director's Office to the General Services Section. Furthermore, additional 25.9 FTE GTA were included in the Registry 2016 approved budget to accommodate the increase in judicial activities, which had an impact on different sub-programmes of the Registry.

67. The Committee observed that some of the GTA positions that were originally converted into established posts during the ReVision project were added to the 2016 budget as additional GTA positions (e.g. field interpreters) and, in some cases (e.g. with respect to security staff), there was no clear justification of the sustainability of the reduced need for established posts.

68. The Committee looked forward to the full assessment of the External Auditor on the ReVision process, including its cost, its impact and its implementation and would scrutinise it closely.<sup>33</sup>

### 3. Judiciary

#### (a) *Update on Lessons learnt*

69. The Committee had before it the Report of the Court on lessons learnt and synergies in Presidency,<sup>34</sup> as requested.<sup>35</sup>

70. The Committee took note of the most recent initiatives in the lessons learnt process under the guidance of the Working Group on Lessons Learnt related to the pre-trial stage, the pre-trial and trial relationship and common issues, the trial stage, appeals, as well as changes of practice that aim at improving the efficiency and effectiveness of the proceedings before the Court.<sup>36</sup>

71. The Committee took note of the efforts undertaken for a more efficient task allocation of administration resources between the Presidency and Registry and their intensified collaboration, and further encouraged the Presidency to continue this practice and report on new developments to the Committee at its twenty-eighth session.

<sup>31</sup> CBF/26/17.

<sup>32</sup> These figures do not include the position of one Staff Council Officer/President of Staff Council which is unfunded; meaning that the costs thereof are being divided amongst and absorbed by Major Programme I, II and III.

<sup>33</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 13.

<sup>34</sup> CBF/26/10.

<sup>35</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 51.

<sup>36</sup> Report of the Bureau on the Study Group on Governance, ICC-ASP/14/30, 16 November 2015, Annex II.

#### 4. Synergies among the organs of the Court

72. The Committee considered the Report of the Court on inter-organ synergies<sup>37</sup> and noted that the Court had established an inter-organ Steering Committee, which developed a project plan and methodology for examining potential areas for Court-wide synergies.<sup>38</sup>

73. The Committee welcomed the Court's focus on the target areas previously identified by the Committee, such as human resources, language services and public information, and further welcomed the quantified and non-quantified efficiency results on synergies, including savings, achieved during the initial phase of the project and recommended that these findings would be reflected in the 2017 proposed programme budget.<sup>39</sup>

74. The Committee looked forward to an update on inter-organ synergies within the framework of the continued work on the "Basic Size" and its full costing analysis and on the identification of further efficiency gains in the Court's operations in the course of the project, including in the areas identified by the Court requiring further consideration in this regard (field operations, administration and judicial operations) at its twenty-seventh session and a final report at its twenty-eighth session.

#### 5. Reparations

75. The Committee considered the Report of the Court on developments with regard to reparations,<sup>40</sup> which outlined the main principles applying to reparations and relevant judicial developments on this matter in the *Lubanga* and *Katanga* proceedings.

76. While the Committee acknowledged the potential impact of the reparations mandate on the legitimacy of the Court, it also noted the significant administrative and workload implications for the Court in this regard, in particular for the Registry, the Victims Participation and Reparations Section (VPRS) and the TFV.

77. The Committee recalled its earlier indication that the issue of reparations had the potential to have a significant impact on the reputation and operations of the Court.<sup>41</sup> It noted that this matter would need to be taken into account as the Court continued its work on the "Basic Size" and its full costing analysis. The Committee was cognizant of the fact that the final pattern of reparations in both the *Lubanga* and the *Katanga* cases would depend on future decisions by the Chamber and the TFV and, therefore, requested the Court to provide the Committee with detailed information on the administrative and operational cost implications resulting from the implementation of reparations, once these can be determined, and further agreed to closely monitor the situation at its forthcoming sessions.

### D. Human resources

#### 1. General

78. The Committee had before it the Report of the Court on human resources management.<sup>42</sup> The Committee noted that in 2015 the Court underwent major changes in its structure and staffing. It further acknowledged that the Court managed to address a number of recommendations made by the Committee, while efforts to increase efficiency would continue in 2016 and beyond.

79. The Committee welcomed the establishment of a contract modality for short-term appointments, addressing some of the Committee's recommendations.<sup>43</sup>

80. The Committee was informed of the Court's development of an Administrative Instruction on Consultants and Individual Contractors, including a provision on the

<sup>37</sup> CBF/26/13.

<sup>38</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section J, para. 4.

<sup>39</sup> ICC-ASP/15/5.

<sup>40</sup> CBF/26/7.

<sup>41</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.1, paras. 75-77.

<sup>42</sup> CBF/26/5.

<sup>43</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, para. 88.

appropriate use of *pro-bono* contracts, requested by the Committee at its twenty-fourth session, and called upon the Court to submit the proposal for its consideration, not later than at its twenty-eighth session.<sup>44</sup>

81. The Committee took note of the AI, dated 28 January 2016, on Short Term Appointments, which established the conditions of service, as well as terms and conditions pertaining to the use and administration for staff members at all levels employed under a short term appointment up to one year and may be issued by the Registrar or Prosecutor for specific short-term requirements such as:

- (a) To respond to an unexpected and/or short-term work requirement;
- (b) To meet a seasonal or peak work requirement of limited duration that cannot be met with the existing capacity of staff members;
- (c) To temporary fill a position, e.g. when the incumbent is on special leave, sick leave, maternity, other parent leave;
- (d) To temporary fill a vacant position pending the finalization of the regular recruitment process of the Court; or
- (e) To work on a special project with a finite mandate. Short-term appointments are not to be used to fill needs that are reasonably expected to last for more than one year.

These short-term appointments are advertised, except when the Registrar or Prosecutor, as appropriate, may exceptionally approve the issuance of an initial short-term appointments for unforeseen circumstances without vacancy announcement and a related competitive recruitment process. In such cases contracts are only for a maximum duration of three months and staff members are not eligible for an extension and shall be separated from services unless selected in a competitive recruitment process. The Committee would like to emphasise that this approach ought to be monitored in order not to distort the transparency of the recruitment process.

82. The Committee was informed that short-term appointments were used, amongst others, for:

- (a) Short-term human resource functions,
- (b) Key recruitments in the Registry,<sup>45</sup> and
- (c) Cover contracts within the Language Services Unit for field interpreters and language assistants as well as for evidence assistants in the Evidence Unit within the OTP.

83. The Committee further took note of the overview of entitlements for staff on fixed-term and short-term contracts, requested by the Committee at its twenty-fourth session.<sup>46</sup>

84. The Committee reiterated its previous recommendation that the Court needs to ensure that geographical representation and gender balance are taken into account from the very first stage of considering short-term appointments.

85. The Committee asked the Court to take the necessary measures in order to ensure that the implementation of the short-term appointment modality will observe the nature of its functions, and will lead to a wider use of this recruitment process by replacing the non-recommended practice of using Special Services Agreements, and requested to be provided with further updates in the context of the annual report on human resources so as to enable the Committee to monitor the implementation of short-term appointments, as appropriate.

## 2. Staff performance appraisal

86. The Committee noted the compliance rate for the number of completed Performance Appraisal Forms in 2015-2016 of 36 per cent for the Judiciary, 72 per cent for OTP and 64 per cent for the Registry. The Committee understood that the Human Resource

<sup>44</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.1, para. 59.

<sup>45</sup> CBF/26/11.

<sup>46</sup> *Ibid.*

Section faced a heavy workload from the ReVision and re-organisation of its own activities. The Committee welcomed that as part of its new structure the Human Resource Section would have a dedicated staff for performance management and expected improvement to the compliance rates and the process to promote good performance and behaviours in the coming year. The Committee requested future statistics to be presented with a year-on-year comparison to highlight progress in the context of the annual report on human resources.

### 3. Geographical representation and gender balance

87. At its fourteenth session, the Assembly requested the Court “to assure the highest standards in staff recruitment, in particular with a view to ensuring and implementing transparent and efficient recruitment procedures and improving equitable geographical representation and gender balance”.<sup>47</sup>

88. As explained by the Court, geographical representation is now a standard part of the entire recruitment process. To reduce the critical gaps, the Court is taking a range of measures without compromising on the principle of employing people based on merit:<sup>48</sup>

(a) Advertising of vacancies has been expanded to include social media and platforms for international job vacancies. All vacancies are distributed in both working languages;

(b) The Human Resources Section participates *ex-officio* in recruitment processes. The Selection Review Board has been re-established to oversee all recruitments for fixed-term positions. Geographical diversity is ensured in all recruitment panels. Updated information on geographical representation is disseminated to recruitment panels; and

(c) Geographical representation is considered at the shortlisting stage and when decisions on the final selection are made. It is also considered for short-term appointments and when converting posts. Hiring managers are asked to provide justifications, whenever qualified candidates from under-represented countries are not shortlisted.

89. The Court’s mid-term plan for the coming years includes several measures to improve geographical representation aimed at reaching out to under-represented countries and at identifying targeted recruitment strategies. The Court also notes that, when considering geographical balances, the focus should be on countries and not on regions.<sup>49</sup>

90. Similarly, gender balance has now become a standard part of the recruitment process for any post. Overall, the Court believes, it is doing well with regard to gender balance. The Court recognizes, however, that a gap exists at senior level, which is being addressed by adopting strategies to identify and support the career advancement of key female performers who have potential to advance to senior professional and higher levels, as well as by taking measures to identify, reach and recruit women to fill senior positions.

91. The Committee acknowledged the Court’s fresh impetus to addressing long-standing imbalances in geographical representation and gender balance. It highlighted the benefits for the Court from access to a broader pool of talented staff. The Committee invited the Court to consolidate its current and planned efforts into an action plan, where feasible, based on quantified, monitorable performance targets. The Committee looked forward to tangible improvements in the near future and invited the Court to submit a progress report at its twenty-eighth session in the context of the annual report on Human Resources.

### 4. Reclassification and conversion of posts

92. The Committee considered the reclassification request from the Judiciary of three posts from P-1 to P-2. The Committee took note of the justification given, observed that no financial implications were expected and thus recommended that, if budget neutrality was likely to continue, the reclassification be approved by the Assembly at its fifteenth session.

<sup>47</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/13/20), vol. I, part III, ICC-ASP/14/Res.1, section L, para. 3.

<sup>48</sup> CBF/26/5, paras. 14-22.

<sup>49</sup> *Ibid.*, paras. 20-21.

93. With regard to the request from the OTP to convert 78 GTA posts to established posts, the Committee was of the view that it was necessary to facilitate its deliberations by ensuring that it was provided with supplementary information on GTA posts including the sub-programme, the level, the year in which the GTA position was established, an indication as to whether the position was basic or situation-related, and a brief description of functional needs in the future. The Committee was thus of the view that further examination of the request was needed at its twenty-seventh session and that any such possible conversion would need to be considered within the 2017 proposed budget.

94. The Committee also considered the request of the Registry for the reclassification of one post from P-4 to P-5 in the Victims Participation and Reparations Section. In 2010, an external classifier had formally classified the post at the P-5 level, while the Committee had recommended that the reclassification not be approved, mainly because there had been no specific request in the budget submission and no justification for the reclassification had been provided at the time. The Committee took note that no new requests for reclassification of posts were expected to be included in the Court's 2017 proposed budget submission. The Committee considered the assessment of the external classifier to be outdated and, therefore, recommended a re-examination of the request by the Classification Advisory Committee and was of the view that a possible reclassification would need to be considered within the 2017 proposed budget.

## 5. United Nations Common System

95. At its fourteenth session, the Assembly requested the Committee, including by a possible appointment of an independent expert to that end, to evaluate the feasibility of a possible departure from the United Nations Common System and the establishment of an alternative pension scheme for newly recruited staff and to make a recommendation to the fifteenth session of the Assembly in this regard.<sup>50</sup>

96. The Committee appointed a delegation from among its members, consisting of the Chairperson and Vice-Chairperson. The delegation drew up a working plan to fulfil the request of the Assembly prior to considering engaging an independent expert, and met with the Chief Executive Officer of the United Nations Staff Pension Fund, the Vice-Chair of the International Civil Service Commission, and the Chair of the Advisory Committee on Administrative and Budgetary Questions, and it will also contact the World Trade Organization and others (such as the International Renewable Energy Agency). The Committee is in the process of continuing due diligence exercise, and will report thereon to the Assembly in the frame of its twenty-seventh report.

97. It is worth mentioning that in December 2015, the UN General Assembly approved a new compensation scheme, to be implemented also by the Court. The Committee noted that the Court is currently analysing the changes in the new system, which would lead, according to the report of the International Civil Service Commission, to financial savings in the long run.

## E. Legal aid

98. The Committee took note of the Registry's bi-annual report on legal aid (July-December 2015), which presented an overview of the savings resulting from the application of the 2012 amendments to the legal aid system.<sup>51</sup> The Committee considered that since the budget is now calculated on the basis of the amended system, there is no need to continue reporting on the impact of the amendments made in 2012 as such reporting solely reflects how much higher the expenditure would have been under the previous legal aid system.

99. The Committee noted that, as the condition of the completion of a full judicial cycle had not been fulfilled, the Court had not yet concluded the reassessment of the legal aid

<sup>50</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20) vol. I, part III, ICC-ASP/14/Res.1, section I, para. 4.

<sup>51</sup> ICC-ASP/15/2.



system within the terms established in resolution ICC-ASP/12/Res.8, annex I, para. 6(3), and was therefore not in a position to include the information as requested by the Committee.<sup>52</sup> The Committee requested the Court to submit a report on the outcome of the reassessment once the conditions were fulfilled and within the timeframe as indicated in the above mentioned resolution.

100. The Committee noted that legal aid provided in relation to the article 70 cases (offences against the administration of justice) in 2015 amounted to €1,015,950, which represented 24 per cent of the total legal aid defence team's expenditure. The Committee recalled in this regard the Assembly resolution ICC-ASP/14/Res.1, Section J, para. 14, which notes that the level of legal aid in such cases does not seem to have been considered in the context of the current legal aid policy and requests the Court to consider, in the context of its assessment of the legal aid system, policy options in this regard, including the establishment of specific criteria and a quantitative ceiling, as appropriate.

101. The Committee acknowledged legal aid as a very significant cost driver for the Court. It further requested the Court to consider this matter also within the framework of the continued work on effective and less costly legal aid and resolved to continue closely monitoring any development in this regard.

## **F. Permanent premises**

### **1. Status and financial outlook**

102. The Chairperson of the OC updated the Committee on the status of the project and the financial outlook. The Committee recognized that the construction of the permanent premises and the move of the Court to the premises were completed and that the objective for the Court to be fully operational starting on 1 January 2016 had been achieved.

### **2. Cost overrun**

103. The Chairperson of the OC and the Project Director updated the Committee on the status of the project and the pending financial issues. The External Auditor outlined the conclusions of his audit of the budget performance of the premises project that the Assembly had commissioned. The Committee noted that the construction project overspend resulted mainly from additional costs for compensation events in the amount of €8.4 million and the overrun for audio-visual equipment in the amount of €3.4 million.<sup>53</sup> The Committee was informed that an open-ended Bureau meeting for all States Parties had been held in the presence of the Chairperson of the OC and the External Auditor.

104. The Committee noted with concern the new cost overrun, this time with regard to the expected maximum expenditure level of €204 million as set by the Assembly in 2015. The new cost overrun had become apparent in December 2015. As at mid-March 2016, the total cost overrun was estimated at between €772,000 in the best-case and at approximately €1 million in the worst-case scenario. The Committee was further informed that the general contractor was considering bringing rejected compensation events to adjudication and, possibly, to arbitration, and was further rejecting to pay the penalty, as stipulated in the contract, to compensate the extra costs caused by the delayed handover of the premises. The Project Director proposed to negotiate an overall settlement of all outstanding financial matters, in order to avoid a lengthy arbitration procedure with an uncertain outcome. He estimated that the settlement would bring the total project costs to an amount of approximately €206 million.

105. The Committee also took note that the OC had recalled the unified project budget could only be increased through a decision of the Assembly, and that the Assembly's decisions on the budget ceilings taken in resolutions ICC-ASP/13/Res.6 and

<sup>52</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, para. 101.

<sup>53</sup> See Audit report on the budget performance of the permanent premises project (ICC-ASP/15/4), para. 48. According to para. 123 of the cited report, the combined outcome on audio-visual equipment was a total cost of €9.4 million as at 31 December 2015, compared with a planned provision of €6 million, in other words a €3.4 million overrun.

ICC-ASP/14/Res.5 remain legally binding. Therefore, the OC believed that the Court should absorb the cost overrun within its regular budget. However, the Committee was informed that the Court is currently looking at the matter to assess whether there might be a compliance issue with the FRR, and requested to be provided with an answer on the compliance issue with the FRR in relation to absorbing the cost overrun of the permanent premises at its twenty-seventh session.

106. The Committee noted the persisting uncertainty about the final project cost that will only be known once the final accounts with the general contractor are closed. Irrespective of the dispute over the funding source, the Committee recommended that the Court should ensure that it can meet its financial obligations as they fall due. As a matter of precaution, the Court should consider ways and options to deal with the cost overrun within its regular budget, and report thereon to the OC in a timely manner.

107. The External Auditor informed the Committee of his conclusion that the project had been implemented without irregularities. The cost overrun expected at the time of the audit was only minor compared to the cost overruns commonly observed in construction projects of this size. However, the External Auditor had identified three types of weaknesses which had led to the cost overrun: Firstly, the retention of insufficient reserves when the work on the project had just begun. Secondly, the project governance suffered from the absence of prior definition of mechanisms for the feedback of information. Thirdly, the contingency reserve was unduly depleted for outlays which were not unforeseen in nature. The Committee believed that these lessons learnt should be kept in the Court's institutional memory, as they may be useful for the setting up of the management structure for major maintenance projects for the premises.

### **3. Total Cost of Ownership**

108. The Committee took note of the various decisions the Assembly had taken at its fourteenth session concerning the financing, organization and governance regarding owner related costs (known as Total Cost of Ownership (TCO)).<sup>54</sup> The Committee was informed that the OC will start a discussion on this topic at its upcoming meetings, as requested by the Assembly,<sup>55</sup> taking into account the decision on TCO contained in annex II of resolution ICC-ASP/14/Res.5.

### **4. Governance**

109. At its fourteenth session, the Assembly invited the Bureau to continue discussions on the establishment of a new governance structure for the permanent premises, and to report thereon to the fifteenth session of the Assembly.<sup>56</sup> The OC informed the Committee about its intention to discuss this issue at its future meetings to provide input for the Bureau's consideration. The Committee took note of the External Auditor's assessment that no governance structure needed to be established for the daily maintenance of the premises, as the property management was handled by the Court.

## **G. Other matters**

### **1. Dates for the twenty-seventh session of the Committee**

110. The Committee decided to hold its twenty-seventh session in The Hague from 19 to 30 September 2016.

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<sup>54</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.5.

<sup>55</sup> *Ibid.*, para. 69.

<sup>56</sup> *Ibid.*, paras. 56-59.

## Annex I

## Status of contributions as at 15 April 2016

State Party	Prior years			2016			Outstanding contributions Contingency Fund	Grand total outstanding contributions	Contribution account status	Date of latest payment
	Outstanding assessed contributions	Outstanding loan interests	Total outstanding contributions	Assessed regular contributions	Assessed loan interest	Total outstanding contributions				
Afghanistan	-	-	-	13,659	399	14,058	-	14,058	Outstanding	20/04/2015
Albania	-	-	-	18,576	-	-	-	-	Fully settled	26/01/2016
Andorra	-	-	-	13,932	20	-	-	-	Fully settled	08/03/2016
Antigua and Barbuda	2,329	-	2,329	4,644	105	4,749	-	7,078	In arrears	05/01/2016
Argentina	854,891	3,323	858,214	2,075,547	9,408	2,084,955	-	2,943,169	In arrears	25/06/2015
Australia	-	-	-	5,437,999	-	614,067	-	614,067	Outstanding	18/02/2016
Austria	-	-	-	1,675,353	64,127	-	-	-	Fully settled	29/01/2016
Bangladesh	-	-	-	13,659	506	-	-	-	Fully settled	14/03/2016
Barbados	-	-	-	16,254	-	-	-	-	Fully settled	23/02/2016
Belgium	-	-	-	2,059,294	80,196	-	-	-	Fully settled	10/02/2016
Belize	-	-	-	2,322	81	2,403	-	2,403	Outstanding	05/08/2015
Benin	21,500	84	21,584	6,966	243	7,209	24	28,817	Ineligible to vote	27/03/2012
Bolivia (Plurinational State of)	-	-	-	27,863	172	28,035	-	28,035	Outstanding	17/08/2015
Bosnia and Herzegovina	-	-	-	30,185	-	-	-	-	Fully settled	12/02/2016
Botswana	-	-	-	32,644	1,365	-	-	-	Fully settled	04/04/2016
Brazil	11,336,383	-	11,413,371	8,895,788	235,775	9,131,563	-	20,544,934	In arrears	14/04/2015
Bulgaria	-	-	-	104,761	3,777	-	-	-	Fully settled	26/01/2016
Burkina Faso	-	-	-	9,288	93	7,985	-	7,985	Outstanding	13/11/2015
Burundi	373	-	373	2,322	81	2,403	-	2,776	In arrears	17/03/2015
Cabo Verde	3,890	28	3,918	2,322	81	2,403	-	6,321	Ineligible to vote	30/12/2013
Cambodia	-	-	-	9,288	249	1,935	-	1,935	Outstanding	12/03/2015
Canada	-	-	-	6,796,884	-	-	-	-	Fully settled	29/04/2015
Central African Republic	795	-	795	2,322	81	2,403	-	3,198	In arrears	09/12/2014
Chad	697	-	697	11,610	87	11,697	-	12,394	In arrears	13/01/2015
Chile	-	-	-	928,369	-	-	-	-	Fully settled	07/03/2016
Colombia	313,510	-	313,510	749,306	4,751	754,057	-	1,067,567	In arrears	30/06/2015
Comoros	14,410	28	14,438	2,322	81	2,403	46	16,887	Ineligible to vote	no payments
Congo	32,889	139	33,028	13,932	399	14,331	73	47,432	Ineligible to vote	01/06/2011
Cook Islands	-	-	-	2,322	81	28	-	28	Outstanding	21/01/2016
Costa Rica	-	-	-	109,405	82	71,084	-	71,084	Outstanding	23/02/2016
Côte d'Ivoire	-	-	-	20,898	885	-	-	-	Fully settled	11/03/2016
Croatia	-	-	-	230,419	10,123	-	-	-	Fully settled	22/01/2016
Cyprus	-	-	-	100,117	1,691	-	-	-	Fully settled	04/03/2016
Czech Republic	-	-	-	800,389	4,495	-	-	-	Fully settled	05/02/2016
Democratic Republic of the Congo	-	-	-	13,659	19	13,678	-	13,678	Outstanding	29/10/2015
Denmark	-	-	-	1,358,885	5,288	-	-	-	Fully settled	09/02/2016
Djibouti	1,992	26	2,018	2,322	81	2,403	-	4,421	In arrears	05/12/2014
Dominica	5,690	28	5,718	2,322	81	2,403	8	8,129	Ineligible to vote	31/12/2015
Dominican Republic	152,464	1,149	153,613	107,083	3,615	110,698	-	264,311	In arrears	22/03/2016
Ecuador	-	-	-	155,844	-	155,844	-	155,844	Outstanding	29/05/2015
Estonia	-	-	-	88,371	285	-	-	-	Fully settled	11/01/2016
Fiji	-	-	-	6,966	243	1,271	-	1,271	Outstanding	25/01/2016
Finland	-	-	-	1,061,130	-	-	-	-	Fully settled	15/01/2016
France	-	-	-	11,306,378	449,449	-	-	-	Fully settled	11/02/2016
Gabon	77,137	337	77,474	39,610	1,014	40,624	-	118,098	In arrears	12/03/2014
Gambia	-	-	-	2,322	81	2,403	-	2,403	Outstanding	02/12/2015
Georgia	-	-	-	18,576	-	-	-	-	Fully settled	21/01/2016
Germany	-	-	-	14,866,605	56,010	-	-	-	Fully settled	19/01/2016
Ghana	-	-	-	37,288	1,123	30,200	-	30,200	Outstanding	09/04/2015
Greece	-	-	-	1,095,959	22,951	1,103,247	-	1,103,247	Outstanding	28/09/2015
Grenada	-	-	-	2,322	81	-	-	-	Fully settled	18/03/2016
Guatemala	50,655	-	50,655	65,151	2,169	67,320	-	117,975	In arrears	02/06/2015
Guinea	9,820	28	9,848	4,644	81	4,725	84	14,657	Ineligible to vote	20/04/2015
Guyana	-	-	-	4,644	81	1,176	-	1,176	Outstanding	12/10/2015
Honduras	-	-	-	18,576	642	17,988	-	17,988	Outstanding	01/03/2016
Hungary	-	-	-	374,653	3,161	-	-	-	Fully settled	29/01/2016
Iceland	-	-	-	53,541	-	-	-	-	Fully settled	14/01/2016
Ireland	-	-	-	779,491	-	-	-	-	Fully settled	11/01/2016
Italy	-	-	-	8,721,232	-	5,670,597	-	5,670,597	Outstanding	14/04/2016

State Party	Prior years			2016			Outstanding contributions Contingency Fund	Grand total outstanding contributions	Contribution account status	Date of latest payment
	Outstanding assessed contributions	Outstanding loan interests	Total outstanding contributions	Assessed regular contributions	Assessed loan interest	Total outstanding contributions				
Japan	-	-	-	22,524,522	870,535	21,971,334	-	21,971,334	Outstanding	16/03/2016
Jordan	-	-	-	46,576	-	46,509	-	46,509	Outstanding	24/06/2015
Kenya	-	-	-	41,932	1,047	-	-	-	Fully settled	24/02/2016
Latvia	-	-	-	116,371	2,424	30,578	-	30,578	Outstanding	01/02/2016
Lesotho	72	-	72	2,322	81	2,403	-	2,475	In arrears	11/01/2016
Liberia	1,788	-	1,788	2,322	81	2,403	-	4,191	In arrears	26/01/2015
Liechtenstein	-	-	-	16,254	-	-	-	-	Fully settled	27/01/2016
Lithuania	-	-	-	167,590	1,080	-	-	-	Fully settled	31/12/2015
Luxembourg	-	-	-	148,878	-	-	-	-	Fully settled	18/01/2016
Madagascar	-	-	-	6,966	243	-	-	-	Fully settled	30/12/2015
Malawi	12,975	56	13,031	4,644	162	4,806	26	17,863	Ineligible to vote	28/09/2011
Maldives	138	-	138	4,644	81	4,725	-	4,863	In arrears	11/01/2016
Mali	15,473	103	15,576	6,966	324	7,290	-	22,866	In arrears	16/01/2014
Malta	-	-	-	37,288	-	-	-	-	Fully settled	08/03/2016
Marshall Islands	1,034	-	1,034	2,322	81	2,403	-	3,437	In arrears	04/03/2015
Mauritius	-	-	-	27,863	-	-	-	-	Fully settled	13/01/2016
Mexico	-	-	-	3,339,096	-	3,303,355	-	3,303,355	Outstanding	08/01/2016
Mongolia	-	-	-	11,610	-	11,610	-	11,610	Outstanding	21/04/2015
Montenegro	-	-	-	9,288	-	9,207	-	9,207	Outstanding	20/04/2015
Namibia	-	-	-	23,219	-	-	-	-	Fully settled	29/03/2016
Nauru	-	-	-	2,322	81	2,403	-	2,403	Outstanding	13/02/2015
Netherlands	-	-	-	3,448,501	-	-	-	-	Fully settled	03/03/2016
New Zealand	-	-	-	623,648	20,332	-	-	-	Fully settled	08/01/2016
Niger	21,869	56	21,925	4,644	162	4,806	92	26,823	Ineligible to vote	23/11/2009
Nigeria	276,127	2,299	278,426	486,380	7,231	493,611	-	772,037	In arrears	25/10/2013
Norway	-	-	-	1,975,567	68,384	-	-	-	Fully settled	03/03/2016
Panama	51,430	108	51,538	79,083	423	79,506	-	131,044	In arrears	18/08/2014
Paraguay	23,203	256	23,459	32,644	804	33,448	-	56,907	In arrears	05/02/2015
Peru	1,198	-	1,198	316,468	9,400	325,868	-	327,066	In arrears	20/01/2016
Philippines	-	-	-	383,941	1,861	385,802	-	385,802	Outstanding	08/06/2015
Poland	-	-	-	1,956,991	-	-	-	-	Fully settled	15/01/2016
Portugal	-	-	-	912,115	-	905,783	-	905,783	Outstanding	31/07/2015
Republic of Korea	-	-	-	4,744,557	131,997	4,876,554	-	4,876,554	Outstanding	02/03/2015
Republic of Moldova	-	-	-	9,288	-	9,288	-	9,288	Outstanding	28/05/2015
Romania	-	-	-	428,194	8,131	-	-	-	Fully settled	04/04/2016
Saint Kitts and Nevis	1,992	26	2,018	2,322	81	2,403	-	4,421	In arrears	12/03/2014
Saint Lucia	-	-	-	2,322	81	2,353	-	2,353	Outstanding	08/10/2015
Saint Vincent and the Grenadines	24	-	24	2,322	81	2,403	-	2,427	In arrears	27/01/2016
Samoa	-	-	-	2,322	1	-	-	-	Fully settled	27/01/2016
San Marino	-	-	-	6,966	7	-	-	-	Fully settled	31/03/2016
Senegal	-	-	-	11,610	480	12,016	-	12,016	Outstanding	29/10/2015
Serbia	-	-	-	74,439	1,648	-	-	-	Fully settled	09/03/2016
Seychelles	-	-	-	2,322	81	-	-	-	Fully settled	03/02/2016
Sierra Leone	-	-	-	2,322	81	-	-	-	Fully settled	11/11/2015
Slovakia	-	-	-	372,331	1,824	-	-	-	Fully settled	10/03/2016
Slovenia	-	-	-	195,453	2,259	196,542	-	196,542	Outstanding	25/01/2016
South Africa	-	-	-	846,964	1,662	-	-	-	Fully settled	29/03/2016
Spain	-	-	-	5,684,672	-	-	-	-	Fully settled	18/03/2016
State of Palestine	-	-	-	16,254	387	-	-	-	Fully settled	29/03/2016
Suriname	281	-	281	13,932	249	14,181	-	14,462	In arrears	04/04/2016
Sweden	-	-	-	2,224,562	-	2,224,562	-	2,224,562	Outstanding	18/03/2015
Switzerland	-	-	-	2,652,619	-	500,000	-	500,000	Outstanding	04/02/2016
Tajikistan	-	-	-	9,288	243	5,073	-	5,073	Outstanding	05/04/2016
The FYR of Macedonia	15,755	-	15,755	16,254	642	16,896	-	32,651	In arrears	11/03/2015
Timor-Leste	-	-	-	6,966	64	7,024	-	7,024	Outstanding	18/05/2015
Trinidad and Tobago	-	-	-	79,083	-	78,194	-	78,194	Outstanding	17/06/2015
Tunisia	-	-	-	65,151	2,892	-	-	-	Fully settled	29/03/2016
Uganda	33,690	167	33,857	13,659	480	14,139	48	48,044	Ineligible to vote	05/12/2012
United Kingdom	-	-	-	10,384,975	26,015	7,752,395	-	7,752,395	Outstanding	22/02/2016
United Republic of Tanzania	59,952	176	60,128	13,659	506	14,165	354	74,647	Ineligible to vote	01/06/2010
Uruguay	-	-	-	183,844	4,177	63,842	-	63,842	Outstanding	18/01/2016
Vanuatu	7,163	28	7,191	2,322	81	2,403	8	9,602	Ineligible to vote	no payments
Venezuela (Bolivarian Republic of)	3,360,493	17,482	3,377,975	1,328,700	50,383	1,379,083	4,983	4,762,041	Ineligible to vote	04/09/2012
Zambia	-	-	-	13,659	480	14,139	-	14,139	Outstanding	29/06/2015
<b>Total</b>	<b>16,764,082</b>	<b>102,915</b>	<b>16,866,997</b>	<b>136,584,845</b>	<b>2,185,719</b>	<b>64,797,850</b>	<b>5,746</b>	<b>81,670,593</b>		

## Annex II

### Human resources tables

#### Geographical Representation of ICC Professional Staff

Status as at 31 March 2016

Total number of professionals: 320\*

Total number of nationalities: 82

##### Distribution per region

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
African	Algeria	1
	Benin	1
	Burkina Faso	1
	Cameroon	3
	Congo	1
	Congo, Democratic Republic of the	2
	Cote d'Ivoire	2
	Egypt	4
	Ethiopia	1
	Gambia	2
	Ghana	2
	Guinea	1
	Kenya	3
	Lesotho	1
	Malawi	1
	Mali	2
	Niger	3
	Nigeria	2
	Rwanda	2
	Senegal	4
	Sierra Leone	3
	South Africa	7
	Uganda	2
United Republic of Tanzania	2	
Zambia	1	
Zimbabwe	1	
<b>African Total</b>		<b>55</b>
Asian	China	1
	Cyprus	1
	Indonesia	1
	Iran (Islamic Republic of)	3
	Japan	4
	Jordan	1
	Lebanon	1
	Mongolia	1
	Pakistan	1

\* Excluding Elected Officials and 34 language staff.

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
	Palestine	1
	Philippines	1
	Singapore	2
	Sri Lanka	1
<b>Asian Total</b>		<b>19</b>
Eastern European	Albania	1
	Bosnia and Herzegovina	2
	Bulgaria	1
	Croatia	3
	Georgia	3
	Poland	1
	Republic of Moldova	2
	Romania	5
	Russian Federation	1
	Serbia	5
	Ukraine	1
<b>Eastern European Total</b>		<b>25</b>
GRULAC	Argentina	3
	Brazil	1
	Chile	1
	Colombia	5
	Costa Rica	1
	Ecuador	2
	Jamaica	1
	Mexico	3
	Peru	4
	Trinidad and Tobago	2
	Venezuela	3
<b>GRULAC Total</b>		<b>26</b>
WEOG	Australia	10
	Austria	1
	Belgium	10
	Canada	11
	Denmark	1
	Finland	4
	France	42
	Germany	12
	Greece	2
	Iceland	1
	Ireland	8
	Israel	1
	Italy	13
	Netherlands	18
	New Zealand	1
	Portugal	3
	Spain	14
	Sweden	1
	Switzerland	3
	United Kingdom	30
	United States of America	9
<b>WEOG Total</b>		<b>195</b>

## Geographical Representation of ICC Professional Staff

Status as at 31 March 2016

### Number of Staff per post, per region \*

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>	
D-1	African	Lesotho	1	
		<i>African Total</i>	<i>1</i>	
	GRULAC	Argentina	1	
		Ecuador	1	
	<i>GRULAC Total</i>	<i>2</i>		
	WEOG	Belgium	Belgium	2
			France	1
			Italy	1
			Netherlands	2
	<i>WEOG Total</i>	<i>6</i>		
	<b>D-1 Total</b>			<b>9</b>
P-5	African	Kenya	1	
		Mali	1	
		Senegal	1	
		South Africa	2	
	<i>African Total</i>	<i>5</i>		
	Asian	Jordan	1	
	<i>Asian Total</i>	<i>1</i>		
	Eastern European	Georgia	1	
		Serbia	2	
	<i>Eastern European Total</i>	<i>3</i>		
	GRULAC	Jamaica	1	
	<i>GRULAC Total</i>	<i>1</i>		
	WEOG	Australia	Australia	2
			Canada	2
			Denmark	1
			Finland	1
			France	5
			Ireland	1
			Italy	2
			Netherlands	1
			Portugal	1
			Spain	2
			United Kingdom	5
<i>WEOG Total</i>	<i>23</i>			
<b>P-5 Total</b>			<b>33</b>	
P-4	African	Burkina Faso	1	
		Cote d'Ivoire	1	
		Nigeria	1	
		Senegal	1	
		Sierra Leone	1	
		South Africa	3	
		United Republic of Tanzania	1	
	<i>African Total</i>	<i>9</i>		
	Asian	Iran (Islamic Republic of)	3	
		Lebanon	1	

\* Excluding Elected Officials and 34 language staff.

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>		
	<i>Asian Total</i>		<i>4</i>		
	Eastern European	Georgia	1		
		Romania	1		
		Ukraine	1		
	<i>Eastern European Total</i>		<i>3</i>		
	GRULAC	Colombia	1		
		Trinidad and Tobago	2		
	<i>GRULAC Total</i>		<i>3</i>		
	WEOG	Australia	1		
		Belgium	1		
		Finland	2		
		France	6		
		Germany	3		
		Ireland	1		
		Italy	3		
		Netherlands	2		
		New Zealand	1		
		Portugal	1		
		Spain	2		
		United Kingdom	8		
		United States of America	1		
		<i>WEOG Total</i>		<i>32</i>	
<b>P-4 Total</b>			<b>51</b>		
P-3	African	Algeria	1		
		Benin	1		
		Cameroon	1		
		Congo	1		
		Cote d'Ivoire	1		
		Egypt	2		
		Ghana	1		
		Kenya	2		
		Mali	1		
		Niger	1		
		Nigeria	1		
		Rwanda	1		
		Senegal	1		
		Sierra Leone	1		
		South Africa	2		
		Uganda	1		
		United Republic of Tanzania	1		
		Zimbabwe	1		
			<i>African Total</i>		<i>21</i>
			Asian	Japan	1
	Mongolia	1			
	Palestine	1			
	Philippines	1			
	Singapore	1			
	Sri Lanka	1			
	<i>Asian Total</i>		<i>6</i>		
	Eastern European	Albania	1		
		Croatia	1		
		Georgia	1		
		Poland	1		



<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Republic of Moldova	1
		Romania	1
		Serbia	1
	<i>Eastern European Total</i>		<i>7</i>
	GRULAC	Argentina	1
		Chile	1
		Colombia	3
		Costa Rica	1
		Ecuador	1
		Mexico	1
		Peru	1
		Venezuela	1
	<i>GRULAC Total</i>		<i>10</i>
	WEOG	Australia	5
		Austria	1
		Belgium	6
		Canada	3
		Finland	1
		France	14
		Germany	5
		Greece	1
		Ireland	4
		Italy	3
		Netherlands	5
		Portugal	1
		Spain	3
		Switzerland	2
		United Kingdom	8
		United States of America	3
	<i>WEOG Total</i>		<i>65</i>
<b>P-3 Total</b>			<b>109</b>
P-2	African	Cameroon	2
		Congo, Democratic Republic of the	2
		Egypt	2
		Ethiopia	1
		Gambia	1
		Ghana	1
		Malawi	1
		Niger	2
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		Zambia	1
	<i>African Total</i>		<i>16</i>
	Asian	China	1
		Cyprus	1
		Indonesia	1
		Japan	3
		Pakistan	1
	<i>Asian Total</i>		<i>7</i>
	Eastern European	Bosnia and Herzegovina	1
		Bulgaria	1
		Croatia	1

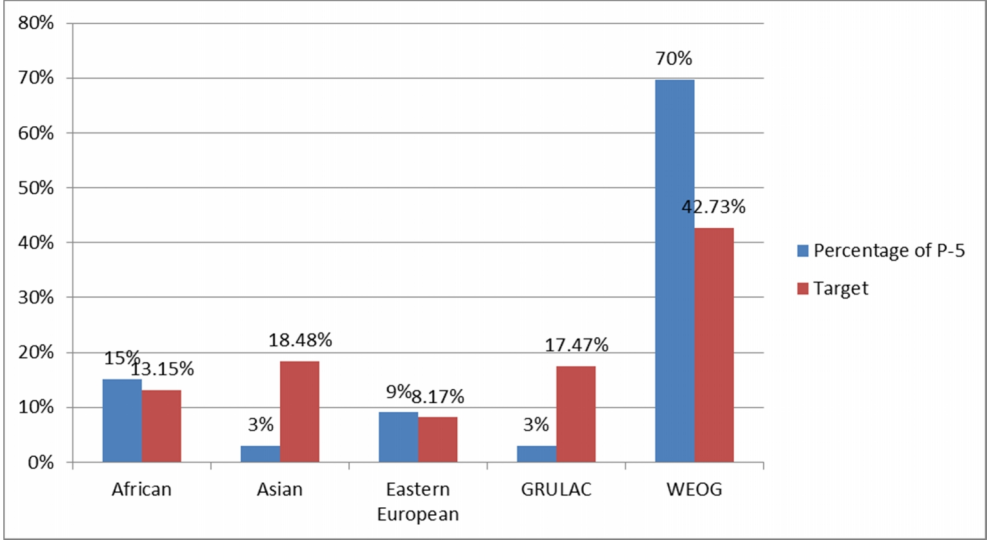
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Romania	2
		Russian Federation	1
		Serbia	2
	<i>Eastern European Total</i>		8
	GRULAC	Argentina	1
		Brazil	1
		Colombia	1
		Mexico	1
		Peru	3
		Venezuela	1
	<i>GRULAC Total</i>		8
	WEOG	Australia	2
		Belgium	1
		Canada	5
		France	14
		Germany	3
		Greece	1
		Iceland	1
		Ireland	1
		Israel	1
		Italy	4
		Netherlands	7
		Spain	5
		Sweden	1
		Switzerland	1
		United Kingdom	9
		United States of America	5
	<i>WEOG Total</i>		61
<b>P-2 Total</b>			<b>100</b>
P-1	African	Gambia	1
		Guinea	1
		Uganda	1
	<i>African Total</i>		3
	Asian	Singapore	1
	<i>Asian Total</i>		1
	Eastern European	Bosnia and Herzegovina	1
		Croatia	1
		Republic of Moldova	1
		Romania	1
	<i>Eastern European Total</i>		4
	GRULAC	Mexico	1
		Venezuela	1
	<i>GRULAC Total</i>		2
	WEOG	Canada	1
		France	2
		Germany	1
		Ireland	1
		Netherlands	1
		Spain	2
	<i>WEOG Total</i>		8
<b>P-1 Total</b>			<b>18</b>
<b>Grand Total</b>			<b>320</b>

### Percentage of staff per post, per region

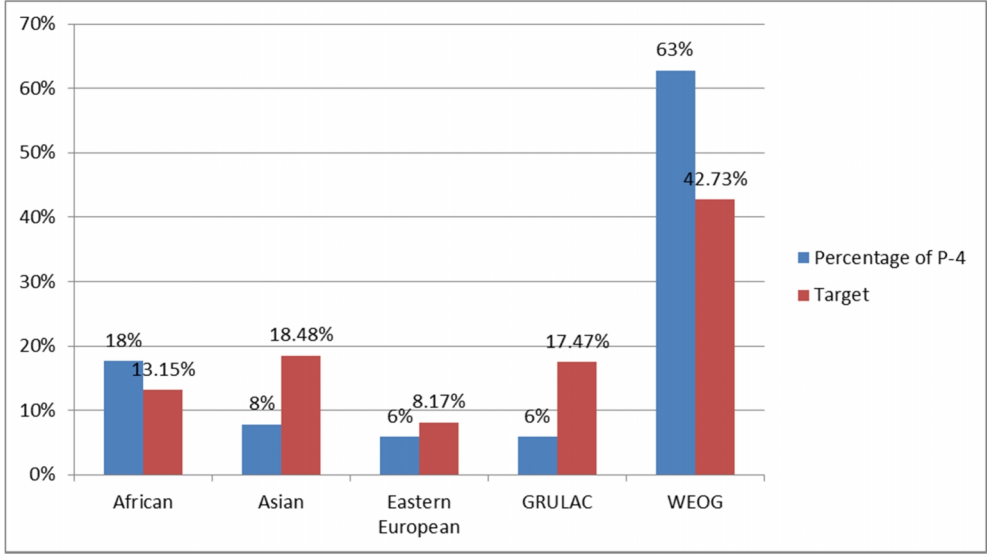
#### Percentage – D1 posts

Due to the limited number of only eight positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

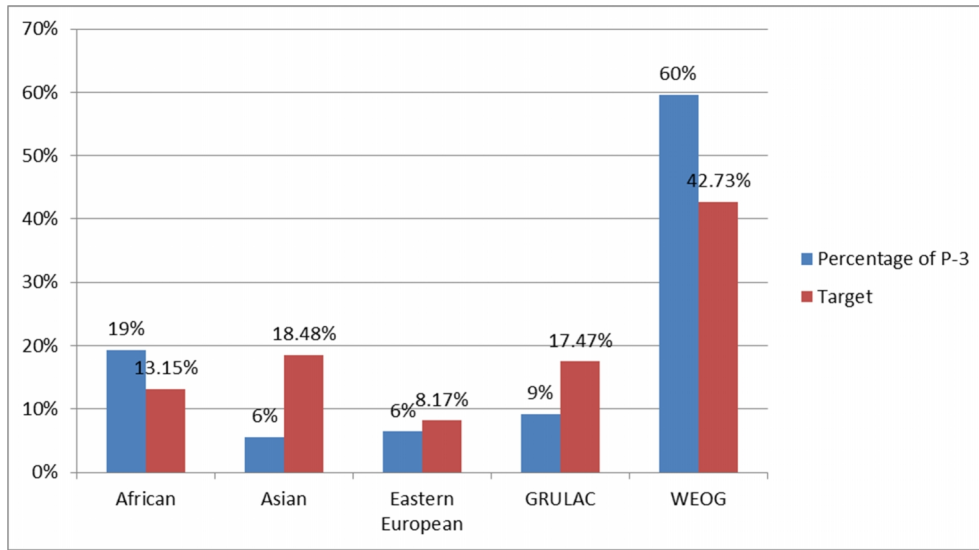
#### Percentage - P5 posts



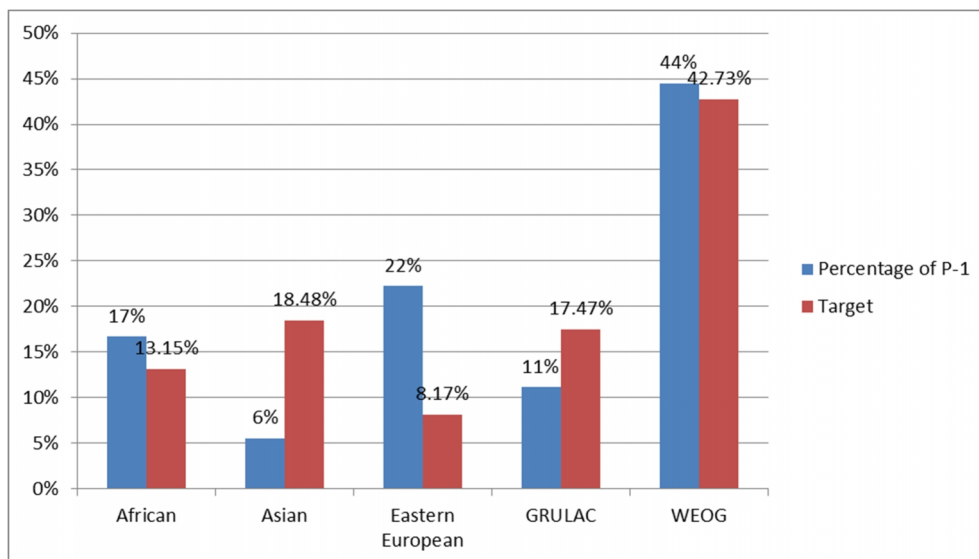
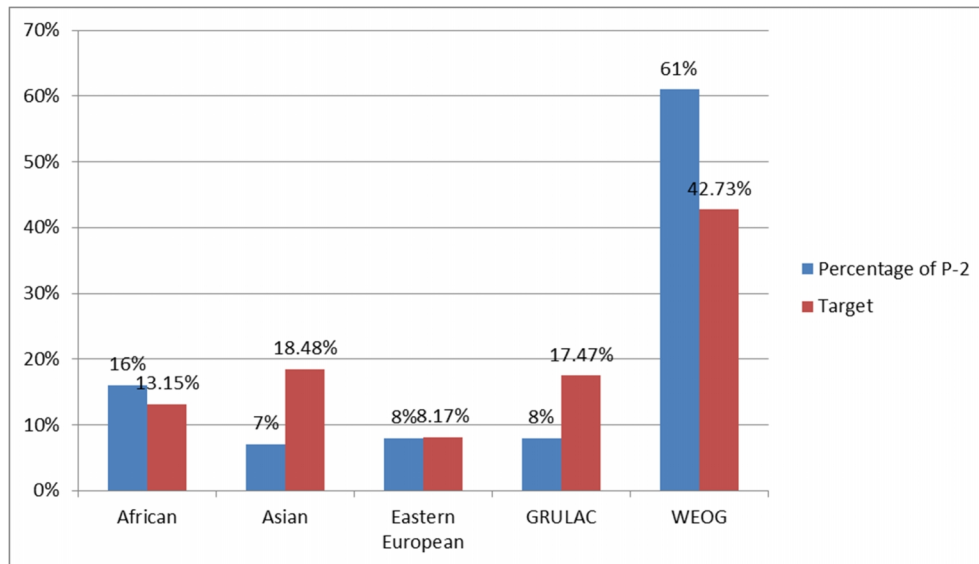
#### Percentage - P4 posts



**Percentage - P3 posts**



**Percentage - P2 posts**



## Percentage - P1 posts

## Desirable Range by Country as at 31 March 2016

<i>Region</i>	<i>Country</i>	<i>Assessment 2016</i>	<i>Desirable Range</i>	<i>Representation</i>	<i>Target</i>	<i>Actual</i>	<i>Difference</i>
African	Algeria	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Benin	0.00510%	1.30 - 1.76	Under Represented	2	1	-1
	Botswana	0.02390%	1.28 - 1.73	Non Represented	2	0	-2
	Burkina Faso	0.00680%	1.35 - 1.83	Under Represented	2	1	-1
	Burundi	0.00170%	1.29 - 1.74	Non Represented	2	0	-2
	Cameroon	0.00000%	0.00 - 0.00	Non Ratified	0	3	3
	Cape Verde	0.00170%	1.22 - 1.65	Non Represented	1	0	-1
	Central African Republic	0.00170%	1.25 - 1.69	Non Represented	1	0	-1
	Chad	0.00850%	1.32 - 1.79	Non Represented	2	0	-2
	Comoros	0.00170%	1.22 - 1.65	Non Represented	1	0	-1
	Congo	0.01020%	1.27 - 1.71	In Balance	1	1	0
	Côte d'Ivoire	0.01530%	1.40 - 1.89	In Balance	2	2	0
	Democratic Republic of the Congo	0.01000%	1.74 - 2.35	In Balance	2	2	0
	Djibouti	0.00170%	1.22 - 1.65	Non Represented	1	0	-1
	Egypt	0.00000%	0.00 - 0.00	Non Ratified	0	4	4
	Ethiopia	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Gabon	0.02900%	1.28 - 1.74	Non Represented	2	0	-2
	Gambia	0.00170%	1.23 - 1.66	Over Represented	1	2	1
	Ghana	0.02730%	1.47 - 1.98	In Balance	2	2	0
	Guinea	0.00340%	1.31 - 1.77	Under Represented	2	1	-1
	Kenya	0.03070%	1.61 - 2.18	Over Represented	2	3	1
	Lesotho	0.00170%	1.23 - 1.66	In Balance	1	1	0
	Liberia	0.00170%	1.25 - 1.69	Non Represented	1	0	-1
	Madagascar	0.00510%	1.39 - 1.89	Non Represented	2	0	-2
	Malawi	0.00340%	1.34 - 1.81	Under Represented	2	1	-1
	Mali	0.00510%	1.34 - 1.81	In Balance	2	2	0
	Mauritius	0.02040%	1.26 - 1.71	Non Represented	1	0	-1
	Namibia	0.01700%	1.26 - 1.71	Non Represented	1	0	-1
	Niger	0.00340%	1.35 - 1.82	Over Represented	2	3	1
	Nigeria	0.35610%	3.25 - 4.39	Under Represented	4	2	-2
	Rwanda	0.00000%	0.00 - 0.00	Non Ratified	0	2	2
	Senegal	0.00850%	1.33 - 1.80	Over Represented	2	4	2
Seychelles	0.00170%	1.21 - 1.64	Non Represented	1	0	-1	
Sierra Leone	0.00170%	1.26 - 1.71	Over Represented	1	3	2	
South Africa	0.62010%	2.90 - 3.93	Over Represented	3	7	4	
Tunisia	0.04770%	1.40 - 1.89	Non Represented	2	0	-2	
Uganda	0.01000%	1.51 - 2.04	In Balance	2	2	0	
United Republic of Tanzania	0.01000%	1.60 - 2.16	In Balance	2	2	0	
Zambia	0.01000%	1.34 - 1.81	Under Represented	2	1	-1	
Zimbabwe	0.00000%	0.00 - 0.00	Non Ratified	0	1	1	
Asian	Afghanistan	0.01000%	1.46 - 1.98	Non Represented	2	0	-2
	Bangladesh	0.01000%	2.47 - 3.34	Non Represented	3	0	-3
	Cambodia	0.00680%	1.34 - 1.82	Non Represented	2	0	-2
	China	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Cook Islands	0.00170%	1.21 - 1.64	Non Represented	1	0	-1

<i>Region</i>	<i>Country</i>	<i>Assessment 2016</i>	<i>Desirable Range</i>	<i>Representation</i>	<i>Target</i>	<i>Actual</i>	<i>Difference</i>
	Cyprus	0.07330%	1.37 - 1.85	Under Represented	2	1	-1
	Fiji	0.00510%	1.23 - 1.66	Non Represented	1	0	-1
	Indonesia	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Iran (Islamic Republic of)	0.00000%	0.00 - 0.00	Non Ratified	0	3	3
	Japan	16.49120%	36.02 - 48.73	Under Represented	42	4	-38
	Jordan	0.03410%	1.33 - 1.80	Under Represented	2	1	-1
	Lebanon	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Maldives	0.00340%	1.22 - 1.65	Non Represented	1	0	-1
	Marshall Islands	0.00170%	1.21 - 1.64	Non Represented	1	0	-1
	Mongolia	0.00850%	1.25 - 1.69	In Balance	1	1	0
	Nauru	0.00170%	1.21 - 1.64	Non Represented	1	0	-1
	Pakistan	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Palestine	0.01190%	1.26 - 1.70	In Balance	1	1	0
	Philippines	0.28110%	2.55 - 3.45	Under Represented	3	1	-2
	Republic of Korea	3.47370%	8.72 - 11.80	Non Represented	10	0	-10
	Samoa	0.00170%	1.22 - 1.64	Non Represented	1	0	-1
	Singapore	0.00000%	0.00 - 0.00	Non Ratified	0	2	2
	Sri Lanka	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Tajikistan	0.00680%	1.29 - 1.74	Non Represented	2	0	-2
	Timor-Leste	0.00510%	1.23 - 1.66	Non Represented	1	0	-1
	Vanuatu	0.00170%	1.22 - 1.65	Non Represented	1	0	-1
Eastern European	Albania	0.01360%	1.26 - 1.71	In Balance	1	1	0
	Bosnia and Herzegovina	0.02210%	1.29 - 1.74	In Balance	2	2	0
	Bulgaria	0.07670%	1.43 - 1.93	Under Represented	2	1	-1
	Croatia	0.16870%	1.59 - 2.15	Over Represented	2	3	1
	Czech Republic	0.58600%	2.50 - 3.38	Non Represented	3	0	-3
	Estonia	0.06470%	1.35 - 1.83	Non Represented	2	0	-2
	Georgia	0.01360%	1.27 - 1.72	Over Represented	1	3	2
	Hungary	0.27430%	1.85 - 2.51	Non Represented	2	0	-2
	Latvia	0.08520%	1.40 - 1.90	Non Represented	2	0	-2
	Lithuania	0.12270%	1.49 - 2.01	Non Represented	2	0	-2
	Montenegro	0.00680%	1.23 - 1.66	Non Represented	1	0	-1
	Poland	1.43280%	4.46 - 6.03	Under Represented	5	1	-4
	Republic of Moldova	0.00680%	1.25 - 1.70	Over Represented	1	2	1
	Romania	0.31350%	2.03 - 2.75	Over Represented	2	5	3
	Russian Federation	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Serbia	0.05450%	1.40 - 1.90	Over Represented	2	5	3
	Slovakia	0.27260%	1.81 - 2.45	Non Represented	2	0	-2
	Slovenia	0.14310%	1.52 - 2.06	Non Represented	2	0	-2
	The Former Yugoslav Rep. of Macedonia	0.01190%	1.25 - 1.69	Non Represented	1	0	-1
	Ukraine	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
GRULAC	Antigua and Barbuda	0.00340%	1.22 - 1.65	Non Represented	1	0	-1
	Argentina	1.51960%	4.65 - 6.29	Under Represented	5	3	-2
	Barbados	0.01190%	1.24 - 1.67	Non Represented	1	0	-1
	Belize	0.00170%	1.22 - 1.65	Non Represented	1	0	-1
	Bolivia	0.02040%	1.34 - 1.81	Non Represented	2	0	-2
	Brazil	6.51300%	16.14 - 21.84	Under Represented	19	1	-18
	Chile	0.67970%	2.74 - 3.71	Under Represented	3	1	-2
	Colombia	0.54860%	2.71 - 3.67	Over Represented	3	5	2

<i>Region</i>	<i>Country</i>	<i>Assessment 2016</i>	<i>Desirable Range</i>	<i>Representation</i>	<i>Target</i>	<i>Actual</i>	<i>Difference</i>
	Costa Rica	0.08010%	1.41 - 1.91	Under Represented	2	1	-1
	Dominica	0.00170%	1.21 - 1.64	Non Represented	1	0	-1
	Dominican Republic	0.07840%	1.45 - 1.97	Non Represented	2	0	-2
	Ecuador	0.11410%	1.57 - 2.12	In Balance	2	2	0
	Grenada	0.00170%	1.22 - 1.64	Non Represented	1	0	-1
	Guatemala	0.04770%	1.43 - 1.93	Non Represented	2	0	-2
	Guyana	0.00340%	1.22 - 1.66	Non Represented	1	0	-1
	Honduras	0.01360%	1.30 - 1.76	Non Represented	2	0	-2
	Jamaica	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Mexico	2.44470%	7.18 - 9.72	Under Represented	8	3	-5
	Panama	0.05790%	1.36 - 1.84	Non Represented	2	0	-2
	Paraguay	0.02390%	1.31 - 1.78	Non Represented	2	0	-2
	Peru	0.23170%	1.92 - 2.60	Over Represented	2	4	2
	Saint Kitts and Nevis	0.00170%	1.21 - 1.64	Non Represented	1	0	-1
	Saint Lucia	0.00170%	1.22 - 1.64	Non Represented	1	0	-1
	Saint Vincent and the Grenadines	0.00170%	1.22 - 1.64	Non Represented	1	0	-1
	Suriname	0.01020%	1.24 - 1.67	Non Represented	1	0	-1
	Trinidad and Tobago	0.05790%	1.34 - 1.81	In Balance	2	2	0
	Uruguay	0.13460%	1.51 - 2.05	Non Represented	2	0	-2
	Venezuela	0.97280%	3.44 - 4.65	Under Represented	4	3	-1
WEOG	Andorra	0.01020%	1.23 - 1.67	Non Represented	1	0	-1
	Australia	3.98140%	9.55 - 12.92	Under Represented	11	10	-1
	Austria	1.22660%	3.79 - 5.13	Under Represented	4	1	-3
	Belgium	1.50770%	4.39 - 5.94	Over Represented	5	10	5
	Canada	4.97630%	11.68 - 15.80	Under Represented	14	11	-3
	Denmark	0.99490%	3.29 - 4.46	Under Represented	4	1	-3
	Finland	0.77690%	2.85 - 3.85	Over Represented	3	4	1
	France	8.27790%	18.68 - 25.27	Over Represented	22	42	20
	Germany	10.88450%	24.18 - 32.71	Under Represented	28	12	-16
	Greece	0.80240%	2.94 - 3.98	Under Represented	3	2	-1
	Iceland	0.03920%	1.29 - 1.75	Under Represented	2	1	-1
	Ireland	0.57070%	2.42 - 3.27	Over Represented	3	8	5
	Israel	0.00000%	0.00 - 0.00	Non Ratified	0	1	1
	Italy	6.38520%	14.78 - 20.00	Under Represented	17	13	-4
	Liechtenstein	0.01190%	1.24 - 1.67	Non Represented	1	0	-1
	Luxembourg	0.10900%	1.44 - 1.95	Non Represented	2	0	-2
	Malta	0.02730%	1.27 - 1.72	Non Represented	1	0	-1
	Netherlands	2.52480%	6.52 - 8.82	Over Represented	8	18	10
	New Zealand	0.45660%	2.18 - 2.95	Under Represented	3	1	-2
	Norway	1.44640%	4.21 - 5.70	Non Represented	5	0	-5
	Portugal	0.66780%	2.66 - 3.61	In Balance	3	3	0
	San Marino	0.00510%	1.22 - 1.65	Non Represented	1	0	-1
	Spain	4.16200%	10.11 - 13.68	Over Represented	12	14	2
	Sweden	1.62870%	4.62 - 6.25	Under Represented	5	1	-4
	Switzerland	1.94210%	5.25 - 7.11	Under Represented	6	3	-3
	United Kingdom	7.60330%	17.29 - 23.39	Over Represented	20	30	10
	United States of America	0.00000%	0.00 - 0.00	Non Ratified	0	10	10
<b>Total</b>		<b>100.00%</b>			<b>438</b>	<b>321</b>	

## Gender balance of ICC Professional Staff

Status as at 31/03/2016

### Number of Professional Staff by Gender\*

<i>Major Programme</i>	<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Grand Total</i>
Judiciary	P-5	1	2	3
	P-4	1	2	3
	P-3	12	8	20
	P-2		2	2
Office of the Prosecutor	USG	1		1
	ASG		1	1
	D-1		3	3
	P-5	3	9	12
	P-4	10	19	29
	P-3	14	28	42
	P-2	28	16	44
	P-1	11	3	14
Registry	ASG		1	1
	D-1		2	2
	P-5	7	9	16
	P-4	10	18	28
	P-3	29	32	61
	P-2	39	20	59
	P-1	3	1	4
Secretariat of the Assembly of States Parties	D-1		1	1
	P-5		1	1
	P-4	1		1
Secretariat of the Trust Fund for Victims	D-1		1	1
	P-3	2	1	3
Project Director's Office	D-1		1	1
Independent Oversight Mechanism	P-5		1	1
Office of Internal Audit	D-1		1	1
	P-4		1	1
	P-3	1		1
<b>Grand Total</b>		<b>174</b>	<b>183</b>	<b>357</b>

\* Including Elected Officials and Language Staff.



### International Criminal Court - Staff count - Actual

As at 31st of March 2016, the actual situation regarding the Court's staff count is as follows:

Established posts	691
Approved GTA-funded positions	218
Short Term Appointments	6
Interns	70
Visiting professionals	7
SSA Contractors	128*
Elected officials / Judges	19
<b>Total</b>	<b>1139</b>

Note: This includes current Individual Contractor contracts which will decrease as at April 2016 due to the promulgation of the new AI on Short-Term Appointments and the AI on Consultants and Individual Contractors.

### International Criminal Court - Staff count - Projected

Based on the approved budget of 2016 and taking into account averages for interns, visiting professionals and SSA contractors as per 2016, the Court's headcount at the end of 2016 could be expected to be as follows:

Established posts <sup>1</sup>	897
Approved GTA-funded positions <sup>2</sup>	289
Short-Term Appointments	52
Interns	80
Visiting professionals	10
SSA Consultants	27
Elected officials / Judges	21
<b>Total</b>	<b>1376</b>

<sup>1</sup> Vacancy rate not taken into account in the projection.

<sup>2</sup> *Ibid.*

## Vacant Posts - ICC Established Posts

Status as at 31 March 2016

153 posts are under recruitment: recruitment completed (141) or advertised (12) as at 31 March 2016.

<i>MP</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level</i>	<i>Post Title</i>	<i>Total</i>	<i>Comments</i>
MP I	Judiciary	Presidency	P-2	Associate Administrative Officer	1	Post to be filled in 2016.
MP II	Office of the Prosecutor	Investigation Division	P-1	Assistant Investigator	1	Post vacated due to internal move. Pending confirmation on change of profile.
			GS-OL	Investigation Assistant	1	Post vacated due to internal move. Post to be filled in 2016.
		Prosecution Division	GS-OL	Personal Assistant to the Deputy Prosecutor	1	Post vacated due to internal move. Pending streamlining of operations.
MP III	Office of the Registrar	Legal Office	P-3	Legal Officer	1	Post expected to be filled in Q3.
		Division of Management Services	Human Resources Section	GS-OL	Human Resources Assistant	1
	General Services Section		GS-OL	Supply Coordinator	1	Post expected to be filled in Q3.
	Division of Judicial Services	Counsel Support Section	P-2	Legal Aid Fund Monitoring	1	Post expected to be filled in Q3.
			P-2	Specialist Associate Legal Officer	1	Post expected to be filled in Q3.
		Information Management Services Section	P-2	Associate Data Management Officer	1	Post expected to be filled in Q3.
			GS-OL	Development Assistant	1	Post expected to be filled in Q3.
			P-3	Archives, Library and Legacy Officer	1	Post expected to be filled in Q3.
	Division of External Operations	External Operations Support Section	P-2	Operations Planning Coordination Officer	1	Post expected to be filled in Q3.
			P-2	Associate Analyst	1	Post expected to be filled in Q3.
			GS-OL	Analyst Assistant	1	Post expected to be filled in Q3.
		Victims and Witnesses Section	P-2	Associate Team Leader (CAR)	1	Post expected to be filled in Q3.
			GS-OL	Administrative Assistant	1	Post expected to be filled in Q3.
		Public Information and Outreach Section	P-3	Outreach Policy Officer	1	Post expected to be filled in Q3.
			P-2	Associate Outreach Officer	1	Post expected to be filled in Q4.
			P-3	Public Affairs Officer	1	Post expected to be filled in Q3.
			GS-OL	Public Information Assistant (social media)	1	Post expected to be filled in Q3.
			GS-OL	Online Communications Assistant	1	Post expected to be filled in Q3.
			GS-OL	Audio-Visual Production Assistant	1	Post expected to be filled in Q3.
			GS-OL	Receptionist	2	Posts expected to be filled in Q4.
		Field Office - Uganda	P-3	Field Security Officer	1	Post expected to be filled in Q3.
			P-3	Field Officer (Outreach)	1	Post expected to be filled in Q3.
			GS-OL	Senior Driver	1	Post expected to be filled in Q4.
			GS-OL	Driver	1	Post expected to be filled in Q4.
		Field Office - DRC	GS-OL	Field Assistant	2	Posts expected to be filled in Q4.
	GS-OL		Driver	3	Posts expected to be filled in Q4.	
	Field Office - CIV	P-3	Field Officer (Outreach)	1	Post expected to be filled in Q3.	
P-3		Field Officer (VPRS)	1	Post unfunded in 2016.		
GS-OL		Field Assistant	3	Posts expected to be filled in Q4. One post is unfunded in 2016.		

<i>MP</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level Post Title</i>		<i>Total</i>	<i>Comments</i>
		Field Office - CAR	P-5	Chief of Field Office	1	Post unfunded in 2016.
			P-3	Field Security Officer	1	Post expected to be filled in Q3.
			GS-OL	Cleaner	1	Post expected to be filled in Q4.
		Field Office - Kenya	GS-OL	Administrative Assistant	1	On hold.
			GS-OL	Local Security Assistant	1	On hold.
			P-3	Field Officer (VPRS)	1	On hold.
			GS-OL	Field Assistant	2	On hold.
MP VI	Secretariat of the Trust Fund for Victims		GS-OL	Executive Assistant	1	Position under review.
			P-4	Legal Advisor	1	Position under review.
			P-3	Programme Manager	1	Position under review.
MP VII.1	Project Director's Office		P-4	Project Financial Controller	1	Post covered on a temporary basis until the completion of the Project.
MP VII.5	Independent Oversight Mechanism		P-4	Senior Evaluation Specialist (tbc)	1	Post expected to be filled in Q4.
<b>Grand Total</b>					<b>53 (1<sup>3</sup>)</b>	

### Staffing: Approved versus filled posts (excluding Elected Officials) Status as at 31 March 2016

<i>Major Programme [1]</i>	<i>Approved [2]</i>	<i>Filled [3]</i>	<i>Recruitment completed<sup>A</sup> [4]</i>	<i>Under recruitment [5]</i>	<i>Advertised not under recruitment [6]</i>	<i>Vacant not advertised [7]</i>	<i>% of established posts vacant [(2-3)/2]x100</i>	<i>Vacancy Rate (% of established posts [(AVG(3)-2)/2]x100</i>
Judiciary								
Major Programme I	52	44	0	7	0	1	15.38%	15.38%
Office of the Prosecutor								
Major Programme II	237	204	2	26	2	3	13.92%	14.35%
Registry								
Major Programme III	578	426	3	96	9	44	26.30%	26.47% <sup>5</sup>
Secretariat of the ASP								
Major Programme IV	10	4	0	6	0	0	60.00%	60.00%
Secretariat of the TFV								
Major Programme VI	9	6	0	0	0	3	33.33%	33.33%
Project Director's Office								
Major Programme VII.1	3	2	0	0	0	1	33.33%	33.33%
Independent Oversight Mechanism								
Major Programme VII.5	4	1	0	1	1	1	75.00%	100.00%
Office of Internal Audit								
Major Programme VII.6	4	4	0	0	0	0	0.00%	0.00%
<b>Total ICC</b>	<b>897</b>	<b>691</b>	<b>5</b>	<b>136</b>	<b>12</b>	<b>53</b>	<b>22.97%</b>	<b>23.08%</b>
<b>Target recruitment</b>			<b>206</b>					
<b>Under recruitment / Recruitment completed</b>			<b>141</b>					
<b>Percentage of target</b>			<b>68.4%</b>					

<sup>3</sup> In Major Programme III, one post refers to the funding of the Staff Council Representative and, therefore, is not reported as vacant.

<sup>4</sup> Recruitment completed: indicates that the selected candidate has accepted the offer. The recruitment process has been finalised and the post is blocked until the arrival of the incumbent.

<sup>5</sup> MP III, one post is not vacant as such but this post refers to the funding of the Staff Council Representative.

## Geographical Representation of ICC GTA Professional Staff

Status as at 31 March 2016

Total number of professionals: 155

Total number of nationalities: 51

### Distribution per region

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
African	Cameroon	3
	Congo, Democratic Republic of the	1
	Egypt	1
	Ethiopia	1
	Gambia	1
	Ghana	1
	Mauritius	1
	Nigeria	1
	Rwanda	5
	Senegal	2
	Sudan	1
	Togo	1
	Uganda	4
United Republic of Tanzania	2	
<b>African Total</b>		<b>25</b>
Asian	Afghanistan	1
	China	1
	India	2
	Kyrgyzstan	1
	Philippines	1
	Republic of Korea	1
	Singapore	1
Uzbekistan	2	
<b>Asian Total</b>		<b>10</b>
Eastern European	Bosnia and Herzegovina	1
	Croatia	1
	Georgia	2
	Poland	4
	Republic of Moldova	2
	Romania	3
	Slovenia	2
<b>Eastern European Total</b>		<b>15</b>

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
GRULAC	Argentina	1
	Colombia	1
	Jamaica	1
	Peru	1
<b>GRULAC Total</b>		<b>4</b>
WEOG	Australia	8
	Belgium	4
	Canada	13
	France	17
	Germany	4
	Greece	1
	Ireland	3
	Israel	1
	Italy	4
	Malta	1
	Netherlands	10
	New Zealand	2
	Portugal	2
	Spain	4
	Sweden	1
	Switzerland	1
	United Kingdom	13
United States of America	12	
<b>WEOG Total</b>		<b>101</b>

## Annex III

### Budget performance for Contingency Fund notifications in 2015

Table 1 below provides a summary of overall budget performance for a total of four Contingency Fund notifications submitted to the Committee. Overall actual implementation at year-end in 2015 is 85.6 per cent, or €5.36 million, against the total Contingency Fund notification amount of €6.26 million.

**Table 1: Overall budget performance for the four Contingency Fund notifications in 2015 by item of expenditure (amounts in thousands of euros)**

<i>Expenditure Item</i>	<i>Total Contingency Fund Notification [1]</i>	<i>Total Actual Expenditure* [2]</i>	<i>Total Implementation rate % [3]=[2]/[1]</i>
Judges' costs	61.3	61.3	100.0
<i>Subtotal Judges' costs</i>	<i>61.3</i>	<i>61.3</i>	<i>100.0</i>
General temporary assistance	2,371.1	1,579.5	66.6
Consultants	47.3	5.0	10.6
<i>Subtotal staff costs</i>	<i>2,418.4</i>	<i>1,584.5</i>	<i>65.5</i>
Travel	763.7	783.2	102.6
Contractual services	371.8	323.6	87.0
Counsel for defence	1,551.1	1,847.3	119.1
General operating expenses	466.8	248.5	53.2
Supplies and materials	58.4	71.2	122.0
Furniture and Equipment	572.3	441.3	77.1
<i>Subtotal non-staff costs</i>	<i>3,784.1</i>	<i>3,715.2</i>	<i>98.2</i>
<b>Total</b>	<b>6,263.8</b>	<b>5,361.0</b>	<b>85.6</b>

\* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

The budget performance for each Contingency Fund notification is detailed below in the order of the notifications to the Committee.

Table 2 below shows budget performance in respect of the Contingency Fund notification for the case of *Charles Blé Goudé* in the situation in Côte d'Ivoire. The resources notified were presented as an illustrative scenario budget to the Court's proposed programme budget for the Committee's consideration at its twenty-third session. The scenario materialized on 11 December 2014 when charges were confirmed. The Court was exceptionally allowed by the Assembly to resort to the Contingency Fund for the additional resources required in relation to judicial developments in the case of *Charles Blé Goudé* that occurred between the twenty-third session of the Committee and the date of approval of the 2015 budget.

The funds were implemented at 87.8 per cent, or €0.89 million, against the notification amount of €1.01 million. The GTA category was under-implemented since, as a result of other case developments, the Judiciary was able to fully absorb the requested GTA resources in its programme budget and the OTP redeployed the funds to non-staff costs such as travel, contractual services and general operating expenses in order to support required investigation missions and activities.

**Table 2: Budget performance in respect of the Contingency Fund notification for the case of *Charles Blé Goudé* in the situation in Côte d'Ivoire, in 2015 by item of expenditure (amounts in thousands of euros)**

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i> [1]	<i>Actual Expenditure*</i> [2]	<i>Implementation rate %</i> [3]=[2]/[1]
General temporary assistance	566.5	350.3	61.8
<i>Subtotal other staff costs</i>	<i>566.5</i>	<i>350.3</i>	<i>61.8</i>
Travel	51.5	118.0	229.1
Contractual services		12.3	
Counsel for defence	395.1	389.9	98.7
General operating expenses		15.1	
Furniture and Equipment		3.9	
<i>Subtotal non-staff costs</i>	<i>446.6</i>	<i>539.1</i>	<i>120.7</i>
<b>Total</b>	<b>1,013.1</b>	<b>889.4</b>	<b>87.8</b>

\* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change

Table 3 below shows budget performance in respect of the Contingency Fund notification for the case of *Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* in the CAR situation. The resources notified were presented as an illustrative scenario budget to the Court's proposed programme budget for the Committee's consideration at its twenty-third session. The scenario materialized in November 2014 when charges were partially confirmed. The Court was exceptionally allowed by the Assembly to resort to the Contingency Fund for the additional resources required in relation to judicial developments in this case that occurred between the twenty-third session of the Committee and the date of the approval of the 2015 budget.

At year-end, the fund had been implemented at 90.4 per cent, or €1.88 million, against the notification amount of €2.08 million. The GTA category, as forecast, was underspent on account of the Judiciary's full absorption of the requested GTA resources in its programme budget as a result of other case developments and the OTP's delays in recruitment in the Investigation and Prosecution Divisions. The Registry required additional legal aid resources for defence teams to engage Independent counsel and counsel for Mr Bemba and to provide additional resources to all defence teams following a Chamber decision, resulting in an overspend in counsel for defence.

**Table 3: Budget performance in respect of the Contingency Fund notification for the case of *Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* in the situation in the Central African Republic in 2015 by item of expenditure (amounts in thousands of euros)**

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i> [1]	<i>Actual Expenditure*</i> [2]	<i>Implementation rate %</i> [3]=[2]/[1]
General temporary assistance	922.9	374.0	40.5
Consultants	5.0	5.0	99.9
<i>Subtotal other staff costs</i>	<i>927.9</i>	<i>379.0</i>	<i>40.8</i>
Travel	87.5	96.7	110.5
Contractual services	100.5	105.8	105.3
Counsel for defence	816.0	1,170.3	143.4
General operating expenses	127.1	103.1	81.1
Supplies and materials	17.5	16.3	93.0

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i> [1]	<i>Actual Expenditure*</i> [2]	<i>Implementation rate %</i> [3]=[2]/[1]
Furniture and Equipment		5.2	
<i>Subtotal non-staff costs</i>	1,148.6	1,497.3	130.4
<b>Total</b>	<b>2,076.5</b>	<b>1,876.4</b>	<b>90.4</b>

\* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

Table 4 below shows budget performance in respect of the Contingency Fund notification for the need to extend the mandate of one judge as well as a limited number of support staff for four months for the case of *Jean-Pierre Bemba Gombo* in the CAR situation. The fund was almost fully implemented at 94.8 per cent against the resources requested in the notification.

**Table 4: Budget performance in respect of the Contingency Fund notification for the further extension of the mandate of one judge and a limited number of support staff for the case of Jean-Pierre Bemba Gombo in the situation in the Central African Republic in 2015 by item of expenditure (amounts in thousands of euros)**

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i> [1]	<i>Actual Expenditure*</i> [2]	<i>Implementation rate %</i> [3]=[2]/[1]
Judges' costs	61.3	61.3	100.0
<i>Subtotal Judges' costs</i>	61.3	61.3	100.0
General temporary assistance	62.9	56.5	89.8
<i>Subtotal other staff costs</i>	62.9	56.5	89.8
<b>Total</b>	<b>124.2</b>	<b>117.8</b>	<b>94.8</b>

\* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

Table 5 below shows budget performance in respect of the Contingency Fund notification for the case of *Dominic Ongwen* in the Uganda situation. The funds were retroactively effective from 1 January 2015 until the end of the year. The actual implementation rate at year-end was 81.2 percent, or €2.48 million, against the notification amount of €3.05 million.

The OTP implemented its budget at 92.6 per cent, or €1.22 million, against the notified amount of €1.31 million. Funds were redeployed from general operating expenses and furniture and equipment to GTA to hire field interpreters and translators, in particular for Acholi, and to travel in support of investigation mission activities.

Registry implemented at 72.6 per cent, or €1.26 million, against the notified amount of €1.74 million. The under-implementation is primarily due to the fact that funds requested in respect of protection cases were not fully utilized because the assumptions did not materialize.

**Table 5: Budget performance in respect of the Contingency Fund notification for the case of Dominic Ongwen in the situation in Uganda, in 2015 by item of expenditure (amounts in thousands of euros)**

<i>Expenditure Item</i>	<i>Contingency Fund Notification</i> [1]	<i>Actual Expenditure*</i> [2]	<i>Implementation rate %</i> [3]=[2]/[1]
General temporary assistance	818.8	798.7	97.5
Consultants	42.3		
<i>Subtotal other staff costs</i>	861.1	798.7	92.8
Travel	624.7	568.6	91.0



<i>Expenditure Item</i>	<i>Contingency Fund Notification [1]</i>	<i>Actual Expenditure* [2]</i>	<i>Implementation rate % [3]=[2]/[1]</i>
Contractual services	271.3	205.5	75.8
Counsel for defence	340.0	287.1	84.4
General operating expenses	339.7	130.3	38.4
Supplies and materials	40.9	55.0	134.4
Furniture and equipment	572.3	432.2	75.5
<i>Subtotal non-staff costs</i>	<i>2,188.9</i>	<i>1,678.7</i>	<i>76.7</i>
<b>Total</b>	<b>3,050.0</b>	<b>2,477.4</b>	<b>81.2</b>

\* Expenditure in 2015 is based on preliminary, unaudited figures which are subject to change.

### Consolidated Budget Performance of the Court – Programme budget and contingency fund notifications

Table 6 below shows the Court's consolidated budget performance, taking together the programme budget and the total Contingency Fund notifications. The Court's actual expenditure, including Contingency Fund expenditure, is €132.19 million, against the consolidated budget of €136.93 million including the Contingency Fund notification of €6.26 million. This represents a 96.5 per cent implementation rate and 101.2 per cent of the approved budget of €130.67 million.

**Table 6: Court consolidated budget performance 2015 by item of expenditure (amounts in thousands of euros)**

<i>Item</i>	<i>Approved budget 2015 [1]</i>	<i>Total Contingency Fund (CF) notification 2015 [2]</i>	<i>Total consolidated budget and CF notification 2015 [3]=[1]+[2]</i>	<i>Actual expenditure* 2015 [4]</i>	<i>Actual expenditure* for CF 2015 [5]</i>	<i>Total actual expenditure including CF 2015 [6]=[4]+[5]</i>	<i>Total actual including CF implementation rate 2015 against approved budget (%) [7]=[6]/[1]</i>	<i>Total actual including CF implementation rate 2015 against total consolidated budget and CF notifications (%) [8]=[6]/[3]</i>
Judges	5,486.8	61.3	5,548.1	4,903.4	61.3	4,964.6	90.5	89.5
<i>Subtotal judges' costs</i>	<i>5,486.8</i>	<i>61.3</i>	<i>5,548.1</i>	<i>4,903.4</i>	<i>61.3</i>	<i>4,964.6</i>	<i>90.5</i>	<i>89.5</i>
Staff costs	65,744.4		65,744.4	64,522.7		64,522.7	98.1	98.1
General temporary assistance	21,854.0	2,371.1	24,225.1	21,312.4	1,579.5	22,892.0	104.7	94.5
Temporary assistance for meetings	708.3		708.3	841.9		841.9	118.9	118.9
Overtime	393.0		393.0	502.2		502.2	127.8	127.8
Consultants	560.4	47.3	607.7	488.8	5.0	493.8	88.1	81.3
<i>Subtotal staff costs</i>	<i>89,260.1</i>	<i>2,418.4</i>	<i>91,678.5</i>	<i>87,668.1</i>	<i>1,584.5</i>	<i>89,252.6</i>	<i>100.0</i>	<i>97.4</i>
Travel	5,381.1	763.7	6,144.8	5,963.4	783.2	6,746.6	125.4	109.8
Hospitality	31.0		31.0	35.4		35.4	114.2	114.2
Contractual services	4,128.1	371.8	4,499.9	3,686.3	323.6	4,010.0	97.1	89.1
Training	801.4		801.4	726.5		726.5	90.7	90.7
Counsel for defence	2,355.6	1,551.1	3,906.7	3,031.4	1,847.3	4,878.7	207.1	124.9
Counsel for victims	1,862.1		1,862.1	1,233.6		1,233.6	66.2	66.2
General operating expenses	19,519.0	466.8	19,985.8	17,272.5	248.5	17,521.1	89.8	87.7
Supplies and materials	920.0	58.4	978.4	764.2	71.2	835.4	90.8	85.4
Furniture and equipment	920.4	572.3	1,492.7	1,547.3	441.3	1,988.6	216.1	133.2
<i>Subtotal non-staff costs</i>	<i>35,918.7</i>	<i>3,784.1</i>	<i>39,702.8</i>	<i>34,260.6</i>	<i>3,715.2</i>	<i>37,975.8</i>	<i>105.7</i>	<i>95.7</i>
<b>Total</b>	<b>130,665.6</b>	<b>6,263.8</b>	<b>136,929.4</b>	<b>126,832.1</b>	<b>5,361.0</b>	<b>132,193.1</b>	<b>101.2</b>	<b>96.5</b>

\* Actual Expenditure in 2015 is based on preliminary, unaudited figures, which are subject to change.

## Annex IV

### Amendments to the Financial Regulations and Rules

3.4 The Registrar shall submit the proposed programme budget for the following financial period to the Committee on Budget and Finance at least 45 days prior to the meeting at which the Committee shall consider the proposed programme budget. At the same time, the Registrar shall also submit the proposed programme budget to the State Parties.

3.5 In the event that unforeseen circumstances become known after preparation of the proposed programme budget and before the meeting of the Assembly of States Parties in the same year, and which can still be accommodated into the proposed programme budget, the Registrar shall submit an addendum to the proposed programme budget. Details pertaining to the reasons for an addendum, as well as the structure of the updated budget should be submitted to the Committee on Budget and Finance at the earliest convenience.

3.6 Supplementary budget proposals may be submitted by the Registrar with respect to the current financial period if circumstances unforeseen at the time of adopting the budget make it necessary. A supplementary budget should only be submitted for matters of an exceptional or extraordinary nature which go beyond the funds available in the Contingency Fund and therefore necessitate a separate decision by the Assembly of States Parties. In this case, the supplementary budget proposal shall be in a form consistent with the approved budget. The provisions of these Regulations shall be applicable to the proposed supplementary budget. Decisions of the Assembly of States Parties on the supplementary budget proposed by the Registrar shall be based on the recommendations of the Committee on Budget and Finance.

3.7 The Committee on Budget and Finance shall consider the proposed programme budgets, related addendums and supplementary budgets, and shall submit its comments and recommendations to the Assembly of States Parties. The Assembly of States Parties shall consider the proposed programme budgets, addendums and supplementary budgets and take a decision on them.

3.8 The Registrar may enter into commitments for future financial periods, provided that such commitments are for activities which have been approved by the Assembly of States Parties and are expected to occur or continue beyond the end of the current financial period.

6.6 There shall be established a Contingency Fund to ensure that the Court can meet:

- (a) Costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; or
- (b) Unavoidable expenses for developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or
- (c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

The level of the Fund and the means by which it shall be financed (i.e. by assessed contributions and/or cash surpluses in the budget) shall be determined by the Assembly of States Parties.

6.7 If a need to meet unforeseen or unavoidable expenses arises for the following budget year after approval of the programme budget by the Assembly of States Parties, the Registrar, by his or her own decision or at the request of the Prosecutor, the President or the Assembly of States Parties is authorized to enter into commitments not exceeding the total level of the Contingency Fund. Before entering into such commitments, the Registrar shall submit a letter of notification to access the Contingency Fund and a detailed budget proposal to the Committee on Budget and Finance through its Chairperson. Two weeks after having notified the Chairperson of the Committee on Budget and Finance, and taking into consideration any financial comments on the funding requirements made by the Committee through its Chairperson, the Registrar may enter into the corresponding commitments. All funding obtained in this way shall relate only to the financial period(s) for which a programme budget has already been approved.

6.8 In the unlikely event that the amount being notified is larger than can be absorbed by the Contingency Fund, the Court should submit a supplementary budget to the Committee on Budget and Finance for its comments and recommendations to the Assembly of States Parties.

6.9 The Registrar shall report together with the new draft programme budget to the Assembly of States Parties, through the Committee on Budget and Finance, on any exercise of the commitment authority given under 6.7.

7.0 Income derived from the Contingency Fund investments shall be classed as miscellaneous income for credit to the General Fund.

## Annex V

### List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>CBF document symbol has been converted to</i>
CBF/26/1	Provisional agenda	
CBF/26/1/Add.1	Annotated provisional agenda	
CBF/26/2	Registry's bi-annual report on legal aid (July-December 2015)	ICC-ASP/15/2
CBF/26/3	Report of the Court on the development of analytical accountability and the ability to report on the average cost of each step in the judicial process for the Lubanga and Katanga cases	
CBF/26/4	Report of the Court on policy issues	
CBF/26/5	Report of the Court on Human Resources Management	
CBF/26/6	Updated results of the Strategic Plan (June 2012-2015)	
CBF/26/7	Report of the Court on developments with regard to reparations	
CBF/26/8	Report of the Court on activities and programme performance of the International Criminal Court for the year 2015	ICC-ASP/15/3
CBF/26/8/Corr.1	Report of the Court on activities and programme performance of the International Criminal Court for the year 2015, Corrigendum	
CBF/26/9	Report on Budget Performance of the International Criminal Court as at 31 March 2016	
CBF/26/10	Report on lessons learnt and synergies in Presidency	
CBF/26/11	Explanation to the Committee on Budget and Finance on staggered implementation of the new Registry structure	
CBF/26/12	Interim report of the Court-wide impact of the OTP "Basic Size" model	
CBF/26/13	Report of the Court on Inter-Organ Synergies	
CBF/26/14	Explanation to the Committee on Budget and Finance on the role, structure and value of the External Operations Support Section in the Registry	
CBF/26/15	Interim report on the activities of the Oversight Committee	
CBF/26/15/Add.1	Interim report on the activities of the Oversight Committee, Addendum	
CBF/26/15/Add.1/Corr.1	Interim report on the activities of the Oversight Committee, Addendum, Corrigendum	
CBF/26/16	Audit report on the budget performance of the permanent premises project	ICC-ASP/15/4
CBF/26/17	Benefit-cost analysis of the Registry's reorganization	

## 2. Report of the Committee on Budget and Finance on the work of its twenty-seventh session, September 2016\*

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\* Previously issued as ICC-ASP/15/15.

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## *Executive Summary*

1. During its twenty-seventh session, the Committee on Budget and Finance (“the Committee”) considered the Proposed Programme Budget of the International Criminal Court (“the Court”) for 2017.
2. The Committee welcomed the implementation of the “One-Court” principle and the improvements made in relation to the budget process and the format of the budget document, and will be making necessary suggestions in this regard during its twenty-eighth session.
3. The Committee noted that the 2017 proposed programme budget submitted by the Court, of a total amount of €147.25 million, excluding the interest and the principal repayment (instalments) for the host State loan of €2.99 million, represented an increase of €9.86 million (7.2 per cent) over the 2016 approved budget of €137.39. The total amount requested when adding the interest payment would amount to €150.24 million.
4. After reviewing the 2017 proposed programme budget and the justifications provided, the Committee recommended reductions to the proposed increases in the amount of €2.65 million, subject to the decision by the Assembly on the requested increase of the Judges’ compensation, thus amounting to an adjusted 2017 proposed budget of €144.6 million, which represents an increase of €7.2 million (or 5.2 per cent) compared to the 2016 approved budget, excluding the installments for the host State loan.
5. The Committee noted with concern the large amount of outstanding contributions: €17.88 million (13.1 per cent) of contributions for the 2016 approved budget. In addition, outstanding contributions from previous years stood at €15.95 million. Total outstanding contributions, including the regular budget, the Contingency Fund and interest on the host State loan, thus stood at €34.16 million as at 15 September 2016.
6. The Committee recalled States Parties’ obligations to pay their contributions promptly and in full, and highlighted that a failure to do so may not only seriously jeopardize the daily operations of the Court, but may also force the Court to access external credit sources, with the result that operating funds would need to be used to cover interest payments.
7. The Committee carefully scrutinized the actual level of the precautionary reserves in light of the respective levels approved by the Assembly of States Parties (“the Assembly”). In order to ensure that such funds can fulfil their purposes and with a view to securing the day-to-day operation of the Court, the Committee recommended the replenishment of the Contingency Fund in the amount of €1.21 million, and an increase in the Working Capital Fund to a level of €11.6 million, thus representing one month of the Court’s current expenditure, which will not yet affect the 2017 budget. Cognizant of the financial constraints of States Parties, the Committee recommended multi-year funding of the Working Capital Fund, starting with the 2018 budget, in order to contain the impact on States Parties’ assessed contributions.
8. While taking note of the Court’s increased judicial activities, the Committee observed a trend involving a steady increase in the amount of requested resources in recent years, in particular in relation to staff costs. In this context, the Committee reiterated its recommendation that the Assembly may wish to set an envelope for future budgets, taking into account the Court’s capacity (number of judges, workstations in the premises) and the fact that the Court was established based on the principle of complementarity to national jurisdictions.

## I. Introduction

### A. Opening of the session, adoption of the agenda and organization of work

1. The twenty-seventh session of the Committee on Budget and Finance (“the Committee”), comprising 20 meetings, was held from 19 to 30 September 2016 in The Hague, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its fourteenth session.<sup>1</sup>
2. The President of the International Criminal Court (“the Court”), Judge Silvia Fernández de Gurmendi delivered the welcome remarks at the opening of the meeting.
3. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as the Secretary of the Committee, and the Secretariat of the Assembly of States Parties (“the Secretariat”) assisted in providing the necessary logistics to the Committee.
4. The following members attended the twenty-seventh session of the Committee:
  - (a) Hugh Adsett (Canada)
  - (b) David Banyanka (Burundi)
  - (c) Carolina María Fernández Opazo (Mexico)
  - (d) Fawzi A. Gharaibeh (Jordan)
  - (e) Hitoshi Kozaki (Japan)
  - (f) Urmet Lee (Estonia)
  - (g) Rivomanantsoa Orlando Robimanana (Madagascar)
  - (h) Mónica Sánchez (Ecuador)
  - (i) Gerd Saupe (Germany)
  - (j) Elena Sopková (Slovakia)
  - (k) Richard Veneau (France)
  - (l) Helen Warren (United Kingdom)
5. At its first meeting, the Committee adopted the following agenda:<sup>2</sup>
  1. Opening of the session
    - (a) Adoption of the agenda and organization of work
    - (b) Participation of observers
  2. Financial and budgetary matters
    - (a) Status of contributions
    - (b) States in arrears
    - (c) Consideration of the 2017 proposed programme budget
    - (d) Financial performance data as of 30 June 2016
    - (e) Precautionary reserves
      - (i) Working Capital Fund level
      - (ii) Contingency Fund
      - (iii) Employee Benefit Liability fund
    - (f) Finalizing the amendments to the Financial Regulations and Rules

<sup>1</sup> *Official Records of the Assembly of States Parties of the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015* (ICC-ASP/14/20), vol. I, part I, para. 65.

<sup>2</sup> CBF/27/1/Rev.1.

3. Institutional reform and administrative matters
  - (a) Inter-organ synergies within the framework of the work on the “Basic Size” and the full costing analysis thereof to identify efficiency gains
  - (b) Scope of authority delegated by the Registrar to the Secretariat of the Trust Fund for Victims
  - (c) Mission frequency and costs
4. Audit matters
  - (a) Annual report by the Audit Committee
  - (b) Financial statements of the International Criminal Court for the year ended 31 December 2015
  - (c) Financial statements of the Trust Fund for Victims for the year ended 31 December 2015
5. Human resources
  - (a) Reclassification and conversion of posts
  - (b) UN Common system
6. Premises of the Court
  - (a) Interim Report by the Oversight Committee
  - (b) Construction costs and resources needed for compensation events
  - (c) Compliance of cost overrun financing with the Financial Regulations and Rules
7. Trust Fund for Victims
  - (a) Projects and activities of the Board of Directors for the period 1 July 2015 to 30 June 2016
8. Other matters

## **B. Participation of officials and observers**

6. In accordance with the Rules of Procedure of the Assembly,<sup>3</sup> 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. In addition, the budget facilitator, Ambassador Werner Druml (Austria) of The Hague Working Group of the Bureau of the Assembly, the Chairperson of the Oversight Committee on Permanent Premises (“the OC”), Ambassador Sabine Nölke (Canada) and the Chair of the Board of the Trust Fund for Victims (TFV), Mr. Motoo Noguchi made presentations to the Committee. The Committee decided to accept the request by the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee expressed its appreciation for the presentations.

## **II. Consideration of issues on the agenda of the Committee at its twenty-seventh session**

### **A. Budget process and budget document**

7. The role of the Committee, as a subsidiary body to the Assembly, is to examine the budgetary, financial and administrative matters of the Court and to make recommendations to States Parties. To this end, the Committee requires reliable, consistent and clear information from the Court.

<sup>3</sup> Rules 42, 92 and 93 of the Rules of Procedure of the Assembly concerning observers and other participants are applicable to the session. Upon invitation by the Chairperson and subject to the approval of the Committee, observers may participate in meetings of the Committee.



8. At its twenty-sixth session, the Committee had recommended a series of changes to improve the budgetary process, such as a better and more efficient use of the Coordination Council, the submission, in principle, of documents in both English and French 45 days before the Committee's session, and a different presentation of costs in the budget document.

9. At its twenty-seventh session the Committee acknowledged the improvements made by the Court in relation to budgetary process. In particular, it welcomed the inclusion of the foreword signed by all three heads of organs, which demonstrates the Court's commitment to the "One-Court" principle being applied through the Coordination Council.

10. However, in terms of format, the Committee noted that splitting the presentation of the sub-programmes from major programme titles made the document difficult to compare and that there was not a consistent approach to the presentation of each programme budget. The format for the introduction of each major programme budget, including the use of organigrammes, length and the level of detail should be similar, with cross-Court issues dealt with upfront. Differing information and presentation reduces transparency and makes the document difficult to use.

**11. The Committee invited the Court to discuss the process and documentation further at its twenty-eighth session with a view to building on the progress made and to improving further the budget process and document, by focusing its discussion around the following ideas:**

- (a) **Improved context setting;**
- (b) **Better planning and presentation of cross-Court expenditures;**
- (c) **Assessing delivery and efficiency;**
- (d) **Establishing fundamental principles; and**
- (e) **Synergies.**

## **B. Financial and budgetary matters**

### **1. Introduction**

12. The Committee conducted its examination of the 2017 proposed programme budget on the basis of the general principle of budgetary integrity.

13. The Committee recalled that, for the 2016 budget year, the Assembly at its fourteenth session had approved appropriations totalling €139.59 million. These were reduced by interest on the host State loan of €2.2 million, which was payable only by those States that have opted not to make a "one time" payment. Therefore the 2016 budget approved by the Assembly, excluding interest on the host State loan, was €137.39 million.

14. The Committee noted that the 2017 proposed programme budget submitted by the Court, of a total amount of €147.25 million, excluding the interest and the principal repayment (instalments) for the host State loan of €2.99 million, represented an increase of €9.86 million (7.2 per cent) over the 2016 approved budget of €137.39 million. The total amount requested when the instalments for the host State loan is added will be €150.24 million.

15. After reviewing the 2017 proposed programme budget and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of €2.65 million and that, if approved by the Assembly,<sup>4</sup> the adjusted 2017 proposed programme budget amount would thus be €147.59 million (€150.24 million - €2.65 million), which represents a €8.0 million<sup>5</sup> (5.7 per cent<sup>6</sup>) increase with instalments for the

<sup>4</sup> Amounts would change depending on the decision by the Assembly on the requested increase of the Judges' compensation.

<sup>5</sup> €8.0 million = 2017 adjusted proposed budget with instalments for the host State loan of €147.59 million – 2016 approved budget of €139.59 with interest for the host State loan.

host State loan, or a €7.2 million<sup>7</sup> (5.2 per cent<sup>8</sup>) increase without instalments for the host State loan, compared to the 2016 approved budget. The assessment of contributions for 2017 would be €145.81 million as follows:

Total adjusted budget without interest	€144.6 million <sup>9</sup>
Replenishment of the Contingency Fund	<u>€1.21 million</u>
Total assessed contributions for 2017	€145.81 million

## 2. Status of contributions

16. The Committee reviewed the status of contributions as at 15 September 2016 (annex II) towards:

- (a) The assessed contributions for the 2016 approved budget of €136,585,100; and
- (b) The interest paid of €2,185,719 for the use of the loan for the permanent premises in 2015.

17. The Committee recalled that all States Parties were required to contribute to the regular budget of the Court, the Working Capital Fund (“the WCF”) and to the Contingency Fund (“the CF”), and that those States Parties that have not opted to make a “one-time” payment towards the permanent premises of the Court are required to contribute to the interest on the permanent premises host State loan.

18. *Regular budget*: the Committee noted that €17,879,500 (13.1 per cent) in contributions remained outstanding for the 2016 assessed regular contributions of €136,584,295. Outstanding contributions from previous years stood at €15,950,851. The Committee observed that 94 per cent of contributions outstanding for more than one year are owed by two major contributors.<sup>10</sup>

19. *Contingency Fund*: outstanding contributions for the replenishment of the CF from previous years stood at €5,746.

20. *Permanent premises host State loan*: the Committee recalled that each State Party could choose whether to finance its share of the costs of the construction of the permanent premises through either a one-time payment or by contributing to the host State loan. 62 States Parties had made their one-time payments towards the construction of the permanent premises, either in full or partially, by the specified deadline.

21. The outstanding interest on the host State loan as at 15 September 2016 stood at €427,160 (€99,355 for the previous year and €327,805.00 for 2016). The Committee noted with concern that 37 States Parties had not yet paid their contributions to the interest on the host State loan. As the Court has a legal obligation to pay instalments in full by the first day of February of each year, it has had to use operating funds in order to cover interest payments due from those States Parties. This has had the effect of widening the gap between the financial needs and resources for the functioning of the Court. This risk will become even greater in 2017, when the Court must begin to repay not only the interest on the loan, but also part of the principal amount.

22. Total outstanding contributions, including for the regular budget, the CF and interest on the host State loan, thus stood at €34,163,902 as at 15 September 2016. The Committee stressed the importance of contributions being paid in full and in a timely manner. Not meeting obligations in relation to the payment of contributions may seriously jeopardize the daily operations of the Court. If contributions remain unpaid at the end of the year, the

<sup>6</sup> 5.7 per cent = €8.0 million increase divided by 2016 approved budget with interest for the host State loan of €139.59 million.

<sup>7</sup> €7.2 million = Total adjusted budget without instalments for the host State loan in 2017 of €144.6 million - Total adjusted budget without interest for the host State loan in 2016 of €137.39 million.

<sup>8</sup> 5.2 per cent = €7.2 million increase without instalments for host State loan divided by 2016 approved budget of €137.39 million without interest for the host State loan.

<sup>9</sup> €144.6 million = €147.25 million - €2.65 million.

<sup>10</sup> ICC-ASP/15/12, para. 55.

Court may need to resort to the WCF, while the total may not be sufficient to cater for liquidity shortfalls.

23. The Committee urged all States Parties to make their payments on time, in order to ensure that the Court has sufficient funds throughout the year, in accordance with regulations 5.6 of the Financial Regulations and Rules (FRR). The Committee requested that the Court notify once again those States Parties that had not paid their contribution in full of their payment obligations prior to the fifteenth session of the Assembly in November 2016. Furthermore, the Committee recalled its previous recommendation that the President of the Assembly and Court Officials take up this issue with States that have outstanding dues to the Court whenever they have bilateral meetings.

### 3. States in arrears

24. The Committee observed that, as at 15 September 2016, 12 States Parties were in arrears, and would therefore not be able to vote in accordance with article 112, paragraph 8.<sup>11</sup> The Committee noted that the Secretariat had informed States Parties on 8 April 2016 of the minimum payment required to avoid the application of article 112, paragraph 8, of the Statute, and of the procedure for requesting a waiver of the loss of voting rights. The Committee recommended that all States Parties in arrears settle their accounts with the Court as soon as possible. The Committee requested that the Secretariat notify States Parties in arrears once again prior to the fifteenth session of the Assembly, highlighting the importance of their contributions for the budget and the financial stability of the Court.

### 4. Consideration of the 2017 proposed programme budget

#### (a) *Presentation and macro-analysis*

25. The Committee received the Proposed Programme Budget for 2017 of the International Criminal Court<sup>12</sup> and a Corrigendum.<sup>13</sup>

26. As for the financial performance, forecast expenditure for 2016 was estimated at €135.35 million, which represented 97 per cent of the 2016 approved budget of €139.59 million including interest payments.<sup>14</sup> The Committee noted that when comparing this with the 2017 proposed budget of €150.24 million, resource growth would be €10.65 million (or 7.63 per cent).

27. The Committee noted that some of the expenditure included in the 2016 proposed programme budget pertained to that budget year only and therefore would not necessitate resource allocation in the 2017 proposed programme budget, such as the rent for the interim premises amounting to €952,200, the expenditure of €438,300 for the Project Director's Office and the Court staff allocated for the permanent premises project since the project was completed, as well as expenses for the opening ceremony, thus totalling €1,390,500. However, the Committee reiterated that non-recurrent expenditure may occur in any year.

28. Such non-recurrent expenses reduce the baseline for the comparison of the 2017 proposed programme budget increase for core activities of the Court to €135.99 million.<sup>15</sup> The 2017 proposed programme budget increase would therefore amount to a real increase of 8.2 per cent or, in absolute numbers, an increase of €11.25 million based on the adjusted baseline.

29. In this regard, the Committee expressed the view that there should be a clear distinction between one-time and recurrent expenditures in the budget document. Without

<sup>11</sup> According to article 112, paragraph 8 of the Rome Statute, “[a] State Party which is in arrears in the payment of its financial contributions toward 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.”

<sup>12</sup> ICC-ASP/15/10.

<sup>13</sup> ICC-ASP/15/10/Corr.1.

<sup>14</sup> ICC-ASP/15/11, para.5.

<sup>15</sup> 2016 Approved budget: (€137,390,100 - €1,390,500).

such information, a year-to-year budget comparison would be extremely difficult, leading to a budgeting practice, where one-time costs are automatically incorporated into future budget baselines, which lacks transparency.

30. As part of its macro analysis the Committee also considered the forecast expenditure for 2016 and the average implementation rates for all major programmes from 2011 to 2016,<sup>16</sup> and thus analysed the proposed increases in light of such information.

31. The main increase was requested by the Registry, namely €6.84 million, followed by the Office of the Prosecutor (“the OTP”) with a requested increase of €3.05 million, the Judiciary with a requested increase of €0.8 million and the Secretariat of the TFV with a requested increase of €0.6 million. The requested increase for the remaining major programmes is below €0.25 million.

32. While being cognizant of the Court’s increased judicial activities in recent years, the Committee observed a trend involving a steady increase in the amount of requested resources, in particular in relation to staff costs. In this context, the Committee reiterated its recommendation that the Assembly may wish to set an envelope for future budgets, taking into account capacity in terms of the number of judges, the capacity of the new premises and the fact that the Court was established based on the principle of complementarity to national jurisdictions.

(b) *Major programmes*

(i) *Major Programme I: Judiciary*

33. The 2017 proposed budget for Major Programme I amounted to €13,243,700, representing an increase of €813,100 (6.5 per cent), against the 2016 approved budget of €12,430,600.

*Salaries of judges*

34. The Committee noted that €580,900 (71 per cent) of this increase is due to the cost of salary entitlements for the 18 judges. The proposed increase in the yearly base salary for one judge amounts to €26,270 (from €180,000 to €206,270), with the consequence that the pension payment must also be increased.

35. According to Resolution ICC-ASP/3/Res.3, the conditions of service and compensation of judges of the Court “shall be reviewed by the Assembly as soon as practicable following the review of the conditions of service of the judges of the International Court of Justice by the General Assembly of the United Nations.”<sup>17</sup>

36. In this regard, the Committee noted that:

(a) Since January 2007, the salaries of the members of the International Court of Justice (“the ICJ”) and the judges of other international tribunals have comprised an annual base salary with a corresponding post adjustment multiplier for the Netherlands. Whereas “base salary” means net salary, the term “post adjustment” reflects differences in the cost of living for each duty station and is updated monthly on the basis of prevailing local conditions. As a result, judges’ salaries vary on a monthly basis and could either increase or decrease depending on the post adjustment multiplier.

(b) In paragraph 47 of the report from the Secretary-General of the United Nations A/68/188, no change was proposed to be effected to the current system of remuneration for members of the ICJ and judges and *ad litem* judges of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals. United Nations General

<sup>16</sup> The breakdown of the average implementation rate for 2011-2016 is as follows (the forecast expenditure for 2016 is subject to change): 94.48 per cent for MP I; 97.32 per cent for MP II; 98.27 per cent for MP III; 92.5 per cent for MP IV; 95.05 per cent for MP V; 89.75 per cent for MP VI; 79.73 per cent for MP VII-1; 99.83 per cent for MP VII-2; 52.63 per cent for MP VII-5; and 97.2 per cent for MP VII-6.

<sup>17</sup> Resolution ICC-ASP/3/Res.3.

Assembly Resolution 70/244 set the annual base salary applicable to the judges of international tribunals at US\$172,978 (€154,815), with a post adjustment multiplier for The Netherlands of 31.0, totalling US\$226,601 (€202,808<sup>18</sup>).

(c) In the case of the Court, the salary scheme for judges is based on a fixed amount of €180,000 per year and there is no distinction between the base salary and post adjustment multiplier.

(d) Taking into consideration the different methodologies used to calculate the annual remuneration of judges, it is not possible to fully align the salaries of judges of the Court with those of the judges at the ICJ and other international courts and tribunals, since the base salary of the judges of the Court is higher by €25,185 than the base salary of the judges at the ICJ. Aligning the base salary of the Court's judges with the salary of ICJ judges would imply a decrease in salary.

37. The Committee recognized that the amount requested by the Judiciary is aligned with the 2016 annual remuneration of other international tribunals. The Committee concluded that the annual remuneration of judges would have to be considered by the Assembly as a policy matter, rather than simply a resource related question, and would require a procedure to review the salary scheme for judges.

38. Thus, the Committee is of the view that the Assembly might wish to consider two possible options:

- (a) Annual salary adjustment, determined by the Assembly; and
- (b) Periodical review of the salary scheme, establishing a timeline for such a review.

39. Any changes would also require a thorough review of all the judges' conditions of service, bearing in mind that any decision will have a budget implication.

#### *Staff and non-staff costs*

40. The Committee noted that in 2016 the Court set the assumption that the total of GTA positions requested would allow each of the four trials to be supported by an average of 2.5 Legal Officers (P-2/P-3). After rigorous examination of the assumptions of expected judicial developments for three trials and four accused in 2017, the Committee recommended that the Assembly approve resources for:

- (a) Two Legal Officers (P-3) for 12 work months each (GTA);
- (b) Eight Assistant/Associate Legal Officers (P-1/P-2) for 84 work months (GTA); and
- (c) The continuation of GTA P-2 positions for specific activities.

41. The Committee noted the annual increase in general operating expenses required for the rental of premises and the costs of running the New York Liaison Office ("NYLO") in recent years. The requested amount for 2017 for rental payment has increased to accommodate changes in the ownership and management of the office building in which the NYLO is located since the new rental agreement will expire in April 2017. The Committee recognized the difficulties in finding an adequate office space in New York City and the costs resulting therefrom.

42. The Committee recommended that the Assembly approve the increase in rental payments, and requested that the Court inform it of the NYLO's rental plan for 2018 at its twenty-eighth session.

43. The Committee recommended that the training budget in Major Programme I be approved at the level of the 2016 approved budget.

<sup>18</sup> United Nations exchange rate as at 15 August 2016.

*Recommended budget for MP I*

44. The Committee therefore recommended total reductions in the amount of €105,700 for Major Programme I from its original proposed budget subject to the Assembly's decision on the requested increase to the Judges' compensation and salaries of €580,900. The Committee thus recommended that the Assembly approve a total of €13.14 million for Major Programme I.

*(ii) Major Programme II: Office of the Prosecutor*

45. The proposed budget for 2017 for Major Programme II amounted to €46,280,200, representing an increase of €3,046,500 or (7 per cent) against the 2016 approved budget of €43,233,700.

46. As for the financial performance, forecast expenditure for 2016 was estimated at €42,600,000, which represented (98.5 per cent) of the approved 2016 budget of €43,233,000. The Committee noted that when comparing this with the 2017 proposed budget (€46,280,200), resource growth would be €3,680,200 (or 8.6 per cent).

47. For 2017, the OTP budget based its resource requirements on the following assumptions: nine preliminary examinations, nine situations, six active investigations (Central African Republic II (a), Central African Republic II (b), Côte d'Ivoire II, Darfur (Sudan), Libya<sup>3</sup> and Georgia), nine cases pending arrest; three trial teams, and two final appeals.

48. The Committee was advised that the OTP 2017 proposed budget was based on two main interlinked premises involving the OTP Strategic plan for 2016- 2018, which is linked to the "Basic Size" model, together with a genuine and realistic assessment of the OTP resource needs for 2017.<sup>19</sup>

49. The Committee noted that the "Basic Size" model may be a useful conceptual tool for budget formulation and forecasting, but that resource requirements for 2017 would need to be based on an accurate assessment of the actual needs of the OTP for its operation in 2017.

50. The Committee was of the view that each individual situation or case needed to be carefully analysed by all organs of the Court, including the impact of one organ's activities on the other organs. Such an approach would bring the budget requests closer to actual needs, rather than inflating the budget by applying the normative model of the "Basic Size".

*Cost drivers*

51. The active investigation in the situation of Georgia and the strengthening of other existing integrated teams are among the major cost drivers for the 2017 proposed budget. The Committee was advised that the OTP had made an effort to utilize existing resources by redeploying resources from declining activities to active investigations and trials.

52. For the situation in Georgia, €1,844,600 (€1,420,600 for GTA<sup>20</sup> and €424,000 for non-staff costs) was requested from the CF in 2016.

53. For 2017, a total of €4.5 million, consisting of 18 established posts (€1,885,000), an integrated team of 20 GTA positions of investigators, interpreters and prosecutions staff (€1,931,000), and non-staff cost of €685,000, were requested to cover its operation in Georgia.

54. The 2017 proposed budget contained the estimated resource requirements for other active investigations, namely:

<sup>19</sup> ICC-ASP/15/10, para. 228.

<sup>20</sup> 186 work months/34 head count.

<i>Situation</i>	<i>Staff cost</i>	<i>Non-staff cost</i>	<i>Total cost</i>
Central African Republic II(a)	€2,427,400	€340,000	€2,767,400
Central African Republic II(b)	€2,985,400	€535,000	€3,520,400
Côte d'Ivoire II	€3,394,900	€575,000	€3,969,900
Darfur, Sudan	€2,795,800	€90,000	€2,885,800
Libya 3	€2,038,600	€300,000	€2,338,600
Georgia	€3,816,000	€685,000	€4,501,000

55. The Committee noted that the 2017 proposed budget for the OTP aimed to increase investigative capacities to be able to run six active investigations (an increase of 1.5 active investigations compared to 2016). The situation in Georgia is expected to be the most costly in 2017 with the request for new GTAs, and two other situations (Darfur and Libya) would see a significant increase in the resources allocated to them.

56. The Committee observed that while the OTP already seemed to have sufficient flexibility in reallocating already available resources to meet existing and emerging priorities for the OTP, additional resource requirements (new GTAs) were sought for 2017 to cater for a new situation.

57. While the Committee noted the assumptions made by the Prosecutor with regard to the situation in Darfur and Libya, it requested that the OTP closely monitor the actual use of investigative capacities to ensure the most efficient and effective use of available capacities within the OTP.

58. The Committee also observed that while the OTP emphasized that the 2017 proposed budget did not meet the required resource level envisaged under its "Basic Size" model, the standard composition of an average Integrated Team whose cost was estimated at €3.6 million seemed to be met to a large extent. In the case of the situation in Georgia, it exceeded the "Basic Size" for the composition an integrated investigation team. More importantly, however, the Committee noted that resource requirements should be analysed on the basis of actual workload requirements anticipated for each investigative activity, not by comparison with a standard model.

59. As for the situation in Georgia and the strengthening of other teams, the following additional GTA positions were requested for 2017:

(a) 11 positions (10.7 FTE) under the Service Section, consisting of two Translators (P-3), one Database Coordinator (P-2), two Assistant Information and Evidence Officers (P-1), five Data Processing Assistants, and one Disclosure/Search Assistant;

(b) 17 positions (16.5 FTE) under the Investigation Divisions, consisting of one Forensic Officer (P-4), one Forensic Officer (P-3), one Digital Imaging Officer (P-3), one Associate Protection Strategies Officer (P-2), one Protection Strategies Assistant (GS-OL), three Investigators (P-3), four Situation Specific Investigative Assistants (GS-OL), one Analyst (P-3), and four Assistants Analysts; and

(c) Three positions (2.82 FTE) under the Prosecution Division, consisting of two Trial Lawyers (one P-4 and one P-3) and one Appeals Counsel (one P-2).

60. The Committee did not object to those resource requests. However, in light of past expenditure patterns, as well as the time required to recruit new staff, which takes an average of four to six months, the Committee was of the view that the OTP could absorb some increase in costs, and recommended a reduction of €626,500 from the OTP GTA budget.

#### *Conversion*

61. The proposed 78 GTA conversions corresponded to the requirements for conversion set by the Committee (e.g. continuously needed, existed more than three years and positions are actually filled). The Committee recommended these conversions, while noting the significant increase in the established posts. The Committee also noted in this regard, that a cost saving of €799,400 with the application of a 10 per cent vacancy rate for established posts had already been incorporated into the budget proposal.

62. At the same time, the Committee observed that the GTA positions proposed for conversion were initially requested as temporary and situation-specific positions, but as the number of situations/cases continued to grow, there was always a new situation or case where such GTAs were utilized. The Committee had great difficulty in tracking what had been the original justification for creating each of those 78 GTA positions and how those capacities had been utilized once created.

63. Therefore, the Committee requested that the OTP provide budget information in such a way as to "tag" each GTA position to certain situation(s), case(s) or temporary function(s), to provide the necessary transparency so as to facilitate the Committee's recommendations on future budgets or requests for further conversions, should the need arise.

64. The OTP has developed a set of performance indicators to monitor and manage the Office's progress. OTP's Strategic goals number 3 and 8 referred directly to efficiency gains, although at the sub-programme level there was only one measurable indicator set for efficiency gains. In the Investigation Division there is a target for 2017 to achieve one per cent efficiency by ensuring professional, transparent and efficient management of the Office. The Investigation Division reported in the 2017 proposed budget that a 1.66 per cent (or €264,000) efficiency gain had been achieved in 2015 and an efficiency gain of at least one per cent (or €178,000) was expected for 2016.<sup>21</sup> It was the Committee's view that the OTP should set such efficiency targets for all the divisions and present them clearly in future budget proposals.

#### *Hospitality*

65. Pending a Court-wide scrutiny of hospitality budget requests at its twenty-ninth session, the Committee recommended that the hospitality budget in Major Programme II be approved at the level of the 2016 approved budget.

#### *Recommended budget for MP II*

66. The Committee accordingly recommended total reductions in the amount of €631.5 thousands in Major Programme II from its original proposed budget. The Committee thus recommended that the Assembly approve a total of €45.64 million for Major Programme II.

#### *(iii) Major Programme III: Registry*

67. The Committee noted that the Registry had requested a budget of €79,603,000 for its activities in 2017. This compares to the approved budget for 2016 of €72,759,200, which represents an increase of €6,843,800 (9.4 per cent).

68. During 2014 and 2015, the ReVision project was designed and formulated in order to reorganize and streamline the Registry. The overall goal of the reorganisation was to create a Registry that can perform more efficiently and effectively. One of the main priorities was to create a lighter structure with greater coordination, to increase flexibility in the allocation of resources and to stimulate greater efficiency and output.

69. The Committee observed that the increase in the number of staff amounted to 53.9 FTE posts (28 established posts and 25.9 FTE GTA) in 2016. This growth in staff numbers was said to be linked to increased workload, resulting from the need to strengthen the field offices, as well as extra staff for the premises. The Committee observed that in the 2017 proposed programme budget the number of established posts decreased by five, as a result of the closure of the field office in Kenya and the opening of the new field office in Georgia (by abolishing 10 posts in Kenya and establishing five posts in Georgia). As a result, the number of established posts was reduced to 574 posts for 2017 from 579 posts for 2016, whilst the number of GTA increased by 20.4 FTE.

<sup>21</sup> ICC-ASP/15/10, para. 365.



70. Against this background, the Committee considered each proposal for a new established post and all GTA positions on their own merit, taking in account workload and the assumptions of the 2017 proposed budget.

#### *Vacancy rate*

71. It was recalled that the staff costs component of the 2016 approved budget for the Registry was reduced by approximately €3.8 million, whereby €3.4 million corresponded to established posts and an additional reduction of €0.4 million in GTA resources resulted from a "staggered approach" to the implementation of the Registry structure. In light of some recruitment processes extending into 2017 and with a view to containing the budget increase, the Registry proposed a temporary increase in its vacancy rate from 10 to 12 per cent for 2017. This measure would reduce staff cost by approximately €0.9 million for 2017. However, in this regard, the Registry noted that staffing levels were expected to return to the normal (10 per cent) vacancy rate by mid-2017 and would need to be costed accordingly in subsequent budgets.

72. Upon request, the Committee was provided with actual and anticipated vacancy rates for certain months in 2016.

	<i>January 2016</i>	<i>April 2016</i>	<i>July 2016</i>	<i>August 2016</i>	<i>December 2016 (Est.)</i>
Original vacancies	163	135	109	99	33
New vacancies	4	10	21	22	38
Total	167	145	130	121	71

73. The Registry expected to achieve a 12 per cent vacancy rate by the end of December 2016, starting at a vacancy rate of 29.5 per cent (162/549) as at 31 December 2015. The Committee noted the vacancy rate of 22.5 per cent (130/579) as at 31 July and anticipated vacancy rate of 12.3 per cent (71/579) as at 31 December 2016.

74. The Committee noted that the forecast by the Registry appeared to be optimistic and requested that the Registry monitor the situation carefully and report thereon to the Committee at its twenty-eighth session.

#### *Established posts*

75. Ten established posts were abolished in the Kenya field office, and five new posts were requested for the Division of External Relations. Three new posts were proposed for the newly established field office in Georgia, consisting of one Chief of Field Office (P-5), one Field Security Officer (P-3) and one Field Assistant (VPRS/Outreach). In addition, one Chief of Field Office (Uganda) (P-5) and one Associate Field Security Officer (CAR) (P-2) were also requested.

76. The Committee recommended that the Assembly approve the establishment of those posts in light of the additional needs to support the operational and security requirements of the Court in the field in the situations of Georgia, Uganda and the Central African Republic.

#### *GTA*

77. One new GTA position, a P-3 Legal Officer for 12 months, was requested in the Legal Office of the Office of the Registrar. The Committee noted that the Legal Office (eight posts) is a newly established entity following the reorganisation and replaced the former Legal Advisory Service Section (seven posts). The Office has been strengthened with one additional post and the increased level of one post from P-2 to P-3. The Committee noted that there was no clear justification for the temporary need for this post and that the transitory workload had not been specified.

78. Based on the fact that the capacity of the new Legal Office to absorb future workload increases was evaluated as “high”<sup>22</sup> and that the Legal Office has not used its full capacity in 2016, the Committee recommended that the Assembly not approve the post of a Legal Officer (P-3).

79. One new GTA position of an Associate Accounts Officer (P-2) for 12 months was requested in the Finance Section. The Finance Section was established as result of combined structural changes of the previously unified Budget and Finance Section that was split in two Sections: the Budget Section and the Finance Section. The reorganisation should allow the Finance Section to focus on finance-specific activities and lead to improved performance.

80. As the capacity of the Finance Section to absorb future workload increases after the reorganisation has been evaluated as “high”,<sup>23</sup> and there were no significant changes envisaged in the workload in 2017, the Committee noted that there was no clear justification for the temporary need for this post. Therefore, the Committee recommended that the Assembly not approve this post of an Associate Accounts Officer (P-2).

81. An Associate ERP System Officer (P-2) was requested for 12 months in the Office of the Director of Division of Management Services (OD-DMS). This position was requested in order to automate and streamline business processes, to provide support to the SAP Team in SAP implementation of the new UN compensation package, etc. At the same time, the Committee observed that the amount requested for contractual services was €643.5 thousand, representing an increase of €198.9 thousand (44.7 per cent) compared to 2016. The requested increase was largely due to the proposed strengthening of SAP projects in OD-DMS. The Committee observed that the OD-DMS is a new division resulting from ReVision project whose capacity to absorb future workload increases was evaluated as high.

82. The Committee recognized the temporary need to strengthen OD-DMS in connection with the new UN compensation scheme, and recommended that the Assembly approve the newly created GTA position of an Associate ERP System Officer (P-2) for 12 months with the allocation of the requested resources for six months, while the costs for the additional six months should be absorbed by the DMS.

83. An E-Court Project Manager (P-4) was requested for 12 months in the Court Management Section. The Committee recalled that this GTA position was requested as part of 2016 budget proposal relating to the ReVision project. At the time, the Committee supported this position but recommended that the requested resources for this position be absorbed within the approved 2016 budget. As such, the Committee reiterated its previous recommendation, and recommended that the resources be absorbed once again within the 2017 proposed budget.

84. Three Court Interpreters (one English, two French) (P-3) were requested on a GTA basis, for 6 months each (total of 18 months), in relation to the *Bosco Ntaganda* trial in order to support staff interpreters during the three simultaneous trials, as well as for a number of non-judicial events. The Committee was of the view that non-judicial events could be catered for by existing staff interpreters and thus recommended that the Assembly fund two Court Interpreters (P-3) on a GTA basis, and therefore reduce the request by a total of six months.

85. An Administrative Assistant (GS-OL) was requested for 12 months in the Language Services Section. The existing coordination capacity of one (P-3), one (P-2) and two (GS-OL) posts, strengthened through the ReVision process, should be sufficient to recruit and manage the current and additional level of interpreters for trials and in the field offices. The Committee recommended the Assembly not to fund the requested resources for the new position (Administrative Assistant) in the Language Services Section.

<sup>22</sup> Comprehensive Report on the Reorganization of the Registry of the ICC”, August 2016.

<sup>23</sup> Ibid.

86. A Service Coordinator (GS-OL) was requested for 12 months in the Counsel Support Section. The Committee considered that the request for an additional position had not been fully justified and recommended to the Assembly not to fund the request.

87. An Associate Field Security Officer (Mali) (P-2) for 12 months was requested in the Mali Field Office. The Committee recalled that one Field Security Officer position (P-3) for nine months was approved in the context of 2016 budget, which will be continued in 2017 for 12 months. In light of the anticipated level of activities in Mali, and in particular the low level of investigative activities, the Committee was not convinced of the need for additional resources for 2017 and recommended to the Assembly not to fund the request.

88. The Committee recommended that staff be used in the most efficient and flexible way possible, for example by redeploying workforce to other duty stations in line with new activities, and looked forward to receiving detailed information on the use of GTA in the context of human resources planning at its twenty-eighth session.

89. Furthermore, the Committee requested that the Court report on the field office closure strategy and on decreases in field office activities in the context of human resource planning at its twenty-eighth session.

#### *Travel*

90. Resource requests for Travel under Major Programme III in the amount of €2,246,500 represent an increase of €281,900 (14.3 per cent) over the 2016 approved budget. The Committee observed that as a result of the establishment of the new structure, the number of Registry missions from Headquarters for the purpose of external operations and field support will be reduced by around 30 to 40 per cent. At the same time, by strengthening the field offices, the need for Headquarters staff dealing with field support would be significantly reduced. Therefore, the Committee recommended that the Assembly approve a smaller increase in the travel budget of the Registry to a level of €142,000 for 2017, therefore, recommending an amount of €139,900 as a reduction. Such increase incorporates resources needed for travel to New York to attend the sixteenth session of the Assembly.

#### *Courtroom usage*

91. The Committee noted that proceedings in three trials are envisaged to be conducted in two courtrooms. However, an additional 60 days will be needed when a third courtroom is used, with additional resources of about €0.5 million required to accommodate the three courtroom model in 2017.

92. The Committee scrutinized the actual usage of courtrooms in the last three calendar years. It noted that the Court had four, six and five active trials in 2013, 2014, and 2015 respectively, and that the number of courtroom days used did not exceed 129 days per year. For the period from 1 January to 30 June 2016, for the four active trials, there were 123 hearing days of which 30 were held simultaneously, while on 28 working days no courtroom was used. Furthermore, the Committee noted that the assumptions and parameters for the 2016 approved budget were based on four trials and 465 hearing days in the three courtrooms, and the number of established posts was approved based on these assumptions. The 2017 proposed budget assumption was based on three trials and 500 hearing days.

93. Furthermore, the Committee observed that the judges and legal teams have always needed a sufficient number of working days outside of the courtroom to prepare for hearings, which means that there is a possibility of scheduling courtroom usage and accommodating more than one trial hearing by using one courtroom.

94. In this regard, the Committee was of the view that the Court needed to closely monitor the use of courtroom time, and asked the Court to report thereon on the allocation of established posts, GTA positions and short-term contract staff for the courtroom usage and hearings in 2013, 2014, 2015 and 2016 to the Committee at its twenty-eighth session.

*ICT*

95. One of the cost drivers for the 2017 proposed budget for the Registry was an additional €1.8 million of investments in information management and information security. The proposed investments aimed to optimize Court proceedings and to ensure operational security and witness protection.

96. Upon inquiry, the Committee was provided with a detailed breakdown of the 2017 ICT budget. It noted that, except for specialized equipment required by the OTP, all ICT costs were centralized under the Registry. A total of €6.1 million, of which €5.2 million was proposed for recurrent requirements and €0.9 million for non-recurrent requirements, was budgeted mainly under such line items as contractual services, general operating expenses, supply and materials, and furniture and equipment, making up about 30 per cent of a €20 million budget under those line items under the Registry. The Committee was also informed that the Registry was in the process of gathering the necessary data from various stakeholders across major programmes with a view to finalizing a five year IT/information management strategy and roadmap.

97. The Committee was of the view that ICT was a key investment item for the Court for the coming years, and that close Court-wide coordination and alignment should be achieved, including through an ongoing synergy exercise among organs, before putting a multi-year strategy in place. The Committee expected to see a comprehensive ICT strategy and roadmap with detailed cost estimates for 2018 and beyond, which would contain a clear indication of recurrent and non-recurrent needs, in the context the Committee's review of the 2018 proposed budget for the Court.

98. In the meantime, the Committee recommended that the ICT budget (non-staff elements) for the Registry be reduced by €300,000, pending a comprehensive ICT strategy and roadmap with detailed cost estimates being provided in advance of the Committee's review of the 2018 proposed budget for the Court.

*Recommended budget for MP III*

99. The Committee accordingly, and taking into account paragraphs 185 and 186 below on legal aid, recommended total reductions in the amount of €1.53 million in Major Programme III from its original proposed budget. The Committee thus recommended that the Assembly approve a total of €78.06 million for Major Programme III.

*(iv) Major Programme IV: Secretariat of the Assembly of States Parties*

100. The Committee noted that the Secretariat had requested a budget of €2,917,800 for its activities in 2017. This compares to the approved budget for 2016 of €2,808,800, which represents an increase of €109,000 (3.9 per cent).

101. The Committee reviewed the expected workload of the Secretariat, taking into account States Parties' requirements and the financial resources requested to meet those needs, including those necessary to hold the sixteenth session of the Assembly.

102. The Committee was also mindful that the Assembly was conducting a review of its working methods.

103. The Committee took note of the implementation rates of recent years for the approved budgets for Major Programme IV, which had allowed the Secretariat to carry out its mandate, including by absorbing additional tasks not budgeted for, or only partially budgeted for, within its approved programme budget.

104. The Committee reiterated its prior recommendation on the use of GTA positions, and noted that GTA and Short Term Appointment contracts had been used to address the substantive and technical servicing needs of some of the established posts, including covering the temporary absence of staff. The Committee strongly reiterated its expectation that the significant number of posts that have been vacant for a few years are to be filled immediately, and requested a further update for its twenty-eighth session in order to determine the continuing need for those posts and to further guide the Assembly concerning the 2018 proposed budget.

*Recommended budget for MP IV*

105. The Committee accordingly recommended the Assembly that Major Programme IV budget for 2017 be approved at its 2016 approved level and recommended that total reductions in the amount of €109,000 be made from GTA in Sub-programme 4200. The Committee thus recommended that the Assembly approve a total of €2.81 million for Major Programme IV.

*(v) Major Programme V: Premises*

106. The 2017 proposed budget for Major Programme V amounted to €1,454,900, representing a decrease of €1,369,700 (-48.5 per cent), against the 2016 approved budget of €2,824,600.

107. The decrease in resource requirements can be attributed to the termination of residual rental costs for the interim premise. For 2016, the preventative and corrective maintenance of the premises was partly covered by the constructor's (*Courty's*) guarantee for the buildings and installation until the end of October 2016. A short-term contract for maintenance beginning in November 2016 until the end of 2017 was introduced as an interim measure through a single source contract with *Courty's* which, due to the company's knowledge as the constructor of the premises, could provide services at a reasonable cost. A long-term maintenance contract would be negotiated by the Court in 2017.

108. The Committee requested that the Court prudently control the preventive and corrective maintenance costs of the premises in 2017, to make every effort to ensure that the new, long-term contract was as efficient and cost-effective as possible, and report to the Committee at its twenty-ninth session in the context of the 2018 proposed budget.

*Recommended budget for MP V*

109. The Committee recommended the Assembly that the amount requested be approved, and thus recommended that the Assembly approve a total of €1,454,900 to Major Programme V.

*(vi) Major Programme VI: Secretariat of the Trust Fund for Victims*

110. The Committee was informed that the TFV Board of Directors has decided to maintain its earlier decision to outsource activities related to the conduct of situational assessments under the assistance mandate, and that capacity building of TFV implementing partners will be funded from resources originating from voluntary contributions (to a total of €1,050.0 thousand). The Committee welcomed this approach, and encouraged the TFV to continue this practice in the future, in support of self-sustained activities.

111. The Committee reiterated the recommendation of the External Auditor's report on the financial statements of the TFV for the year 2014 regarding the administrative delegation of authority and managerial roles and responsibilities.<sup>24</sup>

112. The Committee noted that the Secretariat of the TFV had requested a budget of €2,502,100 for its activities in 2017. This compares to the approved budget for 2016 of €1,884,500, which represents an increase of €617,600 (32.8 per cent).

113. Pending a further decision on the structure of the TFV Secretariat by the Assembly, the Committee noted that the new structure of the Secretariat of the TFV had not been subject to Court-wide efficiency improvement projects such as the "synergies" project, and thus was not integrated in the "One-Court" principle. It may thus include duplicate processes or inefficiencies.

114. The Committee noted that the budget assumptions for 2017 are in fact a resubmission of the 2016 proposed budget corrigendum, with some adaptation resulting from the ongoing classification process, and is informed by the evolving reparations

<sup>24</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 139.

practice. The Committee reiterated the need to work under the “One-Court” principle, and requested that the Secretariat of the TFV, in cooperation with the Court in the light of the operations foreseen for next year, report on synergies and efficiencies achieved and to submit a report to the Committee for its consideration at its twenty-eighth session. The Committee agreed to defer its consideration of the full implementation and funding of the proposed new Secretariat of the TFV structure until its review of the report at its twenty-eighth session.

115. According to the estimates provided, staff costs would increase by 4.6 per cent compared with the 2016 proposed budget corrigendum and by 34.8 per cent compared with the approved budget for 2016, including staff resources for 19 established posts.

116. The Committee considered the request for one Associate Executive Officer (P-2) and recommended that the Assembly approve this post as GTA for nine months.

117. The Committee considered the three Programme Managers (P-4) based in Kampala, Bunia and Abidjan Field Offices. The Committee recommended that the Assembly approve the reclassification of these posts.

118. The Committee noted the request for a Fundraising and Visibility Officer (P-3). While the Committee reiterated its earlier comment that fundraising is not a core function of the Court, it recommended that the Assembly continue to approve this request on a GTA basis for nine months, and reiterated its recommendation that the position be evaluated in light of the results achieved in raising awareness and attracting additional resources. The Committee recognized the work done by the TFV in terms of fundraising, but also pointed to the need to find ways to include the concept of financial self-sustainability in the future financial planning of the TFV in order to limit the impact on the assessed contributions of States Parties.

119. The Committee noted that €75.0 thousand had been requested for contractual services for fundraising events and materials. Bearing in mind its earlier comment that fundraising is not a core function of the Court, the Committee recommended that the Assembly approve this amount, under the condition that an analysis of the results derived from this expenditure versus the contributions received be brought before the Assembly through a detailed section in the Budget performance report for 2017.

120. The Committee noted the request for a new Finance Officer (P-3) post to provide strengthened financial oversight, reporting, control and compliance within the TFV and in relation to implementing partners. Thus, the Committee recommended that the Assembly approve this post.

121. The Committee noted the request for the establishment of one Associated Programme Officer (P-2) to be based in The Hague. The Committee recommended that the Assembly approve the post on a GTA basis without funding until there has been greater experience with the new structure and it has been determined whether the needs can be met through redeployment.

122. The Committee also considered the request for six Associate Field Programme Officers (P-2) based in Bunia, DRC (2), Kampala, Abidjan, Bangui and Nairobi, for reparations and assistance mandates, including appropriate monitoring and evaluation activities and financial control. The Committee recommended that the Assembly approve these posts on a GTA basis with a total budget allocation of €312,250, thereby allowing for flexible allocation of working months for each position, and decided to continue reviewing such allocation in the future.

123. The Committee noted the request for one Administrative Assistant (GS-OL) in The Hague. The Committee considered that this position was not properly justified and recommended to the Assembly not to approve this position.

*Recommended budget for MP VI*

124. The Committee accordingly recommended total reductions in the amount of €277,580 in Major Programme VI from its original proposed budget. The Committee thus recommended the Assembly that a total of €2.22 million be approved for Major Programme VI.

*(vii) Major Programme VII-2: Permanent Premises Project – Host State Loan*

125. The financial implications of MP VII-2 are applicable only to those States Parties that did not opt for a one-time payment or did not fully complete their one-time payments.<sup>25</sup>

126. The 2017 proposed budget for MP VII-2 amounts to €2,987,300 as instalments. Compared to the approved budget for 2016 of €2,200,500 this represents an increase of €786,800 (35.8 per cent).

127. The Committee recalled that the Court has a legal obligation to pay in full for the instalments to the host State by the first day of February of each year. The Committee urged those States Parties that must contribute to the payment of the host State loan to make their instalments in full and no later than end of January of each year, as otherwise the Court would have to make use of its operating funds in order to cover such payments.

*Recommended budget for MP VII-2*

128. The Committee thus recommended the Assembly that a total of €2.99 million be approved for Major Programme VII-2.

*(viii) Major Programme VII-5: Independent Oversight Mechanism*

129. The 2017 proposed budget for Major Programme VII-5 amounted to €554,800, representing an increase of €239,700 (76.1 per cent), against the 2016 approved budget of €315,100. The Committee noted that the Independent Oversight Mechanism (“IOM”) would be fully staffed in 2017, with three professional posts and one general service post, as approved by the Assembly at its twelfth session.

130. The Committee was of the view that by virtue of the mandate of the IOM to conduct inspections, evaluations and investigations at the request of the Assembly or the heads of organs, it could become an important instrument for the exercise of independent oversight, including in the area of impact evaluation. The Committee looked forward to the IOM becoming fully operational in 2017 and a constructive and fruitful relationship with the Committee and other subsidiary organs of the Assembly.

*Recommended budget for MP VII-5*

131. The Committee thus recommended that the Assembly approve a total of €554,800 for Major Programme VII-5.

*(ix) Major Programme VII-6: Office of Internal Audit*

132. The 2017 proposed budget for Major Programme VII-6 amounted to €694,200, representing an increase of €12,400 (1.8 per cent), against the 2016 approved budget of €681,800.

133. The Committee noted that the increase is mainly due to increases resulting from the United Nations Common System, as well as training needs for new staff members.

134. The Committee thus recommended that the Assembly approve a total of €694,200 for Major Programme VII-6.

**5. Financial performance data as at 30 June 2016**

135. The Committee had before it the Report on Budget Performance of the International Criminal Court as at 30 June 2016,<sup>26</sup> as well as the forecast performance as at 31 December 2016. The Committee noted that the implementation rate at mid-year was 48.3 per cent (€67.45 million), against the 2016 approved budget of €139.59 million, which represents a

<sup>25</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, Annex III.

<sup>26</sup> ICC-ASP/15/11.

decrease of 6.8 per cent compared to last year's implementation rate of 55.1 per cent as at 30 June 2015.

136. The Court forecasts an implementation rate of 97.0 per cent (€135.35 million), including the interest paid for the premises amounting to €2.19 million, against the approved budget for 2016 of €139.59 million, which represents a decrease of 0.1 per cent compared to last year's implementation of 97.1 per cent as at 31 December 2015.

137. The Committee noted at its twenty-sixth session, that the lower implementation rate was due to lower staff costs as a result of staggered recruitment under the ReVision reorganization and that the implementation rate would increase during the course of the year, once the vacant positions were filled.<sup>27</sup>

138. In recent years, the consolidated implementation rate for both regular budget and Contingency Fund notifications against approved budgets was 96.6 per cent in 2014, 95.8 per cent in 2013, and 96.6 per cent in 2012.

139. The Court's forecast implementation of 97.0 per cent against the 2016 approved budget could create room to absorb additional expenditures arising from Contingency Fund notifications. However, while the forecast implementation rate, as well as the forecast amount, is provisional and subject to a high degree of uncertainty, it is likely that the two letters from the Registrar addressed to the Chair of the Committee in August 2016 informing her of a potential resort to the Contingency Fund due to unforeseen and unavoidable costs in the *Lubanga* and *Ongwen* cases, as well as the situation in Georgia, will have an impact on the balance of the current Contingency Fund level of €5.79 million as at 30 June 2016.

140. The Committee requested that the Court provide an updated forecast to the Assembly for its fifteenth session, through the Committee, that would include actual expenditures in respect of both the regular budget and the Contingency Fund notifications up to the end of October 2016.

## 6. Liquidity and precautionary reserves

141. The Court holds and manages a number of precautionary reserves to allow it to manage liquidity and unforeseen events. These include:

(a) *The Working Capital Fund*, established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.<sup>28</sup> The established notional level of the fund has remained unchanged since 2007. It was originally set at €7.4 million and represented one month of the Court's expenditure, in line with recognised international practice. Due to the incremental budget growth, the level of the fund no longer reflects one month of expenditure, and therefore would need to be increased to €11.6 million (a €4.2 million, or 36 per cent, increase) based on the 2016 approved budget;

(b) *The Contingency Fund*, established to ensure that the Court can meet unforeseen and unavoidable expenses.<sup>29</sup> The level of the CF was originally set at €10 million by the Assembly in 2004 and set at €7 million in 2009.<sup>30</sup> In 2015, the Court drew €1.71 million from the fund, whereby the Assembly decided in the same year, while not replenishing the Fund, to maintain it at the notional level of €7 million for 2016, and further requested the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the CF. The CF now stands at €5.79 million and thus requires replenishment of €1.21 million in order to meet the level of €7 million set by the Assembly at its fourteenth session; and

(c) *The Employee Benefit Liability Fund*, which covers costs resulting from liabilities payable for salaries and other entitlements, annual leave accrual and other long-term benefits and post-employment benefits. The Fund had reached the amount

<sup>27</sup> ICC-ASP/15/5, paras. 38-39.

<sup>28</sup> Regulation 6.2 of the FRR.

<sup>29</sup> Regulation 6.6 of the FRR.

<sup>30</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/20), part III, ICC-ASP/3/Res.4, section B, para. 1.



of €11 million in 2014. It has been drawn upon to cover various other expenditures by the Court, including costs related to ReVision and the Permanent Premises project and currently stands at €344 thousand as at 30 September 2016.

142. Precautionary reserves - especially the WCF - are an essential tool for the Court to meet its financial needs. They should be set at the appropriate levels and only be used for the purpose intended and maintained where needed.

143. The Committee noted the current funding position of the Court with concern. The status of outstanding contributions and states in arrears were such that this year the Court has had to make use of the WCF for the first time and, should the financial situation remain the same or worsen, further recourse to the fund would have to be made.

144. Therefore, the Committee recommended that the Assembly agree in principle to reinstate the Working Capital Fund to represent one month's expenditure of the Court's 2016 approved budget (€11.6 million).

145. To fund this increase in 2017 would require a one off payment of €4.2 million. The Committee appreciated that there are other calls on the States Parties' contributions this year and, therefore, considered multi-year funding to restore the WCF to €11.6 million. The Committee also noted that, until full restoration of the WCF would be achieved, the CF could act as a temporary cash reserve, as well as for its intended purpose.

146. In order to support this approach, the Committee recommended restoring the Contingency Fund to the level approved by the Assembly of €7 million. This would require €1.21 million of assessed contributions for 2017.

147. The funding required to reinstate the WCF is €4.2 million. This could be spread over a number of years starting 2018, and as the WCF is increased, the maximum temporary call on the Contingency Fund would fall. This is illustrated in the table below:

<i>Year</i>	<i>Additional assessed contributions by States Parties (million €)</i>	<i>(Notional) Working Capital Fund level (million €)</i>	<i>Contingency Fund level (million €)</i>	<i>Maximum call on Contingency Fund by Working Capital Fund (million €)</i>
2016	0	7.4	5.79	-
2017	1.21 <sup>31</sup>	7.4	7	4.2
2018	1.4 <sup>32</sup>	8.8	7	2.8
2019	1.4 <sup>33</sup>	10.2	7	1.4
2020	1.4 <sup>34</sup>	11.6	7	0

148. The Committee recommended that the Assembly consider the proposed timetable, and requested the Court to take these amounts into consideration when submitting future budget proposals.

149. The Committee further recommended that the Court review the level of all precautionary reserves in 2019 to ensure that they are set at the appropriate level, especially as restructuring and expansion allows the Court to be more flexible and more able to cope with an increased workload.

150. The Committee took note of the Court's request for permission to access a line of credit. While the Committee recognised that there is a provision in the FRR that allows for access to a credit line, the Committee believed that the Court and the Assembly need to exhaust all available avenues of funding before using any external credit sources. This includes seeking payment of outstanding contributions and arrears, and the Court undertaking a full analysis to strengthen liquidity management.

<sup>31</sup> Contingency Fund replenishment.

<sup>32</sup> Financing of the replenishment of the WCF.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

151. In line with resolution ICC-ASP/14/Res.1, the Committee was of the view that the Court should be able to apply to banks for a seasonal credit line of up to €8 million for the period of December 2016 to mid-February 2017, in order to top-up for the foreseen liquidity shortfall in the WCF. The Committee recommended that a seasonal credit line be established and be used as last resort, after the full utilisation of the WCF and temporary, exceptional utilisation of the CF.

152. The Committee therefore requested that the Court report to its twenty-eighth session with a full evaluation of current cash flow management, including:

- (a) a comparison of assumptions and actual implementation;
- (b) early identification of diverging trends;
- (c) scope for better aligning disbursements to actual receipts of contributions;
- (d) management of payment periods, including the advantages, disadvantages and any legal issues in extending periods for the payment of supplier invoices;
- (e) options for the temporary pooling of liquid reserves;
- (f) projections and use of annual budget surpluses, currently or in the medium term; and
- (g) advantages, disadvantages and costs for arranging an external line of credit.

## **7. Amendments to the Financial Regulations and Rules**

153. At its twenty-sixth session, the Committee considered the Report of the Court on Policy Issues<sup>35</sup> and, in particular, the Court's proposal on how to amend the FRR in order to accommodate situations, in which new needs arose after the submission of the proposed programme budget but before the beginning of the financial year to which it pertained. The Committee expressed its view that further discussion was required at its twenty-seventh session in order to finalize the amendments before submitting them to the Assembly.<sup>36</sup>

154. The Committee had before it and considered the amended text of the Financial Regulations and Rules, and recommended that the Assembly approve the amended text in annex VI to this report.

## **C. Institutional reform and administrative matters**

### **1. Lessons learnt on judicial proceedings**

155. In the Report on the work of its twenty-fourth session, the Committee encouraged the Presidency to pursue the initiatives adopted under the leadership of the Working Group on Lessons Learnt, which aim to improve the efficiency and effectiveness of judicial proceedings. It also requested an up-to-date presentation of improvements achieved in the interim for its twenty-sixth session.

156. With regard to initiatives undertaken in 2016, the Committee noted at its twenty-seventh session that the Judges had published the Chambers Practice Manual, which is the first update to the Pre-Trial Practice Manual. The Committee looked forward to further updates at its twenty-eighth session.

### **2. 2016-2018 Strategic Plan for OTP**

157. The Committee noted that the new 2016-2018 Strategic Plan highlighted not only the efforts made to raise work standards and to respond to requests for intervention received by the OTP, but also the need for greater interaction with the police, legal departments and specialized judicial authorities. The Committee requested that the OTP submit an interim

<sup>35</sup> CBF/26/4.

<sup>36</sup> ICC-ASP/15/5, para. 44.

progress report at its twenty-eighth session on the implementation of the new 2016-2018 Strategic Plan, by highlighting efficiency gains and synergies.

### 3. Registry's staggered approach

158. At its fourteenth session, the Assembly noted that the full implications of the ReVision process, including its financial implications in both the short-term and the long-term, would be the subject of further clarifications to the Committee at its twenty-sixth session. The Committee therefore looked forward to receiving the full assessment of the External Auditor on the ReVision process and would scrutinise the assessment closely.

159. In the meantime, the Committee underlined that the approval of the staggered approach should in no way be understood as a tacit multi-year approval of the Registry's requirements.

### 4. Inter-organ synergies within the "Basic Size" model and its full costing analysis

160. At its twenty-fifth session, the Committee looked forward to receiving a full costing of the impact of the "Basic Size" and the Strategic Plan for 2016-2018 on other organs of the Court at its twenty-sixth session.<sup>37</sup>

161. An Interim report by the Court on the Court wide impact of the OTP "Basic Size" model<sup>38</sup> was submitted to the Committee at its twenty-sixth session. The Court further submitted a Final Report in this regard to the Committee at its twenty-seventh session.<sup>39</sup>

162. At its twenty-sixth session, the Committee looked forward to an update on inter-organ synergies within the framework of the continued work on the "Basic Size" and its full costing analysis and on the identification of further efficiency gains in the Court's operations, including in the areas identified by the Court as requiring further consideration (field operations, administration and judicial operations) at its twenty-seventh session. Following the request of the Committee, the Court submitted its Second Report on Inter-Organ Synergies.<sup>40</sup>

163. The Committee regrets that the Court has still been unable to finalize the Inter-Organ Synergies project.<sup>41</sup> So far no significant and quantifiable efficiency gains or savings and budgetary impact have been demonstrated by the Court. As the main results of the project so far have been improved co-operation and better understanding, few new instructions and few duplications of processes have been identified. So far the areas of activity covered are: Analyses, Languages, Public Information, External Relations, Procurement and Mission Planning. Remaining areas include Information Technology and Witness Management.

164. The Committee expected the whole Inter-organ-Synergies' project to be finished and a final report to be presented to the twenty-eighth session of the Committee.

165. The Committee noted that:

(a) "Basic Size" as a project is now finished and represents a conceptual model to describe the functional and resource relations between the main organs of the Court;

(b) Relevant Human Resources and other resource needs are described by sections and Organs of the Court and are fully costed;

(c) Workload assumptions made in the "Basic Size" exercise closely mirror the actual situation in the proposed budget for this year; and

(d) "Basic Size", as projected, represents a substantial resource growth trajectory reaching its apex by 2021.

<sup>37</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 31.

<sup>38</sup> CBF/26/12.

<sup>39</sup> CBF/27/10.

<sup>40</sup> CBF/27/8.

<sup>41</sup> *Ibid.*, para. 6.

166. The Committee understood that the results of the exercise provide a conceptually costed trajectory on the level of activity that the Court could effectively manage (bearing in mind the physical limits of Court's premises) over the coming years, by describing the functional and resource relations between the main organs of the Court. It recognized that this trajectory cannot be seen as a predictor for actual budgetary increases as it is based on assumed activities. Only when an activity presents itself in real time can the Court evaluate and prioritize its resource levels depending on how large or complex the activity is. Therefore, any increases as a result of changed activity levels will be considered on a year-by-year basis, as it is currently the case.

167. The Committee noted that the "Basic Size" model was not undertaken within a financial envelope and, thus, presented the Court's simulation of its maximum level of resource requirements at full assumed capacity. The Committee recognized that actual level and budget growth will differ as they would be based on the real life activities occurring and also recognized that the Court, through the Coordination Council, sought to remain within a budgetary envelope when considering the proposed budget for 2017.

168. The Committee recommended that the Assembly provides its input to inform the shape of the ultimate trajectory for budgetary growth for the Court and provide its projection of affordability at the beginning of the Court's budgetary process to align expectations. This would allow the Court to take into consideration the projection of States Parties' affordability, whilst undertaking its prioritization of activities when preparing the annual budget. Should the projection be lower than the costed increase without constraint, this would strengthen the need for the Court to seek synergies and savings within allocated budgets.

169. The Committee believed that financial constraints should be considered at the beginning and during the budgetary process of the Court to allow it to collectively prioritise and cost desired activity and consider any options needed to reprioritize or reorganise activity. Not only is the Court best placed to do this but it would be at an appropriate time in the year to maximize options should it need to rationalize activity. Seeking to reduce budgets once the budgetary process is completed and the proposed programme budget has been presented, limits the amount of time to consider available options for the forthcoming year.

## **5. Scope of authority delegated by the Registrar to the Secretariat of the Trust Fund for Victims**

170. At its twenty-fifth session, the Committee took note of the External Auditor's report on the financial statements of the TFV for the year 2014 regarding the administrative delegation of authority and managerial roles and responsibilities. The Committee also noted the work of the TFV Board of Directors, in consultation with the Registrar, to develop a more comprehensive arrangement for the administrative delegation of authority by the Registrar to the Secretariat of the TFV, and requested an update on developments involving this matter for its twenty-sixth session.<sup>42</sup>

171. In March 2016, the Committee accepted the request to extend the deadline for the update, in light of the extensive scope of the report and the need for the Court to carry out a detailed analysis and further agreed to the submission of the report at its twenty-seventh session.

172. On 25 July 2016, the Committee was informed that the Court would once again not be able to submit a report as requested by the Committee. In this context, the Committee was informed as follows: "In relation to the recommendation number "one" made by the External Auditors in their report on the TFV (CPI 2015-2), it was noted that the review and consultation process has been suspended until the structural reorganization of the TFV Secretariat is completed and the related budgetary implications are formally approved by the Assembly. A clear overview about the new Secretariat TFV's structure and its staff members' revised roles and responsibilities is conditional to properly establish the scope of administrative delegation of authority from the Registrar to the TFV Secretariat, as well as

<sup>42</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part.B.3, para.139.

the terms under which the cooperation and coordination between the TFV and the Registry shall be conducted.”

173. The Committee took note of the information received on the delegation of authority of the Registrar to the Secretariat of the TFV and requested an update at its twenty-eighth session.

## 6. Mission frequency and costs

174. At its twenty-sixth session, the Committee noted the large number of missions conducted by the Court, and requested the Court to report, for its twenty-seventh session, on how mission frequency and costs had evolved over the years and on any future developments anticipated.<sup>43</sup>

175. The Committee took note of the report submitted by the Court outlining the travel-related expenditures from 2013 to 2015 for both the approved budgets and the CF of the Court. It also outlined anticipated future developments. The Committee continue monitoring the anticipated future developments at its future sessions.

## 7. Reparations

176. The Committee was not provided with any written reports from the Court on reparations. However, it was updated verbally and the Court answered the queries raised by the Committee on developments with regard to reparations in the *Lubanga*, *Katanga* and *Bemba* proceedings.

177. The Committee observed that, following a decision by Trial Chamber II on 9 February 2016, changes were made to the initial plans regarding reparation proceedings in the *Lubanga* case, resulting in an additional cost of €313,400 which had not been included in the 2016 approved budget.

178. The Committee observed that the reparations process is an innovative one under the Rome Statue, without precedent as far as the other international criminal tribunals that had preceded the establishment of the Court are concerned, and that it is therefore difficult to forecast the financial and administrative implications of the reparations process.

179. The Committee recalled its earlier assessment that the issue of reparations had a potentially significant impact on the reputation and operations of the Court. Furthermore, the Committee was cognizant of the fact that the final pattern of reparations in the *Lubanga*, *Katanga* and *Bemba* cases depends on decisions by the Chambers and, therefore, requested to be informed about the administrative and operational cost implications resulting from the implementation of reparations, once these can be determined, and further agreed to closely monitor the situation at its forthcoming sessions.

## 8. General temporary assistance (GTA)

180. The Committee requested that the Court provide budget information for newly requested GTAs in such a way as to assign and link each GTA position to certain situation(s), case(s) or temporary function(s), in order to provide the necessary transparency and to facilitate the Committee’s recommendations on the future budget and any potential future requests for the conversion of these positions.

181. Furthermore, the Committee recommended that the Court specify, for all newly requested GTA positions in future budgets, if possible, the required duration of the requested posts, including multi-year posts, in order to reduce the administrative workload of the Human Resources Section and of the hiring of officers. Also, the Committee reiterated its recommendation that the Court submit a policy proposal on the duration of the contracts for GTA positions at its twenty-eighth session as part of its annual Human Resources report.

<sup>43</sup> ICC-ASP/15/5, para. 26.

## 9. Legal aid

182. The Committee noted that, as a result of decisions in the *Lubanga* case at the end of 2015, and in the *Katanga* case in 2014, the Court will be implementing reparations for the first time in its history, and that a number of important policy issues should be considered by the Assembly, including the appropriate role for legal aid.

183. In the 2017 proposed budget for legal aid, an amount of €922,000 was requested for the reparations proceedings in the *Lubanga* and *Katanga* cases, including €400,000 for defence counsel.

184. The Committee recalled that the Court's Single Policy Document on the Court's Legal Aid System<sup>44</sup> describes the principles governing the current legal aid system, including a description of the composition of teams for defence and victims. The Committee noted that a clear distinction appeared to have been drawn in the Single Policy Document between the length of time that defence teams would play a role (ending after a decision on appeal) and the length of time that victims teams would play a role (ending after the reparations phase). In particular, the Committee noted that the reparations phase takes place only after the final conviction of the accused, whereby the amount of legal aid during that phase has not yet been sufficiently clarified.

185. The Committee noted that during the reparations phase, reduced activity would be required by the legal team for the convicted person. It further noted that amounts to be allocated to legal aid for the defence could be based on a comparison with a "reduced activity" phase, amounting to €164,248 per year. Thus, the Committee recommended that during the reparations phase the amount for legal aid for the defence be approved at the level of €258,500<sup>45</sup> therefore, the total reduction is €141,500.

186. The Committee also noted that legal aid funds had been requested in the amount of €250,000 for legal aid for victims at the situation level, and that €303,000 had been requested by the Office of the Public Counsel for Victims for field counsels for victims. After a thorough examination of the issue, the Committee concluded that the amount requested for legal aid for victims at the situation level could be reduced by €200,000.

## 10. Geographical distribution and gender balance

187. The Committee was provided with updated information on geographical representation and gender balance within the Court as at 31 July 2016.

188. The Committee recalled that the Court had adopted a range of measures to address long-standing imbalances in geographical representation and gender balance. In this regard, the Committee reiterated its recommendation made at its twenty-sixth session<sup>46</sup> and looked forward to the consolidation of the Court's current and planned efforts into an action plan, where feasible, based on quantified, monitorable performance targets and a progress report in this regard at its twenty-eighth session in the context of the annual report on Human Resources.

189. The Committee was cognizant of the ongoing recruitment process to fill vacancies created as a result of the ReVision project within the Registry and of the proposed conversion of a large number of GTA positions into established posts within the OTP, which would have an impact on geographical distribution and gender balance within the Court.

190. The Committee was provided with information<sup>47</sup> suggesting a negative impact of the ReVision process in terms of geographical distribution and gender balance. The Committee took note of the amended human resource structure in the Registry, in particular an anticipated high increase in the number of staff, compared to the staff level expected after its reorganization.

<sup>44</sup> CBF/20/5/Rev.1.

<sup>45</sup> The level of €258,500 represents 19 months of legal aid during reduced activities using a standard cost of €13,600 per month.

<sup>46</sup> ICC-ASP/15/5, para. 91.

<sup>47</sup> Non-paper from the Women's Initiatives for Gender Justice.

191. Therefore, the Committee looked forward to receiving a further update on the geographical distribution and gender balance at its twenty-eighth session in the context of the annual report on Human Resources, along with an analysis of the impact of ReVision and of the large scale GTA conversions in OTP in order to ensure that there has been no negative effect on geographical distribution and gender balance within the Court.

## **D. Audit matters**

### **1. Annual report of the Audit Committee**

192. At its fourteenth session, the Assembly approved the recommendations of the Committee on the re-establishment of the Audit Committee (“the AC”), in particular the Charter of the AC contained in annex IV of the Committee’s report on the work of its twenty-fifth session.<sup>48</sup>

193. The Committee had before it the Annual Report of the AC<sup>49</sup> that is included as annex VII to the present report and submitted for the attention of the Assembly.

194. The Committee scrutinised the annual report of the AC on the work carried out in 2016 which covered the following matters:

- (a) Governance structure;
- (b) Risk management;
- (c) Oversight of internal and external audit; and
- (d) Monitoring the implementation of previous recommendations made by the AC.

195. As far as the Governance structure is concerned, the AC issued three recommendations on the organisation manual, the mandate of the Coordination Council and the Court’s collaboration with the OIA.<sup>50</sup>

196. Given that there is still much room for improvement as far as the governance of the Court is concerned, the Committee welcomed the recommendations of the AC and recommended that they be approved by the Assembly.

197. With regard to risk management, the AC made four recommendations on sharing the risk management information between the Court and the OIA, risk assessment criteria, the risk-management mechanism and the strengthening of the capacities of the various line managers in relation to risk management.<sup>51</sup>

198. Given the fact that risk management at the Court does not yet meet the international standards for institutions comparable to the Court, taking into consideration the challenges faced, the Committee recommended that the Court’s senior management, in close cooperation with the OIA, explore possibilities for a Court-wide strengthening of risk management, and that the Assembly approve all of the recommendations made in this regard by the AC at its fifteenth session.

199. Concerning the oversight of internal and external audit, the Committee was informed that, in accordance with paragraph 57 of the AC-Charter, the AC had examined and approved the OIA Audit Plan for 2016, in particular the auditing of the process for mission planning, the Court’s budgetary procedure, the management of risks associated with the exchange rate, the security of field offices and the procedures for managing crisis situations.

200. The 2017 audit plan will be approved by the AC at its third session to be held via video-conference before the end of 2016. With regard to the implementation of previous audit recommendations, the AC made three recommendations on reducing the number of

<sup>48</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, annex IV.

<sup>49</sup> AC/2/15.

<sup>50</sup> *Ibid.*, paras. 8-13.

<sup>51</sup> *Ibid.*, paras. 18-23.

outstanding recommendations, the process for implementing recommendations and access to information without restriction for the OIA.<sup>52</sup>

201. Further to the AC's recommendations, the Committee called on all the organs of the Court to improve the implementation status of audit recommendations.

202. As far as the External Auditor is concerned, the AC made recommendations on the extension of the mandate of the External Auditor, amendments to the draft engagement letter and the presentation of the management letter.<sup>53</sup> The Committee recommended that the Assembly approve these recommendations.

203. The Committee was informed that the External Auditor did not attend the AC's second session, even though ample advance notice of the date of the meeting had been given.

204. The External Auditor was unable to have any discussions, neither on a one-to-one basis, nor by telephone or tele-conference with the AC on external audit matters, which hindered the accomplishment of the AC's tasks. As a consequence, the AC was unable to examine the External Auditor's reports.

205. The Committee took note of recommendation number "four" of the External Auditor that "[t]he Assembly of States Parties terminate the mandate of the Oversight Committee, after discharging the Project Director's Office of its responsibility, and entrust oversight of the budgetary and financial aspects relating to the permanent premises' maintenance and capital replacements to the Committee on Budget and Finance." See paragraph 232 under Governing structure and total cost of ownership for the Committee's recommendation.

206. The Committee recommended that the Assembly approve the External Auditor's recommendations except for recommendation number "four" as detailed in paragraph 239 of this report.

## **2. Financial statements of the Court and the Trust Fund for Victims for the year ended 31 December 2015**

### *(a) Consideration of the financial statements of the Court*

207. Regulation 12 of the Financial Regulations and Rules provides that the Assembly shall appoint an Auditor to conduct audits in conformity with generally accepted common auditing standards, subject to any special directions of the Assembly and in accordance with the additional terms of reference set out in the annex to the FRR.

208. In accordance with regulation 12.7, the Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period. In accordance with regulations 12.8 and 12.9, audit reports are subject to examination by the Registrar and the Committee Budget and Finance, before being submitted to the Assembly.

209. Rule 9 of the Rules of Procedure of the Committee provides that the Committee shall consider reports of the Auditor and submit them to the Assembly together with any comments it may deem appropriate.

210. Section M.2 of the AC-Charter provides for the consideration of external audit matters by the AC. It sets out the comprehensive oversight role of the AC for the external audit with the aim that the AC obtains reasonable assurances with respect to its audit activity. In accordance with its Charter, the AC is tasked with meeting with external assurance providers, such as the External Auditor, during the planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations<sup>54</sup> and, further, examining and monitoring the

<sup>52</sup> Ibid., paras. 35-39.

<sup>53</sup> Ibid., paras. 48-51.

<sup>54</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV, para. 58.



independence of the External Auditor and his recommendations, together with any other questions raised by him or by any other external assurance provider.<sup>55</sup>

211. The Committee took note of the fact that despite that fact that the External Auditor was given notice, the representative was not available to attend the second session of the Audit Committee.<sup>56</sup> The Committee further noted that due to the absence of the External Auditor at the second session of the AC and the lack of information resulting therefrom, the AC decided not to consider the financial statements of the Court, which include an audit report on the financial reporting and management of the permanent premises project.<sup>57</sup>

212. The Committee was requested by the Chair of the AC to exceptionally consider external audit matters at its twenty-seventh session. The External Auditor was informed thereof and agreed to be present during the consideration of the agenda item related to external audit matters at the twenty-seventh session of the Committee.

213. The Committee received the Financial Statements of the International Criminal Court for the year ended 31 December 2015,<sup>58</sup> which include an audit report on the financial reporting and management of the permanent premises project for the financial year 2015.

214. The Committee welcomed the presentation by the External Auditor in relation to the financial statements of the Court.

215. The Committee noted with concern the External Auditor's qualified opinion that, with the exception of the possible effects related to the final cost of the permanent premises project, the financial statements give a fair view of the financial position of the Court as at 31 December 2015, as well as the Court's financial performance, the changes in net assets, the cash flow and the comparison of budget and actual amounts for the 12 month period ending 31 December 2015, in conformity with the International Public Sector Accounting Standards ("the IPSAS").<sup>59</sup>

216. The Committee received an explanation from the External Auditor regarding the basis for his qualified opinion. The External Auditor explained that, as the final agreement reached between the Court and the Constructor (*Courtys*) has not been signed since it is awaiting authorization from the Assembly, he was unable to determine whether any adjustments to the permanent premises amounts recognized as at 31 December 2015 were necessary.

217. However, the External Auditor informed the Committee that he would probably change his qualified opinion to an unqualified one on the permanent premises accounts as at 31 December 2015 if the following conditions were met during or right after the Assembly in November 2016:

- (a) The Assembly authorises the overrun for the permanent premises of €1.75 million;
- (b) The agreement between the Court and the Constructor (*Courtys*) is signed on the total amount of the premises; and
- (c) The Court amends and reissues the financial statements with explanatory notes reflecting the overrun part.

(b) *Consideration of the financial statements of the Trust Fund for Victims*

218. Paragraph 13 of resolution ICC-ASP/1/Res.6, establishing a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, provides that the FRR shall apply *mutatis mutandis* to the administration of the TFV. Furthermore, the Assembly, at its fourth session, endorsed the recommendation contained in paragraph 20 of the report of the Committee on the work of its fourth session

<sup>55</sup> Ibid., para. 59.

<sup>56</sup> AC/2/15, para. 44.

<sup>57</sup> Ibid., para. 52.

<sup>58</sup> ICC-ASP/15/12.

<sup>59</sup> Ibid., page 5.

regarding the inclusion of the TFV and its Secretariat within the scope of the audit arrangements applicable to the Court.<sup>60</sup>

219. The Committee noted that due to the absence of the External Auditor at the second session of the AC and the lack of information resulting therefrom, the AC had decided not to consider the financial statements of the TFV at its second session.<sup>61</sup>

220. The Committee considered the Financial Statements of the TFV for the year ended 31 December 2015.<sup>62</sup> The Committee took note of the External Auditor's unqualified opinion that the financial statements give a fair view of the financial position of the TFV as at 31 December 2015, as well as the TFV's financial performance, the changes in net assets, the cash flow and the comparison of budget and actual amounts for the 12 month period ending 31 December 2015, in conformity with the IPSAS.

## **E. Human resources**

### **UN Common System**

221. In the framework of the 2012 budget negotiations, States Parties had suggested examining together with the Court, the possibility of imposing a temporary freeze on salaries and allowances at the Court. In the meantime, the United Nations General Assembly ("the UNGA") in its resolution A/RES/70/244 took a decision to approve, with effect from 2016, the revised base/floor scale of gross and net salaries for staff in the Professional and higher categories, as recommended by the ICSC. In addition, the UNGA decided to approve the ICSC proposal on the common system compensation package as at 1 July 2016, including the unified salary scale and transitional measures.<sup>63</sup>

222. Considering the mandate given by the Assembly's resolution ICC-ASP/14/Res.1, in April 2016 the Committee organised a mission in order to follow-up the Assembly's initial request for an evaluation of the feasibility of a departure from the UN common system, and the establishment of an alternative pension scheme for newly recruited staff. The Committee delegation had several meetings with UN officials and non-UN officials, and many contacts with external multilateral organisations, in order to obtain the necessary information to assist it with coming to a conclusion on this matter.

223. Departing from the UN common system would require the Court to invest significant funds to create its own pension scheme and compensation structure, and would hinder mobility for staff between the Court and other UN organisations.

224. Remaining within the UN common system would require the Court to implement changes to its salaries and allowances in view of the modifications to the UN common system compensation package that have been approved by the UNGA.

225. Based on the information gathered, the Committee recommended that the Court should remain part of the UN common system, and remain part of the UN pension scheme.

226. Thus, and subject to the decision by the UN General Assembly on the UN Secretary-General's request to delay implementation of the new compensation package, the Committee recommended that the Court align itself with the actual implementation timeline, with the completion of the procedure set out in paras. 27-28 of the Report on the implementation of changes to the Court's salaries and allowances in accordance with the modifications to the United Nations common system compensation package.<sup>64</sup>

<sup>60</sup> *Official Records ... Fourth session ... 2005* (ICC-ASP/4/32), part II.A, para. 3.

<sup>61</sup> AC/2/15, para. 52.

<sup>62</sup> ICC-ASP/15/13.

<sup>63</sup> A/RES/70/244, section III, para. 1.

<sup>64</sup> CBF/27/7.

## F. Permanent premises project

### 1. Report of the Oversight Committee

227. The Committee had before it the Second interim report on the activities of the Oversight Committee<sup>65</sup> and an Addendum<sup>66</sup> to the mentioned report.

228. The Chairperson of the OC highlighted the activities of the OC since the premises project had been concluded. She noted that the OC has endeavoured to ascertain the final cost of the overall project, the possible financing of the overrun, and the allocation of such costs among the States Parties. Also, it had provided suggestions on how to cater for the interests of States Parties in the future, once the OC would cease to exist. The Project Director gave additional explanations.

### 2. Cost overrun

229. The OC requested that the Committee consider whether to recommend to the Assembly that the interest accrued in the amount of €553,326 on the funds of the permanent premises project be used to mitigate the cost overrun referred to in paragraphs 21 to 24 of the Second interim report on the activities of the Oversight Committee to the Committee on Budget and Finance.<sup>67</sup> The Committee was informed that the Project Director and the General Constructor (*Courtys*) have reached a draft settlement agreement which would result in the budget envelope exceeding by €1.75 million the ceiling authorized by the Assembly. The additional €1.75 million could be paid at the end of 2016, after the approval by the Assembly at its fifteenth session. Conscious of the need for approval by the Assembly, the final signature has been postponed until after the fifteenth session of the Assembly. The Chairperson of the OC and the Project Director emphasized that failure by the Assembly to approve the settlement could reopen the deal and lead to additional costs for States Parties.

230. Concerning the funding of the €1.75 million overrun, it emerged from the OC's presentation that there are two complementary options to consider.

231. One option is to cover the overrun from unspent resources left in the Court's regular budget at the end of 2016. The Court has indicated its willingness to do so. However, to ensure compliance with the FRR, the Assembly would need to authorize the Court, in the framework of the budget resolution, to use the budget surplus to cover the overrun.

232. Another option, the OC explained, could be to use the interest of €553,326 which the project funds have accumulated over the years. The OC understands that the interest essentially stems from the interest accumulated by one-time payments and thus there may be a certain element of ownership, which States Parties that have made one-time payments may feel. The OC requested that the Committee consider whether to recommend to the Assembly that the interest be used to this effect.

233. The Court advised the Committee that the interest has always been credited and kept in the premises bank account since it was opened. As a legal matter, the Court explained that the interest belonged to the project and, since it was not required that it be returned to States Parties and it was not possible to reallocate it to States Parties, then it could be used to reduce the premises cost overrun, as the interest had accrued on funds belonging to the same project.<sup>68</sup>

234. In this context, the Committee would like to recall the earlier observation of the OC in its Second interim report of 2014. When the system of one-time payments was set up in 2009, no provision was made for interest being paid back to States Parties on their one-time payments. The OC found that calculating accurately the amounts that might be returned to States Parties would be extremely difficult.<sup>69</sup>

<sup>65</sup> CBF/27/11.

<sup>66</sup> CBF/27/11/Add.1.

<sup>67</sup> Ibid.

<sup>68</sup> The Court also explained that Regulation 109.4 of the FRR is not applicable. In particular, the interest on the premises bank account does not constitute investment income derived from the Court's General Fund which would be credited to its miscellaneous income.

<sup>69</sup> CBF/23/10, para. 87.

235. The Committee also notes that using the interest to pay for the cost overrun would leave more scope in the regular budget to absorb expenditure under CF notifications.

236. The Committee recommended that the Assembly consider using the interest accrued on the project account to finance part of the cost overrun.

### **3. Governing structure and total cost of ownership**

237. The OC recalled that the Assembly, at its fourteenth session, invited the Bureau to continue discussions on the establishment of a new governance structure for the new premises, and to report to the Assembly at the upcoming session. The OC has had an initial discussion it will continue in October, when it hopes to be in a position to provide input to inform the Bureau's and the Assembly's discussion. The OC also said that it looked forward to the Committee's views on the External Auditor's recommendations about a possible role for the Committee in providing oversight of the new premises.

238. The External Auditor has recommended that the Assembly terminate the mandate of the OC and entrust the oversight of the Facilities Management Unit of the Court to the Committee or a sub-committee, including the budgetary and financial aspects relating to the premises' maintenance and capital replacements.<sup>70</sup>

239. The Committee did not believe that the need for a separate new governance structure in the wake of the OC had been demonstrated. From its technical viewpoint it suggested instead that the new challenges - i.e. the maintenance of the premises, a strategy for capital replacements and effective oversight - could be efficiently organized within the current organizational set-up of the Court, namely the Assembly and its working groups. Under its mandate, the Committee would, as before, have the opportunity, and is fully prepared, to assist by offering financial advice. However, the Committee believed that such oversight responsibilities require additional resources and specialized expertise, and therefore the Committee - in light of its current limitations - recommended that the Assembly not approve this recommendation by the External Auditor that: "the Committee on Budget and Finance assume the oversight responsibilities currently being carried out by the Oversight Committee".

240. Concerning the projected capital replacements, the Committee would like to highlight the Auditor's recommendation that the Assembly review as soon as possible the cost estimates of capital replacements and implement a funding solution that does not jeopardize the prudential level of the WCF.<sup>71</sup>

### **4. Overpayments**

241. The OC recalled the decision made by the Assembly in 2015 that the surplus deriving from the overpayments of contributions to the premises shall offset future contributions due by the same States Parties against the long-term capital replacement costs. These overpayments amount to approximately €1,849,000. The OC informed the Committee that some queries have arisen as regards how to use such funds, how they are being managed, and how to ensure that they are exclusively used for the benefit of the States Parties which made the overpayments. The Committee invited the Court to report at its earliest convenience on the current management of the funds and the available options under the applicable regulations to safeguard their transparent use. On this basis, a strategy for the use of the funds should be worked out.

## **G. Other matters**

### **Future meetings of the Committee**

242. The Committee tentatively decided to hold its twenty-eighth and twenty-ninth sessions in The Hague, from 1-5 May 2017 and from 18-29 September 2017, respectively.

<sup>70</sup> ICC-ASP/15/12, recommendation 4 and para. 88.

<sup>71</sup> *Ibid*, recommendation 1.

## Annex I

### List of documents

<i>CBF / ASP document symbol</i>	<i>Title</i>	<i>CBF document symbol (if converted to ASP document)</i>
CBF/27/1	Provisional agenda	
CBF/27/1/Rev.1	Revised provisional agenda	
CBF/27/1/Add.1	Annotated provisional agenda	
CBF/27/2	Report on costs for the Permanent Premises that have been paid by the programme budget of the Court	
CBF/27/3	Report of the Court on specific matters relating to Human Resources Management: Reclassification and Conversion of Posts	
CBF/27/4	Report on the option for dealing with the cost overrun for the Permanent Premises	
CBF/27/5	Report of the Court on the appropriate level of the Working Capital Fund	
ICC-ASP/15/INF.2	2017 Proposed Programme Budget - Executive summary	CBF/27/6
CBF/27/7	Report on the implementation of changes to the Court's salaries and allowances in accordance with the modifications to the United Nations common system compensation package	
CBF/27/8	Second Report of the Court on Inter-Organ Synergies	
CBF/27/9	Report of the Court on the development of the frequency and cost of missions over time and future developments anticipated	
CBF/27/10	Final report of the Court on the Court wide impact of the OTP Basic Size model	
CBF/27/11	Second interim report on the activities of the Oversight Committee	
CBF/27/11/Add.1	Second interim report on the activities of the Oversight Committee (Addendum)	
AC/2/15	Annual Report of the Audit Committee	
ICC-ASP/15/10	Proposed programme budget for 2017 of the International Criminal Court	
ICC-ASP/15/10/Corr.1	Proposed programme budget for 2017 of the International Criminal Court, Corrigendum	
ICC-ASP/15/11	Report on Budget Performance of the International Criminal Court as at 30 June 2016	
ICC-ASP/15/12	Financial statements of the International Criminal Court for the year ended 31 December 2015	
ICC-ASP/15/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2015	
ICC-ASP/15/14	Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2015 to 30 June 2016	

## Annex II

## Status of contributions as at 15 September 2016 (in euros)

State Party	Prior Years			2016							Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Loan Interest Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Loan Interest Contribution	Total Outstanding Contributions	Outstanding Contingency Fund Contributions			
1 Afghanistan	-	-	-	13,659	399	14,058	13,659	399	14,058	-	14,058	Outstanding	20/04/2015
2 Albania	-	-	-	18,576	-	18,576	-	-	-	-	-	Fully settled	26/01/2016
3 Andorra	-	-	-	13,932	20	13,952	-	-	-	-	-	Fully settled	08/03/2016
4 Antigua and Barbuda	2,329	-	2,329	4,644	105	4,749	4,644	105	4,749	-	7,078	In arrears	05/01/2016
5 Argentina	64,894	-	64,894	2,075,274	9,408	2,084,682	2,075,274	9,408	2,084,682	-	2,149,576	In arrears	20/04/2016
6 Australia	-	-	-	5,437,180	-	5,437,180	-	-	-	-	-	Fully settled	28/04/2016
7 Austria	-	-	-	1,675,080	64,127	1,739,207	-	-	-	-	-	Fully settled	29/01/2016
8 Bangladesh	-	-	-	13,659	506	14,165	-	-	-	-	-	Fully settled	14/03/2016
9 Barbados	-	-	-	16,254	-	16,254	-	-	-	-	-	Fully settled	23/02/2016
10 Belgium	-	-	-	2,059,020	80,196	2,139,216	-	-	-	-	-	Fully settled	10/02/2016
11 Belize	-	-	-	2,322	81	2,403	-	-	-	-	-	Fully settled	13/09/2016
12 Benin	21,500	84	21,584	6,966	243	7,209	6,966	243	7,209	24	28,817	Ineligible to vote	27/03/2012
13 Bolivia (Plurinational State of)	-	-	-	27,863	172	28,035	-	-	-	-	-	Fully settled	19/07/2016
14 Bosnia and Herzegovina	-	-	-	30,185	-	30,185	-	-	-	-	-	Fully settled	12/02/2016
15 Botswana	-	-	-	32,507	1,365	33,872	-	-	-	-	-	Fully settled	04/04/2016
16 Brazil	11,336,383	76,988	11,413,371	8,894,558	235,775	9,130,333	8,894,558	235,775	9,130,333	-	20,543,704	In arrears	14/04/2015
17 Bulgaria	-	-	-	104,761	3,777	108,538	-	-	-	-	-	Fully settled	26/01/2016
18 Burkina Faso	-	-	-	9,288	93	9,381	7,985	-	7,985	-	7,985	Outstanding	13/11/2015
19 Burundi	373	-	373	2,322	81	2,403	2,322	81	2,403	-	2,776	In arrears	17/03/2015
20 Cabo Verde	3,890	28	3,918	2,322	81	2,403	2,322	81	2,403	-	6,321	Ineligible to vote	30/12/2013
21 Cambodia	-	-	-	9,288	249	9,537	-	-	-	-	-	Fully settled	28/06/2016
22 Canada	-	-	-	6,795,928	-	6,795,928	-	-	-	-	-	Fully settled	07/04/2016
23 Central African Republic	795	-	795	2,322	81	2,403	2,322	81	2,403	-	3,198	In arrears	09/12/2014
24 Chad	697	-	697	11,610	87	11,697	11,610	87	11,697	-	12,394	In arrears	13/01/2015
25 Chile	-	-	-	928,369	-	928,369	-	-	-	-	-	Fully settled	07/03/2016
26 Colombia	313,510	-	313,510	749,169	4,751	753,920	749,169	4,751	753,920	-	1,067,430	In arrears	30/06/2015
27 Comoros	14,410	28	14,438	2,322	81	2,403	2,322	81	2,403	46	16,887	Ineligible to vote	no payments
28 Congo	32,889	139	33,028	13,932	399	14,331	13,932	399	14,331	73	47,432	Ineligible to vote	01/06/2011
29 Cook Islands	-	-	-	2,322	81	2,403	28	-	28	-	28	Outstanding	21/01/2016
30 Costa Rica	-	-	-	109,405	82	109,487	8,084	-	8,084	-	8,084	Outstanding	23/02/2016

State Party	Prior Years			2016			Outstanding Regular Contributions	Outstanding Loan Interest	Outstanding Total Contributions	Outstanding Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Loan Interest	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest	Total Assessed Contributions							
31 Côte d'Ivoire	-	-	-	20,898	885	21,783	-	-	-	-	-	Fully settled	11/03/2016
32 Croatia	-	-	-	230,282	10,123	240,405	-	-	-	-	-	Fully settled	22/01/2016
33 Cyprus	-	-	-	99,980	1,691	101,671	-	-	-	-	-	Fully settled	04/03/2016
34 Czech Republic	-	-	-	800,389	4,495	804,884	-	-	-	-	-	Fully settled	05/02/2016
35 Democratic Republic of the Congo	-	-	-	13,659	19	13,678	13,659	19	13,678	-	13,678	Outstanding	29/10/2015
36 Denmark	-	-	-	1,358,749	5,288	1,364,037	-	-	-	-	-	Fully settled	09/02/2016
37 Djibouti	1,992	26	2,018	2,322	81	2,403	2,322	81	2,403	-	4,421	In arrears	05/12/2014
38 Dominica	5,690	28	5,718	2,322	81	2,403	2,322	81	2,403	8	8,129	Ineligible to vote	31/12/2015
39 Dominican Republic	152,457	1,149	153,606	107,083	3,615	110,698	107,083	3,615	110,698	-	264,304	In arrears	22/03/2016
40 Ecuador	-	-	-	155,844	-	155,844	-	-	-	-	-	Fully settled	24/08/2016
41 El Salvador	-	-	-	18,985	-	18,985	18,985	-	18,985	-	18,985	Outstanding	no payments
42 Estonia	-	-	-	88,371	285	88,656	-	-	-	-	-	Fully settled	11/01/2016
43 Fiji	-	-	-	6,966	243	7,209	-	-	-	-	-	Fully settled	20/04/2016
44 Finland	-	-	-	1,060,856	-	1,060,856	-	-	-	-	-	Fully settled	15/01/2016
45 France	-	-	-	11,304,876	449,449	11,754,325	-	-	-	-	-	Fully settled	11/02/2016
46 Gabon	77,137	337	77,474	39,610	1,014	40,624	39,610	1,014	40,624	-	118,098	In arrears	12/03/2014
47 Gambia	-	-	-	2,322	81	2,403	2,322	81	2,403	-	2,403	Outstanding	02/12/2015
48 Georgia	-	-	-	18,576	-	18,576	-	-	-	-	-	Fully settled	21/01/2016
49 Germany	-	-	-	14,864,556	56,010	14,920,566	-	-	-	-	-	Fully settled	19/01/2016
50 Ghana	-	-	-	37,288	1,123	38,411	30,200	-	30,200	-	30,200	Outstanding	09/04/2015
51 Greece	-	-	-	1,095,822	22,951	1,118,773	-	-	-	-	-	Fully settled	01/06/2016
52 Grenada	-	-	-	2,322	81	2,403	-	-	-	-	-	Fully settled	18/03/2016
53 Guatemala	-	-	-	65,151	2,169	67,320	-	-	-	-	-	Fully settled	25/08/2016
54 Guinea	9,820	28	9,848	4,644	81	4,725	4,644	81	4,725	84	14,657	Ineligible to vote	20/04/2015
55 Guyana	-	-	-	4,644	81	4,725	-	-	-	-	-	Fully settled	19/05/2016
56 Honduras	-	-	-	18,576	642	19,218	17,988	-	17,988	-	17,988	Outstanding	01/03/2016
57 Hungary	-	-	-	374,516	3,161	377,677	-	-	-	-	-	Fully settled	29/01/2016
58 Iceland	-	-	-	53,541	-	53,541	-	-	-	-	-	Fully settled	14/01/2016
59 Ireland	-	-	-	779,355	-	779,355	-	-	-	-	-	Fully settled	11/01/2016
60 Italy	-	-	-	8,720,003	-	8,720,003	-	-	-	-	-	Fully settled	08/08/2016
61 Japan	-	-	-	22,521,381	870,535	23,391,916	-	-	-	-	-	Fully settled	20/07/2016
62 Jordan	-	-	-	46,576	-	46,576	46,509	-	46,509	-	46,509	Outstanding	24/06/2015

State Party	Prior Years			2016			Outstanding Regular Contributions	Outstanding Loan Interest	Total Outstanding Contributions	Outstanding Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Loan Interest	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest	Total Assessed Contributions							
63 Kenya	-	-	-	41,932	1,047	42,979	-	-	-	-	-	Fully settled	24/02/2016
64 Latvia	-	-	-	116,371	2,424	118,795	-	-	-	-	-	Fully settled	15/07/2016
65 Lesotho	72	-	72	2,322	81	2,403	2,322	81	2,403	-	2,475	In arrears	11/01/2016
66 Liberia	-	-	-	2,322	81	2,403	145	-	145	-	145	Outstanding	30/05/2016
67 Liechtenstein	-	-	-	16,254	-	16,254	-	-	-	-	-	Fully settled	27/01/2016
68 Lithuania	-	-	-	167,453	1,080	168,533	-	-	-	-	-	Fully settled	31/12/2015
69 Luxembourg	-	-	-	148,878	-	148,878	-	-	-	-	-	Fully settled	18/01/2016
70 Madagascar	-	-	-	6,966	243	7,209	-	-	-	-	-	Fully settled	30/12/2015
71 Malawi	12,975	56	13,031	4,644	162	4,806	4,644	162	4,806	26	17,863	Ineligible to vote	28/09/2011
72 Maldives	138	-	138	4,644	81	4,725	4,644	81	4,725	-	4,863	In arrears	11/01/2016
73 Mali	-	-	-	6,966	324	7,290	79	-	79	-	79	Outstanding	25/04/2016
74 Malta	-	-	-	37,288	-	37,288	-	-	-	-	-	Fully settled	08/03/2016
75 Marshall Islands	1,034	-	1,034	2,322	81	2,403	2,322	81	2,403	-	3,437	In arrears	04/03/2015
76 Mauritius	-	-	-	27,863	-	27,863	-	-	-	-	-	Fully settled	13/01/2016
77 Mexico	-	-	-	3,338,686	-	3,338,686	3,302,901	-	3,302,901	-	3,302,901	Outstanding	08/01/2016
78 Mongolia	-	-	-	11,610	-	11,610	11,610	-	11,610	-	11,610	Outstanding	21/04/2015
79 Montenegro	-	-	-	9,288	-	9,288	-	-	-	-	-	Fully settled	24/05/2016
80 Namibia	-	-	-	23,219	-	23,219	-	-	-	-	-	Fully settled	29/03/2016
81 Nauru	-	-	-	2,322	81	2,403	2,322	81	2,403	-	2,403	Outstanding	13/02/2015
82 Netherlands	-	-	-	3,447,954	-	3,447,954	-	-	-	-	-	Fully settled	03/03/2016
83 New Zealand	-	-	-	623,511	20,332	643,843	-	-	-	-	-	Fully settled	08/01/2016
84 Niger	21,869	56	21,925	4,644	162	4,806	4,644	162	4,806	92	26,823	Ineligible to vote	23/11/2009
85 Nigeria	276,127	2,299	278,426	486,243	7,231	493,474	486,243	7,231	493,474	-	771,900	In arrears	25/10/2013
86 Norway	-	-	-	1,975,294	68,384	2,043,678	-	-	-	-	-	Fully settled	03/03/2016
87 Panama	-	-	-	79,083	423	79,506	60,015	-	60,015	-	60,015	Outstanding	25/08/2016
88 Paraguay	23,203	256	23,459	32,507	804	33,311	32,507	804	33,311	-	56,770	In arrears	05/02/2015
89 Peru	-	-	-	316,468	9,400	325,868	316,468	9,374	325,842	-	325,842	Outstanding	02/08/2016
90 Philippines	-	-	-	383,941	1,861	385,802	-	-	-	-	-	Fully settled	24/08/2016
91 Poland	-	-	-	1,956,718	-	1,956,718	-	-	-	-	-	Fully settled	15/01/2016
92 Portugal	-	-	-	911,979	-	911,979	-	-	-	-	-	Fully settled	13/05/2016
93 Republic of Korea	-	-	-	4,743,874	131,997	4,875,871	-	-	-	-	-	Fully settled	13/07/2016
94 Republic of Moldova	-	-	-	9,288	-	9,288	-	-	-	-	-	Fully settled	28/06/2016
95 Romania	-	-	-	428,058	8,131	436,189	-	-	-	-	-	Fully settled	04/04/2016
96 Saint Kitts and Nevis	-	-	-	2,322	81	2,403	-	-	-	-	-	Fully settled	01/06/2016



State Party	Prior Years			2016			Outstanding Regular Contributions	Outstanding Loan Interest	Outstanding Total Contributions	Outstanding Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Loan Interest	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Loan Interest	Total Assessed Contributions							
97 Saint Lucia	-	-	-	2,322	81	2,403	-	-	-	-	-	Fully settled	10/05/2016
98 Saint Vincent and the Grenadines	-	-	-	2,322	81	2,403	196	-	196	-	196	Outstanding	14/09/2016
99 Samoa	-	-	-	2,322	1	2,323	-	-	-	-	-	Fully settled	27/01/2016
100 San Marino	-	-	-	6,966	7	6,973	-	-	-	-	-	Fully settled	31/03/2016
101 Senegal	-	-	-	11,610	480	12,090	11,610	406	12,016	-	12,016	Outstanding	29/10/2015
102 Serbia	-	-	-	74,439	1,648	76,087	-	-	-	-	-	Fully settled	09/03/2016
103 Seychelles	-	-	-	2,322	81	2,403	-	-	-	-	-	Fully settled	03/02/2016
104 Sierra Leone	-	-	-	2,322	81	2,403	-	-	-	-	-	Fully settled	11/11/2015
105 Slovakia	-	-	-	372,194	1,824	374,018	-	-	-	-	-	Fully settled	10/03/2016
106 Slovenia	-	-	-	195,453	2,259	197,712	-	-	-	-	-	Fully settled	08/04/2016
107 South Africa	-	-	-	846,828	1,662	848,490	-	-	-	-	-	Fully settled	29/03/2016
108 Spain	-	-	-	5,683,852	-	5,683,852	-	-	-	-	-	Fully settled	18/03/2016
109 State of Palestine	-	-	-	16,254	387	16,641	-	-	-	-	-	Fully settled	29/03/2016
110 Suriname	281	-	281	13,932	249	14,181	13,932	249	14,181	-	14,462	In arrears	04/04/2016
111 Sweden	-	-	-	2,224,152	-	2,224,152	-	-	-	-	-	Fully settled	25/04/2016
112 Switzerland	-	-	-	2,652,346	-	2,652,346	-	-	-	-	-	Fully settled	12/07/2016
113 Tajikistan	-	-	-	9,288	243	9,531	5,073	-	5,073	-	5,073	Outstanding	05/04/2016
114 The former Yugoslav Republic of Macedonia	15,755	-	15,755	16,254	642	16,896	16,254	642	16,896	-	32,651	In arrears	11/03/2015
115 Timor-Leste	-	-	-	6,966	64	7,030	6,966	58	7,024	-	7,024	Outstanding	18/05/2015
116 Trinidad and Tobago	-	-	-	79,083	-	79,083	78,194	-	78,194	-	78,194	Outstanding	17/06/2015
117 Tunisia	-	-	-	65,151	2,892	68,043	-	-	-	-	-	Fully settled	29/03/2016
118 Uganda	33,690	167	33,857	13,659	480	14,139	13,659	480	14,139	48	48,044	Ineligible to vote	05/12/2012
119 United Kingdom	-	-	-	10,383,609	26,015	10,409,624	-	-	-	-	-	Fully settled	23/06/2016
120 United Republic of Tanzania	59,952	176	60,128	13,659	506	14,165	13,659	506	14,165	354	74,647	Ineligible to vote	01/06/2010
121 Uruguay	-	-	-	183,844	4,177	188,021	63,842	-	63,842	-	63,842	Outstanding	18/01/2016
122 Vanuatu	7,163	28	7,191	2,322	81	2,403	2,322	81	2,403	8	9,602	Ineligible to vote	no payments
123 Venezuela (Bolivarian Republic of)	3,360,471	17,482	3,377,953	1,328,427	50,383	1,378,810	1,328,427	50,383	1,378,810	4,983	4,761,746	Ineligible to vote	04/09/2012
124 Zambia	-	-	-	13,659	480	14,139	13,659	480	14,139	-	14,139	Outstanding	29/06/2015
<i>Rounding difference</i>													
	<b>15,851,496</b>	<b>99,355</b>	<b>15,950,851</b>	<b>136,584,295</b>	<b>2,185,719</b>	<b>138,770,014</b>	<b>17,879,500</b>	<b>327,805</b>	<b>18,207,305</b>	<b>5,746</b>	<b>34,163,902</b>		

## Annex III

## Budgetary implications of the recommendations of the Committee on Budget and Finance (in thousands of Euro)

Table 1: Total reductions recommended by the Committee on Budget and Finance

Major Programme	Item	CBF Recommendation	Para. Ref.		Adjusted PPB 2017
			CBF	PPB	
	Training at 2016 Approved budget	-€6.00	43	159	
	One P-2, no funding	-€99.70	40	192(b)	
<b>MP I: Judiciary</b>	<i>Total savings MP I</i>	<i>-€105.70</i>			
	Reduction from GTA	-€626.50	60		
	Hospitality at the same level of 2016 approved budget	-€5.00	65	264	
<b>MP II: OTP</b>	<i>Total savings MP II</i>	<i>-€631.50</i>			
	1 P-3 (GTA), Legal Office	-€122.80	78	760	
	1 P-2 (GTA), Associate Accounts Officer	-€99.70	80	769	
	6-months of 1 P-2 (GTA), Associate ERP System Officer, not funded	-€49.85	82	762	
	1 P-4 (GTA), e-Court Project Manager, not funded	-€143.70	83	778	
	6 months of FTE of P-3 GTA , Court interpreters	-€61.40	84	785	
	1 GS-OL (GTA), Administrative Assistant in Language Section, not funded	-€72.30	85	785	
	1 GS-OL (GTA), Service Coordinator-not funded	-€72.30	86		
	1 P-2 (GTA), Associate Field Security Officer, Mali -not funded	-€99.70	87	803	
	Reduction in Travel	-€139.90	90		
	Reduction in ICT	-€300.00	98	780	
	Legal aid for Victims	-€200.00	186	572	
	Legal aid for Defence	-€141.50	185	571	
<b>MP III: Registry</b>	<i>Total savings MP III</i>	<i>-€1,534.65</i>			
	2016 approved budget level	-€109.00	105		
<b>MP IV: SASP</b>	<i>Total savings MP IV</i>	<i>-€109.00</i>			
		€0.00	109		
<b>MP V: Premises</b>	<i>Total savings MP V</i>	<i>€ 0.00</i>			
	1 P-3, Fundraising and Visibility Officer; approved as GTA	€18.40	118	706	
	1 P-2, Associate Executive Officer	-€89.70	116	703	
	1 P-2, Associate Programme Officer	-€14.93	121	709	
	6 P-2 (GTA), for 9 months, Associate Field Programme Officer	-€89.55	122	710	
	1 GS-OL, Administrative Assistant	-€65.00	123	711	
<b>MP VI: STFV</b>	<i>Total savings STFV</i>	<i>-€277.58</i>			
<b>MP VII-5: IOM</b>	<i>Total savings MP VII-5</i>	<i>€0.00</i>	131		
<b>MP VII-6: OIA</b>	<i>Total savings MP VII-6</i>	<i>€ 0.00</i>	134		
					€144,592.27
					€2,987.30
<b>MP VII-2: Host State Loan</b>	<i>Total Savings MPVII-2</i>	<i>€0.00</i>	128		
<b>Total</b>					<b>€147,579.57</b>
	<i>Replenishment of Contingency Fund</i>	<i>€1,210.00</i>	146		
<b>Total with CF</b>					<b>€148,789.57</b>
<b>Grand total savings recommended:</b>		<b>€2,658.43</b>			
<b>Adjusted increase in the operational budget:</b>		<b>€7,202.17</b>			
<b>Adjusted 2017 proposed operational budget:</b>		<b>€144,592.27</b>			

**Table 2: Total of all Major Programmes for 2017**

	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<b>Total ICC</b>			
Judges	5,950.0	5,950.0	
Professional staff	61,372.4	60,680.7	-691.7
General Service staff	24,576.6	24,511.6	-65.0
<i>Subtotal staff</i>	<i>85,949.0</i>	<i>85,192.3</i>	<i>-756.7</i>
General temporary assistance	17,052.4	15,943.0	-1,109.4
Temporary assistance for meetings	1,527.6	1,527.6	
Overtime	430.3	430.3	
<i>Subtotal other staff</i>	<i>19,010.3</i>	<i>17,900.9</i>	<i>-1,109.4</i>
Travel	6,036.7	5,896.8	-139.9
Hospitality	34.0	29.0	-5.0
Contractual services	3,620.9	3,480.9	-140.0
Training	895.9	889.9	-6.0
Consultants	704.3	704.3	
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	20,073.0	20,073.0	
Supplies and materials	1,044.3	1,044.3	
Furniture and equipment	2,047.1	1,887.1	-160.0
<i>Subtotal non-staff</i>	<i>39,328.7</i>	<i>38,536.4</i>	<i>-792.3</i>
<b>Total</b>	<b>150,238.0</b>	<b>147,579.6</b>	<b>-2,658.4</b>

**Table 3: Major Programme I: Judiciary**

	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<b>Major Programme I Judiciary</b>			
Judges	5,950.0	5,950.0	
Professional staff	4,577.6	4,577.6	
General Service staff	917.8	917.8	
<i>Subtotal staff</i>	<i>5,495.4</i>	<i>5,495.4</i>	
General temporary assistance	1,510.9	1,411.2	-99.7
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>1,510.9</i>	<i>1,411.2</i>	<i>-99.7</i>
Travel	130.0	130.0	
Hospitality	12.0	12.0	
Contractual services	5.0	5.0	
Training	28.0	22.0	-6.0
Consultants	10.0	10.0	
General operating expenses	97.4	97.4	
Supplies and materials	5.0	5.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>287.4</i>	<i>281.4</i>	<i>-6.0</i>
<b>Total</b>	<b>13,243.7</b>	<b>13,138.0</b>	<b>-105.7</b>

**Table 4: Programme 1100: The Presidency**

<b>1100 The Presidency</b>	<i>Proposed 2017 Budget</i>	<i>Proposed 2017 Budget</i>	<i>Difference Before CBF vs After CBF</i>
	<i>Before CBF recommendations</i>	<i>After CBF recommendations</i>	
<i>Judges</i>	28.0	28.0	
Professional staff	721.7	721.7	
General Service staff	292.0	292.0	
<i>Subtotal staff</i>	<i>1,013.7</i>	<i>1,013.7</i>	
General temporary assistance	122.8	122.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>122.8</i>	
Travel	125.9	125.9	
Hospitality	10.0	10.0	
Contractual services			
Training	6.0	6.0	
Consultants	10.0	10.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>151.9</i>	<i>151.9</i>	
<b>Total</b>	<b>1,316.4</b>	<b>1,316.4</b>	

**Table 5: Programme 1200: Chambers**

<b>1200 Chambers</b>	<i>Proposed 2017 Budget</i>	<i>Proposed 2017 Budget</i>	<i>Difference Before CBF vs After CBF</i>
	<i>Before CBF recommendations</i>	<i>After CBF recommendations</i>	
<i>Judges</i>	5,922.0	5,922.0	
Professional staff	3,644.8	3,644.8	
General Service staff	549.1	549.1	
<i>Subtotal staff</i>	<i>4,193.9</i>	<i>4,193.9</i>	
General temporary assistance	1,388.1	1,288.4	- 99.7
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>1,388.1</i>	<i>1,288.4</i>	<i>- 99.7</i>
Travel			
Hospitality	1.0	1.0	
Contractual services			
Training	22.0	16.0	-6.0
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>23.0</i>	<i>17.0</i>	<i>-6.0</i>
<b>Total</b>	<b>11,527.0</b>	<b>11,421.3</b>	<b>-105.7</b>

**Table 6: Programme 1300: Liaison Offices**

<b>1300 Liaison Offices</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
<i>Judges</i>			
Professional staff	211.1	211.1	
General Service staff	76.7	76.7	
<i>Subtotal staff</i>	<i>287.8</i>	<i>287.8</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	4.1	4.1	
Hospitality	1.0	1.0	
Contractual services	5.0	5.0	
Training			
Consultants			
General operating expenses	97.4	97.4	
Supplies and materials	5.0	5.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>112.5</i>	<i>112.5</i>	
<b>Total</b>	<b>400.3</b>	<b>400.3</b>	

**Table 7: Major Programme II: Office of the Prosecutor**

<b>Major Programme II Office of The Prosecutor</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	26,152.6	26,152.6	
General Service staff	4,926.6	4,926.6	
<i>Subtotal staff</i>	<i>31,079.2</i>	<i>31,079.2</i>	
General temporary assistance	10,687.7	10,061.2	-626.5
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>10,687.7</i>	<i>10,061.2</i>	<i>-626.5</i>
Travel	2,763.8	2,763.8	
Hospitality	10.0	5.0	-5.0
Contractual services	579.5	579.5	
Training	290.0	290.0	
Consultants	100.0	100.0	
General operating expenses	480.0	480.0	
Supplies and materials	110.0	110.0	
Furniture and equipment	180.0	180.0	
<i>Subtotal non-staff</i>	<i>4,513.3</i>	<i>4,508.3</i>	<i>-5.0</i>
<b>Total</b>	<b>46,280.2</b>	<b>45,648.7</b>	<b>-631.5</b>

**Table 8: Sub-programme 2110: Immediate Office of the Prosecutor**

<b>2110 Immediate Office of the Prosecutor</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,421.1	1,421.1	
General Service staff	276.7	276.7	
<i>Subtotal staff</i>	<i>1,697.8</i>	<i>1,697.8</i>	
General temporary assistance	293.9	293.9	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>293.9</i>	<i>293.9</i>	
Travel	184.4	184.4	
Hospitality	10.0	5.0	-5.0
Contractual services	30.0	30.0	
Training	290.0	290.0	
Consultants	100.0	100.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>614.4</i>	<i>609.4</i>	<i>-5.0</i>
<b>Total</b>	<b>2,606.1</b>	<b>2,601.1</b>	<b>-5.0</b>

**Table 9: Sub-programme 2120: Services Section**

<b>2120 Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	2,321.0	2,321.0	
General Service staff	1,495.7	1,495.7	
<i>Subtotal staff</i>	<i>3,816.7</i>	<i>3,816.7</i>	
General temporary assistance	3,158.2	2,961.2	-197.0
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>3,158.2</i>	<i>2,961.2</i>	<i>-197.0</i>
Travel	355.5	355.5	
Hospitality			
Contractual services	549.5	549.5	
Training			
Consultants			
General operating expenses			
Supplies and materials	110.0	110.0	
Furniture and equipment	180.0	180.0	
<i>Subtotal non-staff</i>	<i>1,195.0</i>	<i>1,195.0</i>	
<b>Total</b>	<b>8,169.9</b>	<b>7,972.9</b>	<b>-197.0</b>

**Table 10: Sub-programme 2200: Jurisdiction, Complementarity and Cooperation Division**

<b>2200 Jurisdiction, Complementarity and Cooperation Division</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	2,786.2	2,786.2	
General Service staff	260.1	260.1	
<i>Subtotal staff</i>	<i>3,046.3</i>	<i>3,046.3</i>	
General temporary assistance	502.1	502.1	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>502.1</i>	<i>502.1</i>	
Travel	440.2	440.2	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>440.2</i>	<i>440.2</i>	
<b>Total</b>	<b>3,988.6</b>	<b>3,988.6</b>	

**Table 11: Sub-programme 2300: Investigation Division**

<b>2300 Investigation Division</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	10,733.2	10,733.2	
General Service staff	2,373.9	2,373.9	
<i>Subtotal staff</i>	<i>13,107.1</i>	<i>13,107.1</i>	
General temporary assistance	4,746.7	4,392.6	-354.1
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>4,746.7</i>	<i>4,392.6</i>	<i>- 354.1</i>
Travel	1,409.6	1,409.6	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses	480.0	480.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>1,889.6</i>	<i>1,889.6</i>	
<b>Total</b>	<b>19,743.4</b>	<b>19,389.3</b>	<b>-354.1</b>

**Table 12: Sub-programme 2400: Prosecution Division**

<b>2400 Prosecution Division</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	8,891.1	8,891.1	
General Service staff	520.2	520.2	
<i>Subtotal staff</i>	<i>9,411.3</i>	<i>9,411.3</i>	
General temporary assistance	1,986.8	1,911.4	-75.4
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>1,986.8</i>	<i>1,911.4</i>	<i>-75.4</i>
Travel	374.1	374.1	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>374.1</i>	<i>374.1</i>	
<b>Total</b>	<b>11,772.2</b>	<b>11,696.8</b>	<b>-75.4</b>

**Table 13: Major Programme III: Registry**

<b>Programme III Registry</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	27,526.3	27,526.3	
General Service staff	18,017.7	18,017.7	
<i>Subtotal staff</i>	<i>45,544.0</i>	<i>45,544.0</i>	
General temporary assistance	4,042.3	3,289.0	-753.3
Temporary assistance for meetings	1,387.6	1,387.6	
Overtime	392.3	392.3	
<i>Subtotal other staff</i>	<i>5,822.2</i>	<i>5,068.9</i>	<i>-753.3</i>
Travel	2,246.5	2,106.6	-139.9
Hospitality	4.0	4.0	
Contractual services	2,415.4	2,275.4	-140.0
Training	498.4	498.4	
Consultants	434.3	434.3	
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	15,007.0	15,007.0	
Supplies and materials	911.6	911.6	
Furniture and equipment	1,847.1	1,687.1	-160.0
<i>Subtotal non-staff</i>	<i>28,236.8</i>	<i>27,455.5</i>	<i>-781.3</i>
<b>Total</b>	<b>79,603.0</b>	<b>78,068.4</b>	<b>-1,534.6</b>



**Table 14: Programme 3100: Office of the Registrar**

<b>3100 Office of the Registrar</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,474.0	1,474.0	
General Service staff	143.4	143.4	
<i>Subtotal staff</i>	<i>1,617.4</i>	<i>1,617.4</i>	
General temporary assistance	122.8		-122.8
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>		<i>- 122.8</i>
Travel	78.7	73.7	-5.0
Hospitality	4.0	4.0	
Contractual services			
Training	6.4	6.4	
Consultants	5.0	5.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>94.1</i>	<i>89.1</i>	<i>- 5.0</i>
<b>Total</b>	<b>1,834.3</b>	<b>1,706.5</b>	<b>-127.8</b>

**Table 15: Programme 3200: Division of Management Services**

<b>3200 Division of Management Services</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	3,761.2	3,761.2	
General Service staff	8,972.9	8,972.9	
<i>Subtotal staff</i>	<i>12,734.1</i>	<i>12,734.1</i>	
General temporary assistance	631.5	482.0	-149.5
Temporary assistance for meetings			
Overtime	357.3	357.3	
<i>Subtotal other staff</i>	<i>988.8</i>	<i>839.3</i>	<i>- 149.5</i>
Travel	170.1	170.1	
Hospitality			
Contractual services	643.5	643.5	
Training	332.8	332.8	
Consultants	38.0	38.0	
General operating expenses	3,510.1	3,510.1	
Supplies and materials	332.6	332.6	
Furniture and equipment	600.5	600.5	
<i>Subtotal non-staff</i>	<i>5,627.6</i>	<i>5,627.6</i>	
<b>Total</b>	<b>19,350.5</b>	<b>19,201.0</b>	<b>-149.5</b>

**Table 16: Programme 3300: Division of Judicial Services**

<b>3300 Division of Judicial Services</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	11,950.4	11,950.4	
General Service staff	4,928.4	4,928.4	
<i>Subtotal staff</i>	<i>16,878.8</i>	<i>16,878.8</i>	
General temporary assistance	2,146.5	1,796.8	-349.7
Temporary assistance for meetings	994.5	994.5	
Overtime	35.0	35.0	
<i>Subtotal other staff</i>	<i>3,176.0</i>	<i>2,826.3</i>	<i>-349.7</i>
Travel	520.8	414.5	-106.3
Hospitality			
Contractual services	550.9	410.9	-140.0
Training	93.0	93.0	
Consultants	391.3	391.3	
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	6,065.7	6,065.7	
Supplies and materials	289.4	289.4	
Furniture and equipment	1,200.3	1,040.3	-160.0
<i>Subtotal non-staff</i>	<i>13,983.9</i>	<i>13,236.2</i>	<i>-747.7</i>
<b>Total</b>	<b>34,038.7</b>	<b>32,941.3</b>	<b>-1,097.4</b>

**Table 17: Programme 3800: Division of External Operations**

<b>3800 Division of External Operations</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	10,340.7	10,340.7	
General Service staff	3,973.0	3,973.0	
<i>Subtotal staff</i>	<i>14,313.7</i>	<i>14,313.7</i>	
General temporary assistance	1,141.5	1,010.3	-131.2
Temporary assistance for meetings	393.1	393.1	
Overtime			
<i>Subtotal other staff</i>	<i>1,534.6</i>	<i>1,403.4</i>	<i>-131.2</i>
Travel	1,476.9	1,448.3	-28.6
Hospitality			
Contractual services	1,221.0	1,221.0	
Training	66.2	66.2	
Consultants			
General operating expenses	5,431.2	5,431.2	
Supplies and materials	289.6	289.6	
Furniture and equipment	46.3	46.3	
<i>Subtotal non-staff</i>	<i>8,531.2</i>	<i>8,502.6</i>	<i>-28.6</i>
<b>Total</b>	<b>24,379.5</b>	<b>24,219.7</b>	<b>-159.8</b>

**Table 18: Major Programme IV: Secretariat of the Assembly of States Parties**

<b>Programme IV Secretariat of the Assembly of States Parties</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	661.5	661.5	
General Service staff	374.8	374.8	
<i>Subtotal staff</i>	<i>1,036.3</i>	<i>1,036.3</i>	
General temporary assistance	688.7	579.7	-109.0
Temporary assistance for meetings	140.0	140.0	
Overtime	38.0	38.0	
<i>Subtotal other staff</i>	<i>866.7</i>	<i>757.7</i>	<i>- 109.0</i>
Travel	554.6	554.6	
Hospitality	5.0	5.0	
Contractual services	401.0	401.0	
Training	10.1	10.1	
Consultants			
General operating expenses	24.4	24.4	
Supplies and materials	14.7	14.7	
Furniture and equipment	5.0	5.0	
<i>Subtotal non-staff</i>	<i>1,014.8</i>	<i>1,014.8</i>	
<b>Total</b>	<b>2,917.8</b>	<b>2,808.8</b>	<b>-109.0</b>

**Table 19: Sub-programme 4100: Conference**

<b>4100 Conference</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance	263.5	263.5	
Temporary assistance for meetings	80.0	80.0	
Overtime	20.0	20.0	
<i>Subtotal other staff</i>	<i>363.5</i>	<i>363.5</i>	
Travel	63.7	63.7	
Hospitality			
Contractual services	313.0	313.0	
Training			
Consultants			
General operating expenses	11.0	11.0	
Supplies and materials	10.0	10.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>397.7</i>	<i>397.7</i>	
<b>Total</b>	<b>761.2</b>	<b>761.2</b>	

**Table 20: Sub-programme 4200: Secretariat of the Assembly**

<b>4200 Secretariat of ASP</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	507.5	507.5	
General Service staff	293.2	293.2	
<i>Subtotal staff</i>	<i>800.7</i>	<i>800.7</i>	
General temporary assistance	253.0	144.0	-109.0
Temporary assistance for meetings			
Overtime	18.0	18.0	
<i>Subtotal other staff</i>	<i>271.0</i>	<i>162.0</i>	<i>- 109.0</i>
Travel	86.3	86.3	
Hospitality	1.0	1.0	
Contractual services			
Training	5.4	5.4	
Consultants			
General operating expenses			
Supplies and materials	4.7	4.7	
Furniture and equipment	5.0	5.0	
<i>Subtotal non-staff</i>	<i>102.4</i>	<i>102.4</i>	
<b>Total</b>	<b>1,174.1</b>	<b>1,065.1</b>	<b>-109.0</b>

**Table 21: Sub-programme 4400: Office of the President of the Assembly**

<b>4400 Office of the President of the Assembly of State Parties</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance	121.0	121.0	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>121.0</i>	<i>121.0</i>	
Travel	86.7	86.7	
Hospitality			
Contractual services	12.0	12.0	
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>98.7</i>	<i>98.7</i>	
<b>Total</b>	<b>219.7</b>	<b>219.7</b>	

**Table 22: Sub-programme 4500: Committee on Budget and Finance**

<b>4500 Committee on Budget and Finance</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	154.0	154.0	
General Service staff	81.6	81.6	
<i>Subtotal staff</i>	<i>235.6</i>	<i>235.6</i>	
General temporary assistance	51.2	51.2	
Temporary assistance for meetings	60.0	60.0	
Overtime			
<i>Subtotal other staff</i>	<i>111.2</i>	<i>111.2</i>	
Travel	317.9	317.9	
Hospitality	4.0	4.0	
Contractual services	76.0	76.0	
Training	4.7	4.7	
Consultants			
General operating expenses	13.4	13.4	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>416.0</i>	<i>416.0</i>	
<b>Total</b>	<b>762.8</b>	<b>762.8</b>	

**Table 23: Major Programme V: Premises**

<b>5100 Premises</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel			
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses	1,454.9	1,454.9	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>1,454.9</i>	<i>1,454.9</i>	
<b>Total</b>	<b>1,454.9</b>	<b>1,454.9</b>	

**Table 24: Major Programme VI: Secretariat of the Trust Fund for Victims**

<b>6100 Secretariat of the Trust Fund for Victims</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,575.8	884.1	-691.7
General Service staff	195.1	130.1	-65.0
<i>Subtotal staff</i>	<i>1,770.9</i>	<i>1,014.2</i>	<i>-756.7</i>
General temporary assistance		479.1	479.1
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>		<i>479.1</i>	<i>479.1</i>
Travel	320.3	320.3	
Hospitality	3.0	3.0	
Contractual services	220.0	220.0	
Training	34.9	34.9	
Consultants	120.0	120.0	
General operating expenses	20.0	20.0	
Supplies and materials	3.0	3.0	
Furniture and equipment	10.0	10.0	
<i>Subtotal non-staff</i>	<i>731.2</i>	<i>731.2</i>	
<b>Total</b>	<b>2,502.1</b>	<b>2,224.5</b>	<b>-277.6</b>

**Table 25: Programme 7200: Permanent Premises Project – Host State Loan**

<b>7200 Host State Loan</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff			
General Service staff			
<i>Subtotal staff</i>			
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel			
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses	2,987.3	2,987.3	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>2,987.3</i>	<i>2,987.3</i>	
<b>Total</b>	<b>2,987.3</b>	<b>2,987.3</b>	

**Table 26: Major ProgrammeVII-5: Independent Oversight Mechanism**

<b>7500 Independent Oversight Mechanisms</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	414.4	414.4	
General Service staff	72.3	72.3	
<i>Subtotal staff</i>	<i>486.7</i>	<i>486.7</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	10.0	10.0	
Hospitality			
Contractual services			
Training	11.1	11.1	
Consultants	40.0	40.0	
General operating expenses	2.0	2.0	
Supplies and materials			
Furniture and equipment	5.0	5.0	
<i>Subtotal non-staff</i>	<i>68.1</i>	<i>68.1</i>	
<b>Total</b>	<b>554.8</b>	<b>554.8</b>	

**Table 27: Major ProgrammeVII-6: Office of Internal Audit**

<b>7600 Office of Internal Audit</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	464.2	464.2	
General Service staff	72.3	72.3	
<i>Subtotal staff</i>	<i>536.5</i>	<i>536.5</i>	
General temporary assistance	122.8	122.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>122.8</i>	
Travel	11.5	11.5	
Hospitality			
Contractual services			
Training	23.4	23.4	
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>34.9</i>	<i>34.9</i>	
<b>Total</b>	<b>694.2</b>	<b>694.2</b>	

**Table 28: Sub-programme 3110: Immediate Office of the Registrar**

<b>3110 Immediate Office of the Registrar</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	697.4	697.4	
General Service staff	79.8	79.8	
<i>Subtotal staff</i>	<i>777.2</i>	<i>777.2</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	49.9	49.9	
Hospitality	4.0	4.0	
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>53.9</i>	<i>53.9</i>	
<b>Total</b>	<b>831.1</b>	<b>831.1</b>	

**Table 29: Sub-programme 3130: Legal Office**

<b>3130 Legal Office</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	776.6	776.6	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>840.2</i>	<i>840.2</i>	
General temporary assistance	122.8		-122.8
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>		<i>- 122.8</i>
Travel	28.8	23.8	-5.0
Hospitality			
Contractual services			
Training	6.4	6.4	
Consultants	5.0	5.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>40.2</i>	<i>35.2</i>	<i>- 5.0</i>
<b>Total</b>	<b>1,003.2</b>	<b>875.4</b>	<b>-127.8</b>



**Table 30: Sub-programme 3210: Office of the Director (DMS)**

<b>3210 Office of the Director DMS</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	712.3	712.3	
General Service staff	381.5	381.5	
<i>Subtotal staff</i>	<i>1,093.8</i>	<i>1,093.8</i>	
General temporary assistance	99.7	49.9	-49.8
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>99.7</i>	<i>49.9</i>	<i>- 49.8</i>
Travel	12.1	12.1	
Hospitality			
Contractual services	218.0	218.0	
Training	5.8	5.8	
Consultants	8.0	8.0	
General operating expenses	303.1	303.1	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>547.0</i>	<i>547.0</i>	
<b>Total</b>	<b>1,740.5</b>	<b>1,690.7</b>	<b>-49.8</b>

**Table 31: Sub-programme 3220: Human Resources Section**

<b>3220 Human Resources Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,051.8	1,051.8	
General Service staff	1,033.5	1,033.5	
<i>Subtotal staff</i>	<i>2,085.3</i>	<i>2,085.3</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	10.5	10.5	
Hospitality			
Contractual services	10.0	10.0	
Training	188.0	188.0	
Consultants	30.0	30.0	
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>238.5</i>	<i>238.5</i>	
<b>Total</b>	<b>2,323.8</b>	<b>2,323.8</b>	

**Table 32: Sub-programme 3230: Budget Section**

<b>3230 Budget Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	364.7	364.7	
General Service staff	190.7	190.7	
<i>Subtotal staff</i>	<i>555.4</i>	<i>555.4</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime	1.5	1.5	
<i>Subtotal other staff</i>	<i>1.5</i>	<i>1.5</i>	
Travel	6.4	6.4	
Hospitality			
Contractual services			
Training	5.2	5.2	
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>11.6</i>	<i>11.6</i>	
<b>Total</b>	<b>568.5</b>	<b>568.5</b>	

**Table 33: Sub-programme 3240: Finance Section**

<b>3240 Finance Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	454.4	454.4	
General Service staff	826.6	826.6	
<i>Subtotal staff</i>	<i>1,281.0</i>	<i>1,281.0</i>	
General temporary assistance	99.7		-99.7
Temporary assistance for meetings			
Overtime	5.0	5.0	
<i>Subtotal other staff</i>	<i>104.7</i>	<i>5.0</i>	<i>-99.7</i>
Travel	4.8	4.8	
Hospitality			
Contractual services	89.4	89.4	
Training	10.0	10.0	
Consultants			
General operating expenses	65.0	65.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>169.2</i>	<i>169.2</i>	
<b>Total</b>	<b>1,554.9</b>	<b>1,455.2</b>	<b>-99.7</b>

**Table 34: Sub-programme 3250: General Services Section**

<b>3250 General Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	774.6	774.6	
General Service staff	2,528.3	2,528.3	
<i>Subtotal staff</i>	<i>3,302.9</i>	<i>3,302.9</i>	
General temporary assistance	72.3	72.3	
Temporary assistance for meetings			
Overtime	120.0	120.0	
<i>Subtotal other staff</i>	<i>192.3</i>	<i>192.3</i>	
Travel	33.0	33.0	
Hospitality			
Contractual services	244.1	244.1	
Training	6.0	6.0	
Consultants			
General operating expenses	3,027.0	3,027.0	
Supplies and materials	241.3	241.3	
Furniture and equipment	600.5	600.5	
<i>Subtotal non-staff</i>	<i>4,151.9</i>	<i>4,151.9</i>	
<b>Total</b>	<b>7,647.1</b>	<b>7,647.1</b>	

**Table 35: Sub-programme 3290: Security and Safety Section**

<b>3290 Security and Safety Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	403.4	403.4	
General Service staff	4,012.3	4,012.3	
<i>Subtotal staff</i>	<i>4,415.7</i>	<i>4,415.7</i>	
General temporary assistance	359.8	359.8	
Temporary assistance for meetings			
Overtime	230.8	230.8	
<i>Subtotal other staff</i>	<i>590.6</i>	<i>590.6</i>	
Travel	103.3	103.3	
Hospitality			
Contractual services	82.0	82.0	
Training	117.8	117.8	
Consultants			
General operating expenses	115.0	115.0	
Supplies and materials	91.3	91.3	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>509.4</i>	<i>509.4</i>	
<b>Total</b>	<b>5,515.7</b>	<b>5,515.7</b>	

**Table 36: Sub-programme 3310: Office of the Director of DJS**

<b>3310 Office of the Director DJS</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	369.8	369.8	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>433.4</i>	<i>433.4</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	7.9	7.9	
Hospitality			
Contractual services			
Training	4.1	4.1	
Consultants	5.0	5.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses	13.1	13.1	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>30.1</i>	<i>30.1</i>	
<b>Total</b>	<b>463.5</b>	<b>463.5</b>	

**Table 37: Sub-programme 3320: Court Management Section**

<b>3320 Court Management Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,419.2	1,419.2	
General Service staff	1,160.6	1,160.6	
<i>Subtotal staff</i>	<i>2,579.8</i>	<i>2,579.8</i>	
General temporary assistance	460.3	316.6	-143.7
Temporary assistance for meetings	332.2	332.2	
Overtime			
<i>Subtotal other staff</i>	<i>792.5</i>	<i>648.8</i>	<i>-143.7</i>
Travel	25.1	25.1	
Hospitality			
Contractual services			
Training	5.5	5.5	
Consultants			
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials	29.7	29.7	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>60.3</i>	<i>60.3</i>	
<b>Total</b>	<b>3,432.6</b>	<b>3,288.9</b>	<b>-143.7</b>

**Table 38: Sub-programme 3325: Information Management Services Section**

<b>3325 Information Management Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	2,045.0	2,045.0	
General Service staff	2,289.0	2,289.0	
<i>Subtotal staff</i>	<i>4,334.0</i>	<i>4,334.0</i>	
General temporary assistance			
Temporary assistance for meetings	10.0	10.0	
Overtime	35.0	35.0	
<i>Subtotal other staff</i>	<i>45.0</i>	<i>45.0</i>	
Travel	24.7	24.7	
Hospitality			
Contractual services	387.8	247.8	-140.0
Training	60.7	60.7	
Consultants			
Counsel for Defence			
Counsel for Victims			
General operating expenses	4,014.6	4,014.6	
Supplies and materials	243.0	243.0	
Furniture and equipment	1,200.3	1,040.3	-160.0
<i>Subtotal non-staff</i>	<i>5,931.1</i>	<i>5,631.1</i>	<i>-300.0</i>
<b>Total</b>	<b>10,310.1</b>	<b>10,010.1</b>	<b>-300.0</b>

**Table 39: Sub-programme 3330: Detention Section**

<b>3330 Detention Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	301.8	301.8	
General Service staff	127.2	127.2	
<i>Subtotal staff</i>	<i>429.0</i>	<i>429.0</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	3.9	3.9	
Hospitality			
Contractual services			
Training	16.8	16.8	
Consultants	6.0	6.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses	2,020.0	2,020.0	
Supplies and materials	7.5	7.5	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>2,054.2</i>	<i>2,054.2</i>	
<b>Total</b>	<b>2,483.2</b>	<b>2,483.2</b>	

**Table 40: Sub-programme 3340: Language Services Section**

<b>3340 Language Services Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	4,548.9	4,548.9	
General Service staff	524.9	524.9	
<i>Subtotal staff</i>	<i>5,073.8</i>	<i>5,073.8</i>	
General temporary assistance	1,219.6	1,085.9	-133.7
Temporary assistance for meetings	652.3	652.3	
Overtime			
<i>Subtotal other staff</i>	<i>1,871.9</i>	<i>1,738.2</i>	<i>- 133.7</i>
Travel	151.7	142.7	-9.0
Hospitality			
Contractual services	66.1	66.1	
Training			
Consultants	46.7	46.7	
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials	7.2	7.2	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>271.7</i>	<i>262.7</i>	<i>-9.0</i>
<b>Total</b>	<b>7,217.4</b>	<b>7,074.7</b>	<b>-142.7</b>

**Table 41: Sub-programme 3360: Victims Participation and Reparations Section**

<b>3360 Victims Participation and Reparation Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	980.7	980.7	
General Service staff	381.5	381.5	
<i>Subtotal staff</i>	<i>1,362.2</i>	<i>1,362.2</i>	
General temporary assistance	171.8	171.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>171.8</i>	<i>171.8</i>	
Travel	93.4	37.8	-55.6
Hospitality			
Contractual services	47.0	47.0	
Training	5.3	5.3	
Consultants	10.0	10.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials	2.0	2.0	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>157.7</i>	<i>102.1</i>	<i>-55.6</i>
<b>Total</b>	<b>1,691.7</b>	<b>1,636.1</b>	<b>-55.6</b>

**Table 42: Sub-programme 3370: Office of Public Counsel for the Defense**

<b>3370 Office of Public Counsel for Defence (OPCD)</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	452.4	452.4	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>516.0</i>	<i>516.0</i>	
General temporary assistance	122.8	122.8	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>122.8</i>	<i>122.8</i>	
Travel	4.4	4.4	
Hospitality			
Contractual services			
Training	0.6	0.6	
Consultants	20.0	20.0	
Counsel for Defence			
Counsel for Victims			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>25.0</i>	<i>25.0</i>	
<b>Total</b>	<b>663.8</b>	<b>663.8</b>	

**Table 43: Sub-programme 3380: Office of Public Counsel for Victims**

<b>3380 Office of Public Counsel for Victims (OPCV)</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,166.1	1,166.1	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>1,229.7</i>	<i>1,229.7</i>	
General temporary assistance	99.7	99.7	
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>99.7</i>	<i>99.7</i>	
Travel	139.0	132.8	-6.2
Hospitality			
Contractual services	50.0	50.0	
Training			
Consultants	303.6	303.6	
Counsel for Defence			
Counsel for Victims			
General operating expenses	11.0	11.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>503.6</i>	<i>497.4</i>	<i>-6.2</i>
<b>Total</b>	<b>1,833.0</b>	<b>1,826.8</b>	<b>-6.2</b>

**Table 44: Sub-programme 3390: Counsel Support Section**

<b>3390 Counsel Support Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	666.5	666.5	
General Service staff	254.4	254.4	
<i>Subtotal staff</i>	<i>920.9</i>	<i>920.9</i>	
General temporary assistance	72.3		-72.3
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>72.3</i>		<i>- 72.3</i>
Travel	70.7	35.2	-35.5
Hospitality			
Contractual services			
Training			
Consultants			
Counsel for Defence	3,669.7	3,528.3	-141.5
Counsel for Victims	1,202.8	1,002.8	-200.0
General operating expenses	7.0	7.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>4,950.2</i>	<i>4,573.3</i>	<i>-377.0</i>
<b>Total</b>	<b>5,943.4</b>	<b>5,494.2</b>	<b>-449.2</b>

**Table 45: Sub-programme 3810: Office of the Director of the Division of External Operations**

<b>3810 Office of the Director, Division of External Operations</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	282.1	282.1	
General Service staff	63.6	63.6	
<i>Subtotal staff</i>	<i>345.7</i>	<i>345.7</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	75.7	75.7	
Hospitality			
Contractual services			
Training			
Consultants			
General operating expenses			
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>75.7</i>	<i>75.7</i>	
<b>Total</b>	<b>421.4</b>	<b>421.4</b>	



**Table 46: Sub-programme 3820: External Operations Support Section**

<b>3820 External Operations Support Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,684.1	1,684.1	
General Service staff	445.1	445.1	
<i>Subtotal staff</i>	<i>2,129.2</i>	<i>2,129.2</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	51.9	51.9	
Hospitality			
Contractual services	15.0	15.0	
Training	20.0	20.0	
Consultants			
General operating expenses	23.0	23.0	
Supplies and materials			
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>109.9</i>	<i>109.9</i>	
<b>Total</b>	<b>2,239.1</b>	<b>2,239.1</b>	

**Table 47: Sub-programme 3830: Victims and Witnesses Section**

<b>3830 Victims and Witnesses Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	3,377.4	3,377.4	
General Service staff	1,404.0	1,404.0	
<i>Subtotal staff</i>	<i>4,781.4</i>	<i>4,781.4</i>	
General temporary assistance	679.3	679.3	
Temporary assistance for meetings	393.1	393.1	
Overtime			
<i>Subtotal other staff</i>	<i>1,072.4</i>	<i>1,072.4</i>	
Travel	1,076.9	1,076.9	
Hospitality			
Contractual services			
Training	23.5	23.5	
Consultants			
General operating expenses	4,382.0	4,382.0	
Supplies and materials	4.5	4.5	
Furniture and equipment			
<i>Subtotal non-staff</i>	<i>5,486.9</i>	<i>5,486.9</i>	
<b>Total</b>	<b>11,340.7</b>	<b>11,340.7</b>	

**Table 48: Sub-programme 3840: Public Information and Outreach Section**

<b>3840 Public Information and Outreach Section</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	1,166.1	1,166.1	
General Service staff	953.7	953.7	
<i>Subtotal staff</i>	<i>2,119.8</i>	<i>2,119.8</i>	
General temporary assistance			
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>			
Travel	35.2	35.2	
Hospitality			
Contractual services	180.8	180.8	
Training	10.0	10.0	
Consultants			
General operating expenses	20.0	20.0	
Supplies and materials	19.0	19.0	
Furniture and equipment	20.0	20.0	
<i>Subtotal non-staff</i>	<i>285.0</i>	<i>285.0</i>	
<b>Total</b>	<b>2,404.8</b>	<b>2,404.8</b>	

**Table 49: Sub-programme 3850: Field Offices**

<b>3850 Field Offices</b>	<i>Proposed 2017 Budget Before CBF recommendations</i>	<i>Proposed 2017 Budget After CBF recommendations</i>	<i>Difference Before CBF vs After CBF</i>
Professional staff	3,831.0	3,831.0	
General Service staff	1,106.6	1,106.6	
<i>Subtotal staff</i>	<i>4,937.6</i>	<i>4,937.6</i>	
General temporary assistance	462.2	331.0	-131.2
Temporary assistance for meetings			
Overtime			
<i>Subtotal other staff</i>	<i>462.2</i>	<i>331.0</i>	<i>-131.2</i>
Travel	237.2	208.6	-28.6
Hospitality			
Contractual services	1,025.2	1,025.2	
Training	12.7	12.7	
Consultants			
General operating expenses	1,006.2	1,006.2	
Supplies and materials	266.1	266.1	
Furniture and equipment	26.3	26.3	
<i>Subtotal non-staff</i>	<i>2,573.7</i>	<i>2,545.1</i>	<i>-28.6</i>
<b>Total</b>	<b>7,973.5</b>	<b>7,813.7</b>	<b>-159.8</b>

**Annex IV****Requests to access the Contingency Fund (as at 30 September 2016)**

<i>No</i>	<i>Date</i>	<i>Description of the request</i>	<i>Amount requested</i>
1	9 August 2016	Unforeseen and unavoidable costs in the case of The Prosecutor v. Thomas Lubanga Dyilo in the situation in Democratic Republic of Congo	€313,000.00
2	9 August 2016	Unforeseen and unavoidable costs in the case of The Prosecutor v. Dominic Ongwen in the situation in Uganda	€1,358,900.00
3	22 September 2016	Unforeseen and unavoidable costs in the situation in Georgia	€2,516,500.00
<b>Total amount of notifications</b>			<b>€4,188,400.00</b>

## Annex V

### **Follow-up on the evaluation of the feasibility of a possible departure from the United Nations Common System and the establishment of an alternative pension scheme for newly recruited staff**

1. CBF Representatives:
  - (a) CBF Members:
    - (i) Ms Carolina Fernández, Chairperson
    - (ii) Mr Richard Veneau, Vice-Chairperson
  - (b) CBF Executive Secretariat:
    - (i) Mr Fakhri Dajani, Executive Secretary
2. Meetings with:
  - (a) International Civil Service Commission (ICSC):
    - (i) Mr Wolfgang Stöckel, Vice-Chairman
    - (ii) Ms Regina Pawlik, Executive Secretary
  - (b) United Nations Joint Staff Pension Fund (UNJSPF):
    - (i) Mr Sergio B. Arvizú, Chief Executive Officer
    - (ii) Ms Jaana Sareva, Chief, Risk Management and Legal Services section
    - (iii) Mr Franck de Turre, Chief of Operations
    - (iv) Mr Paul Dooley, Deputy Chief Executive Officer
  - (c) United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ):
    - (i) Mr Carlos Ruiz Massieu, Chairman

## **Background**

### **United Nations common system compensation package**

1. The International Criminal Court's ("the Court") current framework for salary scales and pensions for staff members in the General Service and Professional and higher categories of the Court follows the UN common system standards. This structure is based on recommendations made by the Preparatory Commission of the ICC and decisions adopted by the Assembly at its first and second sessions.<sup>1</sup>
2. At its first session, the Assembly decided that the Court would join the United Nations Joint Staff Pension Fund (UNJSPF).<sup>2</sup>
3. The conditions of service staff are contained in the Staff Regulations and Rules. The Staff Regulations state that salaries and allowances of staff members of the Court shall be in conformity with the UN common system standards. These Staff Regulations for the Court were approved by the Assembly of States Parties ("the Assembly") at its second session, in resolution ICC-ASP/2/Res.2.

<sup>1</sup> ICC-ASP/8/32, para. 4.

<sup>2</sup> *Official Records of the First session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, New York, 3-10 September 2002*, (United Nations publications, Sales No. E.03.V.2), part IV, Decisions, (ICC-ASP/1/Decision No.3.).

2011

4. In the framework of the budget negotiations, States Parties had suggested to study, together with the Court, the possibilities of imposing a temporary freeze on salaries and allowances at the ICC. The Court submitted a written comment on this proposal, which stated that the Court is bound by regulations of the UN common system and Court's own Staff Regulations and Rules. The budget facilitator had requested a legal opinion of the ICSC on the possibility of pursuing a freeze on salaries and allowances in the ICC, independently from what was decided at the UN on the UN common system.

5. At its tenth session, the Assembly heard from the Vice Chairperson of the International Civil Service Commission (ICSC), Mr. Wolfgang Stöckl: "**He [Stöckl] indicated that the Court must follow the United Nations common system of salaries, allowances and benefits since it is part of the United Nations Joint Staff Pension Fund (UNJSPF).**" The Vice Chairperson explained that there was little room of manoeuvre within the common system for member organizations (i.e. travel allowances). He also indicated that there was no possibility at the moment for member organizations to opt out in respect of salary increases and that any departure from the system could give rise to legal challenges. However, he mentioned the case of an organization that had departed from a salary increase adopted in the common system and which continued to be part of the pension scheme.<sup>3</sup>

6. At its tenth session, the Assembly, in Resolution ICC-ASP/10/Res.4, asked the Court to review the discretionary elements of terms and conditions of service within the UN common system and to report to the Committee on Budget and Finance ("the CBF"):

"Calls upon the Court to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed, and the discretionary elements of terms and conditions of service within the United Nations common system, and to report back to the Committee at its eighteenth session."

2012

7. At its nineteenth session the CBF considered the question of the UN common system.<sup>4</sup>

8. In an answer by the Court to a query of the CBF on the UN common system at its nineteenth session, the Court also reflected upon possible alternatives to the UN common system:

"11. (...) Assuming that more "expensive" models, such as those of the World Bank and IMF, would not be taken into consideration, an option would be for the Court to establish its own salary and benefits system. This would be an enormously costly and labour-intensive undertaking. Not only would it be costly to research and introduce a Court-specific system, but it would also require a great number of additional staff to manage the monitoring and adjustment system that is required to maintain a functioning salary system for any possible location in the world where the Court might next have to open an office and remunerate staff. Moreover, existing staff would have acquired rights to the salary, allowances and benefits systems in the Staff Regulations and Rules, and these are those of the UN common system.

12. By contrast, adhering to a time-proven, fully-established salary system which is maintained by hundreds of experienced experts and monitored constantly by all States Parties to the Court (through the General Assembly), is a very cost-effective and efficient system. As mentioned, the Court, unlike UN organizations, does not pay for the extensive and comprehensive services provided by the ICSC and UN, such as salary surveys, determination of allowances, etc. Yet, the Court benefits greatly from those services."

<sup>3</sup> *Official Records of the Tenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, New York, 12-21 December 2011*, vol. I, part II, H.2., paras. 27-29.

<sup>4</sup> ICC-ASP/11/15, paras. 48-69.

9. The CBF considered that the Court is bound by the Statutes of the UN Joint Staff Pension Fund.

“In consequence, the Court is obliged to apply the main elements of the UNCS such as classification of posts, salary scales, dependency benefit/allowances, annual leave, home leave, health protection, sick leave, maternity leave, reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Court, payments of termination indemnity and repatriation grants to its staff.”

### **Salary scales and increments**

10. “The scale, expressed as gross and net base salaries, is applied uniformly, worldwide, by all organizations in the common system.”<sup>5</sup>

2015

11. The United Nations General Assembly in its resolution A/RES/70/244 took a decision to approve, with effect from 2016, the revised base/floor scale of gross and net salaries for staff in the Professional and higher categories, as recommended by the ICSC. In addition, the UNGA decided to approve the ICSC proposal on the common system compensation package as at 1 July 2016, including the unified salary scale and transitional measures.<sup>6</sup>

### **The CBF mission**

12. The mission was part of the follow-up to the Assembly request for an evaluation of the feasibility of future de-indexation of the salary scale of the Court from the United Nations scale, with a view to tightening control of the Court’s salary costs.

13. The CBF delegation had several meetings with UN officials and non-UN officials in order to obtain the necessary information in assisting it to draw a conclusion about the feasibility of a departure of the UN common system, and the establishment of an alternative pension scheme for newly recruited staff.

### *Non-United Nations international organisations*

14. In view of the dispersed nature of the remuneration systems in the various non-United Nations international organisations, it would appear that there is no alternative salary scale that is directly substitutable.

15. For example, even international financial institutions such as the African Development Bank, the Asian Development Bank and the Inter-American Development Bank do not yet have a harmonised system. In addition, the European institutions in the broadest sense sometimes have rather confusing salary scales – whereas at the Council of Europe A7 is the highest professional grade and A1 is the lowest, at the European Union A1 is the highest grade.

16. It is true that over the past 50 years several major institutions with their headquarters in Europe have pooled their remuneration systems, adopting a common salary scale and establishing a single source of reference for comparing salaries. The “Co-ordinated Organisations” system (which include, the OECD, NATO, the European Space Agency, the Council of Europe and its Partial Agreements) is founded on a common data management service platform, the International Service for Remunerations and Pensions (ISRP).

17. However, the diversity of remuneration systems among international institutions forced non-United Nations organisations to design systems for comparing salary scales, in order to ease the recruitment process. For example, level A4 at a Co-ordinated

<sup>5</sup> “United Nations Common System of Salaries, Allowances and Benefits”, *International Civil Service Commission*, May 2013.

<sup>6</sup> A/RES/70/244, section III, para. 1.

Organisations member organisation such as the OECD (comparable to level P-5 in the United Nations system) is approximately equivalent to:

- (a) level C/D at the EIB;
- (b) level A14 at the IMF;
- (c) level G at the World Bank;
- (d) level 3 at the Inter-American Development Bank; and
- (e) level 6 at the African Development Bank.

#### *Questions and challenges*

18. The CBF delegation has raised several questions and challenges in case a decision to be made to depart from the UN common system and the establishment of an alternative pension scheme for newly recruited staff.

*Can the remuneration structure and the classification of posts at the Court in its current form – i.e. aligned to the United Nations common system – be maintained while freezing or slowing down the annual adjustment of that scale?*

19. On the basis of the findings of this mission it is indeed possible from a strictly technical point of view to proceed with such a freeze while continuing to draw on the common services of the United Nations for future calculations when the scale is unfrozen, and continuing to receive information from the service to determine the annual remuneration variation country by country. In fact, the Vice-Chairman of the ICSC stated that the information would continue to be available free of charge to the Court.

*Could the Court apply different salary scale and remain with the United Nations Joint Staff Pension Fund?*

20. Following discussions with UNJSPF officials, it became clear that, in the event of de-indexation of the salary scale of the Court from the United Nations scale, it would be impossible for Court's staff pensions to remain in the UNJSPF.

21. As a preliminary finding, it seems risky to leave the UNJSPF scheme, considering the track record of this pension fund, which has assets in excess of 54 billion dollars and whose projected returns over the next 50 years (subject to an average 3.5 ROI<sup>7</sup>) will allow it:

- (a) To cover all service costs over the period in question; and
- (b) To do so without reducing assets or increasing the general rate of contribution from salaries (23.7 per cent taking staff and employer contributions together (7.9 per cent from staff and 15.8 per cent from employer)).

*Does the Court has the capabilities to manage the pension scheme, or if hiring specialists, what would be the cost?*

22. The CBF delegation believes that managing a pension scheme requires experts in that field, where the Court would definitely need to establish special department for that purpose, which would need additional yearly budget for that purpose. During the discussion with UNJSPF officials, they confirmed that the cost for managing own pension scheme would be by far more expensive than the organisation's share in the pension scheme.

23. In fact, for some years now the ISRP has been able to provide management and administrative processing services to non-member organisations of the Co-ordinated Organisations system, including The Hague Conference on Private International Law (HCCH).

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<sup>7</sup> Return on Investment.

24. In view of his current principal role in the management of European human resources, the CBF Vice-Chairperson has contacted his ISRP counterpart in order to evaluate the potential costs and gains associated with transferring pension scheme management from the United Nations common system to Co-ordinated Organisations. These contacts have established firstly that any pre study would necessarily have a cost, and secondly that other institutions that using this type of shared service chose it for security reason and not driven by saving. In this very case, go further on this path thus seems no real interest.

25. In fact, the CBF delegation discussions revealed that a few years ago one organisation previously aligned to the United Nations common system, namely the Geneva-based World Trade Organization (WTO), opted to leave the United Nations joint pension scheme. Again, the CBF Vice-Chairperson has undertaken since then to contact the WTO to obtain information on analysis of the benefits or costs carried out after WTO left the scheme. Conclusions of these discussions are that WTO stays only for a short period of time in the United Nations joint pension scheme. Its decision (effective before 2000) to leave the system was purely driven by considerations of policy independence and not by cost-saving reasons.

26. Similarly, another institution, namely the Universal Postal Union (UPU), as Specialized Agency of the United Nations uses the common system remuneration scale, but in 1964 created its own Provident Scheme. As of 2016, such a scheme has deficit of 28 million Swiss francs over its statutory obligations and is seeking ways to cover the difference. Furthermore, the Provident Scheme as part of the management structure of the UPU has full-time staff employed in the administration of the pension scheme.

*Would the Court be able to attract other staff from the UN system to work with the Court, or would the staff of the Court be able to move and work with other UN organisations?*

27. The CBF delegation believes that the introduction of a completely autonomous salary scale structure would undoubtedly limit mobility between the Court and other United Nations bodies, to the detriment of the Court, without achieving the States Parties' stated objective of efficiency. It should be noted that the CBF's role *vis-à-vis* States Parties is to advise them on international best practices, including in the area of human resources.

## Conclusion

28. Overall, at this point, the CBF has been able to bring together the necessary institutional and international factors for an initial benchmark, using its own resources, without incurring additional costs for the Court, and was able to proceed with this benchmark, analyse its impact and then return to the twenty seventh meeting of the CBF with sufficient information to make a substantiated recommendation to the States Parties.

**29. However, it should be noted that any further analysis should be based on the findings of an external consultant, considering the limits on the role of the CBF. At this stage, the CBF delegation recommended that hiring an external consultant is not necessary.**

**30. Based on the fact finding mission conducted by the CBF delegation, and based on its evaluation of the feasibility of a departure of the UN common system, and the establishment of an alternative pension scheme for newly recruited staff, the CBF found that it is more feasible for the Court's staffing budget to continue as part of the UN common system in terms of the compensation package and the pension scheme, where the Court does not pay any fees for maintaining and updating such a system, as well as preserving the mobility for staff between the Court and other UN organisations.**



## Annex VI

### Amendments to the Financial Regulations and Rules

3.4 The Registrar shall submit the proposed programme budget for the following financial period to the Committee on Budget and Finance at least 45 days prior to the meeting at which the Committee shall consider the proposed programme budget. At the same time, the Registrar shall also submit the proposed programme budget to the States Parties.

3.5 The Committee on Budget and Finance shall consider the proposed programme budget and shall submit its comments and recommendations to the Assembly of States Parties. The Assembly shall consider the proposed programme budget and take a decision on it.

3.5 bis In the event that unforeseen circumstances resulting in an increase or decrease of the proposed programme budget for the next financial period become known before the meeting of the Committee on Budget and Finance at which the Committee shall consider the proposed budget, and which can still be accommodated in the proposed programme budget, the Registrar shall submit an addendum to the proposed programme budget to the Committee on Budget and Finance at the earliest convenience. The addendum shall be in a form consistent with the proposed programme budget and details pertaining to the reasons for the addendum shall be specified.

3.5 ter In the event that unforeseen circumstances resulting in an increase or decrease of the proposed programme budget for the next financial period become known after the session of the Committee on Budget and Finance and prior to the meeting of the Assembly of States Parties, the Registrar shall submit an addendum as described in paragraph 3.5bis to the Committee on Budget and Finance through its Chairperson. After having submitted the addendum to the Committee on Budget and Finance through its Chairperson, the members of the Committee on Budget and Finance shall consider the addendum in remote session, such as via e-mail, or may decide to convene in The Hague as a sub-committee made up of three members, in order to consider the addendum at the earliest convenience. In this case, the recommendation of the Committee on Budget and Finance in relation to the addendum shall be annexed to the Report of the Committee on Budget and Finance and submitted to the Assembly of States Parties.

3.6 Supplementary budget proposals may be submitted by the Registrar with respect to the current financial period if circumstances unforeseen at the time of adopting the budget make it necessary. A supplementary budget should only be submitted for matters of an exceptional or extraordinary nature which go beyond all precautionary financial reserves and therefore necessitate a separate decision by the Assembly of States Parties. In this case, the supplementary budget proposal shall be in a form consistent with the approved budget. The provisions of these Regulations shall be applicable to the proposed supplementary budget. ~~Decisions of the Assembly of States parties on the supplementary budget proposed by the Registrar shall be based on the recommendations of the Committee on Budget and Finance.~~

3.6 bis The Committee on Budget and Finance shall consider the proposed programme budgets, related addendums and supplementary budgets, and shall submit its comments and recommendations to the Assembly of States Parties. The Assembly of States Parties shall consider the proposed programme budgets, addendums and supplementary budgets and take a decision based on the recommendations of the Committee on Budget and Finance.

3.7. The Registrar may enter into commitments for future financial periods, provided that such commitments are for activities which have been approved by the Assembly of States Parties and are expected to occur or continue beyond the end of the current financial period.

6.6 There shall be established a Contingency Fund to ensure that the Court can meet:

(a) Costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; or

(b) Unavoidable expenses for developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or

(c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

The level of the Fund and the means by which it shall be financed (i.e. by assessed contributions and/or cash surpluses in the budget) shall be determined by the Assembly of States Parties.

6.7 If a need to meet unforeseen or unavoidable expenses arises for the following budget year after approval of the programme budget by the Assembly of States Parties, the Registrar, by his or her own decision or at the request of the Prosecutor, the President or the Assembly of States Parties, is authorized to enter into commitments not exceeding the total level of the Contingency Fund. Before entering into such commitments, the Registrar shall submit a letter of notification to access the Contingency Fund and additional resource requests in a form consistent with the proposed programme budget detailed, supplementary budget notification to the Committee on Budget and Finance through its Chairperson. Two weeks after having notified the Chairperson of the Committee on Budget and Finance, and taking into consideration any financial comments on the funding requirements made by the Committee through its Chairperson, the Registrar may enter into the corresponding commitments. All funding obtained in this way shall relate only to the financial period(s) for which a programme budget has already been approved.

6.7 bis In the unlikely event that the amount being notified is larger than what can be absorbed by the Contingency Fund, the Court should submit a supplementary budget to the Committee on Budget and Finance for its comments and recommendations to the Assembly of States Parties.

6.8 The Registrar shall report together with the new draft programme budget to the Assembly of States Parties, through the Committee on Budget and Finance, on any exercise of the commitment authority given under regulation 6.7.

6.9 Income derived from Contingency Fund investments shall be classed as miscellaneous income for credit to the General Fund.

## Annex VII

### Annual Report of the Audit Committee

#### *Executive Summary*

1. The Audit Committee (“the AC”) focused at its second session on the governance structure of the Court, including on a review of the Court’s risk register, as well as on the oversight of internal and external audit.
2. The AC noted the major steps taken by the Court towards enhancing its governance arrangements, notably through considering the Office of Internal Audit (“the OIA”) as an independent major programme with a direct reporting line of the Director of OIA to the AC, the re-establishment of the AC, as well as the strengthening of the role of the Coordination Council and other inter-organ coordination mechanisms, in addition, the becoming operational of the Independent Oversight Mechanism (“the IOM”). However, the AC stressed the need for more concerted efforts from all actors to strengthen the governance structure of the Court and for a clearer definition of roles and responsibilities of the three main organs, in particular in the areas of public information, outreach, human resources, and translation services.
3. The AC recommended the Court to enhance collaboration with the OIA, in particular by inviting the Director of the OIA, as appropriate, to attend meetings of the Coordination Council and other inter-organ coordination mechanisms. Furthermore, the AC recommended the Court to submit the terms of reference for all operating inter-organ coordination bodies at its fourth session.
4. The AC reviewed the Court’s corporate risk profile and the process by which it was set up. After analysis of the Audit Plan for 2016, the Draft Audit Plan for 2017 and the Court’s risk register, the AC noted some discrepancies and, therefore, recommended the OIA and the Court to sort out the incongruities and to report thereon to the AC at its fourth session. The AC encouraged the Court to establish the envisaged risk management committee and to explore the appropriateness of entrusting a staff member as a Court-wide risk coordinator and to update the AC on the progress made at its fourth session.
5. At its first session, the AC considered and approved the Audit plan for 2016, while at its second session, it was updated on the status of work performed so far in 2016 and on the Draft Audit Plan for 2017.
6. The AC noted with satisfaction the progress made with regard to the implementation of long outstanding recommendations and urged the Court to expand these efforts in close consultation with the OIA with a view to putting an effective implementation mechanism in place.
7. The AC recommended at its first session that the Assembly extend the mandate of the External Auditor for two more years.
8. The AC noted with surprise and disappointment that, despite early notice, the External Auditor was not available to attend its second session and requested the External Auditor to ensure his presence at the sessions of the AC. Due to the absence of the External Auditor at its second session, the AC decided not to consider the financial statements of the Court and the Trust Fund for Victims for the year ended 31 December 2015.
9. While the AC did not receive any formal feedback on its interim report, it noted with satisfaction that all recommendations of its first session had been implemented by the Court.

## I. Introduction

1. At its fourteenth session, the Assembly of States Parties (“the Assembly”) approved the recommendations of the Committee on Budget and Finance (“the CBF”) on the re-establishment of the Audit Committee (“the AC”), including the Charter of the AC (“the Charter”), contained in annex IV of the CBF’s report on the work of its twenty-fifth session.<sup>1</sup>

2. According to the Charter, the purpose of the AC is to provide the Assembly with independent advice on the adequacy and effectiveness of the Court’s management practices,<sup>2</sup> and to assist the International Criminal Court (“the Court”) “in meeting States Parties’ demands for transparency and accountability by providing oversight of its management practices in key governance areas, including:

- (a) Values and ethics;
- (b) Governance structure;
- (c) Risk management;
- (d) Internal control framework;
- (e) Audit activity;
- (f) External assurance providers, including:
  - (i) The examination and monitoring of the independence of the External Auditor and of his recommendations, as well as of any other questions raised by the External Auditor or by any other external assurance provider; and
  - (ii) Making recommendations to the competent organ concerning the nomination of the External Auditor.
- (g) Management action plans; and
- (h) Financial statements and public accountability reports.”<sup>3</sup>

3. Taking into account the calendar of the Assembly and CBF meetings, the AC had decided at its first session to submit, in accordance with paragraph 64 of the Charter, an annual report to the CBF summarizing its activities and recommendations covering the period from September of the previous year to September of the current year, except for 2016, where the report would cover the period from January to September 2016. This annual report includes the work performed and recommendations raised by the AC in its Interim report.<sup>4</sup>

## II. Consideration of issues on the agenda of the Audit Committee at its first and second sessions

4. Considering the comprehensive mandate outlined in the Charter and the limited time allocated for AC meetings in 2016, the AC discussed the need to prioritize its work and decided to focus on two key issues in 2016:

- (a) Governance structure, including a review of the Court’s risk register; and
- (b) Oversight of internal and external audit, especially with regard to the implementation of audit recommendations.

<sup>1</sup> *Official Records of the Assembly of States Parties, Fourteenth session, The Hague 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV.

<sup>2</sup> *Ibid.*, paras. 2 and 3.

<sup>3</sup> *Ibid.*, para. 5.

<sup>4</sup> AC/1/15.

## A. Governance structure of the Court

5. The AC considered, amongst others, the relevant parts of the Report of the Bureau on the Study Group on Governance,<sup>5</sup> the CBF's Policy and Procedure Manual<sup>6</sup> and a Background paper on the Governance Structure of the Court prepared by the Secretary to the AC in consultation with the Chairperson.

6. The extract of the Report of the Bureau on the Study Group on Governance comprises a progress report by the Working Group on Lessons Learnt on Cluster A ("Pre-trial"), Cluster B ("Pre-trial and trial relationship and common issues"), Cluster C ("Trial") and Cluster E ("Appeals"). The report updates the Study Group on Governance on initiatives taken by the Court with a view to improving the efficiency of judicial proceedings and to expediting the criminal process.

7. The Background paper provides an overview of the governance structure of the Court, including the Court's risk management. In addition, it outlines the budget process of the Court and provides background information on the Court's oversight bodies.

### *Findings and recommendations*

8. Based on various reports submitted to the AC, and on meetings held with the Court's representatives and the Director of the OIA, the AC noted that major steps have been taken by the Court, upon initiative of the CBF and the Assembly, towards enhancing its governance arrangements, notably through establishing the reporting line of the Director of the OIA to the AC and making the OIA an independent major programme. The re-establishment of the AC in 2015<sup>7</sup> with its new composition, comprising five independent external members,<sup>8</sup> was a further step towards ensuring independent oversight of the internal and external audit and the Court's governance arrangements. Moreover, the AC welcomed the strengthening of the role of the Coordination Council and other inter-organ coordination mechanisms in the budgetary process, with a view to pursuing a greater top-down approach and strategic guidance, in line with the recommendations of the CBF and the resolution of the Assembly at its fourteenth session.<sup>9</sup> Finally, the AC noted the establishment of the Independent Oversight Mechanism ("the IOM"), which will come into full operation in the course of 2017, as a key enhancement of the oversight of the Court. The AC plans to further assess the Court's values and ethics arrangements in 2017, in particular by examining the Court's Whistleblowing and Whistleblower Protection Policy and Anti-Fraud Policy.<sup>10</sup>

9. However, the AC also reached a conclusion that more combined and concerted efforts from the three main organs of the Court and the Director of the OIA are needed to strengthen the governance structure of the Court and to achieve a satisfactory interplay of the various roles and responsibilities.

10. While taking due account of the need to guarantee the independence of the organs of the Court and cognizant of the complex governance structure of the Court deriving from the Rome Statute and the progress recently made with regard to the Court's governance arrangements, the AC stressed the need for a clearer definition of roles and responsibilities of the three main organs within the framework of the Court as a whole, in particular in all key areas where the Court needs to speak with one voice to its stakeholders or public audience (e.g. external communication, public information, outreach), ensure equality of treatment (e.g. human resources) or optimize the use of resources (e.g. translation services). In this regard, the AC recommended the Court to prepare an organization's manual, as it is found in most international organizations, at its fifth session, and a list of all posts with relevant levels together with a job description for each post exercising the functions of public information, outreach, human resources, and translation services in the three organs separately, and to submit to its fourth session.

<sup>5</sup> AC/2/4.

<sup>6</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/CBF/CBF-manual-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/CBF/CBF-manual-ENG.pdf).

<sup>7</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV.

<sup>8</sup> *Ibid.*, para. 10.

<sup>9</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/Res.1), vol. I, part III, section J, para. 4(a).

<sup>10</sup> *Official Records ... Twelfth session ... 2013*, (ICC-ASP/12/Res.6), vol. I, part III.

11. The AC took note that the Coordination Council of the Court is composed of the three Principals of the Court, the President, the Prosecutor and the Registrar, and meets once a month, or whenever necessary, to tackle issues of strategic importance, as well as of other *ad-hoc* inter-organ coordination mechanisms on specific topics, such as the annual budget, the lessons learnt exercise and synergies.

12. After having been informed that no terms of reference exist for these inter-organ coordination mechanisms, the AC recommended the Court to work on terms of reference for the Coordination Council and for all other existing coordination bodies and to submit them to the attention of the AC at its fourth session.

13. The AC noted with surprise that the Director of the OIA was not invited to attend the Coordination Council meetings. In a governance structure made up of three main organs, the Director of the OIA, with her independent expertise is a partner and advisor of primary importance to the Court. In addition, attending the meetings of the Coordination Council would ensure that the Director of the OIA maintains a comprehensive and up to date understanding of the evolving risks, which is essential to the work of the OIA. Therefore, the AC recommended the Court to enhance and deepen collaboration with the OIA, in particular by inviting the Director of the OIA, as appropriate, to attend the meetings of the Coordination Council and other inter-organ coordination mechanisms, especially when risk management and internal control matters are discussed, and by sharing minutes of such meetings in relation to matters that are relevant to the work of the OIA, with a view to ensuring better cooperation.

14. The AC resolved that it would continue to closely monitor at its upcoming sessions the Court's governance arrangements, in particular, the above identified areas.

## **B. Risk management of the Court**

15. At its first session, the AC had requested the OIA and the Court to submit a risk register, as well as a comprehensive description of the process followed to establish this register to the AC at its second session.<sup>11</sup>

16. The AC had before it several reports related to the risk management by the Court and the OIA. The overall objective of the Final Audit Report on Enterprise Risk Management<sup>12</sup> conducted by the OIA in 2014 was to assess the effectiveness of the Court's risk management processes. The Report of the Court on risk management<sup>13</sup> provides information on the process followed to establish the risk register; the progress made so far on risk management and challenges faced; as well as the actions planned for moving forward. The AC further considered the Summary of the risk assessment performed by the OIA.<sup>14</sup>

17. This documentation is being complemented by a paper entitled Update on Risk Management which contains the Court's risk register and a draft Administrative Instruction on Risk Management Policy that has been submitted for consideration to the AC but not yet formally promulgated.

### *Findings and recommendations*

18. To facilitate the discussion on risk management, the AC analysed the Audit Plan for 2016, the Draft Audit Plan for 2017 and the Court's risk register. The AC noted that some risks were covered by both registers; others were covered only by either the Court's risk register or the OIA's register, seemingly, resulting from a lack of coordination and risk management culture in the Court. While the AC is aware of different perspectives that may exist when assessing risks on behalf of the Court and the OIA, the AC believed that there is one shared common goal, namely the identification, assessment and effective management of risks for the Court, and that the two registers should therefore be cross checked and discussed.

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<sup>11</sup> AC/1/15, para. 17.

<sup>12</sup> AC/2/6.

<sup>13</sup> AC/2/8.

<sup>14</sup> AC/2/2.

19. The AC, therefore, recommended the OIA to analyze with the Court the existing discrepancies between the two registers, so as to ensure that the process for establishing the annual internal audit plan would not miss out on any risk. The Committee further recommended the OIA and the Court to liaise and share their risk registers in the future.

20. The AC also expressed concern over the criteria used for evaluating the impact of a risk (e.g. financial consequences of less than €1 million are considered as minor) and that no criteria for the impact on the safety of persons had been introduced. Therefore, the AC recommended a review of the criteria for evaluating the level of financial risks, and the impact on the safety of persons.

21. The AC encouraged the Court to establish the envisaged risk management committee and to explore the appropriateness of entrusting a staff member from existing human resources as a Court-wide risk coordinator, who would be responsible for ensuring a harmonised approach of the Court in relation to the management of risks and their adequate monitoring across all organs, while giving room to organ-specific risk management initiatives, and to update the AC on the progress made at its fourth session.

22. The AC further recommended the Court to conduct training sessions on risk management for different line managers with a view to cultivating a culture of risk management throughout the Court, and to avail itself in this respect, as far as possible, of in-house expertise, in particular of the OIA.

23. The AC resolved that it would monitor progress made in relation to the Court's risk management at its upcoming sessions with a view to ensuring that the Court will dispose of an adequate and effective enterprise risk management system, embedded in the Court's management processes as it is in place today in most international organizations. Such an enterprise risk management system would create an effective tool to improve the resilience of the Court to adverse events, and not simply constitute an additional administrative burden.

## **C. Oversight of internal and external audit**

### **1. Internal Audit matters**

#### *(a) Follow-up on external quality assessment*

24. According to the International Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors, each internal audit service requires an external quality assessment every five years by an independent reviewer.

25. The AC had before it the Report for an independent validation of the self-assessment of the OIA<sup>15</sup> that was performed in May 2013 by the Internal Audit of the Council of Europe as a qualified external validator.

26. At its first session, the AC had requested the results of the latest External Quality Assessment of the OIA. In February 2016, an Action Plan for OIA Quality Assessment recommendations as at 25 February 2016 was received by the AC. Upon request by the AC, an update to the Action plan for OIA Quality Assessment – 13 July 2016 was submitted.

27. The AC took note of the positive outcome of this independent assessment and of the proper follow-up of the recommendations that had been made by the independent evaluator, including the formalization of a quality assurance and improvement programme.

#### *(b) Approval of internal audit plans for 2016 and 2017*

28. At its first session, the AC had before it the OIA's approved Audit plan for 2015,<sup>16</sup> was briefed by the Director of the OIA on the assurance, consultancy and evaluation engagements performed, and received explanations on departures from the plan, such as those that had occurred as a consequence of the Registry's reorganisation, or the scrutiny by the external auditor of the payroll process.

<sup>15</sup> AC/2/3.

<sup>16</sup> AC/1/12.

29. At its first session, the AC considered and approved, in accordance with its Charter, the Audit plan for 2016, which focused on the mission planning process, the Court's budgetary process, currency exchange management, the security of field offices and crisis management procedures.<sup>17</sup>

(c) *Update on the work performed in 2016*

30. At the second session of the AC, the Director of the OIA updated the AC on the status of work performed so far in 2016, explaining that the delay of six weeks in implementation is related to the follow-up on outstanding recommendations which the AC had advised to perform.

31. At its second session, the AC further received an update on the Draft Audit Plan of the OIA for 2017.

(d) *Implementation status of the Internal Audit's recommendations*

32. At its first session, the AC focused on the process by which the OIA issues and follows-up on its recommendations. The AC had before it the Report of the OIA on the status of implementation of the audit recommendations over a six-year period, from June 2008 to February 2015,<sup>18</sup> as well as the OIA's Annual report on the implementation of audit recommendations as at 26 January 2016.<sup>19</sup> Over a three-year period, out of a total of 231 recommendations, only two per cent had been implemented within six months and 16 per cent had been implemented within a two-year period.

33. At its first session, the AC noted with concern the high number of outstanding recommendations, and stressed that the key responsibility for establishing an effective internal control lay with management at all levels. The AC further expressed its understanding that, if recommendations were accepted but not implemented, the Court's management was in effect implicitly accepting not to mitigate the risks identified. Furthermore, the AC received an analysis from the Director of the OIA on the difficulties met by the Court in the implementation of Internal Audit recommendations, including those due to governance and of her concerns that her office did not always have full and timely access to information requested and necessary to fulfil the OIA's mandate.

34. In compliance with the request of the AC, the OIA conducted from March to June 2016 in cooperation with the Court's management a review and follow-up of all the recommendations issued in the time period from 2008 until 2011. The AC noted that 54 per cent of the outstanding recommendations (i.e. 32 recommendations out of 60) had been implemented and that the implementation of 46 per cent (i.e. 27 recommendations) is in progress. The AC is looking forward to receiving information by the OIA about the status of the implementation of recommendations for the time period 2012 -2014 at its fourth session.

*Findings and recommendations*

35. The AC explored different possibilities to ensure the timely implementation of recommendations that have been accepted by the Court management, also considering the role that the AC could play in accelerating the implementation of outstanding recommendations.

36. The AC noted with satisfaction the progress made since its last session with regard to reducing the backlog of recommendations, urged the Court to further expand these efforts in close consultation with the OIA in order to put an effective mechanism for the implementation of recommendations in place and to avoid a similar backlog in the future, and to report thereon to the AC after completion of the next annual follow-up exercise.

37. With a view to ensuring accountability and the timely implementation of recommendations, the AC recommended that the implementation of recommendations process should start with an acceptance or rejection of such recommendation and the

<sup>17</sup> AC/1/15, para. 16.

<sup>18</sup> CBF/24/12.

<sup>19</sup> AC/1/16.



identification of an owner with a specific timeline for the implementation of each recommendation, to be included in the final audit report.

38. The AC further agreed to the request of the Director of the OIA to have the OIA work plan for each year approved before the end of the year preceding the year in question, as to allow the OIA to start implementing the audit plan at the beginning of each calendar year. Thus, the AC decided to approve the Final Audit Plan for 2017 at its third session, that will be held remotely, such as through video-conference.

39. The AC requested the Court to grant the OIA unrestricted access to all information needed to perform its mandate, as stipulated by its Charter.

## 2. External Audit matters

### (a) External Auditor

40. Part M.2 of the AC's Charter provides for the consideration of the external audit by the AC. It sets out the comprehensive oversight role of the AC of the external audit with the aim that the AC obtains reasonable assurances with respect to its audit activity.

41. In accordance with paragraph 64(ii) of its Charter, the annual AC report should include a summary of the Court's progress in addressing corrective action on the findings and recommendations made in external audit reports.

42. In accordance with its Charter, the AC is tasked to meet with external assurance providers, such as the External Auditor, during the planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations<sup>20</sup> and, further, to examine and monitor the independence of the External Auditor and of his recommendations, as well as of any other questions raised by him or by any other external assurance provider.<sup>21</sup>

43. At its first session, the AC expressed a request to invite the External Auditor of the Court to its second session.<sup>22</sup> On 11 July 2016, the representative of the External Auditor, Mr. Lionel Vareille, *Chef du service de l'audit externe des organisations internationales*, informed the Executive Secretary that he would not be able to participate at the second AC session, neither in person nor through phone or video conference.

#### *Findings and recommendations*

44. The AC noted with surprise and disappointment that, despite early notice given to the External Auditor, the representative was not available to attend the second session and could not exchange with the AC about external audit matters, thus, posing an impediment to the fulfilment of the AC's tasks as mandated by the Assembly.

45. Stressing the need for a constructive interplay between the AC and the External Auditor in the future, the AC requested the External Auditor to ensure his presence at all sessions of the AC in accordance with paragraph 58 of the AC Charter.

### (b) Engagement letter and its Terms of Reference

46. According to Regulation 12.1 of the Financial Regulations and Rules, the Assembly shall appoint an external auditor for a period of four years and its appointment may be renewed. According to the Charter, the AC shall make recommendations concerning the nomination of the External Auditor.<sup>23</sup>

47. In view of the fact that the AC had not yet come into existence at the relevant time, and that therefore no such recommendations regarding the nomination of an External Auditor had been possible, the Assembly, at its fourteenth session, extended the term of the current External Auditor, the *Cour des comptes*, by two years,<sup>24</sup> on the understanding that

<sup>20</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV, para. 58.

<sup>21</sup> *Ibid.*, para. 59.

<sup>22</sup> AC/1/15, para. 23.

<sup>23</sup> *Official Records ... Fourteenth session ... 2015*, (ICC-ASP/14/20), vol. II, part B.3, annex IV, para. 60.

<sup>24</sup> *Ibid.*, vol. I, part III, ICC-ASP/14/Res.1, section K, para. 2.

the AC would make a recommendation in relation to the nomination of the External Auditor for the remaining two years in 2016.

*Findings and recommendations*

48. Based on the fact that the currently selected Auditor was a Supreme Audit Institution, recognized as a competent and independent body, and given the high quality of the reports of the French *Cour des Comptes*, and further considering the value in ensuring continuity, the AC recommended at its first session that the Assembly extend the mandate of the External Auditor for two more years, so as to include the financial statements of the Court and of the Trust Fund for Victims for the years 2018 and 2019.<sup>25</sup> The AC welcomed the broadening of the mandate of the External Auditor, that will include, in addition to the annual audit report and the opinion on the financial statements of the Court and the TFV, also an annual performance audit report.

49. The External Auditor had prepared a draft letter of engagement that was submitted to the AC for consideration at its second session. It included the terms and conditions for the remaining two-year extension of the External Auditor's mandate.

50. The Committee requested the External Auditor to modify the draft letter of engagement as to include a commitment that the representative attends the meetings of the AC in accordance with paragraphs 58 and 59 of the AC Charter.

51. Furthermore, the Committee requested the External Auditor to also submit in the future to the AC the management letter(s) with comments and observations addressed to the management of the Court that are not included in the report(s) of the External Auditor.

(c) *External audit report on the Financial Statements of the International Criminal Court and of the Trust Fund for Victims for the year ended 31 December 2015*

52. Due to the absence of the External Auditor at its second session and the lack of information resulting thereof, the AC decided not to consider the financial statements of the International Criminal Court,<sup>26</sup> which include an audit report on the financial reporting and management of the permanent premises project, and the financial statements of the TFV<sup>27</sup> for the year ended 31 December 2015.

### III. Follow-up on previous recommendations

53. Bearing in mind its broad mandate and the resource requirements needed to comply with it, the AC had recommended at its first session that the AC Secretary be rapidly given the necessary assistance, by accelerating the recruitment process of the approved Senior Administrative Assistant (GS-PL) post, starting January 2016.<sup>28</sup> At its second session, the AC noted with satisfaction that the recruitment had been concluded in the meantime.

54. At its first session, the AC had requested the OIA and the Court to submit a risk register, as well as a comprehensive description of the process followed to establish this register to the Committee at its second session.<sup>29</sup> At its second session, the AC welcomed the submission of the documentation in question.

55. At its first session, the AC had recommended the timely recruitment of the approved post of IT Auditor, considering that three IT audits had been included in the Audit plan for 2016.<sup>30</sup> At its second session, the AC noted with satisfaction that the post had been filled in the meantime. At the same time, the AC reiterated its recommendation that careful consideration be given to the possible advantages of outsourcing such IT audits in the future.

56. At its first session, the AC recommended that the Assembly extend the mandate of the External Auditor for two years, so as to include the financial statements of the Court

<sup>25</sup> AC/1/15, para. 22.

<sup>26</sup> ICC-ASP/15/12.

<sup>27</sup> ICC-ASP/15/13.

<sup>28</sup> AC/1/15, para. 12.

<sup>29</sup> *Ibid.*, para. 17.

<sup>30</sup> *Ibid.*, para. 19.

and the TFV for the years 2018 and 2019.<sup>31</sup> The issue of the extension of the mandate of the *Cour des Comptes* will be considered by the Assembly at its fifteenth session in November 2016.

57. At its first session, the AC further requested the OIA to critically review the outstanding recommendations issued for the years 2008-2011 and to liaise with the Court's management on the risks that it was willing to take with a view to setting aside the corresponding recommendations, to agree with the Court's management on a timeline for the implementation of the remaining outstanding recommendations and to report to the AC on the outcome of this exercise at its second session.<sup>32</sup> The AC noted with satisfaction the work done by both the Court and the OIA.

58. At its first session, the AC had asked to be given a presentation from the Court on the results of the latest External Quality Assessment of the OIA.<sup>33</sup> A paper was submitted by the OIA on this matter.

## **IV. Other matters**

### **A. Feedback on interim report of the Audit Committee**

59. The interim report of the AC,<sup>34</sup> dated 16 February 2016, which summarized the conclusions drawn during the first AC session, was distributed to the Court, the External Auditor and the OIA, for the purpose of information and with a view to ensuring the timely implementation of and follow-up on the recommendations of the AC.

60. While the AC noted that it did not receive any formal feedback on its interim report and the work carried out at its first session, it noted with satisfaction that all the recommendations of its first session had been implemented by the Court.

61. The AC invited the Court and the CBF, whenever appropriate, to give feedback to the AC on how it could better meet their expectations as an advisory body on governance, risk and audit matters, and wishes to encourage an open dialogue with these two governance bodies.

### **B. Self-assessment of the Audit Committee, including training**

62. In accordance with paragraph 39 of its Charter, the AC members shall receive formal orientation on the purpose and mandate of the AC and the Court's objectives. The AC appreciated in this regard the brief exchanges with representatives of the Presidency, the Office of the Prosecutor and the Registry at its first session.

63. The AC requested the Secretary to identify training possibilities for the AC members on the Court's operation and structure, and will discuss possible free of charge training opportunities, such as those available online, at the forthcoming sessions.

64. Pursuant to paragraph 63 (b) of its Charter, the AC shall regularly evaluate its own performance and that of individual members. In line with its Charter and drawing from a good practice of the Institute of Internal Auditors and other national audit offices, the AC resolved to discuss the possible use of a self-assessment checklist specifically adapted to the needs of the AC in future sessions.

### **C. Future sessions of the Audit Committee**

65. The AC decided to hold its third session in 2016 remotely on a day that remains to be determined. Furthermore, the AC decided to schedule its fourth session tentatively from 30 to 31 March 2017, and its fifth session tentatively from 4 to 5 September 2017.

<sup>31</sup> *Ibid.*, para. 22.

<sup>32</sup> *Ibid.*, para. 27.

<sup>33</sup> *Ibid.*, para. 28.

<sup>34</sup> AC/1/15.

## Appendix I

### Opening of the sessions, election of officers, adoption of the agenda and participation of observers

#### 1. Opening of the sessions

1. In accordance with its Charter, the AC shall meet at least three times annually, or more frequently as the AC deems necessary.<sup>1</sup> The AC held its first session on 28 January 2016, and its second session from 22 to 23 August 2016, at the seat of the Court in The Hague.

2. During the two sessions, the AC had before it the documentation as listed in annex II of this report.

#### 2. Election of officers

3. For the first year, the AC elected Mr. David Banyanka (Burundi) as Chairperson and Ms. Elena Sopková (Slovakia) as Vice-Chairperson, by consensus, in accordance with Part F of its Charter. The AC further appointed Ms. Laure Esteveny (France) as Rapporteur.

4. At its second session, the AC decided that the elections of the Chairperson and the Vice-Chairperson, as well as the appointment of the Rapporteur would take place in the first AC session of each calendar year.

5. The Executive Secretary to the CBF, Mr. Fakhri Dajani, acted as the Secretary to the AC and the Secretariat of the Assembly provided the logistical servicing.

#### 3. Adoption of the agenda

6. In accordance with paragraph 64(i) of its Charter, the AC shall provide in its annual report to the CBF a summary of the work performed as to fully discharge its responsibilities from the preceding year.

7. At its first session, the AC adopted the following agenda:

1. Opening of the session
2. Election of officers
3. Adoption of the agenda and organization of work
4. Participation of observers
5. Audit matters:
  - (a) Internal Audit plan for 2015
  - (b) Internal Audit plan for 2016
  - (c) External Auditor's mandate
  - (d) Implementation status of Internal Audit's recommendations
6. Other matters.<sup>2</sup>

8. At its second session, the AC adopted the following agenda:

1. Opening of the session
  - (a) Adoption of the agenda and organization of work
  - (b) Participation of observers

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<sup>1</sup> Ibid., para. 40.

<sup>2</sup> AC/1/1.

2. Governance structure of the Court
3. Risk management of the Court
4. Oversight of internal and external audit
  - (a) Internal audit
    - (i) Follow-up on external quality assessment
    - (ii) Updates on the work performed in 2016
    - (iii) Implementation status of audit recommendations
    - (iv) OIA annual risk assessment and plan
    - (v) Work plan for 2017
  - (b) External audit
    - (i) Engagement letter and its Terms of Reference
    - (ii) External audit report on the International Criminal Court – Financial statements – Year ended 31 December 2015, including an Audit report on the financial reporting and management of the permanent premises project – 2015 financial year
    - (iii) External audit report on the Trust Fund for Victims – Financial Statements – Year ended 31 December 2015
5. Other matters
  - (a) Feedback on AC interim report
  - (b) Self-assessment of the Audit Committee, including training
  - (c) AC work plan for future sessions<sup>3</sup>

9. In accordance with paragraph 64(iv) of its Charter, the annual AC report should include details of meetings, including the number of meetings held during the relevant period and the number of meetings attended by each AC member.

10. The AC held two meetings at its first session in January 2016 and four meetings at its second session in August 2016. The following members attended:

- (a) Mr. Samir Abu Lughod (Jordan);
- (b) Mr. David Banyanka (Burundi);
- (c) Mr. Jorge Duhalt (Mexico);
- (d) Ms. Laure Esteveny (France); and
- (e) Ms. Elena Sopková (Slovakia).

#### 4. Participation of observers

11. In January 2016, the President of the Court, Judge Silvia Fernández de Gurmendi, briefed the AC about the Court's current activities and plans for enhancing the budget process. The AC also exchanged with representatives of the Office of the Prosecutor and the Registry, who were invited to clarify their expectations *vis-à-vis* the AC.

12. The AC invited the Director of the Division of Management Services to address the AC in relation to the Court's governance structure and risk management at its second session. The AC further invited the Director of the OIA to make presentations at its first and second sessions. The AC also invited the Head of the IOM to make a presentation about his work and interactions with the other key actors of governance.

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<sup>3</sup> AC/2/1/Rev.1.

## Appendix II

### List of documents

<i>Document symbol</i>	<i>Title</i>
AC/1/2	International Standards for the Professional Practice of Internal Auditing
AC/1/3	International Criminal Court – Charter for the Office of Internal Audit
AC/1/4	Final Audit report on the Unaccompanied Shipment Policy of the Court
AC/1/5	Final Audit Report on the Audit of the Internal Control Framework of the TFV's assistance programs
AC/1/6	Final Audit Report on Sick Leave Management
AC/1/7	Final OIA report on the ICT preparations and readiness for the move to the Permanent Premises
AC/1/8	Final OIA Report on Long Term Digital Archiving program/Records Retention and Disposal project
AC/1/9	The Office of Internal Audit - Special Review on non-implemented internal audit recommendation issued between mid-2008 and 2011
AC/1/10	Final Audit Report on Implementation of Daily Subsistence Allowance (DSA) policy for travel reimbursement
AC/1/11	The Office of Internal Audit - Final Report - A review of the Language Services Unit of the OTP
AC/1/12	The Office of Internal Audit – 2015 Internal Audit Plan
AC/1/13	The Office of Internal Audit – 2016 Internal Audit Plan
AC/1/14	The Office of Internal Audit –Draft Audit Plan for 2017
AC/1/15	Interim Report of the Audit Committee
AC/1/16	Annual Report of the Office of Internal Audit - Implementation of audit recommendations: situation as at 26/01/2016
AC/1/17	The Office of Internal Audit - Risk Evaluation
AC/2/2	Office of Internal Audit (OIA) - Summary of the risk assessment performed by the Office of Internal Audit
AC/2/3	Report for an independent validation of the self- assessment of the Office of Internal Audit of the International Criminal Court
AC/2/4	Annex II of the Report of the Bureau of the Study Group on Governance (ICC/ASP/14/30)
AC/2/5	Audit Report on the Budget Performance of the Permanent Premises Project
AC/2/6	Final Audit Report on Enterprise Risk Management
AC/2/7	Report on Risk Management by the International Criminal Court
AC/2/8	Report of the Court on risk management
AC/2/9	Report on the procedure for following up the implementation of recommendations conducted in the first semester of 2016 as requested by the Audit Committee
AC/2/10	The Office of Internal Audit, Audit Report (Final): The Audit of the Mission Planning Process
AC/2/10.1	Audit of Mission Planning – Issues requiring management attention
CBF/19/21	Annual report of the Audit Committee
CBF/21/15	Office of Internal Audit - 2014-2015 IT Audit Strategy Plan & 2013 IT Audit Plan
CBF/21/16	Report of the Office of Internal Audit on its activities for 2014
CBF/22/4	Annual Report of the Office of Internal Audit Implementation of audit recommendations: situation as of 18/02/2014
CBF/22/5	Office of Internal Audit - Provisional work plan for 2015
CBF/22/12	Report of the Court on the Audit Committee
CBF/24/5	Report of the Court on the Audit Committee
CBF/24/10	Annual Report of the Office of Internal Audit on its activities in 2014
CBF/24/11	Office of Internal Audit - 2015 Internal Audit Plan
CBF/24/12	Annual Report of the Office of Internal Audit - Implementation of audit recommendations: Situation as at 3 February 2015
CBF/24/13	Office of Internal Audit - Draft Audit Plan for 2016
ICC-ASP/13/12	Financial statements for the period 1 January to 31 December 2013
ICC-ASP/13/12/Corr.1	Financial statements for the period 1 January to 31 December 2013 - Corrigendum
ICC-ASP/13/13	Trust Fund for Victims financial statements for the period 1 January to 31 December 2013
ICC-ASP/14/12	Financial statements of the International Criminal Court for the year ended 31 December 2014
ICC-ASP/14/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2014
ICC-ASP/14/15	Report of the Committee on Budget and Finance on the work of its Twenty-Fifth session
ICC-ASP/15/12	Financial Statements of the International Criminal Court for the year ended 31 December 2015
ICC-ASP/15/13	Financial Statements of the Trust Fund for Victims for the year ended 31 December 2015

## Appendix III

### Charter of the Audit Committee

#### A. Introduction

1. The Audit Committee plays an important role in providing oversight of the governance, risk management, and internal control practices of the International Criminal Court (“the Court”). This oversight mechanism also serves to provide confidence in the integrity of these practices. The Audit Committee performs its role by providing independent advisory and assurance services to the Assembly of States Parties (“the Assembly”).

#### B. Purpose

2. The purpose of the Audit Committee is to provide structured systematic oversight of the Court’s governance, risk management, and internal control practices. The Audit Committee assists the Assembly by providing advice and guidance on the adequacy of the Court’s initiatives in relation to:

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

3. In broad terms, the Audit Committee reviews each of the items noted above and provides the Assembly with independent advice on the adequacy and effectiveness of the Court’s management practices. This advice and guidance also may include suggestions and recommendations to strengthen those practices.

#### C. Mandate

4. The mandate for the establishment of the Audit Committee derives from the Assembly’s approval of the recommendations of the Committee on Budget and Finance (“the CBF”).<sup>1</sup>

5. The mandate of the Audit Committee is to assist the Court in meeting States Parties’ demands for transparency and accountability by providing oversight of its management practices in key governance areas, including:

- (a) Values and ethics;
- (b) Governance structure;
- (c) Risk management;
- (d) Internal control framework;
- (e) Audit activity;
- (f) External assurance providers, including:
  - (i) The examination and monitoring of the independence of the External Auditor and of his recommendations as well as of any other questions raised by the External Auditor or by any other external assurance provider; and
  - (ii) Making recommendations to the competent organ concerning the nomination of the External Auditor.
- (g) Management action plans; and
- (h) Financial statements and public accountability reports.

<sup>1</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. I, part II, para. 8.

6. The list of mandates is non-exhaustive, with the possibility of adding or changing items. Exhaustion of the full list of items each calendar year is not mandatory. Rather, the Audit Committee should be able to address issues whenever the need arises.

#### **D. Authority**

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

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

9. The Audit Committee may engage such independent counsel and/or other advisers as it deems necessary to carry out its duties.

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

10. The Audit Committee shall consist of three to five external members, who shall be independent of the Court and its organs. One or two out of the five members shall be acting members of the CBF.

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

12. For the recruitment procedure, all efforts should be made to ensure that the criteria of geographical and gender balance are observed. An Ad Hoc Audit Committee is tasked with recruiting the members of the Audit Committee.

13. Secretarial services shall be provided to the Committee by the Executive Secretary of the CBF.

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

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

15. The election process shall be handled by the Secretary of the Audit Committee who will invite candidacies for election as Chairperson or Vice-Chairperson.

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

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

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

19. If the Chairperson ceases to hold office pursuant to para. 17 above, the Vice-Chairperson shall take his/her place until election of a new Chairperson.

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

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

22. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson shall declare the opening and closing of each meeting of the Audit Committee, direct the discussions, ensure the observance of these rules, accord the right to



speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Audit Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Audit Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

23. The Chairperson shall represent the Audit Committee at meetings of the CBF or at meetings of the Assembly.

## **G. Terms of Office**

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

25. To ensure continuity within the Audit Committee, the appointment of members shall be staggered by extending once an additional one year the term of the first appointed Chairperson and Vice-Chairperson to be four years instead of three.

## **H. Quorum and Decision-making**

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

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

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

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

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

### **1. Audit Committee values**

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

### **2. Communications**

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

### **3. Work plan**

32. The Audit Committee Chair, in concert with other members and with the assistance of the Secretary to the Audit Committee, will establish a work plan to ensure that the responsibilities of the Audit Committee are properly scheduled and effectively carried out.

### **4. Meeting agenda**

33. The Chair shall establish meeting agendas in consultation with Audit Committee members, and with the Secretary of the Audit Committee.

### **5. Information requirements**

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

**6. Preparation and attendance**

35. Audit Committee members have an obligation to prepare for and participate in Audit Committee meetings.

**7. Incompatible activities**

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

**8. Conflict(s) of interest**

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

**9. Confidentiality**

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

**10. Orientation and training**

39. The Audit Committee members shall receive formal orientation on the purpose and mandate of the Audit Committee and on the Court's objectives.

**J. Operational Procedures****1. Meetings**

40. The Audit Committee shall meet at least three times annually, or more frequently as the Audit Committee deems necessary.

41. The structure of the Audit Committee should be kept as lean and efficient as possible. Therefore, if possible, one or more of its meetings should be conducted by video link.

42. The Committee shall normally meet at the seat of the Court. Sessions of the Audit Committee may be held elsewhere if the Audit Committee and/or the CBF so decide.

**2. Convening of sessions**

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

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

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

46. The Chairperson shall notify the members of the Audit Committee as early as possible of the date and duration of each session.

### 3. Agenda

47. The provisional agenda for each session of the Audit Committee shall be drawn up by the Secretary, in consultation with the Chairperson, whenever possible, and shall include:

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

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

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

### 4. Access to officials

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

## K. Compensation of Committee Members

51. Members of the Audit Committee shall work on a *pro bono* basis, with the Court being responsible for travel, accommodation and related costs. Travel costs shall correspond to business class airfare. A daily subsistence allowance (DSA) shall be paid at 140 per cent.

## L. Responsibilities

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

### 1. Values and ethics

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

- (a) Review and assess the policies, procedures, and practices established by the governing body to monitor conformance with its code of conduct and ethical policies by all Court managers and staff;
- (b) Provide oversight of the mechanisms put in place by management to establish and maintain high ethical standards for all Court managers and staff; and
- (c) Review and provide advice on the systems and practices established by management to monitor compliance with laws, regulations, policies, and standards of ethical conduct and identify and deal with any legal or ethical violations.

### 2. Governance of the Court

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

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

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

- (b) Review and provide advice on the risk management arrangements established and maintained by management and the procedures in place to ensure that they are operating as intended;
- (c) Annually review the Court's corporate risk profile; and
- (d) Obtain from the Internal Auditor an annual report on management's implementation and maintenance of an appropriate integrated risk management process.

### **3. Management control framework**

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

- (a) Review and provide advice on the Court's overall and management units' internal control arrangements; and
- (b) Receive reports on all matters of significance arising from work performed by others who provide financial and internal control assurance to senior management.

## **M. Oversight of Internal and External Audit and Other Assurance Providers**

### **1. Internal audit**

57. To obtain reasonable assurance with respect to audit activity, the Audit Committee shall:

- (a) Review and approve the internal audit charter at least once every two years. The charter should be reviewed to ensure that it is consistent with changes in the Court's financial, risk management, and governance arrangements and reflects developments in internal audit professional practices;
- (b) Review and approve proposed risk-based internal annual audit work plans and make recommendations concerning internal audit projects;
- (c) Advise the Assembly through the CBF regarding the qualifications and recruitment, retention and release of the Director of the Office of Internal Audit;
- (d) Provide input to management on the annual performance evaluation of the Director of the Office of Internal Audit;
- (e) Recommend to management the appropriate compensation of the Director of the Office of Internal Audit;
- (f) Review the budget, expertise and staffing levels of the internal audit programme;
- (g) Advise the Assembly through the CBF about increases and decreases in the requested budget for the internal audit programme and any additional expertise needed. Evaluate whether additional expertise should be in the form of permanent staff or outside consulting services;
- (h) Review internal audit reports and other communications to management;
- (i) Review and track management's action plans to address internal audit recommendations;
- (j) Enquire of the Director of the Office of Internal Audit whether any internal audit engagements or tasks have been carried out that did not result in a report to the Audit Committee. If such activity has taken place, enquire as to the matters of significance, if any, arising therefrom;
- (k) Review and provide input on internal audit's strategic plan, programme goals, performance measures, and outcomes;
- (l) Enquire of the Director of the Office of Internal Audit about steps taken to ensure that the audit activity is consistent with the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing Standards;
- (m) Ensure that the internal audit function has an external quality assurance review every five years; and
- (n) Review the results of the independent external quality assurance review and monitor the implementation of the action plans to address recommendations raised.

**2. External audit**

58. To obtain reasonable assurance with respect to the work of the external assurance providers (including, but not limited to, the External Auditor), the Audit Committee shall meet with such providers during planning of the audit, the presentation of the audited financial statements, and the discussion of the letter to management on recommendations.

59. The Audit Committee shall examine and monitor of the independence of the External Auditor and of his recommendations, as well as of any other questions raised by the External Auditor or by any other external assurance provider.

60. The Committee shall make recommendations to the competent organ concerning the nomination of the External Auditor.

**3. Follow up on management action plans**

61. To obtain reasonable assurance that management has acted on the observations and recommendations from internal and external audit, the Audit Committee shall review regular reports on the progress of implementing approved management action plans and audit recommendations resulting from completed audits.

**4. Financial statements and public accountability reporting**

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

**5. Other responsibilities**

63. In addition, the Audit Committee shall:

- (a) Perform other activities related to this charter as requested by the Assembly; and
- (b) Regularly evaluate its own performance and that of individual members.

**6. Reporting on Audit Committee performance**

64. The Audit Committee shall:

- (a) Make an annual report to the CBF summarizing its activities and recommendations;
- (b) The report should include:
  - (i) A summary of the work performed by the Audit Committee to fully discharge its responsibilities during the preceding year;
  - (ii) A summary of the Court's progress in addressing corrective actions on the findings and recommendations made in internal and external audit reports;
  - (iii) An overall assessment of the Court's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes impacting the Court; and
  - (iv) Details of meetings, including the number of meetings held during the relevant period and the number of meetings attended by each member.

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

**N. Languages**

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

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

**O. Review**

68. The Committee shall keep the present Charter under review.

## Part C

### Related documents

#### 1. Financial statements of the International Criminal Court for the year ended 31 December 2015\*

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## Letter of transmittal

13 June 2016

In accordance with Financial Regulation 11.1 the Registrar shall submit to the Auditor accounts for the financial period. I have the honour of submitting the financial statements of the International Criminal Court for the financial period 1 January to 31 December 2015.

Gela Abesadze  
Chief of Finance Section  
Herman von Hebel  
Registrar

Richard Bellin  
External Audit Director  
Cour des Comptes,  
13 rue Cambon,  
75100 Paris Cedex 01  
France

## Statement on Internal Financial Control

### Scope of responsibilities

In accordance with Financial Rule 101.1(b), the Registrar in his capacity as principal administrative officer of the Court is “*responsible and accountable for ensuring that these Rules are administered in a coherent manner by all organs of the Court, including through appropriate institutional arrangements with the Office of the Prosecutor with regard to management and administrative functions falling under the authority of that Office by virtue of article 42, paragraph 2, of the Rome Statute*”. Financial Regulation 11 and, *inter alia*, Rule 111.1, assign responsibility for the accounts to me. In accordance with this Financial Regulation and Rule, I have prescribed and maintained financial and subsidiary records, established the accounting procedures of the Court and designated the officials responsible for performing accounting functions.

In line with the Court’s Financial Regulation 1.4, these “*Regulations shall be implemented in a manner consistent with the responsibilities of the Prosecutor and the Registrar as set out in articles 42, paragraph 2, and 43, paragraph 1, of the Rome Statute. The Prosecutor and the Registrar shall cooperate, taking into account the independent exercise by the Prosecutor of his or her functions under the Statute*”.

Furthermore, in accordance with Financial Regulation 10.1, as Registrar I have responsibility for maintaining “*an internal financial control which shall provide for effective current examination and/or review of financial transactions in order to ensure:*

- (i) *The regularity of the receipt, custody and disposal of all funds and other financial resources of the Court;*
- (ii) *The conformity of obligations and expenditures with the appropriations or other financial provisions voted by the Assembly of States Parties, or with the purposes and rules relating to trust funds and special accounts; and*
- (iii) *The economic use of resources of the Court”.*

Having made appropriate institutional arrangements in cooperation with the Office of the Prosecutor as provided for in Rule 101.1(b), I am satisfied that appropriate systems of internal financial control were in place throughout the financial period of 2014.

### Review of effectiveness of the system of internal financial control

The effectiveness of the system of internal financial control and compliance with the Court’s Financial Regulations and Rules relies on operational managers (certifying officers) within the Court. To strengthen the internal financial control within the Court, comprehensive training for certifying officers has been implemented and is mandatory for all certifying officers.

My review of the effectiveness of the system of internal control and compliance with the Court’s Financial Rules and Regulations is informed by the work of the internal auditors to date, the work of the operational managers within the Registry who have responsibility for the maintenance of the internal control framework and comments made to date by the external auditors in their management letter and other reports.

I am satisfied that I have received the necessary assurances to confirm that an appropriate framework of internal financial control was in place during 2015.

Herman von Hebel  
Registrar

13 June 2016



## Independent auditor's opinion

We have audited the Financial Statements of the International Criminal Court (ICC), for the 12 month period ended 31 December 2015. These financial statements include a Statement of Financial Position as at 31 December 2015, a Statement of Financial Performance, a Statement of Changes in Net Assets, a Statement of Cash Flow, a Statement of Comparison of Budget and Actual Amounts and Notes including a summary of the accounting principles and other information. A set of eight schedules presenting some additional information under UNSAS standards, outside of the scope of this audit, have also been added in an annex to the Financial Statements.

By virtue of Regulation 11 of the Financial Regulations, the Registrar of the International Criminal Court is responsible for preparing and presenting the financial statements. These statements are in conformity with the International Public Sector Accounting Standards (IPSAS). This responsibility includes the design, implementation and monitoring of internal control procedures to ensure the preparation and the fair presentation of financial statements, free of significant misstatements, resulting either from frauds or errors. This responsibility also includes the determination of fair accounting estimates adapted to the circumstances.

Our responsibility is to express an opinion on these financial statements based on our audit. We have conducted our audit in accordance with the International Standards on Auditing (ISA). These Standards require us to comply with the ethical rules and to plan and perform our audit in order to obtain a reasonable assurance that the financial statements are free from material misstatements.

An audit consists in implementing audit procedures in order to collect audit evidence regarding the amounts and the information presented in the financial statements. The design of the audit procedures is based on the external auditor's professional judgment, as well as the risk evaluation that the financial statements include significant misstatements, resulting either from frauds or errors. In the context of this risk evaluation, the auditor considers the internal control in place for the preparation and presentation of the financial statements, in order to design appropriate audit procedures and not in order to express any opinion on the internal control. An audit also consists in evaluating that the accounting method applied and the presentation of the financial statements are appropriate and that the significant accounting estimates are reasonable.

We believe that the audit evidence collected is sufficient and appropriate to constitute a reasonable basis for our qualified opinion.

### Basis for Qualified Opinion

As at 31 December 2015, the permanent premises were capitalized at k€195,756. At the time of this report, the negotiation was still ongoing between the International Criminal Court and the Constructor (Courtys), in order to address the cost issues regarding the permanent premises. No signed agreement was available to validate the final cost of the operation. Consequently, we were unable to determine whether any adjustments to the permanent premises amounts recognized as at 31 December 2015 were necessary.

### Qualified Opinion

Based on our audit, except for the possible effects of the matter described in the "Basis for Qualified Opinion" paragraph, the financial statements give a fair view of the financial position of the International Criminal Court as at 31 December 2015, as well as the financial performance, the changes in net assets, the cash flow and the comparison of budget and actual amounts for the 12 month period ending 31 December 2015 in conformity with the IPSAS.

*(Signed)*  
Didier Migaud

## Statement I

### International Criminal Court

#### Statement of financial position as at 31 December 2015 (in thousands of euros)

	<i>Note.</i>	<i>2015</i>	<i>2014</i>
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	3	23,026	56,693
Accounts receivable (non-exchange transactions)	4	20,510	14,491
Other accounts receivable	5	2,422	1,175
Prepayments and other current assets	6	2,360	2,143
<b>Total current assets</b>		<b>48,318</b>	<b>74,502</b>
<b>Non-current assets</b>			
Property, plant and equipment	7	208,570	153,620
Intangible assets	8	1,353	1,326
Reimbursement right	10	23,235	23,423
<b>Total non-current assets</b>		<b>233,158</b>	<b>178,369</b>
<b>Total assets</b>		<b>281,476</b>	<b>252,871</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Accounts payable	9	9,926	13,593
Employee benefit liabilities	10	9,322	8,882
Host State loan	11	891	-
Deferred revenue and accrued expenses	12	17,066	23,832
Provisions	13	2,255	972
<b>Total current liabilities</b>		<b>39,460</b>	<b>47,279</b>
<b>Non-current liabilities</b>			
Accounts payable	9	50	153
Employee benefit liabilities	10	37,372	36,788
Host State loan	11	77,120	84,607
Provisions	13	-	1,756
<b>Total non-current liabilities</b>		<b>114,542</b>	<b>123,304</b>
<b>Total liabilities</b>		<b>154,002</b>	<b>170,583</b>
<b>Net assets/equity</b>			
Contingency Fund	14	5,791	7,500
Working Capital Fund	14	1,616	7,406
Other fund balances	14	120,067	67,382
<b>Total net assets/equity</b>		<b>127,474</b>	<b>82,288</b>
<b>Total liabilities and net assets/equity</b>		<b>281,476</b>	<b>252,871</b>

The accompanying notes form an integral part of these financial statements.

## Statement II

### International Criminal Court

#### Statement of financial performance for the year ended 31 December 2015 (in thousands of euros)

	<i>Note.</i>	2015	2014
<b>Revenue</b>			
Assessed contributions	15	167,119	152,499
Voluntary contributions	15	4,243	3,985
Financial revenue	15	179	268
Other revenue	15	21,952	2,468
<b>Total revenue</b>		<b>193,493</b>	<b>159,220</b>
<b>Expenses</b>			
Employee benefit expenses	16	99,263	86,465
Travel and hospitality	17	6,683	5,832
Contractual services	18	9,059	4,413
Counsel fees	19	5,777	5,283
Operating expenses	20	17,057	17,106
Supplies and materials	21	2,346	1,308
Depreciation and amortization	22	3,308	1,361
Financial expenses	23	2,996	640
<b>Total expenses</b>		<b>146,489</b>	<b>122,408</b>
<b>Surplus/(deficit) for the period</b>		<b>47,004</b>	<b>36,812</b>

The accompanying notes form an integral part of these financial statements.

## Statement III

### International Criminal Court

#### Statement of changes in net assets/equity for the year ended 31 December 2015 (in thousands of euros)

	<i>General</i>							
	<i>General Fund</i>							<i>Trust Funds/Assets/ equity</i>
	<i>Working Capital Fund</i>	<i>Contingency Fund</i>	<i>Funds for Employee Benefit Liabilities</i>	<i>Cash Surplus/ (Deficit)</i>	<i>Other General Fund Balances</i>	<i>Permanent Premises Project</i>	<i>Total Net</i>	
<b>Opening balance as at 1 January 2014</b>	<b>7,406</b>	<b>7,500</b>	<b>11,646</b>	<b>4,468</b>	<b>(12,548)</b>	<b>26,029</b>	<b>975</b>	<b>45,476</b>
<b>Movement in net assets/equity in 2014</b>								
Surplus/(deficit)	-	-	-	-	1,769	35,002	41	36,812
Transfers	-	-	(419)	(4,468)	419	4,325	-	(143)
Prior year cash surplus/deficit	-	-	-	(2,269)	2,269	-	-	-
2012 Trust Fund for Victims Surplus	-	-	-	-	143	-	-	143
<b>Total movements during the year</b>	<b>-</b>	<b>-</b>	<b>(419)</b>	<b>(6,737)</b>	<b>4,600</b>	<b>39,327</b>	<b>41</b>	<b>36,812</b>
<b>Total net assets/equity as at 31 December 2014</b>	<b>7,406</b>	<b>7,500</b>	<b>11,227</b>	<b>(2,269)</b>	<b>(7,948)</b>	<b>65,356</b>	<b>1,016</b>	<b>82,288</b>
<b>Movement in net assets/equity in 2015</b>								
Surplus/(deficit)	-	-	-	-	(6,736)	53,227	513	47,004
Transfers	(5,790)	(1,709)	(4,832)	-	12,341	-	(10)	-
Prior year Cash Surplus/(Deficit)	-	-	-	4,432	(4,432)	-	-	-
Adjustment of 2015 Assessed Contributions (ICC-ASP/13/Res.1)	-	-	-	(2,068)	-	-	-	(2,068)
2013 Trust Fund for Victims Secretariat's surplus	-	-	-	-	250	-	-	250
<b>Total movements during the year</b>	<b>(5,790)</b>	<b>(1,709)</b>	<b>(4,832)</b>	<b>2,364</b>	<b>1,423</b>	<b>53,227</b>	<b>503</b>	<b>45,186</b>
<b>Total net assets/equity as at 31 December 2015</b>	<b>1,616</b>	<b>5,791</b>	<b>6,395</b>	<b>95</b>	<b>(6,525)</b>	<b>118,583</b>	<b>1,519</b>	<b>127,474</b>

The accompanying notes form an integral part of these financial statements.

## Statement IV

### International Criminal Court Statement of cash flows for the year ended 31 December 2015 (in thousands of euros)

	<i>Note.</i>	<i>2015</i>	<i>2014</i>
<b>Cash flows from operating activities</b>			
Surplus/(deficit) for the period (Statement II)		47,004	36,812
Unrealized foreign exchange differences		5	(11)
Discount on host State loan		(17,963)	-
Depreciation and amortization		3,308	1,361
(Gain)/loss on disposal of property, plant and equipment		8	-
Interest expense		2,860	518
(Increase)/decrease in accounts receivable from non-exchange transactions		(6,019)	(7,037)
(Increase)/decrease in other accounts receivable		(1,247)	944
(Increase)/decrease in prepayments and other current assets		16	842
(Increase)/decrease in reimbursement right		188	(2,178)
Increase/(decrease) in accounts payable		3,403	(3,228)
Increase/(decrease) in employee benefit liabilities		1,023	4,507
Increase/(decrease) in deferred revenue and accrued expenses		(14,039)	(22,554)
Increase/(decrease) in provisions		(473)	664
Less: Interest income		(179)	(268)
<b>Net cash flows from operating activities</b>		<b>17,895</b>	<b>10,372</b>
<b>Cash flows from investing activities</b>			
Plus: Interest received		197	303
Purchase of property, plant and equipment		(58,268)	(77,183)
Purchase of intangible assets		(1,052)	(328)
<b>Net cash flows from investing activities</b>		<b>(59,123)</b>	<b>(77,208)</b>
<b>Cash flows from financing activities</b>			
Credits to States Parties		(2,068)	-
Interest paid		(1,061)	(112)
Receipts from host State loan		10,693	64,700
<b>Net cash flows from financing activities</b>		<b>7,564</b>	<b>64,588</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(33,664)</b>	<b>(2,248)</b>
Cash and cash equivalents at beginning of financial period	3	56,693	58,941
Unrealized foreign exchange gains/losses on cash and cash equivalents		(3)	-
<b>Cash and cash equivalents as at 31 December (Statement I)</b>	<b>3</b>	<b>23,026</b>	<b>56,693</b>

The accompanying notes form an integral part of these financial statements.

## Statement V

### International Criminal Court

#### Statement of comparison of budget and actual amounts for the year ended 31 December 2015 (in thousands of euros)

<i>Major Programme</i>	<i>Appropriation approved</i>	<i>Contingency Fund application</i>	<i>Final budget</i>	<i>Expenditures charged against General Fund</i>	<i>Expenditures charged against Contingency Fund</i>	<i>Total expenditure</i>	<i>Surplus/ (deficit) General Fund</i>	<i>Surplus/ (deficit) Contingency Fund</i>	<i>Total surplus/ (deficit)</i>
	<i>I</i>	<i>II</i>	<i>III=I+II</i>	<i>IV</i>	<i>V</i>	<i>VI=IV+V</i>	<i>VII=I-IV</i>	<i>VIII=II-V</i>	<i>IX=VII+VIII</i>
Judiciary	12,034	407	12,441	10,906	118	11,024	1,128	289	1,417
Office of the Prosecutor	39,613	2,601	42,214	38,370	2,211	40,581	1,243	390	1,633
Registry	65,026	3,256	68,282	64,957	3,032	67,989	69	224	293
Secretariat of the Assembly of States Parties	3,013	-	3,013	2,857	-	2,857	156	-	156
Interim Premises	6,000	-	6,000	5,394	-	5,394	606	-	606
Secretariat of the Trust Fund for Victims	1,816	-	1,816	1,543	-	1,543	273	-	273
Permanent Premises Project Office	2,209	-	2,209	2,116	-	2,116	93	-	93
Independent Oversight Mechanism	340	-	340	75	-	75	265	-	265
Office of Internal Audit	615	-	615	614	-	614	1	-	1
<b>Total</b>	<b>130,666</b>	<b>6,264</b>	<b>136,930</b>	<b>126,832</b>	<b>5,361</b>	<b>132,193</b>	<b>3,834</b>	<b>903</b>	<b>4,737</b>

The accompanying notes form an integral part of these financial statements.

## Notes to the financial statements

### 1. The International Criminal Court and its objectives

#### 1.1 *Reporting entity*

The International Criminal Court (“the Court”) was established by the Rome Statute of the International Criminal Court on 17 July 1998, when 120 States participating in the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court adopted the Statute. The Court is an independent permanent judicial institution with the power to exercise jurisdiction over perpetrators of the most serious crimes of international concern (genocide, crimes against humanity, war crimes and the crime of aggression). The Court has four organs: the Presidency, Chambers (consisting of an Appeals Division, a Trial Division and a Pre-Trial Division), the Office of the Prosecutor and the Registry. The financial statements are prepared for the Court and subsidiary bodies of the Assembly of States Parties other than the Secretariat of the Trust Fund for Victims as described in note 1.2(g).

The seat of the Court was established at The Hague in the Netherlands in accordance with article 3 of the Rome Statute. The Court has also established six field offices and one field presence to enable it to conduct its field operations. These field offices are operational in Uganda, the Democratic Republic of the Congo (2), the Central African Republic, the Republic of Côte d’Ivoire and Kenya. A small administrative field presence was established in Mali in 2014.

#### 1.2 *Programme budget*

For the purposes of the 2015 financial period, appropriations were divided into eight major programmes: the Judiciary (Presidency and Chambers), the Office of the Prosecutor, the Registry, the Secretariat of the Assembly of States Parties (“the Secretariat”), the Interim Premises, the Secretariat of the Trust Fund for Victims, the Permanent Premises Project Office and the Independent Oversight Mechanism. The composition, role and objectives of each component of the major programmes of the Court are as follows:

##### (a) *The Presidency*

- (i) comprises the President and the First and Second Vice-Presidents;
- (ii) ensures the proper administration of the Court through managerial oversight, coordination and cooperation;
- (iii) oversees and supports the fair, open and effective conduct of proceedings and performs all judicial functions within its preserve; and
- (iv) broadens global understanding of and support for the work of the Court by representing it in the international arena.

##### (b) *Chambers*

- (i) comprise an Appeals Division, a Trial Division and a Pre-Trial Division. The Appeals Division is composed of a President and four other judges; the Trial Division is composed of not less than six judges, as is the Pre-Trial Division;
- (ii) ensure the conduct of fair, effective and open proceedings, safeguarding the rights of all parties.

##### (c) *The Office of the Prosecutor*

- (i) acts independently as a separate organ of the Court and is responsible for the investigation and prosecution of crimes within the jurisdiction of the Court;
- (ii) promotes national efforts and international cooperation to prevent and punish genocide, crimes against humanity, war crimes and aggression; and
- (iii) builds universal consensus on the principles and purposes of the Rome Statute.

(d) *The Registry*

(i) provides efficient, effective and high-quality judicial and administrative support services to the Presidency, Chambers, the Office of the Prosecutor, the defence, and victims and witnesses;

(ii) manages the internal security of the Court; and

(iii) implements mechanisms to assist and safeguard the rights of victims, witnesses and the defence.

(e) *The Secretariat of the Assembly of States Parties*

In its resolution ICC-ASP/2/Res.3 adopted in September 2003, the Assembly of States Parties (“the Assembly”) established the Secretariat of the Assembly of States Parties to begin its operations on 1 January 2004. The Secretariat, which provides the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance (“the Committee”), the Special Working Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing and administrative and technical assistance.

The Secretariat:

(i) organizes conferences of the Assembly and meetings of the subsidiary bodies of the Assembly, including the Bureau and the Committee;

(ii) assists the Assembly, including its Bureau and subsidiary bodies, in all matters relating to their work, with particular emphasis on the effective scheduling and procedurally correct conduct of meetings as well as consultations; and

(iii) enables the Assembly and its subsidiary bodies to carry out their mandate more effectively by providing them with high-quality substantive servicing and support, including technical services.

(f) *Interim Premises*

Stakeholders are provided with an overview of the resources required by the Court for interim premises.

(g) *Secretariat of the Trust Fund for Victims*

The Secretariat of the Trust Fund for Victims administers the Trust Fund for Victims, offers administrative support to the Board of the Trust Fund for Victims and its meetings and operates under the full authority of the Board. The Trust Fund for Victims was established by the Assembly in its resolution ICC-ASP/1/Res.6. By resolution ICC-ASP/4/Res.3 the Assembly adopted the Regulations of the Trust Fund for Victims, which state that the Trust Fund is a separate reporting entity. The revenue from assessed contributions and expenses of the Secretariat of the Trust Fund for Victims are reported in the Statement of Financial Performance of the Trust Fund for Victims. For more information regarding the Trust Fund for Victims please refer to the financial statements of the Trust Fund for Victims for 2015.

(h) *Permanent Premises Project Office*

In annex IV and V of resolution ICC-ASP/6/Res.1, the Assembly established the Project Director’s Office within the annual proposed programme budget of the Court to cover the staff costs and other operational costs related to the Permanent Premises Project. The Project Director’s Office operates under the full authority of the Assembly and reports directly and is accountable to the Assembly through the Oversight Committee.

(i) *Independent Oversight Mechanism*

By resolution ICC-ASP/8/Res.1 the Assembly established the Independent Oversight Mechanism (IOM) as a major programme. This independent oversight mechanism is located next to, but is not integrated into or subordinate to, the Office of Internal Audit at the seat of the Court in The Hague. The scope of the

Independent Oversight Mechanism, as envisaged under article 112(4) of the Rome Statute includes investigation, evaluation and inspection.

### 1.3 *Tax exemption*

According to (i) the Headquarters Agreement signed between the Kingdom of the Netherlands and the Court, and more particularly its article 15, and (ii) the Agreement on Privileges and Immunities of the International Criminal Court, and more particularly its Article 8, the Court is exempt from all direct taxes, except charges for public utility services, and is exempt from customs duties and charges of a similar nature in respect of articles imported or exported for its official use.

## 2. Summary of significant accounting and financial reporting policies

### **Basis of preparation**

2.1 The Court's financial statements are maintained in accordance with the Financial Regulations and Rules of the Court, as adopted by the Assembly at its first session in September 2002, and the amendments thereto. The Court's financial statements have been prepared on the accrual basis of accounting in compliance with the International Public Sector Accounting Standards (IPSAS). These notes form an integral part of the Court's financial statements.

2.2 *Financial period*: the financial period is one calendar year.

2.3 *Historical cost basis*: the financial statements are prepared on the historical cost basis of accounting.

### **Currency of accounts and treatment of exchange rate movements**

2.4 The Court's functional and presentation currency is the euro.

2.5 Foreign currency transactions are translated into the functional currency using the United Nations operational rates of exchange which approximate the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions, and from the translation at year-end of exchange rates of monetary assets and liabilities denominated in foreign currencies, are recognized in the Statement of financial performance.

2.6 Non-monetary assets and items that are measured in terms of historical cost in foreign currency are translated using the exchange rate at the date of the transaction and are not retranslated at the reporting date.

### **Use of estimates and judgements**

2.7 The preparation of the financial statements in conformity with IPSAS requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, revenue and expenses. The estimates and associated assumptions are based on past experience and various other factors that are believed to be reasonable under the circumstances, and information available at the date of preparation of the financial statements, the results of which form the basis of judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

2.8 The estimates and underlying assumptions are reviewed on an on-going basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised and any future periods affected.

2.9 The judgements made by management in the application of IPSAS that have a significant effect on the financial statements and estimates with a significant risk of material adjustment in the next year are as follows:

(a) The Court recognized provisions as a result of court cases initiated against the Court where it is likely that there will be an outflow of resources to settle the claims and



the amounts can be reliably estimated. The provision made was based on professional legal advice and management considerations that it is unlikely that any further significant loss will arise;

(b) The Court continues to use certain equipment and intangible assets which have been fully depreciated. Amortization and depreciation rates were initially determined in accordance with the best estimate of the useful life of this equipment and intangible assets. The management believes this is appropriate as the use of these assets will soon be discontinued;

(c) Provision for doubtful debt is recognized in respect of a receivable from a particular accused person to whom the Court is advancing funds on the basis of a judicial decision to cover legal representation. The recovery of this advance is considered uncertain;

(d) The fair value of the host State loan at initial recognition amounts to a net present value of future cash flows using the effective interest rate. The host State will reduce the amount of the loan to be repaid by an amount that corresponds to 17.5 per cent of the difference between the loan utilized and €200 million. The Court estimates that the full amount of the loan will not be utilized, based on the difference between total project value and loan amount, as well as taking into account the total estimated amount of one-time payments.

### **Cash and cash equivalents**

2.10 Cash and cash equivalents are held at nominal value and comprise cash on hand, funds held in current accounts, interest-bearing bank accounts and time deposits with a maturity of less than three months.

### **Financial instruments**

2.11 The Court classifies its financial instruments as loans and receivables and other financial liabilities. Financial assets consist mainly of short-term bank deposits and accounts receivable. Financial liabilities consist of a long-term loan for the construction of the premises (see note 2.56) and accounts payable.

2.12 All financial instruments are initially recognized in the Statement of financial position at their fair values plus transaction costs. Subsequently, they are measured at amortized cost using the effective interest rate method. The historical cost-carrying amount of receivables and payables subject to normal trade credit terms approximates the fair value of the transaction.

### **Financial Risks**

2.13 The Court has instituted prudent risk management policies and procedures in accordance with its Financial Regulations and Rules. The Court makes short-term investments of moneys not needed for immediate requirements. The judges' pension scheme is insured, administered and invested by Allianz Nederland Levensverzekering N.V. In the normal course of business, the Court is exposed to financial risk, such as market risk (foreign currency exchange and interest rate), credit risk and liquidity risk.

2.14 *Currency risk*: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Court is exposed to currency risk through transactions in foreign currencies relating mostly to its field operations.

2.15 *Interest rate risk*: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Court deposits its funds only in short-term fixed interest accounts, and therefore has no significant interest rate risk exposure. The loan granted by the host State carries a fixed interest rate and does not expose the Court to interest rate risk.

2.16 *Credit risk*: the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Court is exposed to credit

risk through receivables from States Parties, advances of funds based on judicial decisions to cover legal representation of accused persons who are not considered indigent and deposits at banks. The Court has policies that limit exposure to risk from any one financial institution.

2.17 *Liquidity risk*: this risk arises from the general funding of the Court's activities. The Court holds short-term liquid assets to ensure continuous operations and maintains a Working Capital Fund established to ensure capital for the Court to meet short-term liquidity issues pending receipt of assessed contributions.

### **Receivables**

2.18 Receivables and advances are recognized initially at nominal value. Allowances for estimated irrecoverable amounts are recognized for receivables and advances when there is objective evidence that the asset is impaired, the impairment losses being recognized in the statement of financial performance.

### **Prepayments and other current assets**

2.19 Other current assets comprise interest accrued on bank accounts and deposits. Prepayments comprise education grants and software maintenance prepayments which will be recognized as expenses in the subsequent reporting period. The Statement of financial position shows as a prepayment that portion of the education grant advance which is assumed to pertain to the remainder of the school year after the date of the financial statement. Expenses are recognized evenly over the school year and charged to the budgetary account.

### **Property, plant and equipment**

2.20 Property, plant and equipment are tangible assets that are held for use in the supply of services, for rental to others or for administrative purposes.

2.21 Items of property, plant and equipment are measured at cost less accumulated depreciation and impairment losses.

2.22 The cost of a self-constructed asset is determined using the same principles as for an acquired asset. Any abnormal amount of waste of material, labour or other resources incurred in construction of a self-constructed asset is not included in the cost of the asset. Borrowing costs are not recognized as a component of property, plant and equipment costs and are expensed as incurred.

2.23 The costs capitalized as part of the permanent premises asset under construction include project management fees, architect fees, legal fees, other directly related consultant and expert fees, fees for permits, direct labour and material costs.

2.24 Based on the deed dated 23 March 2009 between the host State and the Court establishing the ground lease and building and planting rights, land ready for development was leased to the Court for no consideration. The lease may be terminated by mutual consent at the end of the Court's mandate or by a decision of the Assembly. The land is recognized as an asset of the Court.

2.25 The cost of replacing part of an item of property, plant and equipment is recognized in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Court and its cost can be measured reliably. The costs of the day-to-day servicing of property, plant and equipment are recognized in surplus/deficit as incurred.

2.26 Depreciation is recognized in surplus/deficit on a straight-line basis over the estimated useful lives of each part of an item of property, plant and equipment. Land is not depreciated.

2.27 Estimated useful lives are as follows:

	<i>2015</i>
Motor vehicles	4 - 6 years
ICT equipment	3.5 - 5 years
Furniture and fittings	7 - 10 years
Building components	4 - 40 years
Other assets	5 - 20 years

2.28 Depreciation methods and useful lives are reassessed at the reporting date.

### **Leases**

2.29 Lease agreements entered into field offices and Headquarters are classified as operating leases and the lease payments made are charged to the statement of financial performance as expenses on a straight-line basis over the period of the lease.

### **Intangible assets**

2.30 Intangible assets mainly consist of computer software and licences. They are stated at cost incurred to acquire and render operational the specific software less amortization and impairment losses. These assets are amortized using the straight-line method based on an expected useful life of five years or over the licence validity period.

### **Impairment of non-cash generating assets**

2.31 The assets that the Court holds are normally not held to generate commercial returns and are therefore non-cash generating assets.

2.32 Impairment represents a loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation or amortization.

2.33 The asset is impaired if the carrying amount of the asset is higher than the recoverable service amount. The recoverable service amount is the higher of the assets' fair value less cost to sell and its value in use.

2.34 Fair value less cost to sell is the bid price from an active market or a sale price in a binding sale agreement in an arm's length transaction.

2.35 Value in use is the present value of an asset's remaining service potential which can be determined using the depreciated replacement cost approach, the restoration cost approach or the service units approach.

2.36 Impairment loss is recognized in net surplus/deficit. Once an impairment loss has been recognized, the depreciation (amortization) charge for the asset will be adjusted in future periods to allocate the asset's revised carrying amount, less its residual value (if any), on a systematic basis over its remaining useful life.

2.37 The Court will assess at each reporting period whether there is any indication that the impairment loss recognized in a previous period no longer exists or has decreased. If this is the case, the carrying amount of the asset will be increased to its recoverable service amount but no higher than the amount at which the asset would be carried had the impairment loss not been recognized in the first place. That increase is a reversal of an impairment loss which is recognized in net surplus/deficit.

### **Reimbursement right**

2.38 The Court recognized the reimbursement right which arises under the insurance policy with Allianz NV and which exactly matches the amount and timing of the benefits

payable under a defined benefit plan for judges' pensions. The fair value of the reimbursement right is deemed to be the present value of the related obligation.

### **Accounts payable**

2.39 Accounts payable are recognized initially at nominal value, which best estimates the amount required to settle the obligation at the reporting date.

### **Deferred revenue and accrued expenses**

2.40 Deferred revenue includes pledged contributions for future financial periods and other revenue received but not yet earned.

2.41 Accrued expenses are recognized in respect of goods and services delivered during the reporting period for which payments have not been made.

### **Related party disclosures**

2.42 The Court will disclose related parties that have the ability to exercise control or significant influence over the Court by making financial and operational decisions, or will disclose if a related party and the Court are subject to common control. Transactions that are within a normal supplier or client/recipient relationship on terms and conditions no more or less favourable than those done at arm's length in the same circumstance between the Court and its related parties will not be considered as related party transactions and therefore will not be disclosed. The Court and the Trust Fund for Victims are related parties as they are subject to the common control of the Assembly.

2.43 The key management personnel of the Court are the President, the Chef de Cabinet, the Registrar, the Prosecutor, the Deputy Prosecutor and the Directors, all of whom have the authority and responsibility for planning, directing and controlling the activities of the Court and influencing its strategic direction. The remuneration and benefits of key management personnel are considered a related party transaction. In addition, the Court will disclose any specific transactions with key management personnel and their family members.

### **Employee benefit liabilities**

2.44 Employee benefit expenses and corresponding liabilities are recognized as services rendered by employees. Employee benefits are classified as short-term benefits, post-employment benefits, other long-term benefits or termination benefits.

2.45 *Short-term benefits* fall due for settlement within the twelve months after service is rendered and include salary, various allowances, paid sick leave and annual leave. Short-term employee benefits are recognized as expense and liability as services are rendered. Benefits that are earned but not yet paid are recorded as expenses in the period to which they relate and reported in the Statement of financial position as liabilities or provisions.

2.46 Annual leave is recognized as an expense as employees render services that increase their entitlement to future compensated absences. As a portion of annual leave can fall due for settlement in a period exceeding twelve months, periodic assessments are undertaken to determine whether the impact of the time value of money for this benefit is material and whether it should be accounted as other long-term benefit.

2.47 *Post-employment benefits* include pension benefits and after-service health insurance (ASHI).

2.48 *United Nations Joint Staff Pension Fund (UNJSPF)*: in accordance with decision ICC-ASP/1/Decision 3 of the Assembly and United Nations General Assembly resolution 58/262 adopted on 23 December 2003, the Court became a member organization of the UNJSPF with effect from 1 January 2004. The UNJSPF provides retirement, death, disability and related benefits to the Court staff. The UNJSPF is a funded defined multi-employer benefit plan. Since there is no consistent and reliable basis for allocating the obligation, plan assets and cost of UNJSPF to individual organizations participating in the

plan, contributions paid to UNJSPF are accounted for as if it were a defined contribution plan. Obligations for contributions to defined contribution pension plans are recognized as an expense in the Statement of financial performance as incurred.

2.49 *Pension benefits for judges.* The scheme is a defined benefit scheme which provides the following for its members: a defined retirement pension for judges after the completion of the nine-year term (prorated if a nine-year term is not completed); a pension for the surviving spouse at 50 per cent of the judges' entitlement, and a disability pension for judges aged 65 and under. During its seventh session held from 9 to 13 October 2006, the Committee recommended that the Court accept the tender of Allianz/NL to provide the judges' pension scheme. The Committee's recommendation was accepted by the Assembly during its fifth session (See ICC-ASP/5/32, page 16, paragraph 31). Allianz have been designated as administrators of the judges' pension scheme. The contract commences on 31 December 2008.

2.50 *ASHI.* The Court's group health insurance plan is administered by Cigna. The group health insurance plan is also available to staff upon retirement. The Court provides a subsidy on premium payments of retirees in amount of 50 per cent. ASHI is a defined benefit plan.

2.51 For defined benefit plans, the projected unit credit method is used to measure obligations and costs. Benefits are attributed to periods of service under the plan's benefit formula. The present value of a defined benefit obligation is the present value of expected future payments required to settle the obligation resulting from employee service in the current and prior periods. The present value of defined benefit obligations is calculated using unbiased and mutually compatible actuarial assumptions.

2.52 Actuarial gains and losses are recognized using the corridor approach. The portion of actuarial gains and losses to be recognized for each defined benefit plan is the excess that falls outside the 10 per cent "corridor" at the previous reporting date, divided by the expected average remaining working lives of the employees participating in that plan. The specified portion of the net cumulative actuarial gains and losses to be recognized is the one that exceeds 10 per cent of the present value of the defined benefit obligation.

2.53 *Other long-term employee benefits* comprise separation benefits (including repatriation grant, relocation allowance, travel, shipment and insurance of household effects), home leave, family visit, death grant and survivor's benefit. Other long-term benefits are measured using the projected unit credit method. Actuarial gains and losses are recognized in full in the period in which they occur in the Statement of financial performance.

2.54 Post-employment benefits and other long-term benefits are calculated by independent actuaries.

2.55 *Termination benefits* are benefits payable as a result of a decision by the Court to terminate a staff member's employment before the normal retirement date. Termination benefits are recognized as a liability and an expense when it has been confirmed that, due to restructuring, a staff member's contract of employment is to be terminated.

### **Host State loan**

2.56 The loan described in note 2.74(a) is initially recognized at fair value. The fair value at initial recognition amounts to a net present value of future cash flows using the effective interest rate. Subsequently, the loan is recognized at amortized cost using the effective interest rate.

### **Provisions and contingent liabilities**

2.57 *Provisions* are recognized when the Court has a present legal or constructive obligation as a result of past events, it is more likely than not that an outflow of resources will be required to settle that obligation, and the amount can be reliably estimated. The amount of the provision is the best estimate of the expenditure required to settle the present obligation at the reporting date. The estimate is discounted where the effect of the time value of money is material. Provisions are released only for such expenses in respect of

which provisions are recognized at inception. If the outflow of economic benefits to settle the obligations is no longer probable, the provision is reversed.

2.58 *Contingent liability* is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Court, the present obligation which will probably not result in an outflow of economic resources/service potential or the amount of obligation cannot be measured with sufficient reliability. Contingent liabilities, if any, are disclosed in the notes to the financial statements.

### **Non-exchange revenue**

2.59 *Assessed contributions*: revenue is recognized when the assessments to the States Parties of the adopted programme budget have been approved by the Assembly at the beginning of the year to which assessment relates.

2.60 In accordance with financial regulation 5.2, the appropriations are assessed to States Parties in line with the scale of assessments adopted by the United Nations for its regular budget, adjusted to reflect differences in membership between the United Nations and the Court. In accordance with financial regulation 5.8, payments made by a State Party are credited first to the Working Capital Fund, then to the contributions due to the General Fund, and lastly to the Contingency Fund, in the order in which the State Party was assessed. Contributions paid in other currencies are converted into euros at the rate of exchange in effect on the date of payment. New States Parties to the Rome Statute are assessed in respect of the year in which they became States Parties for their contributions to the Working Capital Fund and the regular budget, in accordance with financial regulation 5.10.

2.61 *Voluntary contributions*: revenue from voluntary contributions that include restrictions on their use is recognized upon signature of a binding agreement between the Court and the donor providing the contribution. Revenue from voluntary contributions that attach conditions to their use, including an obligation to return the funds to the contributing entity if such conditions are not met, is recognized as the conditions are satisfied. Until such conditions are met, the obligation is recognized as a liability. Voluntary contributions and other revenue which are not provided for by binding agreements are recognized as revenue when received.

2.62 *One-time payments contributions* to the Permanent Premises Project are recognized as revenue to the extent that construction costs are incurred.

2.63 *Assessed contributions to replenishment of the Contingency Fund* are recognized as revenue when approved by the Assembly in the period for which replenishment is approved. If the fund is replenished through application of cash surpluses, such replenishment is not recognized as revenue but as transfer between the funds in net assets/equity.

2.64 *Goods-in-kind contributions* are recognized at their fair value and goods and the corresponding revenue are recognized immediately if no condition is attached. If conditions are attached, a liability is recognized until such time as the conditions are met and the obligation is satisfied. Revenue is recognized at fair value, measured as of the date of acquisition of the donated assets.

2.65 *Services-in-kind*: revenue resulting from services-in-kind is not recognized. Major services-in-kind are disclosed in the financial statements, including their fair value, when it is practicable to determine it.

### **Exchange revenue**

2.66 *Financial revenue* comprises interest revenue and net foreign exchange gains. Interest revenue is recognized in the Statement of financial performance as it accrues, taking into account the effective yield on the asset. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if positive, is recognized as revenue.

2.67 *Gains and losses on disposals* of property, plant and equipment are determined by comparing proceeds with the carrying amount, and are included in the Statement of financial performance.

### Expenses

2.68 *Financial expenses* comprise bank charges, interest expenses and net foreign exchange loss. Interest expenses are recognized as they occur for interest-bearing financial instruments, measured at amortized cost using the effective interest rate method. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if negative, is recognized as an expense.

2.69 *Expenses arising from the purchase of goods and services* are recognized at the point that the supplier has performed its contractual obligations, which is when the goods and services are received and accepted by the Court.

### Fund accounting and segment reporting

2.70 A segment is a distinguishable activity or group of activities for which it is appropriate to separately report financial information. Segment information is based on principal activities and sources of financing of the Court. Separate financial information is reported for three segments: general, trust funds and permanent premises project funds.

2.71 *Fund accounting*: the Court's accounts are maintained on a fund accounting basis. Separate funds for general or special purposes may be established by the Assembly, and trust funds and special accounts funded wholly by voluntary contributions may be established and closed by the Registrar.

2.72 *The general segment* accounts for the Court's primary activities under the Rome Statute comprise:

(a) *The General Fund*, established for the purpose of accounting for the expenditures of the Court.

(b) *The Working Capital Fund*, which is the fund established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions. The amount of the Working Capital Fund is determined by the Assembly for each financial period and is assessed in accordance with the scale of assessments used for the appropriations of the Court, in accordance with financial regulation 6.2.

(c) *The Contingency Fund*, established by the Assembly to ensure that the Court can meet costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; unavoidable expenses arising from developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or costs associated with an unforeseen meeting of the Assembly.

2.73 *The trust funds segment* accounts for various activities funded by voluntary contributions including relocation of witnesses, development of the Legal Tools matrix and the organization of seminars. Trust funds and special accounts are established and closed by the Registrar, who reports on them to the Presidency and, through the Committee, to the Assembly. They are funded wholly by voluntary contributions in accordance with specific terms and agreements with the donors. The trust funds segment does not include activities of the Trust Fund for Victims or the Secretariat of the Trust Fund for Victims which are reported in separate financial statements.

2.74 *The Permanent Premises Project segment* accounts for activities related to the construction of the Court's permanent premises as well as transition activities not funded through the regular programme budget.

The Permanent Premises Project was established by the Assembly by resolution ICC-ASP/4/Res.2, which emphasised that "the Court is a permanent judicial institution and as such requires functional permanent premises to enable the Court to discharge its duties effectively and to reflect the significance of the Court for the fight against impunity", reiterating the importance of permanent premises to the future of the Court.

In Annex II to Resolution ICC-ASP/6/Res.1, the Assembly established an Oversight Committee of States Parties as a subsidiary body of the Assembly pursuant to article 112(4) of the Rome Statute. The mandate of the Oversight Committee is to provide a standing body to act on behalf of the Assembly in the construction of the Court's permanent premises. The role of the Oversight Committee is strategic oversight, routine management of the project resting with the Project Director. The Oversight Committee is a body consisting of 10 States Parties, with at least one member from each regional group.

In its resolution ICC-ASP/6/Res.1, the Assembly further recalled that the overall construction costs were estimated to be no more than €190 million at the 2014 price level.

In its resolution ICC-ASP/10/Res.6, the Assembly confirmed that the integrated elements (3gv) are construction costs and, as such incorporated in the overall budget of €190 million.

In its resolution ICC-ASP/11/Res.3, the Assembly welcomed the fact that the project continues to remain within the approved budget of €190 million at 2014 prices, and, in this regard, noted with satisfaction that the integrated elements (3gv) had been entirely absorbed within the overall budget.

In its resolution ICC-ASP/12/Res.2, the Assembly noted the current estimates of the aggregated construction (€184.4 million) and transition (€11.3 million) costs, with a total level of €195.7 million and the need to provide the Project Director with an overall unified financial envelope to manage these costs for the lifetime of the project, as well as the funding scheme proposed by the Oversight Committee and as endorsed by the Committee on Budget and Finance.

In its resolution ICC-ASP/13/Res.3, the Assembly approved that, in addition to the mandate established under resolution ICC-ASP/6/Res.1, the Oversight Committee shall have the authority delegated by the Assembly to make decisions, as a measure of last resort and as necessary and appropriate, for any increases of the project budget up to €4.3 million in 2015, thus bringing the budget authorization from €195.7 million up to a maximum of €200 million, to ensure the financial security of the project.

In its resolution ICC-ASP/13/Res.6, the Assembly authorized an increase of the unified budget envelope in the amount of €6 million, bringing the total project budget to €206 million, of which approximately €2 million shall not be disbursed if the sharing mechanism of the contract with the General Contractor produces such expected results.

The Permanent Premises Project is funded by:

(a) The Ministry of Foreign Affairs of the host State, the Netherlands, through a loan to the Court not exceeding €200 million, to be repaid over a period of 30 years at an interest rate of 2.5 per cent, on the basis of Annex II to resolution ICC-ASP/7/Res.1. The interest is to be paid annually, as of the first utilization of the host State loan. Repayment of the loan, through regular annual instalments, will commence after expiration of the leases on the interim premises. In the event of the €200 million not being fully utilized at the end of the project, the host State will reduce the amount of the loan to be repaid by an amount that corresponds to 17.5 per cent of the difference between the loan utilized and €200 million.

(b) Assessed Contributions based on the principles laid out in resolution ICC-ASP/7/Res.1 Annex III for one-time payments of the assessed share. In resolution ICC-ASP/14/Res. 5 the Assembly requested States Parties, which elected by 31 December 2014 the option of a full or partial one-time payment of their assessed share in the project, to consult with the Project Director so as to determine the scheduling thereof, taking into account that said one-time payments are to be received in full by no later than 29 June 2016 or any earlier date. States Parties having opted for a one-time payment and not fulfilling this option, entirely or partly, within final deadline of 29 June 2016 will automatically forfeit the opportunity of making a one-time payment for any unpaid amount.

(c) Voluntary contributions from governments, international organizations, individuals, corporations and other entities, in accordance with Annex VI of ICC-ASP/6/Res.1 adopted by the Assembly on the establishment of a permanent premises construction trust fund.

(d) Any other resources as the Assembly may decide to allocate.



Additional information is provided in supporting schedules annexed to the financial statements.

### Net assets/equity

2.75 Net assets/equity comprises the Contingency and Working Capital funds, established and held at a level determined by the Assembly, and surpluses or deficits in the General Fund, the Permanent Premises Project Fund and the trust funds.

2.76 *Cash surpluses due to States Parties* for a given financial period are funds arising from:

- (a) Unencumbered balances of appropriations;
- (b) Savings on, or cancellation of, prior period obligations;
- (c) Contributions resulting from the assessment of new States Parties;
- (d) Revisions to the scale of assessments taking effect during the financial year; and
- (e) Miscellaneous income as defined in financial regulation 7.1.

Unless otherwise determined by the Assembly, surpluses at the end of the financial period, after deducting any assessed contributions for that financial period which remain unpaid, are apportioned to the States Parties based on the scale of assessments applicable to the financial period to which the surplus relates. As of 1 January following the year in which the audit of the accounts of the financial period is completed, the amount of surplus apportioned to a State Party is surrendered if its contribution for that financial period has been paid in full. In such cases, the credit is used to offset, in whole or in part, contributions due to the Working Capital Fund and assessed contributions due for the calendar year following the financial period to which the surplus relates.

2.77 *Reserve accounts and special accounts* funded wholly or in part by assessed contributions may be established by the Assembly.

### Budget comparison

2.78 A comparison of actual amounts with the amounts in the original and final annual programme budget is presented in Statement V. This comparison is made on the same modified cash basis of accounting as adopted for the annual programme budget.

2.79 A reconciliation of the actual amounts on a modified cash basis with actual amounts presented in the financial statements is included in note 24, considering that the full accrual accounting and modified cash basis budget differ.

### Changes in presentation

2.80 The amounts due to the Secretariat of the Trust fund for Victims and provisions were redistributed from non-current to current liabilities and the presentation of the comparatives was updated.

## 3. Cash and cash equivalents

<i>In thousands of euros</i>	2015	2014
Cash on hand	58	42
Cash at bank	22,968	56,651
<b>Total</b>	<b>23,026</b>	<b>56,693</b>

3.1 Cash and cash equivalents contain restrictions on their availability for use depending upon the Fund to which they relate (see note 25 for segment information). Cash and cash equivalents include an amount equivalent to €178 thousand (2014: €166 thousand) held in currencies other than the euro.

3.2 Interest-bearing bank accounts and term deposits yielded interest at an average annual rate of 0.30 per cent.

#### 4. Accounts receivable from non-exchange transactions

<i>In thousands of euros</i>	2015	2014
Assessed contributions receivable	20,786	14,489
Voluntary contributions receivable	129	166
Other contributions receivable	7	152
<b>Total accounts receivable, gross</b>	<b>20,922</b>	<b>14,807</b>
Provision for doubtful debt	(412)	(316)
<b>Total accounts receivable, net</b>	<b>20,510</b>	<b>14,491</b>

4.1 *Assessed contributions receivable*: the outstanding balance of contributions of €20,786 thousand comprises €8,147 thousand due for prior financial periods and €12,639 thousand due for 2015 (Schedule 1). Contributions received from States Parties in excess of contributions due in an amount of €280 thousand are reported as contributions received in advance (see note 12.1 below).

4.2 *Voluntary contributions receivable*: the amount of €129 thousand represents an outstanding amount receivable from donors for completed projects.

4.3 *Other contributions receivable* relate to the outstanding balances due to the Working Capital Fund and the Contingency Fund at 31 December 2015 (Schedules 3 and 4).

4.4 *Provision for doubtful debt*. The Court recognized provision for doubtful debt in an amount of 90 per cent of outstanding contributions from States Parties that are in arrears for more than two years. Article 112 of the Rome Statute stipulates that a State Party which is in arrears in the payment of its assessed contributions and the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years shall have no vote in the Assembly of States Parties. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

#### Changes in provision for doubtful debt

<i>In thousands of euros</i>	<i>Total</i>
Provision for doubtful debt as at 31 December 2014	316
Increase in provision	96
<b>Provision for doubtful debt as at 31 December 2015</b>	<b>412</b>

4.5 The following table illustrates accounts receivable by age:

<i>In thousands of euros</i>	<i>Less than 1 year</i>	<i>1-3 years</i>	<i>Over 3 years</i>	<i>Total</i>
Assessed contributions receivable	12,639	8,120	27	20,786
Voluntary contributions receivable	129	-	-	129
Other contributions receivable	-	7	-	7
<b>Total accounts receivable, gross</b>	<b>12,768</b>	<b>8,127</b>	<b>27</b>	<b>20,922</b>

## 5. Other accounts receivable

<i>In thousands of euros</i>	2015	2014
Receivable from governments	1,907	997
Other receivables	1,498	717
<b>Other accounts receivable, gross</b>	<b>3,405</b>	<b>1,714</b>
Provision for doubtful debt	(983)	(539)
<b>Other accounts receivable, net</b>	<b>2,422</b>	<b>1,175</b>

5.1 Receivables from governments represent receivables for refundable energy tax and VAT.

5.2 Provision for doubtful debt: Under other accounts receivable and on the basis of a judicial decision dated 20 October 2011 (Trial Chamber III, no. ICC-01/05-01/08-568), in 2015 the Court advanced an amount of €444 thousand for legal costs to cover the legal representation of an accused person whose assets have been frozen, which has not been recovered and has been charged to legal aid costs because recovery is uncertain.

### Changes in provision for doubtful debt

<i>In thousands of euros</i>	<i>Other receivables</i>	<i>Receivables from Government</i>	<i>Total</i>
Provision for doubtful debt as at 1 January 2015	514	25	539
Increase in provision	444	-	444
<b>Provision for doubtful debt as at 31 December 2015</b>	<b>958</b>	<b>25</b>	<b>983</b>

5.3 The following table illustrates other accounts receivable by age:

<i>In thousands of euros</i>	<i>Less than 1 year</i>	<i>1-3 years</i>	<i>Over 3 years</i>	<i>Total</i>
Receivable from governments	1,895	12	-	1,907
Other receivables	981	517	-	1,498
<b>Other accounts receivable, gross</b>	<b>2,876</b>	<b>529</b>	<b>-</b>	<b>3,405</b>

## 6. Prepayments and other current assets

<i>In thousands of euros</i>	2015	2014
Advances to staff	1,612	1,458
Advances to vendors	52	64
Prepaid expenses	620	527
Accrued interest	76	94
<b>Total</b>	<b>2,360</b>	<b>2,143</b>

6.1 Advances to staff comprise €1,119 thousand of education grant advances for the portion of the school year to be completed during 2016, €26 thousand of travel advances for trips in 2016 and €467 thousand of advances for field operations.

6.2 Advances to vendors mostly represent the amounts paid to vendors for travel-related expenses such as tickets and shipments.

6.3 Prepaid expenses relate to payments to vendors for software maintenance for periods after 31 December 2015 and for motor vehicles delivered in 2016.

## 7. Property, plant and equipment

<i>In thousands of euros</i>	<i>Land</i>	<i>Asset under construction</i>	<i>Building</i>	<i>Motor vehicles</i>	<i>Furniture and fittings</i>	<i>ICT equipment</i>	<i>Other assets</i>	<i>Total</i>
<b>Cost</b>								
At 1 January 2015	9,741	141,671	-	2,365	505	8,697	1,936	164,915
Additions	-	-	54,085	222	57	2,796	692	57,852
Capitalization	-	(141,671)	141,671	-	-	-	-	-
Disposals/Write-offs	-	-	-	-	(1)	-	(156)	(157)
<b>At 31 December 2015</b>	<b>9,741</b>	<b>-</b>	<b>195,756</b>	<b>2,587</b>	<b>561</b>	<b>11,493</b>	<b>2,472</b>	<b>222,610</b>
<b>Accumulated depreciation</b>								
Accumulated depreciation at 1 January 2015	-	-	-	1,947	441	7,341	1,566	11,295
Depreciation Charge	-	-	1,704	166	27	836	161	2,894
Disposals/Write-offs	-	-	-	-	-	-	(149)	(149)
<b>At 31 December 2015</b>	<b>-</b>	<b>-</b>	<b>1,704</b>	<b>2,113</b>	<b>468</b>	<b>8,177</b>	<b>1,578</b>	<b>14,040</b>
<b>Net book value</b>								
at 1 January 2015	9,741	141,671	-	418	64	1,356	370	153,620
<b>At 31 December 2015</b>	<b>9,741</b>	<b>-</b>	<b>194,052</b>	<b>474</b>	<b>93</b>	<b>3,316</b>	<b>894</b>	<b>208,570</b>

7.1 Based on the deed dated 23 March 2009 between the host State and the Court establishing the ground lease and building and planting rights, land ready for development was leased to the Court for no consideration. The lease may be terminated by mutual consent at the end of the Court's mandate or by a decision of the Assembly. The value of the land is estimated on the basis of its not-for-profit function by an independent valuer.

7.2 Upon completion of the Permanent Premises construction in November 2015, the building was capitalized at an accumulated cost of €195,756 thousand and depreciated in line with the useful lives of various components of the building.

## 8. Intangible assets

<i>In thousands of euros</i>	<i>Software externally acquired</i>	<i>Software in development</i>	<i>Total</i>
<b>Cost</b>			
At 1 January 2015	9,758	328	10,086
Additions	367	74	441
<b>At 31 December 2015</b>	<b>10,125</b>	<b>402</b>	<b>10,527</b>
<b>Accumulation Amortization</b>			
At 1 January 2015	8,760	-	8,760
Amortization charge	414	-	414
<b>At 31 December 2015</b>	<b>9,174</b>	<b>-</b>	<b>9,174</b>
<b>Net book value</b>			
At 1 January 2015	998	328	1,326
<b>At 31 December 2015</b>	<b>951</b>	<b>402</b>	<b>1,353</b>

## 9. Accounts payable

<i>In thousands of euros</i>	<i>2015</i>	<i>2014</i>
<b>Current</b>		
Counsel payables	1,228	710
Suppliers	6,653	12,517
Secretariat of the Trust Fund for Victims	153	250
Other payables	1,892	116
<b>Total current</b>	<b>9,926</b>	<b>13,593</b>
<b>Non-current</b>		
Secretariat of the Trust Fund for Victims	50	153
<b>Total non-current</b>	<b>50</b>	<b>153</b>

9.1 Payables to suppliers include €3,265 thousand of payables for the Permanent Premises Project, which were settled after the year-end.

9.2 Other payables mainly represent an overpaid amount for one-time payments of the assessed share to the Permanent Premises Project due to the change in the scale of assessment.

9.3 Liability towards the Secretariat of the Trust Fund for Victims represents a surplus in major programme VI which is consolidated in the Court's programme budget but is part of the net assets/equity of the Trust Fund for Victims and is pending credit to States Parties (see note 1.2 (g)).

## 10. Employee benefit liabilities

<i>In thousands of euros</i>	<i>2015</i>	<i>2014</i>
<b>Current</b>		
Salaries and entitlements	798	547
Annual leave accrual	5,791	5,622
Other long-term benefits	1,605	1,634
Post-employment benefits	1,128	1,079
<i>Sub-total current</i>	<i>9,322</i>	<i>8,882</i>
<b>Non-current</b>		
Other long-term benefits	5,740	6,177
Post-employment benefits	31,632	30,611
<i>Sub-total non-current</i>	<i>37,372</i>	<i>36,788</i>
<b>Total</b>	<b>46,694</b>	<b>45,670</b>

### Current employee benefit liabilities

10.1 Current liabilities comprise payables for salaries and other entitlements, annual leave accrual and the current portion of other long-term benefits and post-employment benefits.

10.2 *Annual Leave Accrual:* At 31 December 2015, €5,791 thousand represents the accumulated annual leave accrual for all staff members of the Court. The cost related to untaken annual leave incurred in 2015 has been recognized as an expense of €169 thousand in the Statement of financial performance.

**Non-current employee benefit liabilities**

10.3 Actuarial assumptions used to determine the value of other long-term benefits and post-employment benefits are as follows:

**Financial assumptions**

Discount rate:	
Judges' pension scheme	2.20 per cent
ASHI	2.70 per cent
Repatriation grant	1.60 per cent
Other separation benefits of staff members	1.60 per cent
Relocation allowance and other separation benefits of judges	0.35 per cent
Home leave and family visit	0.35 per cent
Death grant and transportation of deceased	1.60 per cent
Survivor's benefit	0.35 per cent
Price inflation	2.00 per cent
Wage inflation	1.50 per cent
Individual salary increase rate	1.20 per cent
Medical cost trend rate	5.00 per cent
Expected return on reimbursement right	2.20 per cent

**Demographic assumptions**

Individual turnover rates	From 0.5 per cent to 7 per cent depending on age group, GTA 30 per cent
Mortality tables	Based on UNJSPF
Age corrections	Generational improvement scale (for inactive)
Age difference M/F	+3
Disability rates	Based on UNJSPF
Participation rate in ASHI	80 per cent

10.4 The discount rate was determined on the basis of high-quality corporate bonds. The discount rate which corresponds to the duration of each plan was used.

**Reconciliation of the opening and closing balance of the present value of the defined benefit obligation**

<i>In thousands of euros</i>	<i>Judges</i>		<i>Staff members</i>		<i>Total</i>
	<i>Pension scheme</i>	<i>Other long-term</i>	<i>ASHI</i>	<i>Other long-term</i>	
<b>Defined benefit obligation as at 1 January 2015</b>	<b>23,423</b>	<b>924</b>	<b>11,413</b>	<b>6,886</b>	<b>42,646</b>
Service cost including employee contributions	545	171	1,308	1,408	3,432
Interest cost	422	2	299	75	798
Actuarial (gains)/losses	(163)	47	(2,301)	(752)	(3,169)
Benefits paid	(992)	(498)	(10)	(918)	(2,419)
<b>Defined benefit obligation as at 31 December 2015</b>	<b>23,235</b>	<b>646</b>	<b>10,709</b>	<b>6,699</b>	<b>41,289</b>

### Reconciliation of the defined benefit obligation to the liabilities recognized in the statement of financial position

<i>In thousands of euros</i>	<i>Judges</i>		<i>Staff members</i>		<i>Total</i>
	<i>Pension scheme</i>	<i>Other long-term</i>	<i>ASHI</i>	<i>Other long-term</i>	
<b>Defined benefit obligation as at 31 December 2015</b>	<b>23,235</b>	<b>646</b>	<b>10,709</b>	<b>6,699</b>	<b>41,289</b>
Unrecognized net actuarial gains and (losses)	(905)	-	(279)	-	(1,184)
<b>Net liability as at 31 December 2015</b>	<b>22,330</b>	<b>646</b>	<b>10,430</b>	<b>6,699</b>	<b>40,105</b>

### Reconciliation of the opening and closing balance of the reimbursement right

<i>In thousands of euros</i>	<i>Judges' pension scheme</i>
<b>Reimbursement right as at 1 January 2015</b>	<b>23,423</b>
Expected return on reimbursement right	424
Actuarial gains/(losses)	(652)
Contributions by employer	1,147
Benefits paid	(992)
Administration cost	(115)
<b>Reimbursement right as at 31 December 2015</b>	<b>23,235</b>

10.5 The expected rate of return on the reimbursement right is equal to the discount rate used to calculate the present value of the defined benefit obligation.

### Total expense recognized in the Statement of financial performance

<i>In thousands of euros</i>	<i>Judges</i>		<i>Staff members</i>		<i>Total</i>
	<i>Pension scheme</i>	<i>Other long-term</i>	<i>ASHI</i>	<i>Other long-term</i>	
<b>Employee benefit expense for the year ended 31 December 2015</b>					
Service cost including employee contributions	545	171	1308	1408	3,432
Interest cost	422	2	299	75	797
Expected return on reimbursement right	(424)	-	-	-	(424)
Actuarial (gains)/losses	-	47	152	(752)	(553)
Administration cost	115	-	-	-	115
<b>Total</b>	<b>658</b>	<b>220</b>	<b>1,759</b>	<b>731</b>	<b>3,367</b>

10.6 Effect of an increase of one percentage point and effect of a decrease of one percentage point in the assumed medical cost trend rates on:

- (a) the aggregate of the current service cost and interest cost components of the net periodic post-employment medical costs; and
- (b) the accumulated post-employment benefit obligation for medical costs.

<i>In thousands of euros</i>	<i>Service cost</i>	<i>Interest cost</i>
Decrease of one percentage point (4 per cent)	1,105	271
Assumed medical cost trend rate (5 per cent)	1,297	324
Increase of one percentage point (6 per cent)	1,533	379

The accumulated post-employment benefit obligation for medical costs amounts to €7,989 thousand. The accumulated post-employment benefit obligation is determined as the defined benefit obligation without taking into account any salary increase assumptions.

An increase of one percentage point in the assumed medical cost trend rate results in an accumulated post-employment benefit obligation for medical costs of €9,286 thousand.

A decrease of one percentage point in the assumed medical cost trend rate results in an accumulated post-employment benefit obligation for medical costs of €6,800 thousand.

### **United Nations Joint Staff Pension Fund**

10.7 The financial obligation of the Court to the Fund consists of its mandated contribution at the rate established by the United Nations General Assembly of 15.8 per cent of pensionable remuneration for member organizations and 7.9 per cent for participants, together with any share of actuarial deficiency payments under article 26 of the Regulations of the Fund. Such deficiency payments are only payable if and when the United Nations General Assembly has invoked the provisions of article 26, following determination that there is a requirement for deficiency payments based on an assessment of the actuarial sufficiency of the fund as of the valuation date. At the time of this report, the United Nations General Assembly has not invoked this provision.

10.8 The actuarial valuation performed as of 31 December 2013 revealed an actuarial deficit of 0.72 per cent (1.87 per cent in the 2011 valuation) of pensionable remuneration, implying that the theoretical contribution rate required to achieve balance as of 31 December 2013 was 24.42 per cent of pensionable remuneration, compared to the actual contribution rate of 23.7 per cent. The next actuarial valuation will be conducted as of 31 December 2015 in 2016.

10.9 At 31 December 2013, the funded ratio of actuarial assets to actuarial liabilities, assuming no future pension adjustments, was 127.5 per cent (130.0 per cent in the 2011 valuation). The funded ratio was 91.2 per cent (86.2 per cent in the 2011 valuation) when the current system of pension adjustments was taken into account.

10.10 After assessing the actuarial sufficiency of the Fund, the Consulting Actuary concluded that there was no requirement, as of 31 December 2013, for deficiency payments under Article 26 of the Regulations of the Fund as the actuarial value of assets exceeded the actuarial value of all accrued liabilities under the Fund. In addition, the market value of assets also exceeded the actuarial value of all accrued liabilities as of the valuation date.

10.11 The plan exposes participating organizations to actuarial risks associated with current and former employees of other organizations, with the result that there is no consistent and reliable basis for allocating the obligation and plan assets among participating organizations in the plan. The Court, as well as other participating organizations, is not in a position to identify its share of the underlying financial position and performance of the plan with sufficient reliability for accounting purposes, and hence has accounted for this plan as if it were a defined contribution plan.

10.12 During 2015, total contributions paid to UNJSPF amounted to €20,093 thousand.

### **Service-incurred injury**

10.13 The Court entered into an agreement with an insurance company to offer coverage for service-incurred injuries for the Court's staff, judges, consultants and temporary assistants. The insurance premium, calculated as a percentage of the pensionable remuneration for staff members and a comparable percentage for judges, consultants and temporary assistants, is charged to the organization's budget and is reflected in the accounts



under expenditures. The total premium paid during 2015 for this insurance was €1,259 thousand.

### Secretariat of the Trust Fund for Victims

10.14 Employees of the Secretariat of the Trust Fund for Victims are provided with benefits and entitlements in accordance with staff regulations and consistent with those of employees of the Court. These benefits are provided on a pooled basis with the Court's staff and it is not considered feasible to perform a separate actuarial valuation for the Secretariat. Long-term and post-employment benefits that relate to the Secretariat and that are included in the obligations of the Court are estimated at €159 thousand.

10.15 The value of annual leave due to employees of the Secretariat as at 31 December 2015, also provided on a pooled basis, are included in the Court's liabilities and amounted to €49 thousand.

## 11. Host State loan

<i>In thousands of euros</i>	2015	2014
Host State loan current	891	-
Host State loan non-current	77,120	84,607
<b>Total</b>	<b>78,011</b>	<b>84,607</b>

11.1 The loan is recognized at amortized cost using the effective interest rate. The effective interest rate is applied to each stream of drawings from the total capital amount available. Upon completion of the Permanent Premises construction the revenue was recognized (note 15) and the carrying value of the loan was reduced by the estimated amount of subsidy (€17,963 thousand) provided by the host State as described in note 2.74 (a).

11.2 Repayment of the host State loan will commence at the date on which the present or future rental agreement of the Court concerning interim premises expires. States Parties that did not pay the one-time contribution will be assessed annually for loan repayment. The following table illustrates the remaining contractual maturity of the loan:

<i>In thousands of euros</i>	<i>Less than 1 year</i>	<i>1-3 years</i>	<i>Over 3 years</i>	<i>Total</i>
Host State loan	2,186	10,507	102,391	115,084

## 12. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	2015	2014
Assessed contributions in advance	280	355
Deferred contributions to the Permanent Premises Project	-	16,900
Deferred voluntary contributions	805	-
Accrued expenses	13,795	5,517
Accrued interest on host State loan	2,186	1,060
<b>Total</b>	<b>17,066</b>	<b>23,832</b>

12.1 *Assessed contributions received in advance:* €280 thousand was received from States Parties to be applied to the next financial period.

12.2 *Deferred voluntary contributions* represent contribution payment by the host State to fund 2016 rent of the Court's Interim Premises, the lease on which expires in 2016.

### 13. Provisions

<i>In thousands of euros</i>	2015	2014
Provision for ILOAT cases	251	471
Provision for US tax	131	28
Provision for termination benefits	117	473
Provision for early termination of Headquarters lease	1,756	1,756
<b>Total</b>	<b>2,255</b>	<b>2,728</b>

#### Changes in provisions

<i>In thousands of euros</i>	<i>ILOAT provision</i>	<i>US tax provision</i>	<i>Termination benefits provision</i>	<i>Early termination of lease</i>	<i>Total</i>
Provision as at 1 January 2015 (restated)	471	28	473	1,756	2,728
Increase in provision	-	123	117	-	240
Decrease due to payments	(9)	(16)	(473)	-	(498)
Decrease due to reversals	(211)	(4)	-	-	(215)
<b>Provision as at 31 December 2015</b>	<b>251</b>	<b>131</b>	<b>117</b>	<b>1,756</b>	<b>2,255</b>

13.1 *Provision for ILOAT cases:* At the end of 2015, seventeen cases were filed with the Administrative Tribunal of the International Labour Organization (ILOAT) by current or former staff members of the Court. A total of €251 thousand is earmarked for seven cases. Other cases pending as at 31 December 2015 are either disclosed as contingent liabilities or it is considered that the possibility of an outflow of resources is remote.

13.2 *Provision for US Tax Liability:* According to the practice and fundamental principles of the International Civil Service, as determined by the ILOAT, all employees of the Court are entitled to exemption from taxation on Court salaries, emoluments and allowances paid by the Court. The calculated tax liability is €131 thousand estimated for the year 2015 for eight United States taxpayers on the payroll of the Court during this period.

13.3 *Provision for termination benefits:* The Registry of the Court went through an extensive review and re-organization under the *ReVision* project which has resulted in a number of staff separating from the Court under separation packages. The provision of €117 thousand represents the estimated costs expected to be incurred in respect of pending cases where it was determined that positions are abolished and there is a likelihood that a separation package will be accepted.

13.4 *Provision for early termination of the Headquarters lease:* The Headquarters of the Court moved to its new permanent premises by December 2015. Elements of the lease agreements on the interim premises cannot be terminated before 31 March 2016 and 30 June 2016 and the provision of €1,756 thousand reflects the rent that will be due for the period that the Court will no longer occupy these premises.

### 14. Net assets/equity

<i>In thousands of euros</i>	2015	2014
<b>General</b>		
Contingency Fund	5,791	7,500
Working Capital Fund	1,616	7,406

<i>In thousands of euros</i>	2015	2014
<b>General Funds</b>		
Funds for Employee Benefit Liabilities	6,395	11,227
Cash Surplus / (Deficit)	95	(2,269)
Other General Fund	(6,525)	(7,948)
<i>Total General balances</i>	<i>7,372</i>	<i>15,916</i>
<b>Other fund balances</b>		
Permanent Premises Project	118,583	65,356
Trust Funds	1,519	1,016
<i>Total other fund balances</i>	<i>120,102</i>	<i>66,372</i>
<b>Total</b>	<b>127,474</b>	<b>82,288</b>

14.1 *Contingency Fund*: the amount of €9,169 thousand representing the cash surplus for the 2002 and 2003 financial periods was credited to establish the Contingency Fund in accordance with resolution ICC-ASP/ICC/Res.4(b). The level of the Contingency Fund was subsequently reduced and established at €7 million. In 2015, €1,709 thousand was withdrawn from the Contingency Fund representing the excess of expenditures incurred during 2015 over General Fund budget appropriations.

14.2 *Working Capital Fund*: the Assembly, in its resolution ICC-ASP/13/Res.1, established the Working Capital Fund for the financial period 1 January to 31 December 2015 at €7,406 thousand, the same level as in the previous financial period. In 2015, the amount of €5,790 thousand was withdrawn from the working capital fund to meet temporary liquidity issues at the end of 2015, pending receipt of assessed contributions.

14.3 *Funds for Employee Benefit Liabilities* were reduced by €4,832 thousand in 2015 to fund 2015 employee benefits and part of ReVision restructuring costs.

14.4 *Cash surplus* after funding 2015 assessed contributions (ICC-ASP/13/Res.1) was €95 thousand (Schedule V).

## 15. Revenue

<i>In thousands of euros</i>	<i>Note</i>	2015	2014
<b>Assessed contributions</b>			
To programme budget	15.1	125,850	117,120
To Permanent Premises Project		41,365	35,549
Change in provision for doubtful debt		(96)	(170)
<i>Sub-total assessed contributions</i>		<i>167,119</i>	<i>152,499</i>
<b>Voluntary contributions</b>			
To programme budget	15.2	2,834	3,000
To trust funds		1,409	985
<i>Sub-total voluntary contributions</i>		<i>4,243</i>	<i>3,985</i>
<b>Financial revenue</b>			
Interest revenue	15.3	179	268
<i>Sub-total financial revenue</i>		<i>179</i>	<i>268</i>
<b>Other revenue</b>			
Host State contribution to Permanent Premises Project	15.4	21,463	-
Other miscellaneous revenue		489	2,468
<i>Sub-total other revenue</i>		<i>21,952</i>	<i>2,468</i>
<b>Total</b>		<b>193,493</b>	<b>159,220</b>

15.1 *Assessed contributions*: the Assembly, in its resolution ICC-ASP/13/Res.1, approved the funding of the appropriations of the Court for the financial period 1 January to 31 December 2015 in a total amount of €130,666 thousand, €1,816 thousand of which related to contributions to the Secretariat of the Trust Fund for Victims. The assessed contributions have been further adjusted by €3,000 thousand of the estimated contribution from the host State to the rent of the interim premises. The assessed contributions were partially funded from 2014 surplus in the amount of €2,068 thousand as per ICC/ASP/13/Res.1.

15.2 *Voluntary contributions to the programme budget*: voluntary contributions to the programme budget represents a contribution from the host State for the costs of the interim premises.

15.3 *Interest revenue*: interest in an amount of €157 thousand represents interest earned on the Court's bank accounts for the General Fund, the Working Capital Fund and the Contingency Fund. The remainder of the interest revenue is earned on the Permanent Premises Project funds and trust funds.

15.4 *Revenue from host State contribution to Permanent Premises Project represents*: a contribution from the host State in an amount of €3.5 million to bridge the estimated financial gap that has arisen between the reduction of the loan under the agreement and the discount applied to States Parties making one-time payments (ICC-ASP/14/Res.5); and the €17,963 estimated repayment of the loan by host State as described in note 2.74(a).

#### Contributions in kind

15.5 In 2015, the Court hired a number of short term pro-bono personnel, representing receipt of services in kind at a value of €1,451 thousand.

### 16. Employee benefit expenses

<i>In thousands of euros</i>	2015	2014
Judges' salaries	2,971	3,131
Judges' entitlements and allowances	1,553	1,148
Staff salaries	44,329	43,353
Staff entitlements and allowances	25,076	20,597
Temporary assistance and consultants	25,334	18,236
<b>Total</b>	<b>99,263</b>	<b>86,465</b>

16.1 No *ex-gratia* payment was made by the Court during the financial period.

### 17. Travel and hospitality expenses

<i>In thousands of euros</i>	2015	2014
Hospitality	32	29
Travel	6,651	5,803
<b>Total</b>	<b>6,683</b>	<b>5,832</b>

### 18. Expenses for contractual services

<i>In thousands of euros</i>	2015	2014
Public information	666	547
External translation	1,031	826
Training	761	742
Other contractual services	6,601	2,298
<b>Total</b>	<b>9,059</b>	<b>4,413</b>

**19. Expenses for counsel fees**

<i>In thousands of euros</i>	2015	2014
Counsel for defence	4,761	3,732
Counsel for victims	1,016	1,551
<b>Total</b>	<b>5,777</b>	<b>5,283</b>

**20. Operating expenses**

<i>In thousands of euros</i>	2015	2014
Rental, utility and maintenance	8,994	10,000
Communications and software maintenance	2,817	2,673
Witness-related expenses	2,889	2,591
Other operating expenses	2,357	1,842
<b>Total</b>	<b>17,057</b>	<b>17,106</b>

**21. Supplies and materials expenses**

<i>In thousands of euros</i>	2015	2014
Office supplies	385	369
Library books, magazines and subscriptions	140	203
Other supplies	534	286
Low value asset purchases	1,287	450
<b>Total</b>	<b>2,346</b>	<b>1,308</b>

21.1 *Low value asset purchases* represent furniture and fittings, ICT equipment and other assets with a value below €1,000 which is not capitalized.

**22. Depreciation, amortization and impairment**

<i>In thousands of euros</i>	2015	2014
Depreciation	2,894	926
Amortization	414	374
Impairment	-	61
<b>Total</b>	<b>3,308</b>	<b>1,361</b>

22.1 No material impairment losses were incurred in 2015.

**23. Financial expenses**

<i>In thousands of euros</i>	2015	2014
Bank charges	58	49
Net foreign exchange loss	77	73
Interest expense on the host State loan	2,861	518
<b>Total</b>	<b>2,996</b>	<b>640</b>

23.1 Interest expense on the host State loan amounting to €2,861 thousand is recognized on an effective interest rate basis. Nominal interest expense accrued for 2015 amounted to €2,186 thousand.

## 24. Statement of comparison of budget and actual amounts

24.1 The Court's budget and accounts are prepared on different bases. The Statement of financial position, Statement of financial performance, Statement of changes in net assets/equity and Statement of cash flows are prepared on a full accrual basis, whereas the Statement of comparison of budget and actual amounts (Statement V) is prepared on a modified cash basis of accounting.

24.2 As required under IPSAS 24, where the financial statements and the budget are not prepared on a comparable basis, the actual amounts presented on a comparable basis to the budget are reconciled to the actual amounts presented in the financial statements, identifying separately any basis, timing and entity differences. There are also differences in formats and classification schemes adopted for the presentation of financial statements and the budget.

24.3 Differences in bases occur when the approved budget is prepared on a basis other than the accounting basis, as stated in paragraph 24.1 above.

24.4 Timing differences occur when the budget period differs from the reporting period reflected in the financial statements. There are no timing differences for the Court for the purposes of comparison of the budget and the actual amounts.

24.5 Entity differences occur as the budget includes the Secretariat for the Trust Fund of Victims (note 1.2(g)) which is not part of the reporting entity for which the financial statements are prepared. On the other hand, the annual programme budget does not include the Permanent Premises Project funds (note 2.77) and trust funds segments (note 2.76), whereas the financial statements do.

24.6 Differences in presentation are due to differences in the format and classification schemes adopted for the presentation of the Statement of cash flows and Statement of comparison of budget and actual amounts.

24.7 Reconciliation between the actual amounts on a comparable basis in the Statement of comparison of budget and actual amounts (Statement V) and the actual amounts in the Statement of cash flows (Statement IV) for the period ended 31 December 2015 is presented below:

<i>In thousands of euros</i>	<i>Operating</i>	<i>Investing</i>	<i>Financing</i>	<i>Total</i>
<b>Actual amount on comparable basis (Statement V)</b>	<b>4,737</b>	<b>-</b>	<b>-</b>	<b>4,737</b>
Basis differences	(14,663)	(2,342)	-	(17,005)
Presentation differences	-	165	(2,058)	(1,893)
Entity differences	27,822	(56,947)	9,622	(19,503)
<b>Actual amount in the Statement of cash flows (Statement IV)</b>	<b>17,896</b>	<b>(59,124)</b>	<b>7,564</b>	<b>(33,664)</b>

24.8 Open commitments including open purchase orders and net cash flows from operating, investing and financing activities are presented as basis differences. Revenue and other fund related expenses that do not form part of the Statement of Comparison of Budget and Actual Amounts are reflected as presentation differences. Under entity differences, the activities of the Secretariat of the Trust Fund for Victims are not reported in the financial statements, but are included in the budgetary process. The Permanent Premises Project and trust funds are included in the financial statements but are not part of the actual amounts on a comparable basis.

24.9 An explanation of material differences between the budget and actual amounts is included in the Report on activities and programme performance of the International Criminal Court for the year 2015.

## 25. Segment Reporting

### Statement of financial position by segment as at 31 December 2015

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Permanent Premises Project Funds</i>	<i>Inter-segment</i>	<i>Total</i>
<b>Assets</b>					
<b>Current assets</b>					
Cash and cash equivalents	13,795	2,153	7,078	-	23,026
Accounts receivable (non-exchange transactions)	20,380	130	-	-	20,510
Other accounts receivable	2,892	7	1,062	(1,539)	2,422
Prepayments and other current assets	2,334	26	-	-	2,360
<i>Total current assets</i>	<i>39,401</i>	<i>2,316</i>	<i>8,140</i>	<i>(1,539)</i>	<i>48,318</i>
<b>Non-current assets</b>					
Property, plant and equipment	2,037	-	206,533	-	208,570
Intangible assets	1,290	-	63	-	1,353
Reimbursement right	23,235	-	-	-	23,235
<i>Total non-current assets</i>	<i>26,562</i>	<i>-</i>	<i>206,596</i>	<i>-</i>	<i>233,158</i>
<b>Total assets</b>	<b>65,963</b>	<b>2,316</b>	<b>214,736</b>	<b>(1,539)</b>	<b>281,476</b>
<b>Liabilities</b>					
<b>Current liabilities</b>					
Accounts payable	4,782	612	6,071	(1,539)	9,926
Employee benefit liabilities	9,304	9	9	-	9,322
Host State loan	-	-	891	-	891
Deferred revenue and accrued expenses	4,828	176	12,062	-	17,066
Provisions	2,255	-	-	-	2,255
<i>Total current liabilities</i>	<i>21,169</i>	<i>797</i>	<i>19,033</i>	<i>(1,539)</i>	<i>39,460</i>
<b>Non-current liabilities</b>					
Accounts payable	50	-	-	-	50
Employee benefit liabilities	37,372	-	-	-	37,372
Host State loan	-	-	77,120	-	77,120
Provisions	-	-	-	-	-
<i>Total non-current liabilities</i>	<i>37,422</i>	<i>-</i>	<i>77,120</i>	<i>-</i>	<i>114,542</i>
<b>Total liabilities</b>	<b>58,591</b>	<b>797</b>	<b>96,153</b>	<b>(1,539)</b>	<b>154,002</b>
<b>Net assets/equity</b>					
Contingency Fund	5,791	-	-	-	5,791
Working Capital Fund	1,616	-	-	-	1,616
Other fund balances	(35)	1,519	118,583	-	120,067
<i>Total net assets/equity</i>	<i>7,372</i>	<i>1,519</i>	<i>118,583</i>	<i>-</i>	<i>127,474</i>
<b>Total liabilities and net assets/equity</b>	<b>65,963</b>	<b>2,316</b>	<b>214,736</b>	<b>(1,539)</b>	<b>281,476</b>

## Statement of financial position by segment as at 31 December 2014

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Permanent Premises Project Funds</i>	<i>Inter-segment</i>	<i>Total</i>
<b>Assets</b>					
<b>Current assets</b>					
Cash and cash equivalents	28,016	1,294	27,383	-	56,693
Accounts receivable (non-exchange transactions)	14,352	130	9	-	14,491
Other accounts receivable	1,346	-	375	(546)	1,175
Prepayments and other current assets	2,123	16	4	-	2,143
<i>Total current assets</i>	<i>45,837</i>	<i>1,440</i>	<i>27,771</i>	<i>(546)</i>	<i>74,502</i>
<b>Non-current assets</b>					
Property, plant and equipment	1,993	-	151,627	-	153,620
Intangible assets	1,326	-	-	-	1,326
Reimbursement right	23,423	-	-	-	23,423
<i>Total non-current assets</i>	<i>26,742</i>	<i>-</i>	<i>151,627</i>	<i>-</i>	<i>178,369</i>
<b>Total assets</b>	<b>72,579</b>	<b>1,440</b>	<b>179,398</b>	<b>(546)</b>	<b>252,871</b>
<b>Liabilities</b>					
<b>Current liabilities</b>					
Accounts payable	5,270	413	8,456	(546)	13,593
Employee benefit liabilities	8,871	11	-	-	8,882
Deferred revenue and accrued expenses	2,853	-	20,979	-	23,832
Provisions	972	-	-	-	972
<i>Total current liabilities</i>	<i>17,966</i>	<i>424</i>	<i>29,435</i>	<i>(546)</i>	<i>47,279</i>
<b>Non-current liabilities</b>					
Accounts payable	153	-	-	-	153
Employee benefit liabilities	36,788	-	-	-	36,788
Host State loan	-	-	84,607	-	84,607
Provisions	1,756	-	-	-	1,756
<i>Total non-current liabilities</i>	<i>38,697</i>	<i>-</i>	<i>84,607</i>	<i>-</i>	<i>123,304</i>
<b>Total liabilities</b>	<b>56,663</b>	<b>424</b>	<b>114,042</b>	<b>(546)</b>	<b>170,583</b>
<b>Net assets/equity</b>					
Contingency Fund	7,500	-	-	-	7,500
Working Capital Fund	7,406	-	-	-	7,406
Other fund balances	1,010	1,016	65,356	-	67,382
<i>Total net assets/equity</i>	<i>15,916</i>	<i>1,016</i>	<i>65,356</i>	<i>-</i>	<i>82,288</i>
<b>Total liabilities and net assets/equity</b>	<b>72,579</b>	<b>1,440</b>	<b>179,398</b>	<b>(546)</b>	<b>252,871</b>



**Statement of financial performance by segment for the year ended 31 December 2015**

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Permanent Premises Project Fund</i>	<i>Inter segment</i>	<i>Total</i>
<b>Revenue</b>					
Assessed contributions	124,685	-	42,434	-	167,119
Voluntary contributions	2,831	1,400	12	-	4,243
Financial revenue	157	3	19	-	179
Other revenue	542	-	21,463	(53)	21,952
<i>Total revenue</i>	<i>128,215</i>	<i>1,403</i>	<i>63,928</i>	<i>(53)</i>	<i>193,493</i>
<b>Expenses</b>					
Employee benefit expenses	98,809	157	297	-	99,263
Travel and hospitality	6,419	264	-	-	6,683
Contractual services	4,781	167	4,111	-	9,059
Counsel fees	5,777	-	-	-	5,777
Operating expenses	16,355	298	457	(53)	17,057
Supplies and materials	1,405	2	939	-	2,346
Depreciation and amortization	1,300	-	2,008	-	3,308
Financial expenses	105	2	2,889	-	2,996
<i>Total expenses</i>	<i>134,951</i>	<i>890</i>	<i>10,701</i>	<i>(53)</i>	<i>146,489</i>
<b>Surplus/(deficit) for the period</b>	<b>(6,736)</b>	<b>513</b>	<b>53,227</b>	<b>-</b>	<b>47,004</b>

**Statement of financial performance by segment for the year ended 31 December 2014**

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Permanent Premises Project Fund</i>	<i>Inter segment</i>	<i>Total</i>
<b>Revenue</b>					
Assessed contributions	116,840	-	35,659	-	152,499
Voluntary contributions	3,000	985	-	-	3,985
Financial revenue	241	10	17	-	268
Other revenue	2,533	-	-	(65)	2,468
<i>Total revenue</i>	<i>122,614</i>	<i>995</i>	<i>35,676</i>	<i>(65)</i>	<i>159,220</i>
<b>Expenses</b>					
Employee benefit expenses	86,299	166	-	-	86,465
Travel and hospitality	5,393	439	-	-	5,832
Contractual services	4,072	217	124	-	4,413
Counsel fees	5,283	-	-	-	5,283
Operating expenses	17,040	131	-	(65)	17,106
Supplies and materials	1,280	-	28	-	1,308
Depreciation and amortization	1,357	-	4	-	1,361
Financial expenses	121	1	518	-	640
<i>Total expenses</i>	<i>120,845</i>	<i>954</i>	<i>674</i>	<i>(65)</i>	<i>122,408</i>
<b>Surplus/(deficit) for the period</b>	<b>1,769</b>	<b>41</b>	<b>35,002</b>	<b>-</b>	<b>36,812</b>

## 26. Commitments

### Operating leases

26.1 Operating costs include lease payments in an amount of €7,222 thousand, recognized as operating lease expenses during the year. The amount includes minimum lease payments. No sublease payments or contingent rent payments were made or received. Most lease agreements, except for lease agreements for the Headquarters building, are concluded for the calendar year and are cancellable. The total of future minimum lease payments under non-cancellable operating leases is as follows:

<i>In thousands of euros</i>	<i>Within 1 year</i>	<i>1-5 years</i>	<i>Total</i>
31 December 2015	1,753	-	1,753

### Commitments

26.2 At 31 December 2015, the Court had no material contractual commitments for the acquisition of property plant and equipment contracted but not delivered.

## 27. Contingent liabilities

27.1 At the end of 2015, eight complaints filed by staff members of the Court with the ILOAT have been identified for a total of €2.2 million. It is not considered likely that an outflow of economic resources will be required as a result of these complaints.

## 28. Related party disclosures

28.1 Key management personnel are defined as the President, the Chef de Cabinet, the Registrar, the Prosecutor, the Deputy Prosecutor and Directors.

28.2 The aggregate remuneration paid to key management personnel includes net salaries, post adjustment, entitlements, assignment and other grants, rental subsidy, employer contributions to the pension plan and current health insurance contributions.

28.3 The amounts paid during the year and outstanding balances of receivables at year end are as follows:

<i>In thousands of euros</i>	<i>No. of individuals</i>	<i>Aggregate remuneration</i>	<i>Receivables</i>
Key management personnel	13	2,487	47

28.4 Key management personnel also qualify for post-employment benefits and other long-term benefits. At year end, accrued liabilities amounted to:

<i>In thousands of euros</i>	<i>Annual leave accrual</i>	<i>Other long-term benefits</i>	<i>Post-employment benefits</i>	<i>Total</i>
Current	206	12	1	219
Non-current	-	349	886	1,235
<b>Total</b>	<b>206</b>	<b>361</b>	<b>887</b>	<b>1,454</b>

28.5 In its resolution ICC-ASP/1/Res.6, the Assembly established the Trust Fund for Victims for the benefit of victims of crimes within the jurisdiction of the Court, and the families of such victims.

28.6 In the annex to that resolution, the Assembly established a Board of Directors, which is responsible for management of the Trust Fund, and decided that the Registrar of the Court shall be responsible for providing such assistance as is necessary for the proper functioning of the Board in carrying out its tasks and shall participate in the meetings of the Board in an advisory capacity.

28.7 In 2015, the Assembly approved an appropriation of €1,816 thousand for the Secretariat of the Trust Fund for Victims, which administers the Trust Fund and provides administrative support to the Board and its meetings. The unspent amount of appropriations for the current and prior period in an amount of €203 thousand is recognized as a liability towards the Trust Fund for Victims and is pending credit to States Parties. The Court provides various services to the Trust Fund for Victims, including office space, equipment and administrative services free of charge.

## **29. Write-off losses of cash, receivables and property**

29.1 In addition to the items written off during 2015 as stated in note 7 above, a total amount of €3 thousand was written off as the value of receivables deemed to be irrecoverable.

## **30. Events after the reporting date**

30.1 On the date of signing of these accounts, there were no material events, favourable or unfavourable, between the reporting date and the date on which the financial statements were authorised for issue that affected these statements.

## Annex

## Schedule 1

**International Criminal Court**  
**Status of contributions as at 31 December 2015 (in euros)**

States Parties	Outstanding as at 31 December				Credits from			Total outstanding	Receipts relating to 2016
	2014	Collections	Outstanding	Assessed	2014	Collections	Outstanding		
	Prior years				2015				
Afghanistan	-	-	-	9,965	-	9,965	-	-	-
Albania	-	-	-	19,858	-	19,813	45	45	-
Andorra	-	-	-	15,829	-	15,829	-	-	-
Antigua and Barbuda	3,798	-	3,798	4,018	-	-	4,018	7,816	-
Argentina	813,557	813,557	-	858,214	-	-	858,214	858,214	-
Australia	-	-	-	4,106,707	14,187	4,092,520	-	-	8
Austria	-	-	-	1,599,660	-	1,599,660	-	-	-
Bangladesh	-	-	-	12,614	-	12,614	-	-	-
Barbados	-	-	-	15,984	274	15,710	-	-	-
Belgium	-	-	-	2,000,521	-	2,000,521	-	-	-
Belize	-	-	-	2,018	-	2,018	-	-	-
Benin	15,530	-	15,530	6,054	-	-	6,054	21,584	-
Bolivia	-	-	-	17,895	-	17,895	-	-	-
Bosnia and Herzegovina	-	-	-	33,899	-	33,899	-	-	-
Botswana	-	-	-	32,064	-	32,064	-	-	-
Brazil	10,761,230	5,229,341	5,531,889	5,881,482	-	-	5,881,482	11,413,371	-
Bulgaria	-	-	-	94,224	1,610	92,614	-	-	6,719
Burkina Faso	-	-	-	6,007	3,146	2,861	-	-	1,545
Burundi	332	332	-	2,018	-	1,645	373	373	-
Cabo Verde	1,900	-	1,900	2,018	-	-	2,018	3,918	-
Cambodia	7,597	7,597	-	8,049	-	8,049	-	-	7,632
Canada	-	-	-	5,906,274	-	5,906,274	-	-	-
Central African Republic	-	-	-	2,018	1,223	-	795	795	-
Chad	4,020	4,020	-	4,015	-	3,318	697	697	-
Chile	-	-	-	665,720	-	665,720	-	-	-
Colombia	-	-	-	516,693	-	203,183	313,510	313,510	-
Comoros	12,420	-	12,420	2,018	-	-	2,018	14,438	-
Congo	23,063	-	23,063	9,965	-	-	9,965	33,028	-
Cook Islands	-	-	-	2,018	-	1,999	19	19	-
Costa Rica	-	-	-	75,419	7,383	68,036	-	-	18,254
Côte d'Ivoire	19,323	19,323	-	22,074	-	22,074	-	-	-
Croatia	-	-	-	252,525	-	252,525	-	-	9,849
Cyprus	-	-	-	94,224	1,610	92,614	-	-	-
Czech Republic	-	-	-	767,052	-	767,052	-	-	-
Democratic Republic of the Congo	-	-	-	5,983	-	5,983	-	-	-
Denmark	-	-	-	1,350,060	-	1,350,060	-	-	-
Djibouti	-	-	-	2,018	-	-	2,018	2,018	-
Dominica	6,840	3,140	3,700	2,018	-	-	2,018	5,718	-
Dominican Republic	232,731	67,036	165,695	90,187	-	-	90,187	255,882	-
Ecuador	217	217	-	87,565	-	87,565	-	-	-
Estonia	-	-	-	79,859	-	79,859	-	-	-
Fiji	-	-	-	6,054	-	6,054	-	-	943
Finland	-	-	-	1,027,114	-	1,027,114	-	-	-
France	-	-	-	11,211,620	-	11,211,620	-	-	8
Gabon	37,744	-	37,744	39,937	-	-	39,937	77,681	-
Gambia	1,898	1,898	-	2,018	-	2,018	-	-	-
Georgia	-	-	-	13,840	-	13,840	-	-	-
Germany	-	-	-	14,314,824	-	14,314,824	-	-	15
Ghana	-	-	-	28,002	28,002	-	-	-	8,589
Greece	-	-	-	1,278,896	21,856	1,257,040	-	-	-
Grenada	5,944	1,777	4,167	2,018	-	-	2,018	6,185	-
Guatemala	53,314	53,314	-	54,113	-	3,458	50,655	50,655	-
Guinea	9,730	1,900	7,830	2,018	-	-	2,018	9,848	-
Guyana	-	-	-	2,018	2,018	-	-	-	3,683
Honduras	1,918	1,918	-	16,019	-	7,623	8,396	8,396	-
Hungary	-	-	-	527,389	1,347	526,042	-	-	1,363
Iceland	-	-	-	53,423	-	53,423	-	-	-
Ireland	-	-	-	836,078	14,320	821,758	-	-	-
Italy	-	-	-	8,802,823	-	8,802,823	-	-	8
Japan	-	-	-	21,711,758	-	21,711,758	-	-	4,244

States Parties	Outstanding as at 31 December 2014			Assessed	Credits from 2014			Total outstanding	Receipts relating to 2016
	Collections	Outstanding			Collections	Outstanding			
	Prior years				2015				
Jordan	-	-	-	43,863	373	43,490	-	-	-
Kenya	-	-	-	26,110	-	26,110	-	-	1,008
Latvia	-	-	-	93,794	-	93,794	-	-	-
Lesotho	-	-	-	2,018	1,268	-	750	750	-
Liberia	5,228	5,228	-	2,018	-	230	1,788	1,788	-
Liechtenstein	-	-	-	17,808	-	17,808	-	-	-
Lithuania	-	-	-	145,583	-	145,583	-	-	169,166
Luxembourg	-	-	-	160,279	-	160,279	-	-	-
Madagascar	-	-	-	6,054	6,054	-	-	-	10,791
Malawi	8,995	-	8,995	4,036	-	-	4,036	13,031	-
Maldives	169	-	169	2,018	-	-	2,018	2,187	-
Mali	7,599	-	7,599	8,073	-	-	8,073	15,672	-
Malta	-	-	-	31,647	-	31,647	-	-	-
Marshall Islands	9,010	9,010	-	2,018	-	984	1,034	1,034	-
Mauritius	-	-	-	25,791	-	25,791	-	-	-
Mexico	-	-	-	3,645,459	-	8	3,645,451	3,645,451	-
Mongolia	-	-	-	6,024	103	5,921	-	-	-
Montenegro	-	-	-	9,906	-	9,906	-	-	-
Namibia	18,880	18,880	-	19,828	-	19,828	-	-	-
Nauru	1,985	1,985	-	2,018	-	2,018	-	-	-
Netherlands	-	-	-	3,273,367	-	3,273,367	-	-	8
New Zealand	-	-	-	507,194	-	507,194	-	-	-
Niger	17,889	-	17,889	4,036	-	-	4,036	21,925	-
Nigeria	98,051	-	98,051	180,375	-	-	180,375	278,426	-
Norway	-	-	-	1,705,867	-	1,705,867	-	-	-
Panama	-	-	-	51,565	27	-	51,538	51,538	-
Paraguay	18,981	15,578	3,403	20,056	-	-	20,056	23,459	-
Peru	9,401	9,401	-	234,487	-	221,032	13,455	13,455	-
Philippines	-	-	-	306,810	-	306,810	-	-	26
Poland	-	-	-	1,846,257	-	1,846,257	-	-	-
Portugal	-	-	-	938,076	52,334	885,742	-	-	-
Republic of Korea	-	-	-	3,992,121	-	3,992,121	-	-	-
Republic of Moldova	-	-	-	6,041	-	6,041	-	-	-
Romania	-	-	-	453,082	-	453,082	-	-	-
Saint Kitts and Nevis	-	-	-	2,018	-	-	2,018	2,018	-
Saint Lucia	30	30	-	2,018	-	2,018	-	-	58
Saint Vincent and the Grenadines	5,303	-	5,303	2,018	-	-	2,018	7,321	-
Samoa	-	-	-	1,994	-	1,994	-	-	-
San Marino	-	-	-	5,983	-	5,983	-	-	-
Senegal	-	-	-	11,983	-	11,983	-	-	-
Serbia	-	-	-	79,724	-	79,724	-	-	711
Seychelles	-	-	-	2,018	-	2,018	-	-	-
Sierra Leone	5,913	5,913	-	2,018	-	2,018	-	-	6,609
Slovakia	-	-	-	341,348	-	341,348	-	-	-
Slovenia	-	-	-	200,430	-	85,372	115,058	115,058	-
South Africa	-	-	-	738,837	-	738,837	-	-	-
Spain	-	-	-	5,883,741	-	5,883,741	-	-	8
State of Palestine	-	-	-	7,970	-	7,970	-	-	-
Suriname	-	-	-	8,049	-	-	8,049	8,049	-
Sweden	-	-	-	1,899,937	-	1,899,937	-	-	7
Switzerland	-	-	-	2,072,036	-	2,072,036	-	-	-
Tajikistan	3,089	3,089	-	6,054	-	2,611	3,443	3,443	-
The former Yugoslav Republic of Macedonia	17,761	17,761	-	16,019	-	204	15,815	15,815	-
Timor-Leste	-	-	-	4,013	3,852	161	-	-	147
Trinidad and Tobago	-	-	-	87,446	-	87,446	-	-	-
Tunisia	-	-	-	72,150	-	71,986	164	164	-
Uganda	21,874	-	21,874	11,983	-	-	11,983	33,857	-
United Kingdom	-	-	-	10,379,778	177,424	10,202,354	-	-	28,134
United Republic of Tanzania	47,514	-	47,514	12,614	-	-	12,614	60,128	-
Uruguay	50,408	50,408	-	104,189	-	104,189	-	-	-
Vanuatu	5,173	-	5,173	2,018	-	-	2,018	7,191	-
Venezuela	2,122,901	-	2,122,901	1,256,822	-	-	1,256,822	3,379,723	-
Zambia	-	-	-	11,983	-	11,983	-	-	-
<i>Rounding difference</i>				5		5			
<b>Total (123 States Parties)</b>	<b>14,489,260</b>	<b>6,342,653</b>	<b>8,146,607</b>	<b>125,597,640</b>	<b>338,411</b>	<b>112,620,162</b>	<b>12,639,067</b>	<b>20,785,674</b>	<b>279,533</b>

## Schedule 2

### International Criminal Court Status of Working Capital Fund and Contingency Fund as at 31 December 2015 (in euros)

<i>Status of Working Capital Fund</i>	2015	2014
Balance at beginning of financial period	7,286,473	7,285,093
Refunds to States Parties	(581)	-
Receipts from States Parties	119,696	1,380
Withdrawals	(5,790,464)	-
<b>Balance as at 31 December</b>	<b>1,615,124</b>	<b>7,286,473</b>
Established level	7,405,983	7,405,983
Due from States Parties (Schedule 3)	(395)	119,510
Withdrawals	(5,790,464)	-
<b>Balance as at 31 December</b>	<b>1,615,124</b>	<b>7,286,473</b>
<i>Status of Contingency Fund</i>	2015	2014
Balance at beginning of financial period	7,468,427	7,462,950
Refunds to States Parties	-	-
Receipts from States Parties	25,450	5,477
Withdrawals	(1,708,954)	-
<b>Balance as at 31 December</b>	<b>5,784,923</b>	<b>7,468,427</b>
Established level	7,000,000	7,000,000
<b>Due from States Parties (Schedule 4)</b>	<b>6,123</b>	<b>31,573</b>

## Schedule 3

### International Criminal Court Status of advances to the Working Capital Fund as at 31 December 2015 (in euros)

<i>States Parties</i>	<i>2015 Scale of assessment</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>
Afghanistan	0.0079	585	585	-
Albania	0.0159	1,178	1,178	-
Andorra	0.0127	941	941	-
Antigua and Barbuda	0.0032	237	237	-
Argentina	0.6865	50,842	50,842	-
Australia	3.2960	244,101	244,101	-
Austria	1.2682	93,923	93,923	-
Bangladesh	0.0100	741	741	-
Barbados	0.0127	941	941	-
Belgium	1.5860	117,459	117,459	-
Belize	0.0016	118	118	-
Benin	0.0048	355	355	-
Bolivia	0.0143	1,059	1,059	-
Bosnia and Herzegovina	0.0270	2,000	2,000	-
Botswana	0.0254	1,881	1,881	-
Brazil	4.6627	345,319	345,319	-
Bulgaria	0.0747	5,532	5,532	-
Burkina Faso	0.0048	355	355	-
Burundi	0.0016	118	118	-
Cabo Verde	0.0016	118	118	-

<i>States Parties</i>	<i>2015 Scale of assessment</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>
Cambodia	0.0064	474	474	-
Canada	4.7422	351,207	351,207	-
Central African Republic	0.0016	118	118	-
Chad	0.0032	237	237	-
Chile	0.5308	39,311	39,311	-
Colombia	0.4116	30,483	30,483	-
Comoros	0.0016	118	118	-
Congo	0.0079	585	420	165
Cook Islands	0.0016	118	118	-
Costa Rica	0.0604	4,473	4,473	-
Côte d'Ivoire	0.0175	1,296	1,296	-
Croatia	0.2002	14,827	14,827	-
Cyprus	0.0747	5,532	5,532	-
Czech Republic	0.6134	45,428	45,428	-
Democratic Republic of the Congo	0.0048	355	355	-
Denmark	1.0727	79,444	79,444	-
Djibouti	0.0016	118	118	-
Dominica	0.0016	118	118	-
Dominican Republic	0.0715	5,295	5,295	-
Ecuador	0.0699	5,177	5,177	-
Estonia	0.0636	4,710	4,710	-
Fiji	0.0048	355	355	-
Finland	0.8248	61,085	61,085	-
France	8.8884	658,273	658,273	-
Gabon	0.0318	2,355	2,355	-
Gambia	0.0016	118	118	-
Georgia	0.0111	822	822	-
Germany	11.3485	840,468	840,468	-
Ghana	0.0222	1,644	1,644	-
Greece	1.0139	75,089	75,089	-
Grenada	0.0016	118	118	-
Guatemala	0.0429	3,177	3,177	-
Guinea	0.0016	118	118	-
Guyana	0.0016	118	118	-
Honduras	0.0127	941	941	-
Hungary	0.4227	31,305	31,305	-
Iceland	0.0429	3,177	3,177	-
Ireland	0.6643	49,198	49,198	-
Italy	7.0688	523,514	523,514	-
Japan	17.2126	1,274,762	1,274,762	-
Jordan	0.0350	2,592	2,592	-
Kenya	0.0207	1,533	1,533	-
Latvia	0.0747	5,532	5,532	-
Lesotho	0.0016	118	118	-
Liberia	0.0016	118	118	-
Liechtenstein	0.0143	1,059	1,059	-
Lithuania	0.1160	8,591	8,591	-
Luxembourg	0.1287	9,532	9,532	-
Madagascar	0.0048	355	355	-
Malawi	0.0032	237	140	97
Maldives	0.0016	118	118	-
Mali	0.0064	474	474	-
Malta	0.0254	1,881	1,881	-
Marshall Islands	0.0016	118	118	-
Mauritius	0.0207	1,533	1,533	-
Mexico	2.9273	216,795	216,795	-
Mongolia	0.0048	355	355	-
Montenegro	0.0079	585	585	-
Namibia	0.0159	1,178	1,178	-
Nauru	0.0016	118	118	-
Netherlands	2.6285	194,666	194,666	-
New Zealand	0.4021	29,779	29,779	-
Niger	0.0032	237	222	15
Nigeria	0.1430	10,591	10,591	-
Norway	1.3524	100,159	100,159	-
Panama	0.0413	3,059	3,059	-
Paraguay	0.0159	1,178	1,178	-
Peru	0.1859	13,768	13,768	-
Philippines	0.2447	18,122	18,122	-
Poland	1.4637	108,401	108,401	-

<i>States Parties</i>	<i>2015 Scale of assessment</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>
Portugal	0.7533	55,789	55,789	-
Republic of Korea	3.1689	234,688	234,688	-
Republic of Moldova	0.0048	355	355	-
Romania	0.3592	26,602	26,602	-
Saint Kitts and Nevis	0.0016	118	118	-
Saint Lucia	0.0016	118	118	-
Saint Vincent and the Grenadines	0.0016	118	118	-
Samoa	0.0016	118	118	-
San Marino	0.0048	355	355	-
Senegal	0.0095	704	704	-
Serbia	0.0636	4,710	4,710	-
Seychelles	0.0016	118	118	-
Sierra Leone	0.0016	118	118	-
Slovakia	0.2718	20,129	20,129	-
Slovenia	0.1589	11,768	11,768	-
South Africa	0.5912	43,784	43,784	-
Spain	4.7247	349,910	349,910	-
State of Palestine	0.0079	585	585	-
Suriname	0.0064	474	474	-
Sweden	1.5256	112,986	112,986	-
Switzerland	1.6639	123,228	123,228	-
Tajikistan	0.0048	355	355	-
The former Yugoslav Republic of Macedonia	0.0127	941	941	-
Timor-Leste	0.0032	237	237	-
Trinidad and Tobago	0.0699	5,177	5,177	-
Tunisia	0.0572	4,236	4,236	-
Uganda	0.0095	704	704	-
United Kingdom	8.2289	609,431	609,431	-
United Republic of Tanzania	0.0100	741	741	-
Uruguay	0.0826	6,117	6,117	-
Vanuatu	0.0016	118	-	118
Venezuela	0.9964	73,793	73,793	-
Zambia	0.0095	704	704	-
<i>Rounding difference</i>		8	8	-
<b>Total (123 States Parties)</b>	<b>100.00</b>	<b>7,405,983</b>	<b>7,405,588</b>	<b>395</b>

## Schedule 4

### International Criminal Court Status of contributions to the Contingency Fund for 2015 (in euros)

<i>States Parties</i>	<i>Outstanding as at 31 December 2014</i>	<i>Replenishment of Contingency Fund</i>	<i>Collections</i>	<i>Outstanding as at 31 December 2015</i>
Afghanistan	-	-	-	-
Albania	-	-	-	-
Andorra	-	-	-	-
Antigua and Barbuda	-	-	-	-
Argentina	-	-	-	-
Australia	-	-	-	-
Austria	-	-	-	-
Bangladesh	-	-	-	-
Barbados	-	-	-	-
Belgium	-	-	-	-
Belize	-	-	-	-
Benin	24	-	-	24
Bolivia	-	-	-	-
Bosnia and Herzegovina	-	-	-	-
Botswana	-	-	-	-
Brazil	23,316	-	23,316	-
Bulgaria	-	-	-	-
Burkina Faso	-	-	-	-



<i>States Parties</i>	<i>Outstanding as at 31 December 2014</i>	<i>Replenishment of Contingency Fund</i>	<i>Collections</i>	<i>Outstanding as at 31 December 2015</i>
Burundi	-	-	-	-
Cabo Verde	-	-	-	-
Cambodia	-	-	-	-
Canada	-	-	-	-
Central African Republic	-	-	-	-
Chad	16	-	16	-
Chile	-	-	-	-
Colombia	-	-	-	-
Comoros	46	-	-	46
Congo	73	-	-	73
Cook Islands	-	-	-	-
Costa Rica	-	-	-	-
Côte d'Ivoire	-	-	-	-
Croatia	-	-	-	-
Cyprus	-	-	-	-
Czech Republic	-	-	-	-
Democratic Republic of the Congo	-	-	-	-
Denmark	-	-	-	-
Djibouti	-	-	-	-
Dominica	46	-	38	8
Dominican Republic	1,955	-	1,597	358
Ecuador	-	-	-	-
Estonia	-	-	-	-
Fiji	-	-	-	-
Finland	-	-	-	-
France	-	-	-	-
Gabon	-	-	-	-
Gambia	-	-	-	-
Georgia	-	-	-	-
Germany	-	-	-	-
Ghana	-	-	-	-
Greece	-	-	-	-
Grenada	24	-	16	8
Guatemala	215	-	215	-
Guinea	84	-	-	84
Guyana	-	-	-	-
Honduras	-	-	-	-
Hungary	-	-	-	-
Iceland	-	-	-	-
Ireland	-	-	-	-
Italy	-	-	-	-
Japan	-	-	-	-
Jordan	-	-	-	-
Kenya	-	-	-	-
Latvia	-	-	-	-
Lesotho	-	-	-	-
Liberia	8	-	8	-
Liechtenstein	-	-	-	-
Lithuania	-	-	-	-
Luxembourg	-	-	-	-
Madagascar	-	-	-	-
Malawi	26	-	-	26
Maldives	-	-	-	-
Mali	-	-	-	-

<i>States Parties</i>	<i>Outstanding as at 31 December 2014</i>	<i>Replenishment of Contingency Fund</i>	<i>Collections</i>	<i>Outstanding as at 31 December 2015</i>
Malta	-	-	-	-
Marshall Islands	46	-	46	-
Mauritius	-	-	-	-
Mexico	-	-	-	-
Mongolia	-	-	-	-
Montenegro	-	-	-	-
Namibia	-	-	-	-
Nauru	8	-	8	-
Netherlands	-	-	-	-
New Zealand	-	-	-	-
Niger	92	-	-	92
Nigeria	-	-	-	-
Norway	-	-	-	-
Panama	-	-	-	-
Paraguay	80	-	80	-
Peru	-	-	-	-
Philippines	-	-	-	-
Poland	-	-	-	-
Portugal	-	-	-	-
Republic of Korea	-	-	-	-
Republic of Moldova	-	-	-	-
Romania	-	-	-	-
Saint Kitts and Nevis	-	-	-	-
Saint Lucia	-	-	-	-
Saint Vincent and the Grenadines	11	-	-	11
Samoa	-	-	-	-
San Marino	-	-	-	-
Senegal	-	-	-	-
Serbia	-	-	-	-
Seychelles	-	-	-	-
Sierra Leone	46	-	46	-
Slovakia	-	-	-	-
Slovenia	-	-	-	-
South Africa	-	-	-	-
Spain	-	-	-	-
State of Palestine	-	-	-	-
Suriname	-	-	-	-
Sweden	-	-	-	-
Switzerland	-	-	-	-
Tajikistan	-	-	-	-
The former Yugoslav Republic of Macedonia	64	-	64	-
Timor-Leste	-	-	-	-
Trinidad and Tobago	-	-	-	-
Tunisia	-	-	-	-
Uganda	48	-	-	48
United Kingdom	-	-	-	-
United Republic of Tanzania	354	-	-	354
Uruguay	-	-	-	-
Vanuatu	8	-	-	8
Venezuela	4,983	-	-	4,983
Zambia	-	-	-	-
<b>Total (123 States Parties)</b>	<b>31,573</b>	<b>-</b>	<b>25,450</b>	<b>6,123</b>

## Schedule 5

### International Criminal Court<sup>1</sup> Status of cash surplus as at 31 December 2015 (in euros)

<i>Current year</i>	<i>2015</i>	<i>2014</i>
<b>Credits</b>		
Receipts of assessed contributions	112,958,573	110,671,643
Receipts of voluntary contributions	2,822,142	2,962,927
Receipts of miscellaneous income	593,278	2,609,652
Adjustment of 2015 Assessed Contributions (ICC-ASP/13/Res.1)	2,068,000	-
	<b>118,441,993</b>	<b>116,244,222</b>
<b>Charges</b>		
Disbursed expenditures	126,865,432	113,949,003
Unliquidated obligations	4,440,901	4,347,077
Provision for US Tax liability	122,996	28,000
Provision for doubtful debt	443,800	514,015
Provision for ILOAT cases	-	393,443
Provision for termination benefits	116,930	472,534
Accrual for annual leave and relocation allowance for Judges	203,000	65,869
	<b>132,193,059</b>	<b>119,769,941</b>
Prior year's cash deficit	-	(2,269,012)
Contingency Fund withdrawal (Schedule 2)	1,708,954	-
<b>Provisional cash surplus/(deficit)</b>	<b>(12,042,112)</b>	<b>(5,794,731)</b>
<b>Disposition of prior year's provisional surplus/(deficit)</b>		
Prior year's provisional surplus/(deficit)	(5,794,731)	(4,644,724)
Plus: receipt of prior period contributions and other income	6,432,115	1,038,315
Savings on, or cancellation of, prior period obligations	1,525,636	1,627,397
Disbursement of 2013 IPSAS surplus during 2014	-	(290,000)
<b>Prior year's cash surplus/(deficit)</b>	<b>2,163,020</b>	<b>(2,269,012)</b>
Adjustment of 2015 Assessed Contributions (ICC-ASP/13/Res.1)	(2,068,000)	-
<b>Prior year's cash surplus/(deficit) after adjustment</b>	<b>95,020</b>	<b>(2,269,012)</b>
<b>Reconciliation of provisional surplus/(deficit) to budget surplus/(deficit)</b>		
<b>Provisional cash surplus/(deficit)</b>	<b>(12,042,112)</b>	<b>(3,525,719)</b>
Assessed contributions receivables	12,639,067	8,034,207
Voluntary contributions	177,858	(12,577)
Miscellaneous income receipts	(593,278)	(2,609,652)
Increase in budget due to contingency fund notification	6,264,000	3,815,000
Contingency Fund Withdrawal	(1,708,954)	-
<b>Budget surplus/(deficit) (Statement V)</b>	<b>4,736,581</b>	<b>5,701,259</b>

<sup>1</sup> includes Major Program VI: Secretariat of the Trust Fund for Victims.

## Schedule 6

### International Criminal Court Status of voluntary contributions as at 31 December 2015 (in euros)

<i>Project</i>	<i>Contributor</i>	<i>Contributions Received</i>	<i>Refunds to donors</i>
General trust fund	Republic of Korea	39,496	-
<i>Sub-total</i>		39,496	-
Building legal expertise and fostering cooperation, 2013-2014	European Commission	(473)	-
<i>Sub-total</i>		(473)	-
Building legal expertise and fostering cooperation, 2015-2016	European Commission	850,000	-
	Norway	25,000	-
	Finland	3,412	-
	Organisation internationale de la Francophonie	16,000	-
	Netherlands	5,116	-
<i>Sub-total</i>		899,528	-
Special fund for relocations	Luxembourg	20,000	-
	Australia	205,890	-
	Netherlands	175,000	-
<i>Sub-total</i>		400,890	-
Focal Point Seminar, 2014	Finland	-	3,412.00
	Netherlands	-	5,116.00
<i>Sub-total</i>		-	8,528.00
Least developed countries	Finland	25,000	-
	Australia	25,445	-
	Poland	5,000	-
	Ireland	5,000	-
<i>Sub-total</i>		60,445	-
<b>Total voluntary contributions</b>		<b>1,399,886</b>	<b>8,528</b>

*General description and purpose of 2015 trust funds disclosed in Schedules 6 and 7:*

The *General trust fund* relates to various projects, implementation of which was on hold during 2015.

Contracts with the European Commission and other donors on *Building legal expertise and fostering cooperation* were used to organize High-Level Seminars for Fostering Cooperation in San José (Costa Rica), Gaborone (Botswana) and Bucharest (Romania) to increase cooperation with the Court by enhancing knowledge of the cooperation regime among invitees, clarify misconceptions about the Court, and reinforce high-level and technical-level contacts and partnerships between the Court and key interlocutors. The cooperation seminars cover a number of important issues, including witness protection, State cooperation during the Court's investigations, national capacity building, various types of voluntary agreements, implementing legislation, as well as the benefits of joining the Rome Statute system. Building on the many years of continuing dialogue between the Court and the legal profession, the Court also held its second sub-regional Seminar of Counsel and the Legal Profession in Arusha (Tanzania) in February

2016, with the overall objective of strengthening cooperation with the Court, having an avenue for lawyers to network with their peers, and increasing the number of lawyers on the Lists or their capacity to swiftly intervene in proceedings at the opportune moment. An interactive Roundtable on the topic “freezing of assets” was organized at the seat of the Court in October 2015, allowing for a direct exchange between the Court and representatives from States and other entities with a focus on practitioners involved in financial investigations. The second Roundtable for Situation Country Focal Points was organized at the seat of the Court in November 2015, enabling a direct exchange of views and experiences between the relevant staff of the Court and primary cooperation interlocutors in the situation countries, building on the experiences of the first Roundtable held in 2014. The fourth Technical Joint Seminar between the Court and the African Union (AU), which took place in Addis Ababa (Ethiopia), offered an important opportunity to continue the momentum gained from the first three joint seminars in 2011, 2012 and 2014 and to renew dialogue with the AU.

The overall objective of the Legal Tools sub-project is to facilitate development of the capacity to investigate, prosecute and adjudicate core international crimes cases at the national level. The Legal Tools have therefore been designed to assist legal professionals to work more effectively and proficiently on core international crimes as enshrined in the Rome Statute and relevant national legislation, by providing (a) free access to legal information on international criminal law, legal digests of such information, and specialized software to work with such law; and (b) training, coaching and a help desk service. In the 2015 project period, (1) five sets of preparatory works were included in the ICC Legal Tools Database (including for the 1948 Genocide Convention, the 1949 Geneva Conventions and the 1977 Additional Protocols); (2) the Database grew to more than 102,700 documents; (3) there were 3,109,049 hits and 67,974 visits to the Database, with, for example, more than 800,000 hits from China (generally speaking, between 155,523 and 429,073 hits per month, from between 2,204 and 3,498 unique monthly visitors); (4) there were more than 650 registered users of the ICC Case Matrix; (5) Ain Shams University (Egypt), the Universities of Cape Town and KwaZulu-Natal (RSA), Aoyama Gakuin University (Japan), the National University of Singapore Faculty of Law, Stanford University WSD Handa Center for Human Rights and International Justice, and Peking University Law School joined as new external Project partners; and (6) five Project-related films were produced and made publicly available online (Introduction to the ICC Legal Tools (Emilie Hunter), How to use the ICC Legal Tools (Emilie Hunter), On Legal Tools Database Search (Ilia Utmelidze), On CLICC (Mark Klamberg), and an interview with Morten Bergsmo on open access.

*The Special Fund for Relocations* is established to assist States which are willing but do not have the capacity to enter into relocation agreements with the Court. This Special Fund receives voluntary contributions from States Parties.

*The (East-Asian and Pacific) Regional Seminar*, originally planned in Phnom Penh (Cambodia) was on hold during 2015 and might take place in another francophone country in the region.

*The Family visit for indigent detainees fund* was established within the Registry by the Assembly in its resolution ICC-ASP/8/Res.4. The purpose is to fund family visits for indigent detainees through voluntary contributions.

*The Least Developed Countries* trust fund was established by ICC-ASP/2/Res. 6 and amended by ICC-ASP/4/Res.4. It is run by the Secretariat of the Assembly of States Parties and covers travel costs related to the participation of representatives of least developed countries and other developing States at sessions of the Assembly.

## Schedule 7

### International Criminal Court Status of trust funds as at 31 December 2015 (in euros)

<i>Trust Fund</i>	<i>Balances brought forward</i>	<i>Contributions</i>	<i>Expenditures</i>	<i>Interest</i>	<i>Refunds to donors</i>	<i>Transfer to General Fund</i>	<i>Balance carried forward</i>
General trust fund	61,812	39,496	1	188	-	825	100,670
Building legal expertise and fostering cooperation, 2013-2014	4,288	(473)	(5,779)	-	-	9,594	-
Building legal expertise and fostering cooperation, 2015-2016	-	899,528	553,014	-	-	-	346,514
Special fund for relocations	842,183	400,890	265,512	2,844	-	-	980,405
Regional seminar	62,256	-	-	189	-	-	62,445
Focal points seminar, 2014	10,889	-	-	-	8,528	-	2,361
Family visits for indigent detainees	19,439	-	9,625	59	-	-	9,873
Least developed countries	14,455	60,445	58,706	67	-	-	16,261
<b>Total</b>	<b>1,015,322</b>	<b>1,399,886</b>	<b>881,079</b>	<b>3,347</b>	<b>8,528</b>	<b>10,419</b>	<b>1,518,529</b>

## Schedule 8

### International Criminal Court One-time payments to the Permanent Premises Project from States Parties (in euros)

<i>States Parties</i>	<i>Prior years</i>	<i>2015</i>	<i>Total</i>
Albania	24,645	-	24,645
Andorra	18,305	1,380	19,685
Antigua and Barbuda	1,741	-	1,741
Argentina	743,641	325,194	1,068,835
Australia	5,108,955	-	5,108,955
Barbados	19,685	-	19,685
Bolivia	13,729	8,436	22,165
Bosnia and Herzegovina	41,850	-	41,850
Burkina Faso	4,576	-	4,576
Cambodia	2,288	-	2,288
Canada	7,350,410	-	7,350,410
Chad	2,281	-	2,281
Chile	822,740	-	822,740
Colombia	239,532	398,448	637,980
Costa Rica	73,989	19,631	93,620
Cyprus	-	115,785	115,785
Czech Republic	642,963	307,807	950,770
Democratic Republic of the Congo	6,864	-	6,864
Denmark	858,139	804,546	1,662,685
Ecuador	108,345	-	108,345

<i>States Parties</i>	<i>Prior years</i>	<i>2015</i>	<i>Total</i>
Estonia	67,540	31,040	98,580
Finland	1,290,503	-	1,290,503
Gabon	18,220	-	18,220
Georgia	17,205	-	17,205
Germany	9,500,000	8,090,485	17,590,485
Greece	-	1,571,545	1,571,545
Hungary	558,303	-	558,303
Iceland	84,661	-	84,661
Ireland	1,039,355	(9,690)	1,029,665
Italy	11,621,392	-	11,621,392
Jordan	54,250	-	54,250
Latvia	41,483	-	41,483
Liechtenstein	22,881	-	22,881
Lithuania	70,932	108,868	179,800
Luxembourg	199,485	-	199,485
Malta	39,370	-	39,370
Mauritius	32,085	-	32,085
Mexico	5,164,300	-	5,164,300
Mongolia	7,440	-	7,440
Montenegro	12,245	-	12,245
Namibia	24,645	-	24,645
Netherlands	4,272,802	3,500,000	7,772,802
Panama	51,038	-	51,038
Philippines	177,938	201,475	379,413
Poland	2,268,735	-	2,268,735
Portugal	1,205,842	-	1,205,842
Republic of Korea	675,567	238,000	913,567
Republic of Moldova	7,440	-	7,440
Romania	-	556,760	556,760
Samoa	2,288	192	2,480
San Marino	6,864	576	7,440
Serbia	48,051	7,000	55,051
Slovakia	143,804	277,486	421,290
Slovenia	-	246,295	246,295
South Africa	663,557	252,803	916,360
Spain	7,323,898	-	7,323,898
Suriname	2,281	-	2,281
Sweden	2,450,583	-	2,450,583
Switzerland	2,774,014	-	2,774,014
Timor-Leste	2,226	2,701	4,927
Trinidad and Tobago	108,345	-	108,345
United Kingdom	-	12,757,430	12,757,430
<b>Total one-time payments received</b>	<b>68,136,246</b>	<b>29,814,193</b>	<b>97,950,439</b>

# Audit report on the financial statements of the International Criminal Court - Financial year ended 31 December 2015

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## I. Audit objectives, scope, and approach

1. We have audited the financial statements of the International Criminal Court (ICC) in accordance with International Standards on Auditing (ISA) and in accordance with Regulation 12 of its Financial Regulations and Rules, including the additional terms of reference governing the audit.

2. The overall objective of an audit of financial statements is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, thereby enabling the auditor to express an opinion on whether the financial statements are prepared, in all material respects, in accordance with IPSASs.<sup>1</sup>

3. The additional terms of reference governing the audit of the International Criminal Court, disclosed in the annex 6.(c) to the Financial Regulations and Rules lists other matters, which the Auditor considers that should be brought to the notice of the Assembly of States Parties, such as wasteful or improper expenditure of the Court's money and other assets, and expenditure not in accordance with the intention of the Assembly of States Parties.

4. The Financial Statements prepared in accordance with IPSAS standards include a statement of financial position, a statement of financial performance, a statement of changes in net assets/equity, a statement of cash flows, a statement of comparison of budget and actual amounts and other information and notes for the financial year ending at 31 December 2015.

<sup>1</sup> International Public Sector Accounting Standards.



5. A set of eight schedules presenting some additional information outside of the scope of this audit, have been added by the Organisation in an annex to the Financial Statements.
6. The audit engagement comprised two phases:
  - (a) An interim audit focusing on internal controls (from 11 to 22 January 2016);
  - (b) A final audit focusing on the financial statements and IPSAS disclosure requirements (from 23 May to 10 June 2016).
7. Findings and recommendations have been discussed with the Registrar and his team. The final meeting with the Registrar, the Director of the Division of Management Services, the Chief of Finance Section and all the Heads of units relating to technical points raised during the audit, took place on 10 June 2016.
8. We issue a **qualified opinion** on the financial statements of the International Criminal Court for the financial year ended 31 December 2015.

## II. Summary of recommendations

*Recommendation no. 1.* The External Auditor recommends that the human resources section (i) set up a way to monitor the average workforce size to facilitate the comparison between the average workforce and the staffing tables of the budget and (ii) reconcile the various payroll files to determine the workforce number with certainty.

*Recommendation no. 2.* The External Auditor recommends reclassifying expenditures for individual contractors and consultants to “Expenses for contractual services” on the financial statements for easier reading.

*Recommendation no. 3.* In order to gain better visibility on capital replacement expenditures to be made and anticipate them in the budget, the External Auditor recommends that the ICC first finalize as soon as possible a reliable maintenance plan, and subsequently(ii) review the breakdown of components to align it with the projected maintenance and capital replacement plan and appropriately distinguish between the components.

*Recommendation no. 4.* In order to ensure regular monitoring of repayment of the loan, the External Auditor recommends that the ICC agree with the host State on a loan repayment schedule detailing the amortised principal, interest, and annuities payable, which will be validated by both parties.

*Recommendation no. 5.* In order to improve the budgetary monitoring of all the segment reporting of the ICC, the External Auditor recommends to revise the SAP Enterprise Resource Planning configuration by establishing an additional fund field mandatory which indicates for each entry recorded if the entry has a budgetary impact or an accounting impact.

*Recommendation no. 6.* In order to ensure effective and efficient internal control, the External Auditor recommends that the ICC complete the full deployment of the information system to prepare financial statements according to IPSASs and ensure the stability and reinforcement of the accounting function.

## III. Follow-up on previous recommendations

9. The External Auditor reviewed the implementation of the recommendations made during audits of the financial statements of previous financial years but not yet implemented as at the date of the engagement.

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
2014/1	Repayment of cash surpluses to States Parties:	In order to improve the International Criminal Court's overall financial stability, the External Auditor recommends that articles 4.7 and 5.4 of the Financial Regulations and Rules concerning the financial management of cash surpluses be modified in order to align these with best practices among international organisations. Cash surpluses should no longer be systematically "surrendered" to States Parties and should rather be credited to a reserve account recorded as part of retained earnings.			X
2014/2	Reserving of funds for costs of legal assistance and replacement of fixed assets	In order to improve the International Criminal Court's budget predictability, the financial management of legal aid costs and capital replacement items and increase the overall financial stability, the External Auditor recommends that two reserves be created as part of retained earnings under the authority of the Assembly of States Parties, to cover for the un-predictableness of legal aid costs and the long-term nature of capital replacement costs for the permanent premises.			X
2013/1	Provision for doubtful debt and monies received from accused	In order to clarify the decision-making process over the treatment of monies received as part of seized assets, the External Auditor recommends that the Court set a formal guideline, which details the process for handling the funds received along the different phases of the judicial process, setting out roles and responsibilities within the Court system. This guideline will form the basis for an appropriate accounting and budgeting treatment.		X	
2013/4	Budgeting for temporary assistance of a long-term and short term nature	To ensure that the budget is presented in a way that allows States Parties to approve temporary positions that have been renewed over long periods of time and that are therefore of a more long term nature, whilst respecting the flexibility required by the nature of the Court's operations, the External Auditor recommends modifying the way General Temporary Assistance (GTA) is budgeted, by establishing two separate budget headings, one related to temporary positions of a long-term nature (Long-term Assistance - LTAs); the other relating to short-term temporary assistance (STAs). The LTA budget heading would be estimated by listing the required positions detailed in the narrative of the approved budgets. The STA budget, of a highly flexible nature, would be estimated on a lump-sum basis, calculated as a percentage of staff costs, and compared to previous actual expenditure on an annual basis.  Furthermore, the External Auditor recommends that the Court summarise in a table all long-term assistance (LTA) positions currently described narratively throughout the approved budget as it is done for the staff under established post. Thereby States Parties could approve a total of core staff members, made up of established posts and long-term assistance positions.  Finally, given that Consultants are deemed not to carry out activities similar to that of a staff member, the External Auditor recommends removing the Consultants budget heading from the "other staff" category and include it within the "non-staff" category.	X		
2013/5	Establishing rules for staff and individual contractors under contracts of a short-term nature	The External auditor recommends establishing a policy with a set of rules for all the short-term contracts. These should cover short-term appointments and individuals with Special services agreements (SSA) who carry out duties similar to a staff member. These rules should allow for minimal agreement by the Human Resources Section, in order to minimize the potential risk of nepotism and avoid any favouritism in the recruitment process.		X	
<b>Total number of outstanding recommendations: 5</b>			<b>1</b>	<b>2</b>	<b>2</b>

10. Recommendations 2014-1 and 2014-2 are considered dropped, as they were not adopted by the Assembly of States Parties on the advice of the Committee on Budget and Finance (CBF).

11. Recommendation 2013-1 is considered partially implemented, given the ongoing preparation of this directive by the ICC's legal departments. The legal departments should first identify the different cases in which the Court may receive funds by asset seizure within the legal framework of intervention. Thereafter, based on previous experience, it is envisaged to develop the current procedure for treating funds collected during the various phases of the judicial process and the definition of roles and responsibility within the Court.

12. Recommendation 2013-4 is considered implemented. In order to manage resources optimally, the ICC has created a new type of agreement – short-term appointment – through a new administrative instruction issued in January 2016. This instruction provides that these appointments must not be used for needs of more than one year. Any need exceeding one year is filled through General Temporary Assistance positions. The budget presentation was adapted to distinguish Long-Term Assistance functions on a line.

13. Recommendation 2013-5 is considered partially implemented following the new instruction on short-term appointments issued in January 2016. Regarding the new administrative instruction issued on consultants and individual contractors in 2016, the External Auditor will be able to analyse its effects in the next financial audit.

14. The follow-up on recommendations relating to the audit on cash reserves (ICC-2015-6) is appended to this report.

#### **IV. Financial situation overview**

15. Total assets represented €281,476 thousand in 2015 compared with €252,871 thousand in 2014, an increase of nearly €28,605 thousand (11.31 per cent). This increase is particularly due to the finalisation of the permanent premises project over the year, which also resulted in an overall decline in cash and cash equivalents of €33,667 thousand in connection with the payment of the project's service providers. The amounts in cash and cash equivalents correspond to immediately available funds or deposits.

16. Accounts receivables and other receivables totalled €22,932 thousand. They mainly relate to receivables from States Parties as well as receivables from the host State for the reimbursement of taxes paid. Receivables for contributions of States Parties totalled €20,786 thousand of which 89 per cent were for Brazil, Mexico and Venezuela. As at the date of this audit, most of the receivables had not been recovered. In accordance with IPSAS 19, receivables presenting a risk of non-payment were fully impaired.

17. Property, plant and equipment represented €208,570 thousand, or 74 per cent of assets. The permanent premises were capitalised for a total of €205,497 thousand, including the cost of the land and construction costs.

18. The land on which the permanent premises were built is the subject to a provision agreement by the host State without consideration, valued at €9,741 thousand. The new permanent premises were recognised on the balance sheet for a gross value of €195,756 thousand.

19. Reimbursement rights correspond to the Allianz fund contributed to by the Court in order to cover the after-service pensions of judges.

20. Liabilities are mainly debts to suppliers, employees, and the host State for the loan to finance the permanent premises. They also include identified risks as regards provisions for contingencies and losses (provisions).

21. The balances of accounts payable mainly consist of the amounts to be paid in relation to the permanent premises project for €6,071 thousand. Those relating to the Court's operation amounted to €4,782 thousand.

22. “Provisions for contingencies and losses” are divided between current liabilities and non-current liabilities. This distinction is based primarily on when the provisioned amounts<sup>2</sup> are due for payment. The provision for losses mainly consists of amounts (€1,756 thousand) to cover the rents of the interim premises for which the lease agreements will expire in 2016. The provision for contingencies primarily includes amounts (€251 thousand) covering disputes brought before the ILOAT<sup>3</sup> as well as €117 thousand for termination compensation.

23. Employee benefits are also divided between current and non-current liabilities. The provision for paid leave and retirement compensation due within one year appear in current liabilities. The non-current portion corresponds to the Court’s long-term debts, such as judges’ pensions and after-service health insurance.

24. The loan from the host State is intended to finance the permanent premises project. The amount at the end of this year was €78,011 thousand (versus €84,607 thousand in 2014). The €6,596 thousand decrease in this item compared with the previous year is explained mainly by the discount granted by the host State.

25. Deferred revenue and accrued expenses totalling €17,066 thousand primarily consist of services related to the ICC’s operation as well as those relating to the permanent premises project for which the invoice was not yet received at the time of the closing of the accounts.

26. Net assets, amounting to €127,474 thousand (€82,288 thousand in 2014), constitute the ICC’s net position, the various components of which are detailed in Statement III - “Statement of exchange in net assets/equity”.

27. This table shows that the net assets are composed of:

(a) €7,407 thousand (5.7 per cent of net assets) for contributions from Member States to the Working Capital Fund and the Contingencies Fund. €5,790 thousand of the Working Capital Fund was used to meet short term liquidity issues at the end of the year, while €1,709 thousand of the contingencies fund were used to finance the ICC’s operation; and

(b) €120,102 thousand (or 94 per cent of net assets) for unavailable reserves from the permanent premises project in the amount of €118,583 thousand and for trust funds in the amount of €1,519 thousand.

28. The available reserves of the ICC’s general activity (general funds) were negative at -€35 thousand.

29. The statement of financial performance shows a positive result of €47,004 thousand, which includes the result of the Court’s operations, the result of the permanent premises project, and the result of trust funds.

30. The performance levels of these three segments were substantially unequal: much of the result came from the permanent premises project, which posted a profit of €53,227 thousand. In accordance with IPSASs, one-time payments from Member States constitute an income on the performance statement, whereas the permanent premises that they finance are considered an asset on the balance sheet. This situation generates a book profit reserved for the financing of the permanent premises, which cannot be considered a distributable profit. In 2015, the Court’s general activity resulted in a book loss of -€6,736 thousand (compared with +€1,769 thousand in 2014). This deterioration in the Court’s operating performance primarily came from the increase in staff costs for €12,510 thousand, an increase of 14.5 per cent. This loss reflects the Organisation’s financial weakness.

<sup>2</sup> Debts due in less than 12 months are considered current, while others are classified as non-current debts.

<sup>3</sup> *International Labour Organization Administrative Tribunal*.

## V. Main findings and recommendations on 2015 financial statements

### 1. Evolution of payroll and personnel expenses

#### (a) The ReVision plan

31. Following the approval of the plan by the Assembly of States Parties, the Registrar launched the “ReVision” project in January 2014 to improve the effectiveness and efficiency of the Registry’s organisation.<sup>4</sup>

32. The reasons to abolish a position as part of the project were limited to the following cases:

- (a) Where the functions attached to a position are no longer necessary;
- (b) Where structural changes cause a substantial change in the functions, tasks, and responsibilities attached to a position, or where a position is no longer necessary following the redeployment of its functions to another position; and
- (c) Where a change occurs in programme requirements or operational requirements.

33. Financial year 2014 had ended with the elimination of five senior management positions. A provision of €473 thousand had been recognised on the 2014 financial statements, representing the estimated costs likely to be incurred. The ReVision plan significantly impacted the statement of financial position in 2015 for €4,974 thousand due to the cost of a new wave of lay-offs. This amount was consistent with the assumptions made by the Registry at 30 June 2015 (maximum of €5,771 thousand and minimum of €3,464 thousand) excluding the financial impact of potential litigation.

34. The job abolishments involved a total of 69 people in 2015, including two employees seconded to the Special Tribunal for Lebanon.

**Table 1: Details of ReVision plan compensation paid in 2015 (in thousands of euros)**

<i>Grades</i>	<i>Staff</i>	<i>End-of-contract compensation (A)</i>	<i>Additional Compensation 50 per cent (B)</i>	<i>in lieu of notice (C)</i>	<i>Net Base three months add. compensation (D)</i>	<i>Total (A+B+C+D)</i>	<i>Contributions to the United Nations pension fund</i>	<i>Health insurance</i>
G-2	13	229	64	15	44	353	10	3
G-3	1	9	4	6	10	29	0	0
G-4	5	115	57	53	53	279	26	6
G-5	8	193	87	46	66	392	16	5
G-6	10	368	170	95	124	758	22	6
G-7	4	191	95	40	53	379	16	3
P-2	10	255	127	114	186	682	38	10
P-3	8	321	109	63	77	570	38	3
P-4	8	476	226	146	166	1014	66	13
P-5	2	74	37	45	55	211	24	2
<b>Total</b>	<b>69</b>	<b>2 229</b>	<b>977</b>	<b>625</b>	<b>835</b>	<b>4 667</b>	<b>255</b>	<b>52</b>

Source: External Auditor based on information provided by the HR section

<sup>4</sup> Source: Assembly of States Parties - ICC-ASP/14/19.

35. The overall cost of the ReVision plan, not yet quantified at this stage, could include, in addition to direct lay-off costs:

- (a) consulting fees relating to the project team incurred to manage the plan;
- (b) direct costs of hiring contractors and consultants because of the hiring freeze;
- (c) and wage increases brought about by hiring employees of a more qualified category.

**(b) Increased staff costs**

36. Overall, staff costs increased by €12,798 thousand in 2015 compared with financial year 2014, an increase of +15 per cent.

**Table 2: Payroll evolution in 2015 (in thousands of euros)**

	2015	2014	Var.	% Var.
Judges' salaries	2,971	3,131	- 160	-5%
Judges' entitlements and allowances	1,553	1,148	405	35%
Staff salaries	44,329	43,353	976	2%
Staff entitlements and allowances	25,076	20,597	4,479	22%
Temporary assistance and consultants	25,334	18,236	7,098	39%
<b>Total</b>	<b>99,263</b>	<b>86,465</b>	<b>12,798</b>	<b>15%</b>

Source: External Auditor, on the basis of note 16 to the financial statements

37. This increase in payroll is mainly explained by:

(a) The cost of lay-off compensation paid to 69 employees as part of the ReVision plan for a total of €4,974 thousand;

(b) Staff growth over 2015 despite the abolishment of 69 positions. The workforce decreased from 995 to 990 positions held.<sup>5</sup> This change was accompanied by a significant increase in payroll because the hirings since the beginning of 2015 mainly involved the "professional" category;

**Table 3: Recruitments in 2015**

Grade	G-3	G-4	G-5	G-6	P-1	P-2	P-3	P-4	P-5	D-1	Total
Hires in 2015	13	13	15	2	4	23	15	6	5	1	97

Source: External Auditor, on the basis of statements sent by human resources section.

(c) The average number of staff was 860 in 2014 compared with 915 in 2015. There was an increase in wages paid and post-adjustments (€4,433 thousand), contributions to the UN Pension Fund (€1,160 thousand), and health insurance contributions (€454 thousand);<sup>6</sup>

(d) The increase in expenditures on individual contractors for €1,493 thousand has to be compared with the growth in activity of the Office of the Prosecutor (OTP) (ongoing trials and investigations). To that end, the External Auditor found that among the employees who benefited from the ReVision plan, five employees became individual contractors for the ICC; and

<sup>5</sup> Given the difficulties in making the staff data transmitted by human resources more reliable, as they come from multiple sources, the External Auditor preferred to rely on wages paid.

<sup>6</sup> These increases also included the employee seniority effect as well as the change in United Nations scales for which the impact is difficult to determine.

(e) €248 thousand in expenditures for consultants have been mainly used by the human resources section for assistance in the ReVision plan as well as advice to victims (27 consultants in 2015 compared with 22 consultants in 2014).

38. The External Auditor found that the various payroll files were not consistent, as they came from different payroll data, and that they show differences in the number of employees. Thus, the headcount presented in the staff movements file from human resources section showed a headcount of 908 people at the end of 2015, while the headcount from the payroll journal was 934 people. The headcount from the payment file provided by accounting was 990 people. Given these differences, the auditor preferred to rely on the headcount from the payment file. The budget approved in 2014 for financial year 2015 projected a headcount of 790 people.

**Recommendation no.1.** The External Auditor recommends that the human resources section (i) set up a way to monitor the average workforce size to facilitate the comparison between the average workforce and the staffing tables of the budget and (ii) reconcile the various payroll files to determine the workforce number with certainty.

39. Article 4.7 of the staff regulation<sup>7</sup> prohibits individual contractors and consultants from being considered staff. They are also not monitored in the staffing file. During its work, the External Auditor found that individual contractors and consultants were properly classified in the payroll data, but were classified for accounting purposes in the payroll paid to employees when they should have been classified in expenses for contractual services.

**Recommendation no.2.** The External Auditor recommends reclassifying expenditures for individual contractors and consultants to “Expenses for contractual services” on the financial statements for easier reading.

## 2. Financial reserves

40. Net assets represent the Organisation’s net asset position at a given date and generally correspond to the capital provided by the Member States as well as the sum of reserves, surplus or deficit for the period, and retained earnings from book surpluses or deficits from previous years. The statement of net assets must therefore reflect all available reserves and the amount of distributions (not constituting the repayment of capital) proposed or declared after the closing date of the financial statements.

41. The External Auditor deemed that the first version of Statement III – “Net assets” of the financial statements did not allow the reader of the financial statements to view the items listed above.

**Table 4: Statement of net assets at 31 December 2015 (in thousands of euros)**

	<i>General Fund</i>	<i>Working Capital Fund</i>	<i>Contingency Fund</i>	<i>Permanent Premises Project Fund</i>	<i>Trust Fund</i>	<i>Total Net Assets/equity</i>
<b>Opening balance as at 1 January 2014</b>	<b>3,500</b>	<b>7,406</b>	<b>7,500</b>	<b>26,029</b>	<b>975</b>	<b>45,476</b>
<b>Movement in net assets equity in 2014</b>						
Surplus/(deficit)	1,769	-	-	35,002	41	36,812
Transfer to Permanent Premises Project Fund	(4,325)	-	-	4,325	-	-
<i>Total movements during the year</i>	<i>(2,556)</i>	<i>-</i>	<i>-</i>	<i>39,327</i>	<i>41</i>	<i>36,812</i>
<b>Total net assets/equity as at 31 December 2014</b>	<b>1,010</b>	<b>7,406</b>	<b>7,500</b>	<b>65,356</b>	<b>1,016</b>	<b>82,288</b>

<sup>7</sup> “Consultants, individual contractors, interns and other personnel may be engaged under such terms and conditions as the Registrar or the Prosecutor, as appropriate, may determine and shall not be staff members for the purposes of the present Regulations.”

	<i>General Fund</i>	<i>Working Capital Fund</i>	<i>Contingency Fund</i>	<i>Permanent Premises Project Fund</i>	<i>Trust Fund</i>	<i>Total Net Assets/equity</i>
<b>Movement in net assets/equity in 2015</b>						
Surplus/(deficit)	(10,821)	-	-	56,811	513	46,503
Transfer to General Fund	217,132	(5,790)	(1,709)	(209,623)	(10)	-
2013 Trust Fund for Victims Secretariat's surplus	250	-	-	-	-	250
<i>Total movements during the year</i>	<i>206,561</i>	<i>(5,790)</i>	<i>(1,709)</i>	<i>(152,812)</i>	<i>503</i>	<i>46,753</i>
<b>Total net assets/equity as at 31 December 2015</b>	<b>207,571</b>	<b>1,616</b>	<b>5,791</b>	<b>(87,456)</b>	<b>1,519</b>	<b>129,014</b>

Source: Statement III - Statement of changes in assets / equity ended 31 December 2015 (first version of the financial statements transmitted to the External Auditor).

42. It therefore requested a change in presentation of Statement III - "Net assets" of the financial statements to show the cash reserves as well as the cash surplus or deficit equivalent to distributions of book surplus or deferred deficits.

43. These changes were made in the final version of the financial statements.

**Table 5: Statement of net assets at 31 December 2015 (in thousands of euros)**

	<i>General</i>							<i>Total Net Assets/equity</i>
	<i>General Fund</i>							
	<i>Working Capital Fund</i>	<i>Contingency Fund</i>	<i>Funds for Employee Benefit Liabilities</i>	<i>Cash Surplus/(Deficit)</i>	<i>Other General Fund Balances</i>	<i>Permanent Premises Project</i>	<i>Trust Funds</i>	
<b>Total net assets/equity as at 31 December 2014</b>	<b>7,406</b>	<b>7,500</b>	<b>11,227</b>	<b>(2,269)</b>	<b>(7,948)</b>	<b>65,356</b>	<b>1,016</b>	<b>82,288</b>
<b>Movement in net assets/equity in 2015</b>								
Surplus/(deficit)	-	-	-	-	(6,736)	53,227	513	47,004
Transfers	(5,790)	(1,709)	(4,832)	-	12,341	-	(10)	-
Prior year Cash Surplus/(Deficit)	-	-	-	4,432	(4,432)	-	-	-
Adjustment of 2015 Assessed Contributions (ICC-ASP/13/Res.1)	-	-	-	(2,068)	-	-	-	(2,068)
2013 Trust Fund for Victims Secretariat's surplus	-	-	-	-	250	-	-	250
<i>Total movements during the year</i>	<i>(5,790)</i>	<i>(1,709)</i>	<i>(4,832)</i>	<i>2,364</i>	<i>1,423</i>	<i>53,227</i>	<i>503</i>	<i>45,186</i>
<b>Total net assets/equity as at 31 December 2015</b>	<b>1,616</b>	<b>5,791</b>	<b>6,395</b>	<b>95</b>	<b>(6,525)</b>	<b>118,583</b>	<b>1,519</b>	<b>127,474</b>

Source: Corrected version of Statement III of the Financial Statements, Statement of changes in assets / equity ended 31 December 2015.

44. The ICC chose to present its equity under segment reporting (IPSAS 18), resulting in the identification of three business segments:

(a) General activities, including the General Fund, corresponding to the ICC's programme budget (major programmes);

(b) The permanent premises fund relating to the activity of construction of new buildings for the ICC, mainly buildings recognised in the books, the loan from the host State, as well as the project's remaining supplier debts;

(c) Special projects, including Trust funds, coming from the various activities financed entirely by voluntary contributions, by virtue of article 6.5 of the financial



regulation. In 2015, the projects were funded primarily through voluntary contributions from the EU, Australia, and the Dutch government.

45. The general activities segment includes three budget reserves:

(a) The Working Capital Fund amounting to €1,616 thousand in 2015 compared with €7,406 thousand in 2014. It was established by the Assembly of States Parties in accordance with Article 6.2 of the ICC's financial regulation "to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions".

(b) The Contingency Fund amounting to €5,791 thousand in 2015 compared with €7,500 thousand in 2014. This fund responds to the principle of specification provided for in article 6.5 of the ICC's financial regulation. According to this article "The purposes and limits of each trust fund, reserve and special account shall be clearly defined by the appropriate authority". This immediately available cash reserve was established by the Assembly of States Parties (Resolution ICC/ASP/3/Res.4) to enable the Court to meet expenses that cannot be foreseen when the budget is adopted and that concern either a new situation created by a decision of the Prosecutor to open a case, a new development in an old case, or an unplanned meeting of the Assembly of States Parties.

(c) In particular, the General Fund includes "money set aside" to finance employee benefits liabilities amounting to €6,395 thousand in 2015 compared with €11,227 thousand in 2014, approximately €3.4 million of which is used to finance the ReVision plan and €1.4 million operation of the General Fund.

46. The General Fund also includes cash surpluses / deficits of prior financial years equivalent to distributions of profits as well as loss carry-overs of the year and prior years indicated in the "Other general fund balances" column.

47. Financial Regulation 4.6 defines cash surplus<sup>8</sup> as the difference between credits (assessed contributions actually received and miscellaneous income received during the financial period) and charges (all disbursements against the appropriations for that financial period and provisions for unliquidated obligations), plus arrears of contributions of prior years and any savings from the provisions made for unliquidated obligations. This surplus is apportioned between the States Parties according to the scale of assessments at the end of each financial period. This surplus must be surrendered to the accounts of the States Parties during the next financial period (N+2), provided that they have paid all contributions owed. The "cash surplus" formula therefore corresponds to a hybrid budgetary-accounting notion on a multi-year basis: budgetary because the contributions are determined on the basis of cash and accounting because the expenditures are determined on the basis of expenses recognised and not only paid.

48. Net assets of the ICC increased from €82,288 thousand in 2014 to €127,474 thousand in 2015. This change is explained by the surplus of €47,004 thousand in 2015, partially offset by the amounts credited to the States during the period. The 2014 cash surplus of €4,432 thousand was used to absorb the cash deficit of €2,269 thousand of financial year 2013 and repay the legal assistance advances to the States Parties for

<sup>8</sup> The provisional cash surplus for the financial period shall be determined by establishing the balance between credits (assessed contributions actually received for the financial period and miscellaneous income received during the financial period) and charges (all disbursements against the appropriations for that financial period). The cash surplus for the financial period shall be determined by crediting to the provisional cash surplus any arrears of prior periods' assessed contributions from States Parties received during this period and any savings from the provisions made for unliquidated obligations as mentioned above. Any remaining outstanding obligations shall be re-obligated against the appropriations of the current financial period. Subject to financial regulation 6.6, last paragraph, any cash surplus in the budget at the close of any financial period shall be apportioned among States Parties in proportion to the scale of assessments applicable to the financial period to which the surplus relates. As of 1 January following the year in which the audit of the accounts of the financial period is completed, the amount so apportioned to a State Party shall be surrendered to such State Party if its contribution for that financial period has been paid in full and shall be applied to liquidate, in whole or in part, first, any advance due to the Working Capital Fund; secondly, any arrears of assessed contributions; and thirdly, assessed contributions for the calendar year following the year in which the audit is completed. While any cash surplus in the budget shall be apportioned among all States Parties, the amount so apportioned shall be surrendered only to those States Parties which have paid in full their contributions for that financial period. Amounts apportioned but not surrendered shall be retained by the Registrar until such time as the contribution for the relevant financial period is paid in full, at which time they shall be applied as set forth above. "

€2,068 thousand by reducing the amount of assessed contributions to be paid in 2015. Its balance was €95 thousand at the end of 2015.

49. The surpluses are generally composed of two components: distributable profits because of the realisation of a budget profit and non-distributable profits generated following purely accounting entries. A recovery on provision is income that does not contribute to the formation of a distributable profit, whereas, for example, income realised from a bank account attachment is a budgetary profit. The External Auditor found that €36,812 thousand of the 2014 surplus corresponded to the capitalization of the permanent premises of €35,002 thousand and in no way to any budgetary profit. The surplus thus does not necessarily reflect the Organisation's level of available cash. To finance its activity in 2015, the Organisation had to draw off €12,331 thousand from its financial reserves (the Working Capital Fund) for €5,790 thousand, the contingency fund for €1,709 thousand, and the fund to finance employee benefits liabilities for €4,832 thousand).

50. Crediting the accounts of the Member States for reimbursement of legal assistance advances for €2,068 thousand led the ICC to weaken its level of cash by the same amount due to lower contributions paid in 2015.

51. The External Auditor draws the attention of States Parties to the fact that the surplus formula defined by the ICC's financial regulations means distributing to the States a result of which the budget consideration is not always existent. In some cases, this can result in weaker financial health for the Organisation, as it forces it to slash budgetary resources that it does not have in reality.

*The External Auditor stresses to the States Parties the importance to avoid the practice of distributing provisional cash surplus before the final cash surplus is available.*

52. During its work, the External Auditor found that the ICC's level of available cash had been significantly reduced from €56,693 thousand in 2014 to €23,026 thousand at the end of 2015, breaking down as follows:

- (a) The Working Capital Fund amounting to €1,616 thousand;
- (b) The Contingency Fund amounting to €5,785 thousand;
- (c) The fund intended to finance employee benefits liabilities amounting to €6,395 thousand;
- (d) The permanent premises project fund amounting €7,078 thousand before interest payments on the loan from the host State in the amount of €2,186 thousand;
- (e) Cash related to Trust funds for €2,153 thousand.

53. The ICC's level of immediately available cash at the end of 2015 (the fund intended to finance employee benefits liabilities and the Working Capital Fund) is the equivalent of payroll expenditures for a month excluding consultants and individual contractors (€7 million).

*As such, the External Auditor reiterates its finding of weak cash identified during the report ICC-2015-6 on cash reserves.*

### 3. Arrears of assessed contributions

54. Receivables from contributions of States Parties amounted to €20,786 thousand at 31 December 2015. €8,146 thousand or 39 per cent of these receivables pertained to prior years.

**Table 6: Receivables from contributions of States Parties (in thousands of euros)**

<i>Contributing States</i>	<i>Total Receivables at 31 December 2015</i>	<i>2015 Receivables</i>	<i>Receivables related to prior years</i>
Brazil	11,413	5,881	5,532
Mexico	3,645	3,645	-

<i>Contributing States</i>	<i>Total Receivables at 31 December 2015</i>	<i>2015 Receivables</i>	<i>Receivables related to prior years</i>
Venezuela	3,380	1,257	2,123
Argentina	858	858	-
Colombia	313	313	-
Slovenia	115	115	-
<i>Total of top six receivables</i>	<i>19,724</i>	<i>12,069</i>	<i>7,655</i>
<i>Per cent of top six receivables</i>	<i>95%</i>	<i>95%</i>	<i>94%</i>
<b>Total receivables</b>	<b>20,786</b>	<b>12,639</b>	<b>8,147</b>

Source: External Auditor on the basis of the 2015 aged balance

55. Brazil and Venezuela represented 94 per cent of receivables outstanding more than one year, or €7,655 thousand. The receivable from Brazil amounted to €16,642 thousand in early 2015, including €10,761 thousand relating to the contributions for prior years. Of this amount, €5,229 thousand was paid in April 2015 related to 2013 contribution, bringing the outstanding amount to €11,413 thousand at the end of 2015. The receivable from Venezuela amounted to €3,380 thousand, of which €940 thousand remained unpaid since 2013. The 2013 assessed contribution of Venezuela amounted to €1,116 thousand, of which only €177 thousand was settled, i.e. only 15 per cent of the amount of the contribution.

56. Reminder letters, dated 8 April and 25 April 2016, were sent by the Registrar to the representatives of Brazil and Venezuela. No response had been received as at the date of the audit.

*The External Auditor reiterates its warning<sup>9</sup> to the States Parties on the risk of weakening Court's liquidity position posed by late payments of contributions to the Organisation.*

57. The ICC establishes a provision for impairment of bad debts as regards to assessed contributions. It represents 90 per cent of the balances of accounts receivable from the States Parties that remain unpaid for more than two years. As of 31 December 2015 the amount of the impairment was €412 thousand and mainly concerned the debts of the Dominican Republic (€230 thousand), Tanzania (€55 thousand), and Congo (€30 thousand).

58. However, given the low amount paid by Venezuela for 2013, and the total absence of payments in 2014 and 2015, which resulted in 2016 in the suspension of voting rights for this state party, this State's receivable is doubtful.

#### 4. Valuation of the permanent premises project

59. In 2005, the Assembly decided to provide the ICC with permanent premises. The contract to build the ICC's permanent premises was awarded to the Dutch consortium Courtys by the signature of a NEC3 type contract on 1 October 2012. The NEC3 contract provides for compensation events enabling the constructor to be compensated for any delays or additional works.

60. The construction work started in 2012 with preparation of the ground provided by the Dutch Government, the first stone of the premises were set up in April 2013, and the delivery occurred on 2 November 2015.

61. The initial budget was adopted by the Assembly at its 7th plenary meeting on 14 December 2007 (ICC-ASP/6/Res.1) for €190 million related solely to the construction costs. As the project was progressing, the budget of the permanent premises was successively increased in to expand the scope of the costs to finance (moving expenses,

<sup>9</sup> The External Auditor had already alerted the States Parties to this risk in the chapter on the contribution recovery policy in its report on the 2015 cash reserves (ICC-2015-6).

equipment etc.). During its session on 17 December 2014, the Assembly increased the authorized budget from €195.7 million to a maximum of €200 million (ICC-ASP/13/2).

62. But this increase was not enough to finance the project. In a new resolution dated 25 June 2015 (ICC-ASP/13/Res.6), the ASP approved a new increase in the budget envelope up to €204 million with a maximum of €206 million.

63. The costs estimates as at 9 May 2016 totalled €205.7 million including €195 million dedicated to construction costs, thus indicating a probable overspend of €1.7 million compared to the stated budget of €204 million.

64. The final budget closure was supposed to take place by the signature of a settlement agreement between the ICC and Courtys to compromise on the last compensation events.

65. At the time of this report, the negotiation was still ongoing between the ICC and the Constructor, Courtys, in order to address the cost issues regarding the Permanent premises. No signed agreement is available in order to validate the final cost of the operation.

66. As of December 31, 2015, the Permanent premises have been capitalized at €195,756 thousand.

67. This situation creates a state of uncertainty and does not allow the External Auditor to provide a reasonable assurance of the valuation of the asset concerned. In such conditions lead him to express a modified opinion for limitation of scope in the audit opinion on the financial statements.

## 5. Accounting of the permanent premises project

68. The recording of the new permanent premises in assets took place on the date when the keys were provided, on 12 November 2015. The accounting treatment related to capitalisation must comply with IPSAS 17 “property, plant and equipment” applied by the Court, which provides that the components of an asset must be treated as separate components if they have different useful lives.

69. To do this, the new permanent premises were appraised by Brink, which specialises in real estate appraisals. That company conducted an accounting breakdown of the permanent premises by component, such as structure, façade, roof, ground, electrical installations, etc. It also elaborated a draft maintenance plan.

70. In support of this appraisal work, the External Auditor analysed the relevance of this breakdown. The definition of the various components did not take into account the predictive maintenance plan that lists the useful live of each component, the major maintenance replacements of certain installations.

71. Moreover, the costs of works and equipment related to the audio-visual system were not identified and individually counted. The work and equipment have different accounting natures: the first one is directly related to construction costs (wiring and arrangement costs), whereas the second one corresponds more to purchases of equipment that are distinct from the premises. Purchases of audio-visual equipment should thus be identified and separated from construction costs.

**Recommendation no. 3.** In order to gain visibility on capital replacement expenditures to be made and anticipate them in the budget, the External Auditor recommends that (i) the ICC first finalize as soon as possible a reliable maintenance plan, and subsequently; (ii) review the breakdown of components to align it with the projected maintenance and capital replacement plan and appropriately distinguish between the components.

72. The External Auditor also used sampling to verify the costs included in the evaluation of the construction. In compliance with the provisions of IPSAS 17, a reclassification to expenses of €1,576 thousand was done at the request of the External Auditor, since the architect selection costs, communication costs, and expert fees should not be capitalized.

## 6. Loan from the host State

73. The permanent premises project benefited from two external sources of funding totalling €190,000 thousand: One-Time Payments (OTP) from States Parties and the loan from the host State minus discounts granted by the host State on the basis of the OTPs received.

74. At 31 December 2015, OTPs received totalled €96,101 thousand; this amount includes additional voluntary contribution by the host State of €3,500 thousand. The total loan drawn as of 31<sup>st</sup> December 2015 was €95,893 thousand. The loan discount granted by the host State was estimated at €17,963 as of end of 2015. The balance of €77,930 thousand corresponds to the year-end estimate of the borrowed principal repayable over 30 years. The excess of the loan drawn of €2,037 thousand was calculated in the subsequent year and repaid on 30 May 2016. The final principal amount of the loan should be established as of 30 June 2016 after collection of OTPs is finalized.

75. The repayment of the loan should start on 1 July 2016. So far, no repayment schedule for the loan has been established, as the borrowed principal is not yet definitively fixed.<sup>10</sup> The repayment schedule should show, for each due date, the amount of the repayment as well as the breakdown between principal and interest. This is an important part of the information for the States Parties, as it allows them to anticipate the annual repayment instalments falling due.

**Recommendation no. 4.** In order to ensure regular monitoring of repayment of the loan, the External Auditor recommends that the ICC agree with the host State on a loan repayment schedule detailing the amortised principal, interest, and annuities payable, which will be validated by both parties.

## 7. Internal financial control

76. Budget expenses are subject to budgetary control in SAP Funds Management module through allotments. The expenses authorized cannot exceed the allotment.

77. Usually, the accounting entries are linked either to a budgetary fund whose purpose is to finance the activity or to a “book” fund whose purpose is to identify all the IPSAS adjustments. This information is recorded through an additional field to fill for each entry. The management software packages such as SAP provide that a recognised expenditure must be directly linked to a budget fund in order to reserve credits for that purpose, whereas a doubtful provision allocation will be linked to an IPSAS technical fund, as it will not cause any future disbursement.

78. The implementation of this setting allows the External Auditor to reconcile the budget of each segment reporting namely the General fund, the Permanent Premises funds and the Trust funds with the accounting, and thus to detect any anomaly.

79. During its work, the External Auditor found that the ICC SAP setting did not allow distinguishing the entries recorded with a budgetary impact from the entries without any budgetary impact, because all the entries are recorded in only one general ledger.

80. The accounting unit performs a manual reconciliation only for the General fund segment, which is a less effective control than an automatic control from the External Auditor perspective.

**Recommendation no. 5.** In order to improve the budgetary monitoring of all the segments reporting of the ICC, the External Auditor recommends to revise the SAP module configuration by establishing an additional fund field mandatory which indicates for each entry recorded if the entry has a budgetary impact or an accounting impact.

<sup>10</sup> The deadline for the outstanding one-time payments was the 29 June 2016.

## 8. Accounting internal control

81. By converting to IPSASs, the ICC chose to improve the transparency of its financial statements and its budget execution. The Organisation thus presented financial statements according to IPSAS for the second consecutive year.

82. The efforts of the ICC's finance section to apply these standards are to be recognised. However, the External Auditor's engagement for this year demonstrated that the preparation of the financial statements in compliance with IPSAS represents substantial, laborious work for the ICC.

83. One cause of these difficulties is that the information system is not entirely configured for full compliance with accrual accounting required by IPSASs (FI module) and that the financial statements are not automatically prepared by the computing system.

84. The closing controls are thus performed "manually": financial statements are still prepared in Excel. Many reports are prepared outside of the SAP information system (particularly the reconciliation of budget data with accounting data), thus avoiding the internal control inherent in this system.

85. In view of the large volume of data to be processed, the manual controls are not satisfactory and do not respect the ideals of an effective and efficient internal control environment.

86. It is thus expected that the ICC complete the full deployment of the computing system in all its components, including for the preparation of financial statements according to IPSASs.

87. In addition, the External Auditor noted the restructuring of the Finance Section and the resultant abolition of the IPSAS Unit. Treasury Unit was combined with Accounts Unit and Payroll Unit was transferred to the Human Resources Section. Consequently, the Finance Section was downsized from a section composed of five units in 2014, namely: Treasury Unit (three established posts); Payroll Unit (four established posts); Disbursements Unit (eight posts, seven of them established); Accounts Unit (five established posts); and IPSAS Unit (four posts, two of which were not filled because of budget constraints), to a section composed of only two units in 2016, with a Chief of Section and an Administrative and Finance Assistant. The current two units are: the Disbursements Unit (eight established posts), handling all disbursements in ICC, including some of the responsibilities of the former Payroll Unit (three posts transferred to Human Resources); and the Accounts and Treasury Unit (seven established posts), shouldering all the added responsibilities resulting from the complexity of IPSASs.

88. This reduction in the accounting teams is even more paradoxical given that the IPSASs require more highly technical resources capable of carrying out accounting tasks because of the complexity of standards, particularly for the accounting of fixed assets, employee benefit liabilities, trade payables, etc.

89. In addition, the ICC has seen a constant growth in activity in recent years, which has had the effect of proportionally increasing volumes of accounting transactions to be processed. The increase in these volumes was temporarily filled by short term positions, while stability in the accounting team makes it possible to preserve the memory of the accounts but also begin to establish the indispensable foundations of internal accounting control.

**Recommendation no. 6.** In order to ensure effective and efficient internal control, the External Auditor recommends that the ICC complete the full deployment of the information system to prepare financial statements according to IPSASs and ensure the stability and reinforcement of the accounting function.

## VI. Acknowledgements

90. The External Auditor would like to thank the staff of the International Criminal Court, including members of the Registry, for the cooperation and general support given to the audit teams during for their engagement.

*End of audit observations.*

## Appendix 1

### Summary table presenting the changes affecting the result

<i>Adjustments list</i>	<i>Impact on the income statement</i>	<i>Impact on the balance sheet</i>				<i>Net position</i>
		<i>Short-term assets</i>	<i>Long-term assets</i>	<i>Short-Term liabilities</i>	<i>Long-Term liabilities</i>	
<b>Audited totals</b>						
Adjustment of called contributions	+ €2,068,000					
Corrections of non-capitalisable expenses	- €1,576,000					
Correction of allowances for amortisation and depreciation	+ €9,000					
<b>Final totals</b>	<b>+ €501,000</b>					
<i>Adjustments not recognised</i>						
Nil						
<b>Totals with adjustments not recognised</b>						

## Appendix 2

### Follow-up of previous recommendations from the 2015 report on cash reserves (ICC-2015-6)

1. The review of the status of implementation of the recommendations expressed as part of the 2015 cash reserves audit shows that out of a total of eight outstanding recommendations, one was implemented, and seven have been partially implemented.

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
1	Cash reserves:	Use the Working Capital Fund and the Contingency Fund in order to mitigate temporary situations of insufficiency of cash while awaiting the implementation of a more sustainable funding mechanism.	X		
2	Cash reserves:	In addition to the temporary use of the cash reserves, negotiate the opening of a credit line with the banks, in order to have an additional insurance in case of temporary difficulties resulting from delays in contributions, which cannot be covered by the Working Capital Fund any longer. Upon establishment of the credit line the contingency Fund could continue to be utilized as prescribed by the Financial Regulations and Rules.		X	
3	Cash reserves:	Adopt a plan for financing the employee benefits liabilities in order to smooth charges related to these liabilities, which are likely to increase in the future. Further work will have to be carried out to determine if the establishment of a reserve would be appropriate and what should be its level.		X	

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
4	Cash reserves:	Improve the predictability of the receipt of the contributions to be earned in the ongoing year, via recovery planning and by setting up a payment plan, negotiated with every State Party in arrears.	x		
5	Cash reserves:	Set up debt settlement plans in order to make States, which have been debtors for several years, more accountable.	x		
6	Cash reserves:	If there is no recovery of arrears, implement the sanctions given in the Financial Regulations and Rules.	X		
7	Cash reserves:	Examine how to better adapt the rhythm of disbursements according to the cash available with the ICC.		X	
8	Cash reserves:	Intensify the practice of revising the programme budget during the year, in order to control costs still to be engaged with respect to the cashed contributions, enable reprioritization of activities and absorb unforeseen expenditures.		X	
<b>Total number of outstanding recommendations: 8</b>			<b>1</b>	<b>7</b>	<b>-</b>

2. Recommendation no. 2 is considered partially implemented because the ICC has initiated negotiations with its banking partners. A proposed resolution of the ASP is in the planning stage in order to open a new line of credit in September 2016.

3. Recommendation no. 3 remains under consideration at the ICC level.

4. Recommendations no. 4, no. 5, and no. 6 are considered as being implemented because the ICC sent several verbal notes to the States Parties in April 2016 and organised various meetings intended to find solutions to settle late contributions. Article 112 of the Rome Statute provides that States in arrears for two full years of contributions must have their voting rights suspended.

5. Recommendations no. 7 and no. 8 remain under consideration.



# Audit report on financial reporting and management of the permanent premises project - Financial year 2015

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## **I. Purpose and scope of the audit**

1. A team of three external auditors conducted an examination of the financial reporting and management of the Permanent Premises Project of the International Criminal Court (“the Court”) for the 2015 financial year. The objective of this audit was to verify the appropriateness, validity and completeness of the financial reporting and to conduct an audit of the management of the project. The management audit focused on verifying the legal basis of decisions, financing arrangements, governance, operational conduct of the project, the scope of risks and disputes, and compliance with decisions of the States Parties.
2. The audit was conducted in accordance with the International Standards of Supreme Audit Institutions (ISSAI), with Regulation 12 of the Financial Regulations and Rules of the International Criminal Court and with the letter of engagement dated 14 January 2013.
3. All observations and recommendations were discussed with the appropriate personnel. The audit closure meeting was held on 2 June 2016 with the project management. This report fully reflects their comments and responses.
4. This report brings to an end the yearly review of financial reporting and management of the Permanent Premises Project for the financial years 2012 to 2015, which was entrusted to the Cour des Comptes by the Assembly of States Parties (“the Assembly”) in its resolution ICC-ASP/13/Res.6 and set out in the letter of engagement dated 14 January 2013. The audited period was extended until the end of May 2016.

## **II. Background**

5. In 2005, the Assembly decided to provide the Court with permanent premises, in view of the fact that it is a permanent judicial institution, unlike existing temporary international criminal tribunals which also have their headquarters located in or near The Hague.

6. The Assembly resolution on permanent premises adopted on 14 December 2007<sup>1</sup> estimated at €190 million the budget necessary for the permanent premises alone at 2014 price levels. This budget was confirmed by the Assembly on 21 December 2011,<sup>2</sup> but it was also to incorporate the integrated user equipment (“3GV”). In November 2013, the Assembly increased the budget of the construction project to €195.7 million, but this time its scope was broadened to include the management of the transition programme, including non-integrated user equipment (“2GV”).

7. With the two budgets joined together, the project management anticipated a budget overrun, in response to which, at its session on 17 December 2014, the Assembly<sup>3</sup> increased the authorized budget from €195.7 million to a maximum of €200 million, and later, in its resolution of 25 June 2015,<sup>4</sup> to a maximum of €206 million.

8. The permanent seat of the Court is built in the north of The Hague, near Scheveningen, 2 km from the sea alongside dunes and on land provided and owned by the Dutch State.

9. The project of the Danish practice *Schmidt Hammer Lassen* comprises six connected buildings with a total surface area of 52,450 m<sup>2</sup>, including three courtrooms with the possibility of a fourth, and 1,200 workstations, which may be increased to 1,500. In response to the increase in staff of the Office of the Prosecutor, which was approved in 2014, the number of workstations was increased to 1,382 after the construction had started. The project does not include a detention centre. The Court uses the Dutch prison facilities situated 1 km from its seat.

10. The Assembly appointed a Project Director, who reports on a regular basis to the Oversight Committee, created in 2005 and composed of ten representatives of States Parties. The Court, the host State and other States Parties may sit on the Oversight Committee as observers. The Oversight Committee is a subsidiary organ of the Assembly of States Parties and provides progress reports to the Committee on Budget and Finance, status reports to the Bureau and draft resolutions or information to the Assembly through the Bureau.

11. The project management is under the responsibility of the Court which delegated it to a Project Director, who is assisted by a company specializing in project management (Brink Groep). The main contractor, in charge of carrying out the construction work, was selected on the basis of a tender in late 2011. The tender included the obligation for the selected contractor to make the design team of the winning project part of its organization. On 1 October 2012, the engineering and construction contract “NEC3” was signed.

12. The preliminary design for the permanent premises was approved in 2011. The construction phase began in 2012 with preparation of the ground provided by the Dutch Government. The first stone of the premises was laid on 16 April 2013. The buildings were completed on 30 October 2015, whereas the contract originally provided for completion on 17 July 2015, and were delivered on 2 November 2015. The key handover ceremony took place on 12 November 2015. The Court’s move took place between 30 November and 11 December 2015.

13. At the Assembly of States Parties’ request, the External Auditor carried out a special mission from 11 to 22 January 2016. The purpose of that audit was to review the permanent premises’ budget process, the regularity, efficacy and efficiency of its budget performance and the reasons for the overrun in the initial projected cost. The report was submitted in March 2016.<sup>5</sup> This report does not reproduce the contents of that separate audit, but updates and supplements it.

14. The statements and analysis contained in this report are based not only on the various meetings with Court staff and service providers, but also on the documentation prepared by the Project Director’s Office.

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<sup>1</sup> ICC-ASP/6/Res.1.

<sup>2</sup> ICC-ASP/10/Res.6.

<sup>3</sup> Resolution ICC-ASP/13/20.

<sup>4</sup> ICC-ASP/13/Res.6.

<sup>5</sup> Report ICC-2015-4.

### III. List of recommendations

**Recommendation No. 1.** The External Auditor recommends that, at its next session, or as soon as possible in 2017, the Assembly review cost estimates of capital replacements and implement a funding solution which does not jeopardize the prudential level of the working capital fund.

**Recommendation No. 2.** The External Auditor recommends that the Oversight Committee extend the contract of the Project Director until after the next session of the Assembly of States Parties.

**Recommendation No. 3.** The External Auditor recommends that the Project Director ensure, through the Project Manager, that the correction of all construction defects is verified.

**Recommendation No. 4.** The External Auditor recommends that the Assembly of States Parties terminate the mandate of the Oversight Committee, after discharging the Project Director's Office of its responsibility, and entrust oversight of the budgetary and financial aspects relating to the permanent premises' maintenance and capital replacements to the Committee on Budget and Finance.

**Recommendation No. 5.** The External Auditor recommends that the Court enter as soon as possible into the contractual addendum authorized by the Assembly in December 2014, entrusting Courtys with maintenance services additional to those under the construction contract, and up to 31 December 2017.

**Recommendation No. 6.** The External Auditor recommends that the Registrar issue a letter to the future Head of the Facilities Management Unit (FMU), setting out the new tasks and activities entrusted to the Unit since the transfer of ownership of the permanent premises.

**Recommendation No. 7.** The External Auditor recommends that the Safety and Security Section, in close cooperation with the host State police and emergency services, organize as soon as possible the evacuation exercises prescribed under the law of the host State.

**Recommendation No. 8.** The External Auditor recommends that the Registrar carry out a satisfaction survey among permanent premises users during the second half of 2016 and once a year subsequently.

**Recommendation No. 9.** The External Auditor recommends that the Registrar provide permanent premises users with learning tools appropriate to the premises functionalities and limitations.

### IV. Follow-up on previous recommendations

15. The External Auditor reviewed the status of recommendations of former audits on financial reporting and management that have not yet been implemented. As at the date of the mission, six recommendations have been implemented, two have been partially implemented and two have yet to be implemented. In view of this situation, this report contains a new section on the real estate capital replacement and future oversight of facilities management.

<i>Recommendations</i>		<i>Implemented</i>	<i>Partially implemented</i>	<i>Abandoned</i>
2015 – Special Report	The External Auditor recommends that the Project Director ensures that the project manager (Brink) verifies the invoices submitted by Courtys, in accordance with articles 52.2 and 52.3 of the NEC 3 contract.	X		
2015-1	The External Auditor recommends to the project management team that the information for the Oversight Committee be supplemented with a summary presentation with supporting evidence of the budget approved by the Assembly of States Parties, commitments, payments and also estimated provisions.		X	

2015-2	The External Auditor recommends (i) that an adjustment to the calculation of one-time payments be made immediately and for calls for funds to be also issued immediately to States which formally adopted this option; (ii) that the deadline initially set for 15 June 2015 be extended by the Oversight Committee in agreement with the host State to allow this corrective measure to be implemented without penalising contributing States.	X		
2015-3	The External Auditor recommends that the ICC begins to build up reserves for the renewal of its real estate capital in the financial year following the delivery of the permanent premises.			X
2015-4	The External Auditor recommends that the necessary resources be provided for in the 2016 budget to manage the administrative follow-up of the construction project and transition programme to guarantee the successful completion of the project in the best interests of the States Parties and of the ICC.	X		
2015-5	The External Auditor recommends organising the transition of the current Oversight Committee to a future organ representative of the States Parties tasked with overseeing major issues, within the framework of strict guidelines so as not to create any ambiguity in terms of governance between the governing bodies and the executive management of the ICC.			X
2015-6	The External Auditor recommends that the project management team organizes the transfer of the construction project's document library and its management to the Registry's general services (Facilities Management Unit) from 1 September 2015 and facilitates access to the library for the Security and Safety Section, in collaborative mode.	X		
2014-1	The External Auditor recommends that the Court and Oversight Committee fix the reference date for the liquidation of States Parties' contributions as the day the Court takes possession of the premises, even if it is earlier than the date of final discharge of the construction project. The liquidation of these contributions can thus be based on the scale applicable for 2013, 2014 and 2015.	X		
2014-3	The External Auditor recommends to the ICC and to the Oversight Committee to examine by the end of 2014 the issue of outsourcing, either in full or in part, the management of the buildings of which it is due to take ownership, in order to budget for the expenditure associated with the final decision as set out in the 2015 budget and to prepare to implement this choice as of September 2015.			X
2014-7	The External Auditor recommends that the Court identifies and assesses the risks pertaining to recurrent operating costs and in particular known costs for the mirror pond, the green wall over the "architectural steel grid" and a potential future requirement for compliance with HEQ (high environmental quality) standards.	X		
Number of recommendations: 10		<b>6</b>	<b>2</b>	<b>2</b>

16. *Recommendation 2015-1.* From September 2015 to April 2016, the project management included a new table in its monthly reports to the Oversight Committee, showing the Assembly's approved budget, as well as commitments, payments and estimated future provisions. At the request of the Oversight Committee, the report submitted on 9 May 2016 did not present the information in the same manner as in the previous report. Thus, financial oversight of the project has not been dealt with in a consistent way. However, at the request of the Audit team the table was provided by the Project Director's Office for the 9 May report, and later for the 6 June report. In any case, this recommendation will become not applicable once the project is completed.

17. *Recommendation 2015-3.* In November 2015, the ASP decided that the cost estimates for capital replacements would be reviewed during the period 2017 to 2019; a study will be commissioned from a future committee responsible for oversight of the permanent premises. No allowance for capital replacement costs will be made for the first 10 years of operation, namely until 2026. A study of sustainable use of budgeted resources (assessed contributions) or other financial instruments (including loans), sufficient to provide the assets capital replacement will be conducted, in the period 2017-2019 (resolution ICC-ASP/14/Res.5, para. 67 (c) and (d)). The External Auditor will be revisiting this recommendation later in this report.

18. *Recommendation 2015-5.* In November 2015, the Assembly invited the Oversight Committee to continue discussions on the establishment of a new governance structure for the permanent premises, and to report thereon to the fifteenth session of the Assembly. It was agreed that if no decision is taken by the end of the fifteenth session, the mandate of the Oversight Committee would be extended (resolution ICC-ASP / 14 / Res.5, paras. 58 and 59). The recommendation made by the External Auditor in 2015 for transition of the current Oversight Committee to a future organ representative of the States Parties tasked with overseeing major issues had been interpreted in a way that changes its nature. Thus the Oversight Committee proposed to the Assembly that a new premises committee be established, comprising ten States Parties, in order to represent the owner's interests on behalf of the Assembly. It would be tasked with strategic monitoring and oversight, whereas the Court would take care of day-to-day management. The premises committee would meet every two months at the ambassadorial level. In addition, a new Project Director's Office would be created; it would be managed by a Project Director and report to the Assembly. The Auditor will revisit this recommendation later and expand on it.

19. *Recommendation 2014-3.* Following the proposal of the Working Group on the Total Cost of Ownership, initiated by the Oversight Committee in March 2013, and the recommendation of the Committee on Budget and Finance in December 2014, the Assembly authorized the Court to extend the maintenance contracts provided by the General Contractor during the first year after the delivery of the permanent premises, to a period ending on 31 December 2017. These extensions should enable the Court to prepare its future long-term maintenance strategy and contracts (Resolution ICC-ASP/13/Res.2, para. 14). However, the Court has yet to finalize the negotiation with Courtys on the scope of work and schedule of preventive and corrective maintenance requirements for the permanent premises.

## **V. Financial reporting of the permanent premises project**

### **1. Evaluation of the total cost of the construction project**

#### **1.1. Estimated final cost**

20. At the time of the audit, from 23 May to 3 June 2016, negotiations between the Court and Courtys were ongoing. The deadline for accounts closure envisaged by the Project Director's Office at the time of the budget performance audit in January, namely end March 2016, had been missed. On 7 June 2016, the External Auditor was informed that the Project Director and Courtys had reached a settlement, agreeing the total construction contract cost at €168.5 million, which translates into a final permanent premises project cost of €205.75 million. This final amount, which had yet not been embodied in a legal agreement at the date of the audit, has not been audited. The situation audited is the one up to 9 May 2016. However, the difference between the cost as at 9 May 2016 (€205.7 million) and the non-audited cost as at 7 June 2016 (€205.75 million), namely €50 000, is not considered significant.

21. The External Auditor recommended to the project management team that the information for the Oversight Committee be supplemented with a documented and synthetic presentation showing the budget as approved by the Assembly of States Parties, compared with commitments, payments and estimated provisions, in order to justify the cost at completion. The presentation to the Oversight Committee was submitted in that format as of August 2015. However, the format of the progress report of 9 May 2016 had changed again at the request of the Oversight Committee. The summary of budgetary expenses and the list of compensation events were not included in that report. Both pieces of information were provided to the audit team upon request. The manner in which information is reported is still evolving, despite the fact that the project is completed. During this audit the project management gave the External Auditor three different versions of the progress report prepared by the Project Manager. The information initially provided was not consistent with the figures presented to the Oversight Committee on 9 May, although it was later reconciled.

22. In our audit of the situation as at 31 December 2015, the final cost in the worst-case scenario amounted to €205 million (compared to €204 million in the best-case scenario). The cost estimates as at 9 May 2016 totalled €205.7 million, a probable overspend of €1.7 million compared to the stated budget of €204 million (resolution of 25 June 2015, ICC-ASP/13/Res.6).<sup>6</sup>

23. The increase in costs is essentially due to an increase in the number of compensation events during construction. The latter were subject to a special verification procedure described in the next section of this report.

**Table 1. Cost breakdown at completion (in million euros)**

<i>In million euro</i>	<i>31 December 2015 (worst-case)</i>	<i>9 May 2016</i>
Construction project	194.2	194.9
Transition project	10.8	10.8
<b>Total unified project</b>	<b>205</b>	<b>205.7</b>

Source : Project Director's Office-PDO/Brink

24. The transition project was completed on 31 December 2015. Its final cost remained at €10.8 million, namely €0.51 million under the €11.3 million budget.

25. The cost of the construction project as at 9 May 2016 amounted to €194.9 million (including savings of €2.44 million through the sharing mechanism<sup>7</sup>), which corresponds to a cost overrun of €2.2 million compared to the €192.6 million estimated on 25 June 2015 (ICC-ASP/13/Res.6).

26. As at 9 May 2016, the status of budget performance was as follows.

**Table 2. Budget performance as at 9 May 2016 (in million euros)**

	<i>Budget (A) (06/2015)</i>	<i>Implemented budget (B)</i>	<i>To be committed (C)</i>		<i>Estimated cost (D) = (B) + (C)</i>		<i>Budgetary variance (E) = (A) - (D)</i>	
			<i>Best-case scenario</i>	<i>Worst-case scenario</i>	<i>Best-case scenario</i>	<i>Worst-case scenario</i>	<i>Best-case scenario</i>	<i>Worst-case scenario</i>
Construction	194.7	197.5	-2.8	-2.61	194.7	194.87	0.0	-0.17
Transition	11.3	10.48	0.36	0.34	10.84	10.84	0.5	0.5
<b>Unified budget</b>	<b>206</b>	<b>207.98</b>	<b>-2.4</b>	<b>-2.27</b>	<b>205.5</b>	<b>205.71</b>	<b>0.5</b>	<b>0.33</b>

Source: PDO / Brink

27. The implemented budget comprises paid amounts and unpaid orders. It amounted to €207.98 million, comprising €198.75 million already paid and €9.23 million outstanding. Thus the implemented budget exceeded the authorized budget by €1.98 million.<sup>8</sup> In other words, total costs to date exceeded the budget of €206 million allocated to the project. Balances due were negative, and essentially consisted of costs under negotiation and expected savings under the sharing mechanism, for a total of -€2.27 million.

28. The snagging period for the identification and rectification of defects runs for 52 weeks from the date of completion of the works, which was 30 October 2015, meaning that it terminates at the end of October 2016. An amount of €737,500<sup>9</sup> will be retained from the balance owed to the construction company as security for the necessary works of correction. This retention, or the balance thereof in the case of unrectified defects, must be paid after October 2016 at the close of the snagging period.

<sup>6</sup> The Assembly stressed its firm intention that the unified construction and transition projects premises is delivered within the €206 million budget, of which €1,993,524 would not be disbursed if the sharing mechanism of the contract with the general contractor produces the expected results, as per resolution ICC-ASP/13/Res.6.

<sup>7</sup> As at 9 May the cost of construction amounted to €197.5 million. The sharing mechanism is currently estimated to amount to €2.44 million, bringing the cost of construction down to €194.9 million.

<sup>8</sup> €206 million + €1.98 million = €207.98 million.

<sup>9</sup> Estimated amount as at the date of the audit.

**Table 3. Variance between the budget and estimated cost as at 9 May 2016 (in million euros)**<sup>10 11</sup>

<i>Construction cost</i>	<i>Budget approved by ASP 13 and ASP RES1</i>	<i>9 May 2016</i>	<i>Budget variance</i>
Form of Agreement excluded AV	141.0	140.8	-0.24
AV	6.0	9.3	3.35
Construction others	0.7	1.4	0.68
Risk (Compensation events)	12.0	21.6	9.56
Permit and dues	2.5	2.6	0.01
Fees	20.5	20.1	-0.40
Other costs	1.5	1.5	-0.01
Additional budget remains	8.3	-	-8.30
<i>Subtotal construction</i>	<i>192.6</i>	<i>197.3</i>	<i>4.64</i>
Transition			
Construction costs transition	1.1	3.2	2.14
Fees	3.5	2.8	-0.66
Equipment	6.8	4.8	-1.99
Reserve	-	-	-
<i>Subtotal transition</i>	<i>11.4</i>	<i>10.8</i>	<i>-0.51</i>
Share part ICC NEC3		-2.4	-2.44
<b>Total</b>	<b>204</b>	<b>205.7</b>	<b>1.69</b>
<b>Disputed amounts</b>			
Delay damages			0.6
Negotiations with Courtys			0.3
<b>Total budget variance</b>			<b>2.59</b>

Source: PDO/Brink (the variance was calculated by the External Auditor)

## 1.2. New compensation events

29. The NEC3 construction contract between the Court and the constructor provides for a sharing mechanism. On completion of the project, the difference between the target cost and the actual cost, if lower, is shared between the two parties according to a distribution key provided in the contract. The gain share is settled as follows.

30. The overall gain share is calculated by deducting, from the target cost, the actual cost borne by Courtys, i.e., €164.7 million, which includes the contractual price as signed in 2012, i.e., €147 million, on the one hand, and the total agreed compensation events (€23.75 million), not including compensation events under negotiation during the audit (€0.7 million), on the other. The overall gain share was evaluated at €6.787 million.

31. The constructor's gain share is equal to 40 per cent of the difference between the target cost and the actual cost (once all sub-contractors have been paid) if the difference is less than 95 per cent of the target cost; 50 per cent if the difference is between 95 per cent and 97.5 per cent of the target cost; 60 per cent if the difference is between 97.5 per cent and 100 per cent of the target cost, up to a limit of €850,000; 100 per cent if the difference is less than €850,000 and 100 per cent if it exceeds it. It was assessed at €4.248 million.

<sup>10</sup> As at 9 May 2016, the compensation events approved by the Project Manager (Brink) amounted to €23.75 million. They can be broken down as follows: €21.6 million (€23.6 million- €2.7 million for the MFA subsidy) in the budget entitled "Risk" + €3.6 million in the transition budget entitled "equipment", - €3.5 million in the budget entitled "AV". The compensation events under negotiation amount to €700,000, namely a total of €24.45 million.

<sup>11</sup> The total budget variance under the agreement being negotiated with Courtys is €1.75 million; €0.75 million as a result of the negotiation, plus €1 million previously reported in the worst-case scenario since December 2015 as a result of additional compensation events.

The Court's gain share can be calculated as the difference. It was assessed at €2.540 million. In light of this information, the amount to be paid to Courtys was €168.952 million, before the deduction of the amount corresponding to the delay penalty of €0.600 million was applied.

32. Compensation events are events engendering additional costs not attributable to fault on the part of the construction company, for which the latter may request compensation. If the Project Manager approves the request, the guaranteed maximum price is increased by the same amount.

33. Every time an unforeseen event appeared with regard to the construction works, the project manager and the constructor decided on the cost of the additional incident. This approach was provided for in the NEC 3 contract. All the risks associated with the construction project were allocated to the contingency reserve line and managed in accordance with the protocol for managing compensation events provided for in the NEC 3 contract.

34. The contractual definition of a compensation event (CE) is set out in clauses 61 to 65 of the NEC 3 2005 model contract, to which the contract signed by the ICC and Courtys refers. Compensation events are negative events which do not arise from the Contractor's fault. They entitle the Contractor to be compensated for any effect the event has on the Prices and the Completion Date. The compensation often takes the form of an additional payment and also an extension to the deadline for the completion of the work.

35. The chosen classification used in the Project Manager's working documents to monitor compensation events again lists additional categories compared to the classification initially decided upon when the Project Director's Office gave presentations to the Oversight Committee. It includes other categories such as "other budget", "provisional sum", "IT" and "security".

36. As at 9 May 2016, 540 applications for compensation had been submitted by Courtys, 504 of which had been accepted by the project manager, 35 had been rejected and one was awaiting resolution. A number of negotiations were underway with Courtys regarding two compensation events which were initially rejected and one event which was renegotiated. The CE approved by Brink therefore stood at €23.75 million<sup>12</sup> and those under negotiation stood at €0.7 million.

**Table 4: Variations in the number of compensation events between 31 December 2015 and 9 May 2016 (€ thousand)**

	<i>31/12/2015</i>	<i>09/05/2016</i>	<i>Difference</i>	
CE in existence as at 31/12/2015	23,011	23,011	0	(a)
Variations in CE	69	48	- 21	(b)
New CE	0	693	+ 693	(c)
CE under negotiation	0	700	+ 700	(d)
Total	23,080	24,452	+ 1,372	

Source: External Auditor based on data supplied by Brink

(a) 408 applications for compensation identified as at 31 December 2015, amounting to €23,011 thousand in total. These CE had not changed as at 9 May 2016.

(b) Nine compensation events, with the amounts decreasing between 31 December 2015 and 9 May 2016, from €69 thousand to €48 thousand.

(c) Adjustments were required during the move in December 2015. This led to new CE. They involved AV-related work, fire safety arrangements and additional security

<sup>12</sup> The total amount of compensation events stands at €24.45 million (€23.75 million approved + €0.7 million under negotiation).



installations. 31 new CE were recorded between 31 December 2015 and 9 May 2016. The total amount of these CE as at 9 May 2016 stood at €693 thousand.

(d) Total for the three compensation events currently under negotiation as at 9 May 2016 for an amount of €700 thousand.

### *1.2.1 Verification of the new compensation events*

37. The Oversight Committee and the Project Director agreed on a new procedure for the management of the Project Reserve in June 2014. The Committee decided to establish a threshold of €150,000 for aspects requiring its approval, and that any issue involving costs associated with the States Parties' representational features and total cost of ownership investment would also require the Committee's approval regardless of cost.

38. The External Auditor carried out inspections to ensure that this procedure had been complied with. The sample checked represented over 78 per cent in terms of value. They found that the total amounts of the new compensation events selected were less than €150,000 and that therefore no application for approval from the Oversight Committee was required for these new CE.

39. The External Auditor observed no anomalies in terms of compliance with the decision-making process and concluded that the procedure for the new CE set by the project governance was being adhered to on the basis of these findings.

### *1.2.2 Verification of the inspections carried out by the Project Manager*

40. In its report of 18 March 2016<sup>13</sup>, the External Auditor recommended that the Project Manager should be more demanding with regard to expenditure control in future. In accordance with clauses 52.2 and 52.3 of the NEC 3 contract, the Project Manager should conduct an audit of the invoices issued by Courtys for the duration of the project, by carrying out sampling which is sufficiently broad and varied. This work is specifically provided for by those clauses of the contract which stipulate (52.2) that the constructor shall retain evidence of payments made and (52.3) that the Project Manager may inspect the accounts and records held by the constructor at any time..

41. The External Auditor examined the outcome of the inspection by Brink of the invoices submitted by Courtys for the current audit, which was carried out at Courtys' premises from 23 to 30 May by the Project Manager (Brink) in accordance with the stipulations of the NEC 3 contract, assisted by the financial controller of the Project Director's Office. The total cost of the project when the inspection was carried out stood at €161.7 million. The share for sub-contractors was estimated at €129.9 million. The inspection team led by the Project Manager inspected the records of eight sub-contractors. The sub-contractors represent approximately €85.1 million in contractual value, of which €84.2 million had already been invoiced to Courtys. The objective was to check whether 1,042 invoices out of a total of 3,976 invoices genuinely existed and that they were correctly recorded and paid. A sample of 613 invoices from the total of 1,042 invoices were checked.

42. The External Auditor did not note any anomalies and is of the view that the recommendation may be deemed to have been implemented.

## **2. Funding the real estate transaction**

43. The construction project is funded by the host State, the States Parties and the annual budget of the Court.<sup>14</sup>

44. The host State funded the architecture competition, the preparatory works and decontamination involving the site made available to the Court, a subsidy on the loan and an additional contribution to bridge the gap created by the application of the formula for the

<sup>13</sup> External auditors' report ICC-2015-4, § 110 and 111.

<sup>14</sup> External auditors' report ICC-2015-4, paras. 20 and 21.

calculation of one-time payments. The Member States could opt, by 31 December 2014, for one of two ways of making their contribution to the project: a) either to make a one-time payment (OTP), initially by 15 June 2015, a deadline which was pushed back until 29 June 2016 at the latest;<sup>15</sup> or b) to contribute to the repayment of a loan granted by the host State. The balance is funded by the surplus of the Court's 2012 annual budget and by a reduction in its approved reserve levels.

45. The host State loan is for a maximum amount of €200 million, over 30 years, at an annual interest rate of 2.5 per cent, with capital and interest repayable by the Court using contributions from States Parties. If the loan of €200 million is only partially used, the host State undertakes to reduce the amount of the loan to be repaid by an amount equal to 17.5 per cent of its unused part.

46. The conditions of the agreement for the loan from the host State stipulate that interest is payable annually, as of the time of the first utilization of the loan and that the repayment of the loan, by regular annual payments, will commence after expiration of the existing or future leases of the interim premises. In theory, they do not preclude the possibility of the loan being repaid in advance.

47. The loan was first utilized in 2013. Whilst awaiting the payment of one-time payments from States Parties that had opted to do so, the use of the loan enabled the necessary cash flow for payments to suppliers. As a result of one-time payments received, an early repayment of the host State loan for an amount of €2,003 thousand was made in May 2016. On 31 May 2016, the amount funded by the loan was estimated to be €72,426 thousand.

48. The States Parties were able to opt for the one-time payment option (OTP) until 31 December 2014. Following a recommendation by the External Auditor (report ICC-2015-2), payments were to be made no later than 29 June 2016. The States Parties which had opted for a one-time payment had paid €94,494,001 to the Court by the end of May 2016, €1,849,015 of which were overpayments. The overpayments would not be returned to the States Parties which had made them but would offset future contributions due by the same States Parties against the long-term capital replacement costs.<sup>16</sup> The net contribution of the States Parties which had opted for a one-time payment therefore stands at €96,111 thousand. Thirteen States Parties had yet to pay their contributions, a total amount of €338,419 by 29 June 2016. If the payments are not made within this deadline, the amounts in question will be funded by the loan from the host State and the States concerned will lose the benefit of the subsidy as a result.

49. A memorandum was signed on 15 December 2015 between the host State and the Court, pursuant to the ASP resolution adopted at its session in November 2015,<sup>17</sup> whereby the host State undertakes to pay €3.5 million to the Court to avoid that an error which was made when calculating the amounts owed by States Parties which had opted for one-time payments would result in efforts to recover an amount of €3,127,102 from States Parties. The balance of the additional host State contribution not used for this purpose would be used to subsidize States Parties which did not opt for a one-time payment.

50. Given this additional contribution by the host State, its contribution to the funding of the construction project would stand at €22,134,416 assuming that all States Parties would pay their full contributions by 29 June 2016. The evaluation made at the end of May 2016 will need to be adjusted if the above assumption fails to materialize.

51. The contribution of €22,134,416 is broken down into a subsidy of 17.5 per cent of the one-time payments, i.e., a total of €16,2715 million; a subsidy of 17.5 per cent of the €10 million unutilized loan, i.e., an amount of €1.750 million; an additional voluntary contribution of €3.5 million and an additional subsidy of 17.5 per cent on the additional contribution, i.e., €612,500, with €65,257 benefiting States Parties which did not opt for a one-time payment. This assessment of the host State's contribution to the funding of the

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<sup>15</sup> ICC-ASP/14/Res.5, para. 43.

<sup>16</sup> ICC-ASP/14/Res.5.

<sup>17</sup> ICC-ASP/14/Res.5.

construction project does not include either the cost of organizing the architecture competition or the cost of providing the decontaminated land, which it also funded.

52. These funding arrangements are only used to finance the €190 million budget initially approved by the ASP. Budget increases decided upon during the course of the project are financed under different arrangements, excluding any additional contributions from the States Parties.

53. The ASP approved the use of the budget surplus<sup>18</sup> for the Court's financial years 2012 to 2014 and the use of specific funds. As at 31 December 2015, only the surplus from 2012, i.e., €4.47 million, had materialized. The 2013 financial period did not generate a surplus and the surplus associated with the 2014 financial period, which amounts to €95 thousand, is negligible.

54. The budget increase of €4.3 million agreed by the ASP in December 2014 (Resolution ICC-ASP/13/Res.2) was not funded.<sup>19</sup> Then, the ASP decided in resolution ICC-ASP/13/Res.6, adopted in June 2015, that the €4.3 million approved in December 2014 would be funded through any additional surplus pertaining to the 2014 and following financial periods. The budget increase of €4 million decided upon by the ASP in June 2015 (ICC-ASP/13/Res.6) would be financed by the authorisation to use funds earmarked for Employee Benefit Liabilities (EBL), and also the Working Capital Fund (WCF). In practice, the EBL and the WCF are making up for the lack of surpluses in 2013 and 2014, and therefore providing the funding needed for the difference between €194.47 and €204 million.

*The External Auditor has already had the opportunity to emphasize the fragile nature of the funding arrangements for the permanent premises project in its special report on cash reserves and we reiterate this point here.<sup>20</sup> Drawing on the reserves of the Court affects the Working Capital Fund and reduces it to a level which risks being lower than needed to fund its day-to-day operations.*

55. As at 31 May 2016, the Employee Benefit Liabilities (EBL) fund had been used to partially fund budget increases but not yet the Working Capital Fund (WCF).

56. The difference between the final cost of the construction project, which was not known on completion of the audit but estimated at €205.75 million, and the budget agreed and funded under the arrangements set out above, i.e., €204 million, i.e. €1.75 million would be financed by the Court's ordinary budget for the 2016 financial period, of which no more than 98.5 per cent was likely to be used according to the implementation rates of previous years. The Registrar confirmed to the External Auditor that these funding arrangements were being considered, after the three Principals of the Court had received, on 9 March 2016, a letter from the Oversight Committee stating that the Court shall be responsible for absorbing the cost overrun above €204 million within its regular budget and agreed to it.

57. The loan and interest accrued will be repaid between 2017 and 2047. Only those States Parties which did not opt for a full one-time payment or which did not effect full payment by 29 June 2016 will be liable for payment. The final amount for these costs depends in particular on the total cost of the construction project, and the number of States Parties which opted for a one-time payment and had actually paid their contribution by 29 June 2016.

58. The loan agreement provides that the total amount of the loan will be determined jointly by the host State and the Court at the date on which the temporary housing of the

<sup>18</sup> ICC-ASP/14/Res.1.

<sup>19</sup> The previous year the ASP had decided to fund transition costs up to €5.7 million with the appropriation of the surplus pertaining to the financial years 2012 to 2014. The 2012 surplus was transferred to the project in an amount of €4.47 million, leaving €1.3 million in transition costs without financing as there was no surplus in 2013 and only 95 thousand in 2014.

<sup>20</sup> Report ICC-2015-6, paras. 52, 54 and 148.

Court at Maanweg 174 and/or Saturnusstraat 9 in The Hague expire, i.e., 30 June 2016.<sup>21</sup> The External Auditor was therefore unable to verify the final amount of the loan.

### 3. General operating expenses, maintenance and capital replacement costs

59. The Court is responsible for the maintenance and renovation costs for the buildings (including all internal installations) and for the sites. The same applies to operational costs (catering, cleaning, security, etc.). Adequate provisions to cover these costs must be provided for in the Court's general budget.

60. On 21 November 2012, the ASP endorsed the decision of the Oversight Committee, to set up a working group chaired by the Project Director to further examine how the total cost of ownership of the permanent premises was met. The working group met 13 times between April 2013 and March 2015 and it produced studies outlining operational and maintenance costs and also the cost of capital replacements to operate the equipment and maintain its value.

61. The working group chaired by the Project Director had suggested establishing a specific fund for capital replacement. The Oversight Committee examined these proposals in light of the need to preserve the value of the premises and their functionality and also the financial resources that the States Parties might be prepared to approve to organize and fund long-term investment and maintenance processes. It proposed solutions to the ASP in this regard at its 14<sup>th</sup> session.

62. In November 2015, the ASP approved the use of a Main Contractor model for maintenance and decided that cost estimates for capital replacements would be examined during 2017 to 2019; to that end a study would be commissioned from the future committee to be set up to monitor the permanent premises.<sup>22</sup>

63. The ASP also decided that no cost for capital replacement would be considered during the first ten years of operation, i.e., until 2026. An analysis of the budget resources (assessed contributions) or other financial instruments (including loans) to ensure the capital replacement would be carried out, for the period 2017 to 2019.<sup>23</sup> However the ASP decided that the funds corresponding to overpayments by the States Parties which had opted for a one-time payment, totalling €1,849,015, shall offset future contributions due by the same States Parties against the long-term capital replacement costs.

64. The External Auditor noted that postponing the scrutiny of cost estimates for capital replacement from 2017 to 2019 would not allow the ASP to benefit from the technical and financial expertise or feedback from the Project Manager which supported the Project Director during the construction phase of the permanent premises, unless hired back again. The Project Manager's contract ends in October 2016. Furthermore, the Project Director's Office (PDO) will have been discontinued by then and will no longer be available to present and put these estimates in context.

65. The decision which doesn't provide capital renewal for the first ten years of operation, until 2026, is unrealistic: it does not take into account the initial renewals already foreseen by the Project Director's Office, in years six (€1 million) and nine (€4.2 million) or any contingencies.

66. In its previous reports,<sup>24</sup> the External Auditor drew the attention of the Court to the "unplanned" risks of the mirror pond, the green wall over the "architectural-steel grid" and a potential future requirement for compliance with HEQ (high environmental quality) standards, and the PDO carried out a risk analysis. It is highly likely that the costs associated with preventing these risks will need to be borne by the Court before 2026, as is

<sup>21</sup> See Article 1(1.1) of the loan agreement of 20 March 2009 concluded by the host State and the Court: 'Expiry date: the date on which the present or future rental agreement of the Court concerning the present temporary housing at Maanweg 174 and/or Saturnusstraat 9 in The Hague expires.'

<sup>22</sup> ICC-ASP/14/Res.5.

<sup>23</sup> ICC-ASP/14/ Res.5, paras. 67 (c) and (d).

<sup>24</sup> External auditors' report ICC-2014-2.

already apparent with the problems associated with cleaning and maintaining the mirror pond.

67. If urgent repairs have to be made, the ASP plans to fund unplanned capital replacement with the reserves of the Court.<sup>25</sup> This is not a satisfactory solution in the present case since the Court's Working Capital Fund has already been heavily utilized. *The working capital fund, which is already insufficient as it stands, cannot be used until it has been built up again to a satisfactory prudential level.*

68. The Court now owns its permanent premises and must therefore act in the same way as an owner who wishes to maintain his asset in a good condition, by wise and anticipatory management of its capital. The States Parties, having decided to become owners of the new permanent premises must now take on the responsibilities of ownership.

**Recommendation No. 1.** The External Auditor recommends that at its next session, or as soon as possible in 2017, the Assembly review the cost estimate of capital replacement and implement a funding solution which does not jeopardize the prudential level of the Working Capital Fund.

## VI. Management of the permanent premises project

### 1. Project governance

69. Governance of the project is defined by various Assembly resolutions.<sup>26</sup> It rests primarily with the Oversight Committee, a subsidiary organ of the Assembly of States Parties and responsible for strategic oversight, and with the Project Director, who is responsible for the project's day-to-day management.

#### 1.1. Project Director's Office

70. With responsibility for the project's day-to-day management, the Project Director's Office was established at the Sixth Session of the ASP in December 2007. Mr. Neil Bradley was appointed Project Director in June 2011. He resigned his post on 27 May 2015, with effect from 3 July 2015. The Oversight Committee organized a competitive recruitment procedure, and the new Project Director, Mr. Kenneth Jeavons, took up office on 11 August 2015, departing on 29 February 2016 and being replaced on a part-time basis, with effect from 21 March 2016, by Mr. Philip Dubbeling. Mr. Dubbeling's contract runs to end September 2016.

71. After the conclusion of the construction project and of the transition programme, the project management's staff have been re-assigned to administrative work relating to confirmation of the loan granted by the host State, to verification of payment of Member States' contributions and of suppliers' invoices, to the follow up on the correction of defects by Courtys, in particular in relation to security systems, to the finalization of negotiations on maintenance between Courtys and the Court, to the settlement of potential disputes with the contractors involved in the construction project and the transition programme, and to the project's closure and formal discharge as well as to financial reporting to the Oversight Committee. In order to transfer the project's operational memory to the Court's permanent teams, weekly or special meetings were organized during the first half of 2016 between the Project Director's Office and the sections and units responsible for management of the various elements of the permanent premises: security, general services, facilities management, etc.<sup>27</sup>

72. The Project Director's administrative assistant and the financial controller of the Project applied for and were successful, after interviews, in gaining new positions in other Court departments with effect from 1 and 10 June 2016 respectively. The Deputy Director's (Senior Legal and Policy Adviser) contract was extended until the end of November 2016.

<sup>25</sup> Resolution ICC-ASP/14/Res.5, para. 67 (e).

<sup>26</sup> ICC-ASP/6/Res.1.

<sup>27</sup> SSS, GSS/FMU, IMSS, CMS and PIOS.

73. In view of the fact that the Oversight Committee is required to submit a report to the Assembly, the External Auditor considers that the Project Director's part-time contract should be extended until the Assembly's next session, scheduled for November 2016. The Director's Office, which has already been marked by significant staff turnover, should then be in a position to provide the Oversight Committee with the necessary data to enable the Assembly to put an end to the project and the Project Director's Office, and grant the Project Director final discharge in respect of his management.

**Recommendation No. 2.** The External Auditor recommends that the Oversight Committee approve the extension of the Project Director's contract until after the next session of the Assembly of States Parties.

## 1.2. Project management

74. The Project Director's Office is responsible for the management of the project,<sup>28</sup> and is supported by a company specializing in project- management assistance (Brink Groep).

75. Under a series of amendments and addenda to the initial management contract, Brink Groep were given responsibilities greater than those normally accorded to an assistant project manager.<sup>29</sup> This has compensated in part the insufficient structure in the Project Director's Office and its high staff turnover and increased the original provision for the cost of project-management assistance. The initial fixed cost (€2.7 million) has been increased by a further fixed cost (€0.4 million), as well as by a variable item (€4.3 million). The total cost of Brink's services amounts to €7.4 million. Services delivered by Brink was further more a delegation of project owner to assistance to project ownership, justifying the cost.

76. Under the terms of the NEC3 contract, a Brink representative was appointed Project Manager, with formal sole responsibility for committal of expenses covering the original contract price (€147 million) and the final cost (€171 million) before deductions under the cost-sharing mechanism for compensation events.

77. The External Auditor's Special Report of 2016<sup>30</sup> noted that the decisional process in relation to expenditure commitments was insufficiently documented.

78. The Project Manager is also responsible for identifying defects in the premises and equipment ('snagging') and arranging for their rectification by end October. The period for the identification of defects ('snagging period') is 52 weeks from the date of completion of the works (30 October 2015), and thus terminates on 30 October 2016. An amount of €737,500 has been retained out of the payments due to the contractor as security for the rectification of all defects. This retention, or the relevant balance, is due to be paid to the contractor during the month of October 2016.

79. Under articles 52.2 et 52.3 of the NEC 3 contract, the project manager was required to audit the invoices presented by Courtys throughout the contract period, by means of extensive, broad-based sampling.

80. The External Auditor has verified the inspection conducted by the Project Manager on the invoices presented by Courtys, and has detected no anomalies.<sup>31</sup> However, he was unable to check the final settlement between the Court and Courtys, since, at the time of his mission, this had not yet been formally agreed; nor was he able to check whether all construction defects had been fully rectified since the defects correction period will finalize at the end of October 2016. The Project Director's Office will need to exercise vigilance in this regard before transferring the balance of the €737, 500 retention to Courtys.

<sup>28</sup> The mandate of the Project Director's Office is to ensure that the permanent premises of the Court are built on time, within cost and to specifications and quality. The Project Director shall have the final responsibility for the overall management of the project and shall be responsible for meeting the project's goals, timelines and costs and quality requirements (ICC-ASP/6/Res.1).

<sup>29</sup> The task of an assistant project manager is to assist the project manager in defining, directing and administering the director's project. The assistant provides advice and makes proposals, power of decision remaining with the director. The project manager facilitates project coordination, and enables the project director to fulfill his management obligations by providing him with assistance.

<sup>30</sup> Special Report of the External Auditor, ICC-2015-4, paras.110 and 111.

<sup>31</sup> See above.

**Recommendation No. 3.** The External Auditor recommends that the Project Director's Office ensure, through the Project Manager, that the correction of all the construction defects is verified.

### 1.3. The Oversight Committee

81. The Permanent Premises Oversight Committee was established by a resolution adopted by the Assembly in December 2007 (ICC-ASP/6/Res.1) as a temporary subsidiary body of the ASP until the project's final completion. The Assembly elects the 10 members of the Committee from among States Parties for a renewable term of two years. The Committee's role is to exercise strategic control in the construction, on behalf of the Assembly of States Parties. While the project's day-to-day management is the responsibility of the Project Director.

82. While the Oversight Committee's mandate provides that it should meet at least four times a year, in reality it has met far more often: on average, more than once a month. Meeting so often has enabled the Committee to exercise regular oversight and supervision of the project. The Committee has not confined itself to strategic control. It has also intervened in operational matters which might also be regarded as falling within the Project Director's remit. Its Chair has carried out certain management activities, such as, for example, signing some of the Project Directors' employment contracts.

83. The permanent premises were completed on 30 October 2015, then handed over to the Court on 2 November 2015. The project's accounts are due to be closed during the financial year 2016. Once the Oversight Committee — which is a temporary body — has terminated its mission, its continued existence cannot be justified under the terms of the resolution adopted by the Assembly in December 2007 (ICC-ASP/6/Res.1).

84. In November 2015, the Assembly of States Parties invited the Oversight Committee to pursue discussions on the establishment of a new governance structure for the permanent premises, and to report back to the Assembly's fifteenth session. It was agreed that, if, by the close of the fifteenth session, no decision had been taken on the establishment of a new governance structure, the mandate of the Oversight Committee would be extended (resolution ICC-ASP / 14 / Res.5, paras. 58 and 59).

85. A possible solution would be to transfer oversight of management of the premises, in particular regarding capital replacements, to the Committee on Budget and Finance, or, possibly, to a specially created sub-committee of that Committee.

86. The Committee on Budget and Finance (CBF) was established by the Assembly of States Parties in 2002, under resolution ICC-ASP/1/Res.4. The CBF is composed of 12 members elected by the Assembly. Under the terms of its founding resolution, the Committee meets as often as needed, and at least once a year. In point of fact it has generally met twice a year, in April and August.

87. The CBF is responsible for technical examination of all proposals to the Assembly with potential financial or budgetary consequences, or of any other question of a financial, budgetary or administrative nature entrusted to it by the Assembly. These have included consideration of interim reports on the Permanent Premises Project submitted by the Oversight Committee, as well as advice to the Assembly on the Project's financial impact. Apart from the Oversight Committee, the CBF is best informed in regard to the operational and financial issues involved in the design and construction of the permanent premises. It should therefore be well placed to oversee matters in relation to the premises with budgetary or financial impact for the Assembly, such as maintenance and capital replacements.

88. In light of the issues involved in the operation and maintenance of the permanent premises, the CBF might appreciate the opportunity of establishing a sub-committee responsible for the oversight of these matters. The creation of this sub-committee could be linked to the creation and funding of a capital replacement reserve.

**Recommendation No. 4.** The External Auditor recommends that the Assembly of States Parties terminate the mandate of the Oversight Committee, after discharging the Project Director's Office of its responsibility, and entrust oversight of the budgetary and financial

aspects relating to the permanent premises' maintenance and capital replacements to the Committee on Budget and Finance.

## 2. Facilities management and safety and security

### 2.1. Facilities management

89. On handover of the permanent premises, the Facilities Management Unit (FMU) of the General Services Section (GSS) assumed full responsibility for their corrective and preventive maintenance.

90. The Assembly has decided that maintenance of the premises will, initially and for the first ten years from 2018, be organized on an outsourcing basis, with responsibility being entrusted to a single contractor (the 'main contractor').<sup>32</sup> The Court must now assume its responsibilities as building owner, and be in a position to ensure effective maintenance, not only corrective, but also preventive, so as to achieve economies and efficiency gains.

91. An addendum has been proposed to the contract with Courtys, the construction company, which would make it responsible for maintenance services, both supplementing (from 1 September 2015 to 30 October 2016) and extending (from 1 November 2016 to 31 December 2017) its current maintenance services under the construction contract. This addendum, which had been authorized in by the Assembly of States Parties at its December 2014 session, had still not been signed at end May 2016, seven months after handover of the building due to priority having been given by Courtys and the Project Manager to other urgent matters such as solving a large amount of defects that frustrated the day-to-day operation of the Court. During the intervening period only the warranted maintenance was carried out as well as other critical maintenance works. Other necessary maintenance tasks were not performed in time. For instance, the maintenance of the mirror pond started only in May, even though the specific risks associated with that feature had been emphasized by the External Auditor.<sup>33</sup>

92. The importance of cleaning and maintenance works on the pond, and hence of their respective costs, were under-estimated, for instance as regards the not foreseen presence of seagulls.<sup>34</sup>

93. An alternative to the installation of sophisticated cleansing techniques, or the use of toxic chemicals, would be to treat the water in the pond by 'lagooning', that is by introducing bacteria, plankton, algae and aquatic plants, thus establishing a biological filter system for the water. This is a technique derived from purification processes for domestic and industrial water.

**Recommendation No. 5.** The External Auditor recommends that the Court enter as soon as possible into the contractual addendum authorized by the Assembly in December 2014, entrusting Courtys with maintenance services additional to those under the construction contract, and up to 31 December 2017.

94. A global maintenance contract needs to be signed during financial year 2017, to take effect on 1 January 2018. It should specifically focus on the results to be achieved, rather than on the activities to be performed. Drafting of this contract, with the assistance of the Project Manager (Brink Groep) had still not begun by end May 2016, but was due to commence in June 2016 and to be concluded before closure of Brink's mission, scheduled for end October 2016. In view of the contract's global nature, a more formal approach to maintenance requirements is needed, and hence to management of the contract. This requires a properly organized and methodical approach, downplaying corrective maintenance and focusing on preventive measures, with differential treatment being applied

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<sup>32</sup> ICC-ASP/14/Res.5.

<sup>33</sup> Report of the External Auditor, ICC-2014-2.

<sup>34</sup> The pond has proved very attractive to seagulls, which are protected under Dutch law, and they have become a major nuisance. The accumulation of droppings in the pond has rapidly caused saturation of the filter system and led to costly clean-up operations not provided for in the 2016 budget.



to the various zones of the permanent premises, according to their vulnerabilities in light of the Court's core mission.

95. Implementation of this contract will change the nature of the tasks and activities of the Facilities Management Unit (FMU). While an urgent intervention team can be maintained, the Unit's essential mission will be to manage the contract in such a way that the expected results are actually achieved. Systematic and random checks on the condition of the facilities must be organized, and their results may, where necessary, lead the Unit to demand that the contractor selected provide the requisite level of service. A monthly log should be kept, enabling checks and corrective measures to be tracked.

96. The FMU's new responsibilities will need not only a reorganization and the exercise of new professional skills, but also the transformation of today's 'action culture' into the 'control culture' required in order to operate a global maintenance contract.

**Recommendation No. 6.** The External Auditor recommends that the Registrar send a letter of engagement to the future Head of the Facilities Management Unit (FMU), setting set out the new tasks and activities entrusted to the Unit since the transfer of ownership of the permanent premises.

## 2.2. Safety and Security

97. The Safety and Security Section has full responsibility for security of the premises and access thereto. The Section was much in demand during the project (numerous changes were decided regarding safety and security of the premises) and during the transition.

98. Many construction defects, in particular, were related to inadequate integration of security systems. According to the Safety and Security Section, the defects thus identified were not remedied quickly enough by the Project Director's Office, the Project Manager (Brink Groep), or the contractor (Courtys). They monopolized the Section's attention and resources through the first half of the year. They must in any event be remedied by Courtys by end October 2016.

99. As a result, the Safety and Security Section has had no opportunity to organize evacuation exercises from the permanent premises. Over and above the requirements of Dutch legislation, there are a number of risks that may require the evacuation of staff and other building users: fire, leaks or spillage of hazardous material, or emission of a toxic gas, electrical power failure, threat or risk of explosion, armed attacks, natural events such as storms or earthquakes. It would have been a matter of good management to organize an evacuation exercise within three months from the move.

100. To provide staff with fire training and to check alarm systems, regular evacuation exercises must be organized on the initiative of the Court and carried out by the Safety and Security Section. Such exercises enable staff to familiarize themselves with alarm systems, emergency exits and assembly points. They enable the clarity and effectiveness of security procedures to be checked and highlight any existing problems (for example, locations where bottlenecks can occur in the event of evacuation, and those where alternative routes should be provided).

101. In light of the safety and security risks specific to the Court, these exercises should be conducted in close cooperation with the police and emergency services of the host State, and/or those of the local authorities.

**Recommendation No. 7.** The External Auditor recommends that the Safety and Security Section, in close cooperation with the host State police and emergency services, organize as soon as possible the evacuation exercises prescribed under the law of the host State.

## 3. User satisfaction

102. The building users interviewed by the external audit team expressed great satisfaction, both with the organization of the move and with the location, landscaping, aesthetics, functionalities and amenities of the permanent premises. They also noted a certain number of issues, attributable to: (1) constructional defects in process of

rectification by the contractor; (2) minor incidents associated with the move; (3) building ‘teething troubles’; (4) necessary modifications to inadequately designed or defined programmes; (5) users’ new or existing desiderata not being taken into account in the building’s functional specification.

103. These issues need to be identified, analyzed and managed in such a way that they are either remedied, contained, or accepted as such. Solutions will be conditioned by budgetary constraints. Any corrective measures for which the Court is responsible should be programmed over several years, so as not to impose an excessive burden on the annual budget. They must not become a charge on the premises’ maintenance budget.

104. In order to determine objectively the level of satisfaction among the various categories of permanent premises users (visitors, journalists, counsels, parties to proceedings and Court staff), and to identify issues needing to be addressed and managed, the Court should organize a satisfaction survey during the second half of 2016, and once a year subsequently. The survey results will serve as a basis for an action plan, as well as allowing for the possible inclusion of corrective measures in future Court budgets.

**Recommendation No. 8.** The External Auditor recommends that the Registrar carry out a satisfaction survey among permanent premises users during the second half of 2016 and once a year subsequently.

105. Certain issues reported to the External Auditor require not so much remedial work on the items concerned as proper user training. This is the case for many electronic devices, or those operated by an electronic interface, such as access and air-conditioning systems for offices and meeting rooms, as well as audio-visual management and security systems. While not necessarily going so far as to organize formal ‘classroom’ training sessions on these various topics, the Safety and Security Section and the General Services Section might design learning tools, aimed at preventing problems of this sort, and post them on the Court’s Intranet site.

**Recommendation No. 9.** The External Auditor recommends that the Registrar provide permanent premises users with learning tools appropriate to the premises functionalities and limitations.

## VII. Acknowledgements

106. The External Auditor and his team would like to express their special thanks to all of those at the International Criminal Court with whom they were in contact, starting with the institution’s most senior representatives. They are particularly grateful to the Director of the Permanent Premises Project, Mr. Philip Dubbeling, and to his deputy, Mr. Juan Escudero, for the warmth of their welcome, their readiness to give us their time, and the very effective mission support which they provided. The External Auditor likewise thanks the Registrar of the Court, Mr. Herman von Hebel, as well as Registry staff, for their cooperation and for their helpful responses to the team’s questions.

*End of audit observations.*

## 2. Financial statements of the Trust Fund for Victims for the year ended 31 December 2015\*

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\* Previously issued as ICC-ASP/15/13.

## Letter of transmittal

13 June 2016

In accordance with Financial Regulation 11.1 the Registrar shall submit to the Auditor accounts for the financial period. I have the honour of submitting the financial statements of the Trust Fund for Victims for the financial period 1 January to 31 December 2015.

Herman von Hebel  
Registrar

Richard Bellin  
External Audit Director  
Cour des Comptes,  
13 rue Cambon,  
75100 Paris Cedex 01  
France

## Letter to the Registrar

13 June 2016

Dear Mr Registrar,

Pursuant to Regulation 77(b) of the Regulations of the Trust Fund for Victims, the Board of Directors must submit the accounts and the financial statements of the Trust Fund for Victims for review by the External Auditor.

I would be grateful if you would sign the Letter of Transmittal to the External Auditor.

Respectfully yours

Motoo Noguchi,  
Chair, Board of Directors of the Trust Fund for Victims

## Certification of Financial Statements

13 June 2016

The financial statements and supporting notes are approved.

Motoo Noguchi,  
Chair, Board of Directors of the Trust Fund for Victims

## Independent auditor's opinion

We have audited the Financial Statements of The Trust Fund for Victims (TFV), for the 12 month period ended 31 December 2015. These financial statements include a Statement of Financial Position as at 31 December 2015, a Statement of Financial Performance, a Statement of Changes in Net Assets, a Statement of Cash Flows, a Statement of Comparison of Budget and Actual Amounts and Notes including a summary of the accounting principles and other information.

By virtue of Part IV, paragraph 77 of the Regulations of the Trust Fund for Victims, the Board of Directors is responsible for preparing and presenting the financial statements of The Trust Fund for Victims. These statements are in conformity with the International Public Sector Accounting Standards (IPSAS). This responsibility includes the design, implementation and monitoring of internal control procedures to ensure the preparation and the fair presentation of financial statements, free of significant misstatements, resulting either from frauds or errors. This responsibility also includes the determination of fair accounting estimates adapted to the circumstances.

Our responsibility is to express an opinion on these financial statements based on our audit. We have conducted our audit in accordance with the International Standards on Auditing (ISA). These Standards require us to comply with the ethical rules and to plan and perform our audit in order to obtain a reasonable assurance that the financial statements are free from material misstatements.

An audit consists in implementing audit procedures in order to collect audit evidence regarding the amounts and the information presented in the financial statements. The design of the audit procedures is based on the external auditor's professional judgment, as well as the risk evaluation that the financial statements include significant misstatements, resulting either from frauds or errors. In the context of this risk evaluation, the auditor considers the internal control in place for the preparation and presentation of the financial statements, in order to design appropriate audit procedures and not in order to express any opinion on the internal control. An audit also consists in evaluating that the accounting method applied and the presentation of the financial statements are appropriate and that the significant accounting estimates are reasonable.

We believe that the audit evidence collected is sufficient and appropriate to constitute a reasonable basis for our opinion.

Based on our audit, the financial statements give a fair view of the financial position of the Trust Fund for Victims as at 31 December 2015, as well as the financial performance, the changes in net assets, the cash flow and the comparison of budget and actual amounts for the 12 month period ending 31 December 2015 in conformity with the IPSAS.

*(Signed)*  
Didier Migaud

## Statement I

### Trust Fund for Victims Statement of financial position as at 31 December 2015 (in thousands of euros)

	<i>Note</i>	<i>2015</i>	<i>2014</i>
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	3	13,186	6,407
Time deposits	4	-	5,473
Prepayments and other current assets	5	533	454
Receivables from the Court	6	154	249
<i>Total current assets</i>		<i>13,873</i>	<i>12,583</i>
<b>Non-current assets</b>			
Receivables from the Court	6	49	154
<i>Total non-current assets</i>		<i>49</i>	<i>154</i>
<b>Total assets</b>		<b>13,922</b>	<b>12,737</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Accounts payable	7	-	62
Deferred revenue and accrued expenses	8	-	37
<i>Total current liabilities</i>		<i>-</i>	<i>99</i>
<b>Total liabilities</b>		<b>-</b>	<b>99</b>
<b>Net assets/equity</b>	9	<b>13,922</b>	<b>12,638</b>
<b>Total liabilities and net assets/equity</b>		<b>13,922</b>	<b>12,737</b>

The accompanying notes form an integral part of these financial statements.

## Statement II

### Trust Fund for Victims Statement of financial performance for the year ended 31 December 2015 (in thousands of euros)

	<i>Note</i>	<i>2015</i>	<i>2014</i>
<b>Revenue</b>			
Assessed contributions	10	1,816	1,586
Voluntary contributions	10	2,943	5,027
Financial revenue	10	94	110
<i>Total revenue</i>		<i>4,853</i>	<i>6,723</i>
<b>Expenses</b>			
Regular administrative expenses		1,766	1,433
Programme expenses		1,554	1,324
<i>Total expenses</i>	11	<i>3,320</i>	<i>2,757</i>
<b>Surplus/(deficit) for the period</b>		<b>1,533</b>	<b>3,966</b>

The accompanying notes form an integral part of these financial statements

## Statement III

### Trust Fund for Victims Statement of changes in net assets/equity for the year ended 31 December 2015 (in thousands of euros)

	<i>General Fund</i>	<i>Other funds</i>	<i>Reparation Reserve</i>	<i>Total Net Assets/equity</i>
<b>Opening balance as at 1 January 2014</b>	<b>392</b>	<b>5,823</b>	<b>2,600</b>	<b>8,815</b>
<b>Movement in net assets/equity in 2014</b>				
Surplus/(deficit)	154	3,812	-	3,966
Credits to States Parties/donors	(143)	-	-	(143)
Transfer to reserve	-	(1,000)	1,000	-
<i>Total movements during the year</i>	<i>11</i>	<i>2,812</i>	<i>1,000</i>	<i>3,823</i>
<b>Total net assets/equity as at 31 December 2014</b>	<b>403</b>	<b>8,635</b>	<b>3,600</b>	<b>12,638</b>
<b>Movement in net assets/equity in 2015</b>				
Surplus/(deficit)	49	1,484	-	1,533
Credits to States Parties/donors	(249)	-	-	(249)
Transfer to reserve	-	(1,200)	1,200	-
<i>Total movements during the year</i>	<i>(200)</i>	<i>284</i>	<i>1,200</i>	<i>1,191</i>
<b>Total net assets/equity as at 31 December 2015</b>	<b>203</b>	<b>8,919</b>	<b>4,800</b>	<b>13,922</b>

The accompanying notes form an integral part of these financial statements.

## Statement IV

### Trust Fund for Victims Statement of cash flows for the year ended 31 December 2015 (in thousands of euros)

	<i>2015</i>	<i>2014</i>
<b>Cash flows from operating activities</b>		
Surplus/(deficit) for the period (Statement II)	1,533	3,966
Unrealized foreign exchange differences	6	(12)
(Increase)/decrease in time deposits	5,473	(5,473)
(Increase)/decrease in receivables from the Court	200	(11)
(Increase)/decrease in prepayments and other current assets	(96)	(93)
Increase/(decrease) in accounts payable	(57)	57
Increase/(decrease) in deferred revenue and accrued expenses	(37)	37
Less: interest income	(57)	(62)
<i>Net cash flows from operating activities</i>	<i>6,965</i>	<i>(1,591)</i>
<b>Cash flows from investing activities</b>		
Plus: interest received	57	62
<i>Net cash flows from investing activities</i>	<i>57</i>	<i>62</i>
<b>Cash flows from financing activities</b>		
Credits to States Parties	(249)	(143)
<i>Net cash flows from financing activities</i>	<i>(249)</i>	<i>(143)</i>
<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>6,773</b>	<b>(1,672)</b>
Unrealized foreign exchange gains/losses on cash and cash equivalents	6	-
Cash and cash equivalents at beginning of financial period	6,407	8,079
<b>Cash and cash equivalents at 31 December (Statement I)</b>	<b>13,186</b>	<b>6,407</b>

The accompanying notes form an integral part of these financial statements.

## Statement V

### Trust Fund for Victims Statement of comparison of budget and actual amounts for the year ended 31 December 2015 (in thousands of euros)

<i>Object of expenditure*</i>	<i>Appropriation approved</i>	<i>Total expenditure</i>	<i>Total surplus</i>
<i>Staff costs</i>	740	879	(139)
General temporary assistance	524	185	339
Consultants	145	45	100
<i>Sub-total other staff</i>	<i>669</i>	<i>230</i>	<i>439</i>
Travel	213	227	(14)
Hospitality	3	3	-
Contractual services	146	189	(43)
Training	22	13	9
General operating expenses	20	-	20
Supplies and materials	3	2	1
<i>Sub-total non-staff</i>	<i>407</i>	<i>434</i>	<i>(27)</i>
<b>Total</b>	<b>1,816</b>	<b>1,543</b>	<b>273</b>

\* The budget for the Secretariat is approved as Major Programme VI of the Court's budget. The accompanying notes form an integral part of these financial statements.



## Notes to the financial statements

### 1 The Trust Fund for Victims and its objectives

#### 1.1 Reporting entity

The Trust Fund for Victims (“the Trust Fund”) was established by the Assembly of States Parties (“the Assembly”) in its resolution ICC-ASP/1/Res.6, for the benefit of victims of crimes within the jurisdiction of the International Criminal Court (“the Court”), and the families of such victims. Its primary goal is to support victims and their families to overcome harm, lead a dignified life and contribute towards reconciliation and peacebuilding within their communities.

In the annex to that resolution, the Assembly established a Board of Directors (“the Board”), which is responsible for management of the Trust Fund.

The Secretariat of the Trust Fund for Victims (“the Secretariat”) administers the Trust Fund, offers administrative support to the Board and its meetings and operates under the full authority of the Board. For administrative purposes, the Secretariat and staff are attached to the Registry of the Court and are part of the staff of the Registry and, as such, of the Court, and enjoy the same rights, duties, privileges, immunities and benefits.

By resolution ICC-ASP/4/Res.3, the Assembly adopted the Regulations of the Trust Fund for Victims, which state that the Trust Fund is a separate reporting entity. The Trust Fund and the Secretariat are controlled by the Board and are considered to be a single economic entity for financial reporting purposes. The Trust Fund and the Secretariat are referred to together as the Trust Fund.

### 2. Summary of significant accounting and financial reporting policies

#### Basis of preparation

2.1 The financial statements of the Trust Fund are maintained in accordance with the Financial Regulations and Rules of the Court, as established by the Assembly in the annex to resolution ICC-ASP/1/Res.6. The financial statements of the Trust Fund have been prepared on the accrual basis of accounting, in compliance with the International Public Sector Accounting Standards (IPSAS). These notes form an integral part of the Trust Fund’s financial statements.

2.2 *Financial period:* the financial period is one calendar year.

2.3 *Historical cost basis:* the financial statements are prepared on the historical cost basis of accounting.

#### Currency of accounts and treatment of exchange rate movements

2.4 The Trust Fund’s functional and presentation currency is the euro.

2.5 Foreign currency transactions are translated into the functional currency using the United Nations operational rates of exchange which approximate the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end of exchange rates of monetary assets and liabilities denominated in foreign currencies are recognized in the Statement of financial performance.

2.6 Non-monetary assets and items that are measured in terms of historical cost in foreign currency are translated using the exchange rate at the date of the transaction and are not retranslated at the reporting date.

#### Use of estimates and judgements

2.7 The preparation of the financial statements in conformity with IPSAS requires management to make judgements, estimates and assumptions that affect the application of

accounting policies and the reported amounts of assets, liabilities, revenue and expenses. The estimates and associated assumptions are based on past experience and various other factors that are believed to be reasonable under the circumstances, and information available at the date of preparation of the financial statements, the results of which form the basis of judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

2.8 The estimates and underlying assumptions are reviewed on an on-going basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised and any future periods affected.

2.9 The judgements made by management in the application of IPSAS that have a significant effect on the financial statements and estimates with a significant risk of material adjustment in the next year are as follows:

(e) The Trust Fund recognizes revenue from voluntary contributions upon receipt or upon signature of a binding agreement, where applicable. While agreements generally include restrictions on the use of funds, they do not include any measurable performance conditions which would require revenue to be deferred until conditions are satisfied;

(f) The Trust Fund advances funds to implementing partners on the basis of contractual provisions. Management believes that outstanding advances to implementing partners are fully recoverable. Provision for doubtful debt is not recognized in respect of any receivables from implementing partners.

#### **Cash and cash equivalents**

2.10 Cash and cash equivalents are held at nominal value and comprise cash on hand, funds held in current accounts, interest-bearing bank accounts and time deposits with a maturity of less than three months.

#### **Financial instruments**

2.11 The Trust Fund classifies its financial instruments as loans and receivables and other financial liabilities. Financial assets consist mainly of short-term bank deposits and accounts receivable. Financial liabilities consist of accounts payable.

2.12 All financial instruments are initially recognized in the Statement of financial position at their fair values plus transaction costs. Subsequently, they are measured at amortized cost using the effective interest method. The historical cost-carrying amount of receivables and payables subject to normal trade credit terms approximates the fair value of the transaction.

#### **Financial Risks**

2.13 The Trust Fund has instituted prudent risk management policies and procedures in accordance with the Court's Financial Regulations and Rules. The Trust Fund makes short-term investments of moneys not needed for immediate requirements. In the normal course of business, the Trust Fund is exposed to financial risk, such as market risk (foreign currency exchange and interest rate), credit risk and liquidity risk.

2.14 *Currency risk*: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Trust Fund is exposed to currency risk through transactions in foreign currencies relating to the projects it funds.

2.15 *Interest rate risk*: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Trust Fund deposits its funds only in short-term fixed interest accounts, and therefore has no significant interest rate risk exposure.

2.16 *Credit risk*: the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Trust Fund is exposed to

credit risk through advances of funds to project implementing partners and deposits at banks. The Trust Fund has policies that limit exposure to risk from any one financial institution.

2.17 *Liquidity risk*: this risk arises from the general funding of the Trust Fund's activities. The operations of the Secretariat are funded from assessed contributions through the Court. Grants to implementing partners are made on the basis of voluntary contributions received.

### **Receivables**

2.18 Receivables and advances are recognized initially at nominal value. Allowances for estimated irrecoverable amounts are recognized for receivables and advances when there is objective evidence that the asset is impaired, the impairment losses being recognized in the statement of financial performance.

2.19 *Receivables from the Court* are recognized for the amount of assessed contributions for funding the activities of the Secretariat, net of expenses incurred from these assessed contributions.

In its resolution ICC-ASP/3/Res. 7, the Assembly decided that, pending further evaluation by the Assembly, the Secretariat would be funded by the regular budget. The Board submits a proposed budget for the Secretariat which is presented as a separate Major Programme VI in the Court's budget and is adopted by the Assembly. The Court assesses States Parties for the budget of the Secretariat. In substance, the Court collects assessed contributions as an agent of the Trust Fund and these assessments do not give rise to an increase in net assets or revenue of the Court, but are recognized as a receivable and revenue of the Trust Fund. The receivables are reduced as expenses are incurred by the Secretariat. Liabilities to vendors and the staff of the Secretariat are settled directly by the Court. The receivables are finally settled when the Court credits any cash surplus pertaining to Major Programme VI, in accordance with the Financial Regulations and Rules of the Court, to the States Parties.

### **Other current assets**

2.20 Other current assets comprise interest accrued on bank accounts and deposits.

### **Accounts payable**

2.21 Accounts payable are recognized initially at nominal value, which best estimates the amount required to settle the obligation at the reporting date.

### **Deferred revenue and accrued expenses**

2.22 Deferred revenue includes pledged contributions for future financial periods and other revenue received but not yet earned.

2.23 Accrued expenses are recognized in respect of goods and services delivered during the reporting period for which invoices have not been received.

### **Related party disclosures**

2.24 The Trust Fund will disclose related parties that have the ability to exercise control or significant influence over the Trust Fund by making financial and operational decisions, or will disclose if a related party and the Trust Fund are subject to common control. Transactions that are within a normal supplier or client/recipient relationship on terms and conditions no more or less favourable than those done at arm's length in the same circumstance between the Trust Fund and its related parties will not be considered as related party transactions and therefore will not be disclosed. The Trust Fund and the Court are related parties as they are subject to the common control of the Assembly.

2.25 The key management personnel of the Trust Fund are the Board of Directors and the Executive Director, both of whom have authority and responsibility for planning,

directing and controlling the activities of the Trust Fund and influencing its strategic direction. The remuneration and benefits of key management personnel are considered a related party transaction. In addition, the Trust Fund will disclose any specific transactions with key management personnel and their family members.

### **Provisions and contingent liabilities**

2.26 *Provisions* are recognized when the Trust Fund has a present legal or constructive obligation as a result of past events, it is more likely than not that an outflow of resources will be required to settle that obligation, and the amount can be reliably estimated. The amount of the provision is the best estimate of the expenditure required to settle the present obligation at the reporting date. The estimate is discounted where the effect of the time value of money is material. Provisions are released only for such expenses in respect of which provisions are recognized at inception. If the outflow of economic benefits to settle the obligations is no longer probable, the provision is reversed.

2.27 *Contingent liability* is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Trust Fund, or a present obligation which will probably not result in an outflow of economic resources/service potential or the amount of which cannot be measured with sufficient reliability. Contingent liabilities, if any, are disclosed in the notes to the financial statements.

### **Commitments**

2.28 *Commitments* are non-cancellable obligations to provide funds in the future to organizations that are implementing projects based on a contract entered into with the Trust Fund. Commitments are recognized off-balance sheet and are disclosed in the financial statements until such time as funds are advanced or the implementing partner submits financial reports demonstrating that activities, for which the organization is entitled to receive funds, have been performed.

### **Non-exchange revenue**

2.29 *Voluntary contributions*: revenue from voluntary contributions that include restrictions on their use is recognized upon signature of a binding agreement between the Trust Fund and the donor providing the contribution. Revenue from voluntary contributions that attach conditions to their use, including an obligation to return the funds to the contributing entity if such conditions are not met, is recognized as the conditions are satisfied. Until such conditions are met, the obligation is recognized as a liability. Voluntary contributions and other revenues which are not provided for by binding agreements are recognized as revenue when received.

2.30 *Goods-in-kind contributions* are recognized at their fair value and goods and the corresponding revenue are recognized immediately if no condition is attached. If conditions are attached, a liability is recognized until such time as the conditions are met and the obligation is satisfied. Revenue is recognized at fair value, measured as of the date of acquisition of the donated assets.

2.31 *Services-in-kind*: revenue resulting from services-in-kind is not recognized. Major services-in-kind are disclosed in the financial statements, including their fair value, when it is practicable to determine it.

### **Exchange revenue**

2.32 *Financial revenue* comprises interest revenue and net foreign exchange gains. Interest revenue is recognized in the Statement of financial performance as it accrues, taking into account the effective yield on the asset. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if positive, is recognized as revenue.

## Expenses

2.33 *Financial expenses* comprise bank charges and net foreign exchange loss. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if negative, is recognized as an expense.

2.34 *Expenses arising from the purchase of goods and services* are recognized at the point that the supplier has performed its contractual obligations, which is when the goods and services are received and accepted by the Trust Fund.

2.35 *Expenses arising from transactions with implementing partners* are recognized when goods are delivered or services rendered by implementing partners, as confirmed by the receipt of certified expense reports, financial reports or project delivery reports, as applicable. If funds are advanced on the basis of contracts that do not include measurable performance conditions, expenditure is recognized when funds are disbursed.

## Fund accounting and segment reporting

2.36 A segment is a distinguishable activity or group of activities for which it is appropriate to separately report financial information. Segment information is based on principal activities and sources of financing of the Trust Fund. To achieve its aims, the Trust Fund fulfils two unique mandates: it implements reparations awards ordered by the Court against a convicted person and it provides assistance to victims and their families through programmes of physical and psychological rehabilitation and material support.

2.37 Separate financial information is reported for two segments: reparations programmes and assistance programmes.

2.38 *Fund accounting*: the Trust Fund's accounts are maintained on a fund accounting basis to allow for the separation of funds to facilitate the receipt of earmarked contributions, money and other property collected through fines or forfeiture transferred by the Court, where the Court has stipulated particular usages, or resources collected through awards for reparations.

## Net assets/equity

2.39 Net assets/equity comprises surpluses or deficits in the fund. Reserves may be created on the basis of a decision of the Board.

## Budget comparison

2.40 A comparison of actual amounts with the amounts in the original and final annual programme budget is presented in Statement V. This comparison is made on the same modified cash basis of accounting as adopted for the annual programme budget.

2.41 A reconciliation of the actual amounts on a modified cash basis with actual amounts presented in the financial statements is included in note 12, considering that the full accrual accounting and modified cash basis budget differ.

## 3. Cash and cash equivalents

<i>In thousands of euros</i>	2015	2014
Cash at bank – current account	683	1,407
Cash at bank – savings account	12,503	5,000
<b>Total</b>	<b>13,186</b>	<b>6,407</b>

3.1 Cash and cash equivalents contain restrictions on their availability for use depending upon the segment to which they relate (see note 13 for segment information). Cash and cash equivalents include amounts equivalent to €56 thousand (2014: €50 thousand) held in currencies other than the euro.

3.2 Interest-bearing bank accounts and term deposits yielded interest at an average annual rate of 0.48 per cent.

#### 4. Time deposits

<i>In thousands of euros</i>	2015	2014
Time deposits	-	5,473
<b>Total</b>	<b>-</b>	<b>5,473</b>

4.1 There were no time deposits as at 31 December 2015.

#### 5. Prepayments and other current assets

<i>In thousands of euros</i>	2015	2014
Advances to implementing partners	486	435
Accrued interest	47	19
<b>Total</b>	<b>533</b>	<b>454</b>

#### 6. Receivables from the Court

<i>In thousands of euros</i>	2015	2014
Secretariat's surplus for 2013	-	249
Secretariat's surplus for 2014	154	154
Secretariat's surplus for 2015	49	-
<b>Total</b>	<b>203</b>	<b>403</b>

6.1 For detailed information on receivables from the Court, please refer to note 2.19.

#### 7. Accounts payable

<i>In thousands of euros</i>	2015	2014
Payables to implementing partners	-	62
<b>Total</b>	<b>-</b>	<b>62</b>

7.1 Payables to implementing partners represent balances due to implementing partners which were not settled at year end. There were no payables as at 31 December 2015.

#### 8. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	2015	2014
Accrued expenses	-	37
<b>Total</b>	<b>-</b>	<b>37</b>

8.1 Accrued expenses represent balances due to implementing partners and relate to the last instalment payable for closed projects pending disbursement. There were no deferred revenue or accrued expenses payable to implementing partners as at 31 December 2015.

## 9. Net assets/equity

<i>In thousands of euros</i>	2015	2014
Reparation reserve	4,800	3,600
Other funds	8,919	8,635
General Fund	203	403
<b>Total</b>	<b>13,922</b>	<b>12,638</b>

9.1 General Fund surplus/deficit is non-distributable and represents the accumulated difference between accrual-based accounting and the cash-based surplus calculation, as stipulated in financial regulation 4.6.

## 10. Revenue

<i>In thousands of euros</i>	2015	2014
<i>Assessed contributions</i>	<i>1,816</i>	<i>1,586</i>
<b>Voluntary contributions</b>		
Earmarked contributions	278	2,179
Non-earmarked contributions	2,665	2,848
<i>Sub-total voluntary contributions</i>	<i>2,943</i>	<i>5,027</i>
<b>Financial revenue</b>		
Interest revenue	57	62
Net foreign currency gains	37	48
<i>Sub-total financial revenue</i>	<i>94</i>	<i>110</i>
<b>Total</b>	<b>4,853</b>	<b>6,723</b>

### Contributions in kind

10.1 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

## 11. Expenses

<i>In thousands of euros</i>	2015	2014
Employee benefit expenses	1,311	1,115
Travel and hospitality	226	150
Contractual services	1,783	1,492
<b>Total</b>	<b>3,320</b>	<b>2,757</b>

11.1 No *ex-gratia* payment was made by the Trust Fund during the financial period.

## 12. Statement of comparison of budget and actual amounts

12.1 The Trust Fund's budget and accounts are prepared on different bases. The Statement of financial position, Statement of financial performance, Statement of changes in net assets/equity and Statement of cash flows are prepared on a full accrual basis, whereas the Statement of comparison of budget and actual amounts (Statement V) is prepared on a modified cash basis of accounting.

12.2 As required under IPSAS 24, where the financial statements and the budget are not prepared on a comparable basis, the actual amounts presented on a comparable basis to the budget are reconciled to the actual amounts presented in the financial statements, identifying separately any basis, timing and entity differences. There are also differences in formats and classification schemes adopted for the presentation of financial statements and the budget.

12.3 Differences in basis occur when the approved budget is prepared on a basis other than the accounting basis, as stated in paragraph 12.1 above.

12.4 Timing differences occur when the budget period differs from the reporting period reflected in the financial statements. There are no timing differences for the Trust Fund for the purposes of comparison of the budget and the actual amounts.

12.5 Entity differences occur when the budget omits programmes or entities that are part of the entity for which the financial statements are prepared. Entity differences include reparations and assistance funds that are reported in detail in the financial statements but are not included in the budgetary process.

12.6 Differences in presentation are due to differences in the format and classification schemes adopted for the presentation of the Statement of cash flows and Statement of comparison of budget and actual amounts.

12.7 Reconciliation between the actual amounts on a comparable basis in the Statement of comparison of budget and actual amounts (Statement V) and the actual amounts in the Statement of cash flows (Statement IV) for the period ended 31 December 2015 is presented below:

<i>In thousands of euros</i>	<i>Operating</i>	<i>Investing</i>	<i>Financing</i>	<i>Total</i>
<b>Actual amount on comparable basis (Statement V)</b>	<b>273</b>	-	-	<b>273</b>
Basis differences	(24)	-	-	(24)
Presentation differences	192	57	(249)	-
Entity differences	6,524	-	-	6,524
<b>Actual amount in the Statement of cash flows (Statement IV)</b>	<b>6,965</b>	<b>57</b>	<b>(249)</b>	<b>6,773</b>

12.8 Open commitments including open purchase orders versus accrued expenses and net cash flows from operating activities are presented as basis differences. The credits to States Parties that do not form part of the Statement of comparison of budget and actual amounts are reflected as presentation differences. Under entity differences, the activities funded from voluntary contributions that are reported in the financial statements are included, as these are not included in the budgetary process.

12.9 An explanation of material differences between the budget and actual amounts is included in the Report on Activities and Programme Performance of the International Criminal Court for the year 2015.



### 13. Segment Reporting

#### Statement of financial position by segment as at 31 December 2015

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Unallocated</i>	<i>Total</i>
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	4,800	8,386	-	13,186
Time deposits	-	-	-	-
Prepayments and other current assets	-	533	-	533
Receivables from the Court	-	-	154	154
<i>Total current assets</i>	<i>4,800</i>	<i>8,919</i>	<i>154</i>	<i>13,873</i>
<b>Non-current assets</b>				
Receivables from the Court	-	-	49	49
<i>Total non-current assets</i>	<i>-</i>	<i>-</i>	<i>49</i>	<i>49</i>
<b>Total assets</b>	<b>4,800</b>	<b>8,919</b>	<b>203</b>	<b>13,922</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Accounts payable	-	-	-	-
Deferred revenue and accrued expenses	-	-	-	-
<i>Total current liabilities</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<b>Total liabilities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net assets/equity</b>	<b>4,800</b>	<b>8,919</b>	<b>203</b>	<b>13,922</b>
<b>Total liabilities and net assets/equity</b>	<b>4,800</b>	<b>8,919</b>	<b>203</b>	<b>13,922</b>

#### Statement of financial performance by segment for the year ended 31 December 2015

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Unallocated</i>	<i>Total</i>
<b>Revenue</b>				
Assessed contributions	-	-	1,816	1,816
Voluntary contributions	-	2,943	-	2,943
Financial revenue	-	94	-	94
<i>Total revenue</i>	<i>-</i>	<i>3,037</i>	<i>1,816</i>	<i>4,853</i>
<b>Expenses</b>				
Administrative expenses	-	-	1,766	1,766
Sexual and gender-based violence project expenses	-	1,008	-	1,008
Other assistance project expenses	-	546	-	546
<i>Total expenses</i>	<i>-</i>	<i>1,554</i>	<i>1,766</i>	<i>3,320</i>
<b>Surplus/(deficit) for the period</b>	<b>-</b>	<b>1,483</b>	<b>50</b>	<b>1,533</b>

13.1 There were no activities relating to the reparations programme during the financial period.

**Statement of financial position by segment as at 31 December 2014**

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Unallocated</i>	<i>Total</i>
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	-	6,407	-	6,407
Time deposits	3,600	1,873	-	5,473
Prepayments and other current assets	-	454	-	454
Receivables from the Court	-	-	249	249
<i>Total current assets</i>	<i>3,600</i>	<i>8,734</i>	<i>249</i>	<i>12,583</i>
<b>Non-current assets</b>				
Receivables from the Court	-	-	154	154
<i>Total non-current assets</i>	<i>-</i>	<i>-</i>	<i>154</i>	<i>154</i>
<b>Total assets</b>	<b>3,600</b>	<b>8,734</b>	<b>403</b>	<b>12,737</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Accounts payable	-	62	-	62
Deferred revenue and accrued expenses	-	37	-	37
<i>Total current liabilities</i>	<i>-</i>	<i>99</i>	<i>-</i>	<i>99</i>
<b>Total liabilities</b>	<b>-</b>	<b>99</b>	<b>-</b>	<b>99</b>
<b>Net assets/equity</b>	<b>3,600</b>	<b>8,635</b>	<b>403</b>	<b>12,638</b>
<b>Total liabilities and net assets/equity</b>	<b>3,600</b>	<b>8,734</b>	<b>403</b>	<b>12,737</b>

**Statement of financial performance by segment for the year ended 31 December 2014**

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Unallocated</i>	<i>Total</i>
<b>Revenue</b>				
Assessed contributions	-	-	1,586	1,586
Voluntary contributions	-	5,027	-	5,027
Financial revenue	-	110	-	110
<i>Total revenue</i>	<i>-</i>	<i>5,137</i>	<i>1,586</i>	<i>6,723</i>
<b>Expenses</b>				
Administrative expenses	-	-	1,433	1,433
Sexual and gender-based violence project expenses	-	955	-	955
Other assistance project expenses	-	369	-	369
<i>Total expenses</i>	<i>-</i>	<i>1,324</i>	<i>1,433</i>	<i>2,757</i>
<b>Surplus/(deficit) for the period</b>	<b>-</b>	<b>3,813</b>	<b>153</b>	<b>3,966</b>

**14. Commitments**

14.1 At 31 December 2015, the Trust Fund had contractual commitments amounting to €1,228 thousand based on contracts concluded with implementing partners.

## 15. Related party disclosures

15.1 The expense recognized includes aggregate remuneration paid to key management personnel, including net salaries, post adjustment, entitlements, assignment and other grants, rental subsidy, employer contributions to the pension plan and current health insurance contributions. It also includes expense in respect of post-employment benefits and other long-term benefits.

15.2 The key management personnel of the Trust Fund are the Board of Directors and the Executive Director. The Board serves on a pro bono basis.

15.3 The expense recognized during the year and outstanding balances of receivables at year end are as follows:

<i>In thousands of euros</i>	<i>No. of individuals</i>	<i>Aggregate remuneration</i>	<i>Receivables</i>
Key management personnel	6	183	-

15.4 Key management personnel also qualify for post-employment benefits and other long-term benefits. At year end, accrued liabilities amounted to:

<i>In thousands of euros</i>	<i>Annual leave accrual</i>	<i>Other long-term benefits</i>	<i>Post-employment benefits</i>	<i>Total</i>
Current	14			14
Non-current	-	1	37	38
<b>Total</b>	<b>14</b>	<b>1</b>	<b>37</b>	<b>52</b>

15.5 The Court and the Trust Fund are related parties as they are subject to common control by the Assembly.

15.6 The receivable from the Court at year end amounted to €203 thousand. In 2015, the Assembly approved an appropriation of €1,816 thousand for the Secretariat which administers the Trust Fund and provides administrative support to the Board and its meetings. Expenditures on a modified cash basis for the Secretariat during the financial period, as disclosed in Statement V, are €1,543 thousand. The unspent amount of appropriations for the current and prior period is pending credit to States Parties.

15.7 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

## 16. Events after the reporting date

16.1 On the date of signing of these accounts, there were no material events, favourable or unfavourable, between the reporting date and the date on which the financial statements were authorized for issue that affected these statements.

# External audit report on the financial statements of the Trust Fund for Victims - Financial year ended 31 December 2015

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## I. Audit objectives, scope and approach

1. We have audited the financial statements of the Trust Fund for Victims (TFV) in accordance with the International Standards on Auditing (ISA) and Regulation 12 of the Financial Regulations and Rules of the International Criminal Court, including the additional terms of reference governing the audit.

2. The overall objective of an audit of financial statements is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, thereby enabling the auditor to express an opinion on whether the financial statements are prepared, in all material respects, in accordance with the applicable financial framework.

3. The additional terms of reference governing the audit of ICC and all trust funds including The Trust Fund for Victims, disclosed in the annex 6.(c) to the Financial Regulations and Rules lists other matters, which the External Auditor considers should be brought to the notice of the Assembly of States Parties, such as wasteful or improper expenditure of The Trust Fund for Victims' money and other assets, and expenditure not in accordance with the intention of the Assembly of States Parties.

4. The audit consisted of two phases:

(a) An interim phase (from 11 to 22 January 2016) focused on aspects related to internal controls and International Public Sector Accounting Standards (IPSAS);

(b) A final phase (from 23 May to 10 June 2016) focused on the financial statements and the disclosure requirements under IPSAS, as well as on governance controls and monitoring.

5. The audit closing meeting with the Executive Director of The Trust Fund for Victims and colleagues took place on 9 June 2016.

6. This report has been prepared, taking into account the written comments sent by The Trust Fund for Victims on 6 July 2016.

7. We express an **unqualified opinion** on the financial statements of The Trust Fund for Victims for the financial year ended 31 December 2015.

## II. Recommendations

**Recommendation 1.** The External Auditor recommends that the TFV Secretariat define the performance evaluation criteria in the tender documents to standardise the monitoring procedures and allow for potential benchmarking.

**Recommendation 2.** The External Auditor recommends that the TFV Secretariat implement financial training initiatives for field programme officers.

**Recommendation 3.** The External Auditor recommends that the TFV Secretariat strengthen the financial control of operations carried out by the implementing partners by requiring that the Field Programme Officers' duties include spot-checks of expenses incurred (invoices and purchase orders). The results of these checks should be made available to headquarters to justify the actual expenses incurred.

**Recommendation 4.** To ensure effective project monitoring and control, the External Auditor recommends that the TFV Secretariat strengthen the field teams.

### III. Follow-up on prior-year recommendations

8. The External Auditor reviewed the implementation of the recommendations made in the context of the audits of the financial statements conducted in previous years.

No.	Subject	Outstanding recommendations	Partially Implemented	Not implemented
2014/1	Delegation of the Registrar's administrative authority	<p>In order to clarify the scope of the Registrar's delegation of authority to the Secretariat of The Trust Fund for Victims, the External Auditor recommends to:</p> <p>(a) For the TFV Secretariat, in consultation with the Registrar, (i) to review the scope of the delegation of authority in order to clarify the roles and responsibilities over all eventualities, such as the conclusion, suspension, termination and extension of contracts with implementing partners; (ii) and to ensure proper authority has been granted to the TFV Secretariat staff so they may manage their operations and activities, as indicated in the TFV Regulations.</p> <p>(b) Establish a suitable arbitration mechanism, involving if necessary the Board of Directors of the TFV and the Bureau or another appropriate subsidiary organ of the Assembly of State Parties, to guarantee a smooth decision making process and avoid unnecessary delays and tensions.</p>		X
2014/2	Management roles and responsibilities	<p>The external auditor recommends putting an end to existing managerial ambiguities within TFV Secretariat leading to a lack of clarity about accountability and responsibilities by clarifying the roles and responsibilities of the TFV staff mainly as regards to fund-raising, donor relations and project contract management in order to avoid overlaps and to make the decisions and activities of TFV more effective and coordinated. This could be done through the review of the work surveys and job descriptions; and adoption of the responsibility assignment chart as proposed by TFV, which identifies roles and responsibilities and avoids any confusion.</p>		X
<b>Total number of outstanding recommendations: 2</b>			-	2

9. According to the TFV, the 2014-1 and 2014-2 recommendations remain open owing to "partial implementation of the Revision plan adopted in August 2015 by the Board of Directors of The Trust Fund for Victims. This Revision plan called for the abolishment of a Senior Programme Officer position along with a reorganisation of the Secretariat of The Trust Fund for Victims (creation of a Finance Officer position and higher grades for certain existing positions). However, this new structure requires additional funding, which the CBF did not approve at the 2016 budget meeting. It will be reintroduced at the CBF's 2017 budget meeting".

10. The External Auditor also found that the last 2010-6 recommendation in the United Kingdom National Audit Office's audit report was implemented with the adoption of the annual Performance Monitoring Plan in April 2016. The content of the recommendations is detailed in the annex to this report.

## IV. Financial overview

11. The TFV's statement of financial performance shows that the surplus for the period declined from €3,966 thousand in 2014 to €1,533 thousand in 2015. This can be attributed mainly to the €2,084 thousand decrease in voluntary contributions and the €230 thousand increase in programme expenses. According to the TFV, voluntary contributions declined as donors are now coping with additional budget constraints due to the massive influx of migrants and refugees into Europe. Additionally, the increase in programme expenses resulted from authorisation to continue existing projects (Democratic Republic of the Congo and Uganda) and establish six new projects in Uganda.

12. The statement of financial position grew by €1,185 thousand in 2015, due mainly to the €1,306 thousand increase in cash on hand.

## V. Main findings and recommendations

### 1. Physical and psychological rehabilitation projects in Uganda

13. The TFV, established by Article 79 of the Rome Statute, was created by decision of the Assembly of States Parties in 2002 and began its field operations in 2008.

14. The TFV has two mandates:

(a) The assistance mandate, which consists of three forms of intervention: physical rehabilitation, psychological rehabilitation and material support. Using donors' voluntary contributions, the TFV provides assistance to victims and their families when their situation falls under ICC jurisdiction. The assistance mandate is one way to provide an immediate response to the urgent needs of victims (and their community) who have suffered harm due to the commission of crimes under the jurisdiction of the ICC. The assistance mandate makes it possible to help victims without having to consider the perpetrator of the crimes.

(b) The reparations mandate, which involves implementing awards for reparations ordered by the ICC against a convicted person.

15. Regarding its assistance mandate, in 2015 the TFV launched six new projects in Northern Uganda with the aim of delivering assistance and integrated physical and psychological rehabilitation services to victims, through its implementing partners on the field.

16. The External Auditor reviewed the six new projects launched in 2015 in Uganda, representing €217 thousand of expenses in 2015.

**Table 1: List of new projects funded in Uganda in 2015 (in euros)**

<i>Uganda Projects</i>	<i>Budget 2015-2016</i>	<i>Budget 2016-2017</i>	<i>Period</i>
Transcultural Psychosocial Organization - TPO	60,000	100,000	24/04/2015 – 23/04/2016
Amuria District Development Agency -ADDA	60,000	100,000	24/04/2015 – 23/04/2016
North Chili Producers Association -NECPA	60,000	100,000	24/04/2015 – 23/04/2016
Center for Children in Vulnerable Situations-CCVS	50,000	100,000	24/04/2015 – 23/04/2016
Ayira Health Services - AHS	50,000	100,000	24/04/2015 – 23/04/2016
Gulu Women Economic Development and Globalization - GWED-G	60,000	100,000	24/04/2015 – 23/04/2016

Source: external auditor, based on information provided by the TFV.

17. The TFV is organised as follows: the Secretariat is responsible for the management of administrative and financial procedures, the search for donors, and budgetary control of projects. Field programme managers are responsible for finding local partners and operational project monitoring.

18. According to the job description for Field Programme Officers, they are responsible for monitoring the partners and for overseeing implementation of field projects. They must produce critical reports on project set-up including certification of physical and financial implementation. They check the relevance of the financial reports of the implementing partners and certify their accuracy. They conduct a critical assessment of project implementation and prepare reports for the TFV on the progress made and the corrective measures considered or proposed, where applicable.

19. The External Auditor sought to check the implementation of the projects in financial year 2015 by analysing the quarterly reports provided by the partners in charge of carrying out the projects. It also analysed the monitoring and controls performed first by the Field Programme Officer on the field and then by the Monitoring and Evaluation Officer at TFV headquarters. The External Auditor did not carry out field missions.

20. Its examination of the follow-up files for the six projects and of the quarterly reports prepared by the implementing partners<sup>1</sup> finds as follows:

(a) For each project, the implementing partner proposes its own monitoring indicators in the project proposal template submitted to the TFV. These indicators are generally quantitative measurements of the actions taken (number of victims treated and counselled, number of meetings with victims and their families, number of victims reintegrated into their communities, etc.) accompanied by narrative descriptions. These indicators do not provide a qualitative assessment of the project's impact on the victim's rehabilitation and their reintegration within their families and communities.

(b) The lack of uniform monitoring indicators, as well as a performance evaluation system for the different implementing partners, makes it difficult to compare performances so as to express an opinion on the relevance and efficacy of the programmes. Such benchmarking would make it possible to assign partners a ranking to serve as a database when launching other assistance projects.

(c) The content of the quarterly reports submitted by the implementing partners is useful only for checking the project's objectives as quoted in the contract signed with the TFV against their accomplishments. Consequently, these are in no way auditable financial data. The Field Programme Officers focus only on their visits to partners but under no circumstances do they verify the financial data transmitted. The lack of a purely financial monitoring mechanism means the TFV has no assurance that the funds allocated to the projects and used by the implementing partners are being used efficiently and effectively. During the clearing process, the TFV provided the External Auditor with some additional documentation in order to justify the spot checks realized for Uganda's projects. These evidences were not considered as sufficient to demonstrate the existence of spot checks performed by the Field Officer.

(d) An examination of the 2015 quarterly reports provided by the implementing partners pointed to the existence of erroneous quantitative data in various tables concerning the number of beneficiaries per type of intervention. This finding was discussed with the Monitoring and Evaluation Officer who confirmed these errors. When the Monitoring and Evaluation Officer identified a discrepancy, he checked these figures by phone or email by contacting either the Field Programme Officer or the implementing partner. The new figures were forwarded to him with no additional evidence and he did not request any corrections to the quarterly reports transmitted.

21. The External Auditor's analysis of the files points to internal control weaknesses as regards financial project monitoring.

22. The External Auditor noted, however, that the TFV was currently reviewing the monitoring and evaluation practices of its implementing partners with the aim of implementing the new performance monitoring plan approved by the Board of Directors in April 2016.

<sup>1</sup>ADDA (Amuria District Development Agency), AHS (Ayira Health Services), CCVS (Center for Children in Vulnerable Situations), GWED-G (Gulu Women Economic Development and Globalization), North Chili Producers Association (NECPA) and TPO (Transcultural Psychosocial Organization).

**Recommendation 1.** The External Auditor recommends that the TFV Secretariat define the performance evaluation criteria in the tender documents to standardise the monitoring procedures and allow for potential benchmarking.

23. This lack of financial control can be explained by the required education of Field Programme Officers hired, as they do not have a background in finance.

**Recommendation 2.** The External Auditor recommends that the TFV Secretariat implement financial training initiatives for Field Programme Officers.

**Recommendation 3.** The External Auditor recommends that the TFV Secretariat strengthen the financial control of operations carried out by the implementing partners by requiring that the Field Programme Officers' duties include spot-checks of expenses incurred (invoices and purchase orders). The results of these checks should be made available to headquarters to justify the actual expenses incurred.

24. In 2015, three Field Programme Officers were in charge of 13 projects: five projects for the offices in the Democratic Republic of the Congo and eight projects for the Field Programme Officer in Uganda. This last office has a total budget of €2,020 thousand (i.e. €845 thousand and €1,285 thousand) for a country that is the same size as the United Kingdom and where projects cover a geographic area of 263 kilometres not easily accessible by transportation (districts of Gulu, Amuru, Nwoya, Lira, Kitgum, Otuke, Alebtong, Amuria, Soroti and Kaberamaido). This makes it difficult to effectively monitor and evaluate the different projects and implementing partners.

**Recommendation 4.** To ensure effective project monitoring and control, the External Auditor recommends that the TFV strengthen the field teams.

## VI. Acknowledgements

25. The External Auditor wishes to thank The Trust Fund for Victims and the members of the Office of the Registrar of the International Criminal Court, for the cooperation and general support provided to the audit teams during the audit.

*End of audit observations.*

## Annex

### Follow-up on previous recommendations made by the United Kingdom National Audit Office

<i>Financial year</i>	<i>No. Recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>	<i>Not applicable and withdrawn</i>
2011	3	X			
2010	1				X
2010	6	X			
<b>Total number of recommendations: 3</b>		2	-	-	1