

**ASSEMBLY OF STATES PARTIES TO  
THE ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL COURT**

**SEVENTEENTH SESSION  
THE HAGUE, 5-12 DECEMBER 2018**

**OFFICIAL RECORDS  
VOLUME II**

*Note5*

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

Pursuant to resolution ICC-ASP/7/Res.6, the Official Records are available in Arabic, English, French and Spanish.

Secretariat, Assembly of States Parties  
International Criminal Court  
P.O. Box 19519  
2500 CM The Hague  
The Netherlands

[asp@icc-cpi.int](mailto:asp@icc-cpi.int)  
[www.icc-cpi.int](http://www.icc-cpi.int)

Tel: +31 (0)70 799 6500  
Fax: +31 (0)70 515 8376

ICC-ASP/17/20  
International Criminal Court publication  
ISBN No. 92-9227-350-7

Copyright © International Criminal Court 2018  
All rights reserved  
Printed by Ipskamp, The Hague

*Content*

Part A	<i>Page</i>
Proposed Programme Budget for 2019 of the International Criminal Court .....	4
Part B	
Reports of the Committee on Budget and Finance .....	215
1. Report of the Committee on Budget and Finance on the work of its thirtieth session, April 2018 .....	215
2. Report of the Committee on Budget and Finance on the work of its thirty-first session, September 2018 .....	274
Part C	
Related documents .....	368
1. Financial statements of the International Criminal Court for the year ended 31 December 2017 .....	368
2. Financial statements of the Trust Fund for Victims for the year ended 31 December 2017 .....	490

## Part A

# Proposed Programme Budget for 2019 of the International Criminal Court\*

### Contents

	<i>Page</i>	<i>Paragraphs</i>
List of abbreviations and acronyms .....	6	
Foreword by the Principals of the International Criminal Court .....	8	
I. Overview of proposed programme budget 2019, budget priorities and operating parameters .....	9	1-41
A. Introduction .....	9	1-7
B. High-level Court-wide strategic budget priorities and main cost drivers for 2019.....	10	8-31
C. Macroanalysis.....	14	32-34
D. Savings and Efficiencies .....	15	35-41
II. Proposed Programme Budget for 2019 .....	19	42-784
A. Major Programme I: Judiciary.....	19	42-98
1. Programme 1100: The Presidency .....	21	46-60
2. Programme 1200: Chambers.....	25	61-97
B. Major Programme II: Office of the Prosecutor.....	33	99-347
1. Programme 2100: Immediate Office of the Prosecutor.....	45	170-258
(a) Sub-programme 2110: Immediate Office of the Prosecutor and Legal Advisory Section .....	46	173-197
(b) Sub-programme 2120: Services Section .....	51	198-231
(c) Sub-programme 2130: Information, Knowledge and Evidence Management Section .....	57	232-258
2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division .....	62	259-281
3. Programme 2300: Investigation Division .....	67	282-317
4. Programme 2400: Prosecution Division .....	74	318-347
C. Major Programme III: Registry .....	80	348-626
1. Programme 3100: Office of the Registrar.....	86	379-394
2. Programme 3200: Division of Management Services.....	90	395-455
3. Programme 3300: Division of Judicial Services .....	99	456-535
4. Programme 3800: Division of External Operations.....	113	536-626
D. Major Programme IV: Secretariat of the Assembly of States Parties.....	128	627-660
E. Major Programme V: Premises .....	138	661-667
F. Major Programme VI: Secretariat of the Trust Fund for Victims .....	140	668-755
G. Major Programme VII-2: Permanent Premises Project – Host State Loan.....	153	756-761
H. Major Programme VII-5: Independent Oversight Mechanism.....	155	762-771
I. Major Programme VII-6: Office of Internal Audit.....	157	772-784

---

Previously issued as ICC-ASP/17/10, Corr.1 and Add.1.

Annexes .....	160
I. Organizational structure of the Court .....	160
II. Assumptions and parameters for the 2019 Proposed Programme Budget.....	161
III. List of potential developments which could impact the 2019 Proposed Programme Budget.....	163
IV. Strategic Goals .....	164
(a) List of strategic goals of the International Criminal Court (2013-2018).....	164
(b) List of strategic goals of the OTP Strategic Plan (2016-2018).....	165
(c) Major Programme I - Judiciary .....	166
(d) Major Programme II – Office of the Prosecutor.....	168
(e) Major Programme III – Registry .....	176
(f) Major Programme IV – Secretariat of the Assembly of States Parties.....	183
(g) Major Programme VII-5 – Independent Oversight Mechanism .....	184
(h) Major Programme VII-6 – Office of Internal Audit .....	184
V. Staffing information .....	185
(a) Proposed Court staffing in 2019 by major programme .....	185
(b) List of reclassifications 2019.....	185
(c) List of conversions 2019 (GTA to established posts).....	185
(d) Changes to the staffing table .....	186
VI. Salaries and entitlements for 2019 (thousands of euros) .....	187
(a) Judges’ salary and entitlements for 2019 (thousands of euros) .....	187
(b) Standard salary costs for 2019 - Professional and General Service staff at Headquarters (thousands of euros) .....	188
VII. Proposed 2019 budget for the African Union Liaison Office (AULO) .....	189
VIII. 2019 estimated income statements .....	189
IX. Information Technology and Information Management at the International Criminal Court: Five-Year Strategy (2017-2021).....	190
X. Proposed capital investments (2019-2022).....	193
XI. Savings and efficiencies achieved in 2018 and estimates for 2019 .....	194
XII. ICC Five-Year Time-Series Assumptions and Parameters 2015-2019 .....	202
XIII. OTP Travel: Approved Budget versus Actual Expenditure .....	208
XIX. Addendum to the Proposed Programme Budget for 2019 of the International Criminal Court ....	209

## List of abbreviations and acronyms

ASG	Assistant Secretary-General
ASP	Assembly of States Parties
AU	African Union
AULO	African Union Liaison Office
AV	Audio-visual
BCS	Budget Control System
BPC	Business Planning and Consolidation
BS	Budget Section
CAB	Classification Advisory Board
CAR	Central African Republic (Bangui)
CBF	Committee on Budget and Finance
CIV	Côte d'Ivoire (Abidjan)
CMS	Court Management Section
CO	Country Offices
CoCo	Coordination Council
CSS	Counsel Support 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 Administrative Services Division)
DRC	Democratic Republic of the Congo (Kinshasa and Bunia)
DRS	Digital Recording System
DS	Detention Section
DSA	Daily subsistence allowance
ECOS	eCourt operating system
EO	External Offices
EOSS	External Operations Support Section
FO	Field Office
FPC	Financial Planning and Control
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
IKEMS	Information, Knowledge and Evidence Management Section
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 System
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))
LRV	Legal Representative for Victims
LSS	Language Services Section (formerly STIC: Court Interpretation and Translation Section)
LSU	Language Services Unit
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
P	Professional
PIOS	Public Information and Outreach Section (formerly PIDS: Public Information and Documentation Section)
RMT	Registry Management Team
SAP	Enterprise Resource Planning System
SAS	Situation Analysis Section
SG	Strategic goal
SO	Strategic objective
SS	Services Section
SSAFE	Safe and Secure Approaches in Field Environments
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
UNON	United Nations Office at Nairobi
UNJSPF	United Nations Joint Staff Pension Fund
UNSMS	United Nations Security Management System
USG	Under-Secretary-General
VAMS	Victims Application 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, 20 July 2018

We are pleased to present the Proposed Programme Budget for 2019 for the consideration of the Assembly of States Parties (“the Assembly”).

Mindful of the recommendations of the Committee on Budget and Finance and the resolutions adopted by the Assembly at its fourteenth, fifteenth and sixteenth sessions, the organs of the International Criminal Court (“the Court”) have continued efforts to improve the budget process by focusing on further strengthening the One-Court principle for the purposes of the budget and providing a more self-explanatory budget document. Throughout this process, we considered the budgetary impact of the identified core priority activities. Our approach involved enhanced inter-organ consultations and interaction – for example, frequent and efficient use of the Coordination Council – to establish Court-wide budgetary priorities and needs, resulting in an improved and more coherent budget document.

The Court is proposing a budget increase for 2019 of €3,702.6 thousand, or 2.6 per cent, over the approved budget for 2018. This represents a proposed budget amounting to €147,548.9 thousand. Importantly, these resources will allow three trials and eight investigations to be conducted and supported efficiently. They will also ensure that the Registry will be able to deliver crucial support services by continuing to invest in key Court-wide information management projects and information security capacity. The Court has pursued its efforts to identify savings, efficiencies, re-prioritizations, reductions and synergies throughout the Court to limit the proposed increase, while still guaranteeing adequate resources so that it can deliver effectively on its multi-faceted mandate.

We are fully aware of the financial constraints which many States Parties have intimated and we strongly believe that the requested resources for 2019 will ensure high level Court-wide performance in its activities: identifying situations and cases, initiating investigations, conducting arrests, securing and analysing evidence, identifying witnesses, and conducting trials and other judicial proceedings with full respect for the paramount principles of a fair trial and due consideration of the respective interests of the defence and victims. This budget focuses on increasing the Court’s flexibility to respond to changing demands and needs; strengthening its resilience in the face of new challenges; and at the same time developing its capacity to interact meaningfully with victims, States Parties, other key partners and stakeholders, and the general public.

As we commemorate the 20<sup>th</sup> anniversary of the adoption of the Rome Statute this year, we recall that the Court was created to discharge a mandate of crucial importance: to hold to account perpetrators of the gravest crimes of concern to the international community and to provide redress to those who have suffered harm as a result of such crimes. For the Court to fulfil this mandate, to deliver and be seen to be delivering on its promise of international criminal justice, it requires sufficient resources for, *inter alia*, preliminary examinations, investigations and prosecutions, trials, witness protection, language services, legal aid, genuine and effective reparations and assistance to victims, and management of its various facilities.

We hope that you will find the carefully composed Proposed Programme Budget for 2019 to be judicious and fit for purpose, providing the Court with the necessary resources to enable us to effectively and efficiently exercise our respective mandates and responsibilities under the Rome Statute.

We thank you for your consideration.

Yours faithfully,

*[Signed]*  
Chile Eboe-Osuji  
President

*[Signed]*  
Fatou Bensouda  
Prosecutor

*[Signed]*  
Peter Lewis  
Registrar



## I. Overview of proposed programme budget 2019, budget priorities and operating parameters

### A. Introduction

1. The International Criminal Court (ICC or “the Court”) was established by the Rome Statute – adopted 20 years ago – as the only independent, permanent and global court with jurisdiction over persons for the most serious crimes of international concern and a reparative mandate with respect to the victims of those crimes. The Court’s jurisdiction is complementary to that of domestic criminal courts, meaning that it only acts when a State is unwilling or unable to exercise its primary jurisdiction over Rome Statute crimes.

2. As of 2018, the Court has an approved staff complement of 972 established posts and 165.69 General Temporary Assistance (GTA) positions on a full-time equivalent (FTE) basis, filled by persons of 93 different nationalities.

3. In 2019, the Court is expected to operate in 11 situations that are open: Burundi, the Central African Republic (CAR) I and II, Côte d’Ivoire (CIV), Darfur (Sudan), the Democratic Republic of the Congo (DRC), Georgia, Kenya, Libya, Mali and Uganda. Judicial proceedings in these situations are currently at different stages (pre-trial, trial, appeals or reparations). In addition, the Office of the Prosecutor (OTP or “the Office”) is expected to carry out preliminary examinations into nine situations in 2019.

4. Unlike domestic courts of law, the Court performs various functions and activities which in national systems are handled by separate offices or agencies. The Court’s activities include conducting investigations, prosecutions and trials; providing witness protection, legal aid and language services – such as translation and interpretation, both in the courtroom and in the field; overseeing participation, reparations and assistance for victims; running the Detention Centre; and managing courtrooms and other premises at Headquarters and the country offices<sup>1</sup>.

5. To enable it to implement its multifaceted mandate, the Court proposes a programme budget of €47,548.9 thousand for 2019. This represents an increase of €3,702.6 thousand, or 2.6 per cent, over the 2018 approved budget (€43,846.3 thousand). Following the recommendation of the Committee on Budget and Finance (“the Committee”) at its twenty-fifth session,<sup>2</sup> the figures for the proposed regular budget are presented separately from interest on the Host State Loan for the Court’s permanent premises. As indicated by the Committee, this is to improve transparency and allow a comparative assessment of the resources needed for the Court’s activities in 2019. Including the interest and capital repayment (under the Host State Loan) in respect of the Permanent Premises Project of €3,585.1 thousand, the Court’s Proposed Programme Budget for 2019 amounts to €51,134.0 thousand, or an increase of 2.5 per cent.

6. It is the role of the Coordination Council (“CoCo”) to agree on the judicial assumptions and strategic priorities underlying the budget proposal, and to ensure consistency in the presentation of the investments and resource requirements of the organs of the Court. Each Major Programme within the Court is responsible for planning its expenditures and its portion of the larger Court budget, which is then presented to the States Parties for approval as a shared Court budget proposal.

<sup>1</sup>The field offices have been renamed “country offices” in the 2019 proposed programme budget.

<sup>2</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.

**Table 1: Overview of the Proposed Programme Budget for 2019**

<i>Programme Budget 2019</i>		<i>2018 Approved Budget (thousands of euros)</i>	<i>Resource Changes</i>		<i>Proposed 2019 Budget (thousands of euros)</i>
			<i>Amount</i>	<i>%</i>	
MP I	Judiciary	12,712.0	(334.2)	(2.6)	12,377.8
MP II	Office of the Prosecutor	45,991.8	2,109.0	4.6	48,100.8
MP III	Registry	77,142.5	(16.2)	(0.0)	77,126.3
MP IV	Secretariat of the Assembly of States Parties	2,718.2	153.4	5.6	2,871.6
MP V	Premises	1,498.5	301.5	20.1	1,800.0
MP VI	Secretariat of the Trust Fund for Victims	2,541.5	1,486.3	58.5	4,027.8
MP VII-5	Independent Oversight Mechanism	534.5	22.1	4.1	556.6
MP VII-6	Office of Internal Audit	707.3	(19.3)	(2.7)	688.0
<i>Subtotal</i>		<i>143,846.3</i>	<i>3,702.6</i>	<i>2.6</i>	<i>147,548.9</i>
MP VII-2	Host State Loan	3,585.2	(0.1)	(0.0)	3,585.1
<b>Total ICC</b>		<b>147,431.5</b>	<b>3,702.5</b>	<b>2.5</b>	<b>151,134.0</b>

7. The Court's proposed budget for 2019 has been carefully assessed against the need to contain budgetary increases as much as possible in view of financial constraints on the States Parties, while also factoring in: (1) the high-level strategic priorities as set by the CoCo; (2) the increase in the number of situations, along with the corresponding workload; and (3) the increasing complexity of the Court's operations in areas such as security and cooperation. The Court believes that the proposed funds will contribute to tangible long-term efficiencies, mainly through more expeditious judicial proceedings, ensuring full respect of the principles of a fair trial; maintenance of the requisite quality of preliminary examinations, investigations and prosecutions; enhanced impact on the ground; and a more secure information environment for the Court's operations.

## **B. High-level Court-wide strategic budget priorities and main cost drivers for 2019**

8. The Court's Principals, through the CoCo, have identified four key strategic priorities for the Court's activities in 2019. It is important to note that these priorities and activities reflect what can reasonably be anticipated for 2019 at this stage, and may subsequently be affected by the realities of the judicial and prosecutorial work of the Court.

### *Running and supporting judicial proceedings, including in three trials*

9. The conduct of fair and expeditious trials lies at the heart of the Court's mandate and is crucial to the measurement and public perception of the Court's results. Accordingly, the CoCo has made the conduct of three ongoing trials the Court's top priority.

10. Budgetary assumptions indicate that, in 2019, the Court will continue to be engaged in trial hearings in three trials: *Ongwen*, *Laurent Gbagbo and Charles Blé Goudé* and *Al Hassan*. Judicial work before the Trial Chambers outside trial hearings will continue in these cases, in the *Ntaganda* case and in relation to reparations proceedings. The Judiciary will continue to need the same staff resources. Staff is required for the judgment phase of the *Ongwen* case and the preparation of the *Al Hassan* trial. Reparations proceedings are expected to continue in the *Lubanga*, *Katanga* and *Al Mahdi* cases. The Court will be very busy at the pre-trial and the appellate levels as well. The Pre-Trial Chambers are currently seized of 15 situations, with the hearing on the confirmation of charges in *Al Hassan*

scheduled for 24 September 2018<sup>3</sup>. It is likely that the Appeals Chamber will hear final appeals in up to three cases, as well as interlocutory appeals.

11. In comparison to most domestic proceedings, proceedings of the Court are exceptionally complex in terms of the cases presented and the procedural rules to be followed. The sheer number of witnesses, evidentiary materials and languages involved, coupled with the need for security on the ground and cooperation from national jurisdictions, makes trials resource-intensive and often lengthy. Delays affecting part of one trial can have a multiplying effect on other aspects of the Court's operations and budget – such as detention or witness costs. Efficiency of proceedings is therefore crucial, and the Court has worked tirelessly in recent years to expedite proceedings. For example, Chambers have developed standardized practice manuals, while the OTP has focused on making its cases as trial-ready as possible before bringing them before the judges.

12. To make the most effective use of its resources, the Judiciary applies a policy of flexible staff allocation whereby staff is distributed among divisions, as needed, to meet changing workload demands. While the workload in some Chambers may increase, no new resources have been sought, as it is expected that the overall workload in Chambers will remain at a similar level as in 2018.

13. It is expected that eight suspects/accused will be appearing before the Court in 2019, five of whom will remain in detention. One cell block of six cells will thus be required in the Detention Centre. Three cases are expected to continue at the trial stage throughout 2019, including *Ongwen* and possibly *Gbagbo and Blé Goudé* and *Al Hassan* for at least part of the year, while the *Ntaganda* case, subject to conviction, will continue into the beginning of 2019. These cases will require the simultaneous use of two courtrooms, with two courtroom support teams in the Registry to cover 324 days of hearings (*Ongwen* (Uganda): 160 days; *Gbagbo and Blé Goudé* (Côte d'Ivoire): 124 days; *Al Hassan* (Mali): 40 days). The OTP will continue to require three full trial teams for trial proceedings in these three cases; Chambers will require teams for all of these cases and an additional three teams for reparations. After completion of the trial stage, these cases are likely to move on to the appeals and/or reparation stages.

14. Judicial assumptions do not show a major shift in the level of resources required for the Registry's support of trial proceedings in 2019. As in 2018, two courtroom teams will continue to be required to support trial hearings in *Gbagbo and Blé Goudé* and *Ongwen* throughout the year. Additional trial hearings may take place around the last quarter of 2019 in *Al Hassan*. These will be supported with existing courtroom capacity in the Registry.

15. For these three trials, 128 witnesses are expected to appear for testimony, with an expected maximum duration of stay of 10 days per witness (5 preparation and/or familiarization days + 2 hearing days + 3 days (weekends/possible breaks) = 10 average per witness), requiring full support from the Registry's Victims and Witnesses Section (VWS).

16. Ten languages, including English and French, will need to be supported in courtroom proceedings. Importantly, 10 defence teams (5 at trial: *Ntaganda*, *Gbagbo*, *Blé Goudé*, *Ongwen* and *Al Hassan*; 3 at appeals: *Bemba* (article 70 case), *Kilolo* and *Mangenda*; and 2 at reparations: *Katanga* and *Lubanga*) and at least 5 teams of Legal Representatives of Victims will continue to be financed through legal aid in 2019.

*Conduct and support eight active investigations, including via field activities*

17. Article 53 of the Rome Statute mandates the Prosecutor to initiate investigations in situations where he or she determines that there is a reasonable basis to proceed.

18. The jurisdiction of the Court covers the most serious crimes, and its operations often take place in a very challenging security and cooperation environment. In addition, in nearly all cases, local languages and other operating conditions vary. As a result, in comparison to what occurs in national systems, the Court's investigations are extremely complex and resource-intensive. Even an investigation carried out under optimal resource,

<sup>3</sup> Subsequent to submission of the budget, Pre-Trial Chamber I decided to postpone the commencement of the confirmation of charges hearing to 6 May 2019.

cooperation and security conditions may require three years before the case is ready to be brought to the Court. In most cases, conditions are not optimal, and results may be delayed.

19. In 2019, the Court will operate in 11 situations that are open. OTP will focus its efforts – following a decision by its Executive Committee (“ExCom”) in line with its Strategic Plan and its Policy on Case Selection and Prioritization – on eight active investigations: Burundi, CAR (two investigations), Côte d’Ivoire, Darfur, Georgia and Libya (two investigations). Such prioritization is required in view of the limited resources available to the OTP and the Registry and the need to avoid spreading those resources too thin. Nevertheless, all situations under investigation (in addition to the above-mentioned active investigations, these are: DRC, Kenya, Mali and Uganda) will continue to be monitored – e.g. for new leads or prospects of arrest, and to continue engaging with witnesses in cases pending arrests. The details of OTP planning are explained in the budget proposal for Major Programme II.

20. Each of these situations will continue to require support from the Registry, both in the field and at Headquarters, in areas such as victim and witness support, languages, security and logistics. The Registry will also conduct or support other mandated activities such as victim participation, reparations and outreach and the provision of language services. For this purpose, it is expected that the Court will maintain a presence in seven field locations in 2019: one in the CAR (Bangui), one in Côte d’Ivoire (Abidjan), two in the DRC (Kinshasa and Bunia), one in Georgia (Tbilisi), one in Mali (Bamako) and one in Uganda (Kampala).

21. On the basis of continuing operations in all situations that are open, it is reasonable to expect that the number of people under the Registry’s protection will remain high. According to current figures and assumptions, around 90 witnesses and 360 dependents will be the subject of protective measures in 2019. These include witnesses and victims participating in the Court’s protection programme (requiring assisted moves and temporary relocation) as well as internationally relocated witnesses in the care of third parties and under continued monitoring by VWS. The Registry, while providing the highest standard of protection and support to these individuals, will continue to focus on the completion of reintegration strategies for the benefit of protected witnesses and victims, whenever possible, enabling them to become self-sustaining and resume their lives in the most autonomous and satisfactory manner possible. Similarly, it is expected that more than 7,500 individuals will apply for participation as victims in the various ongoing judicial proceedings. Furthermore, the Registry will be required to support more than 29 situation-related languages.

22. The total increase in the OTP to cater for additional activities is €2.1 million. The OTP has carefully reviewed its staff needs in the light of its forecast activities and corresponding workload for 2019. In 2018, the OTP jump-started a new investigation in Burundi. To begin operations quickly and efficiently, and to absorb as much of the cost of this new situation as possible, some existing staff and resources were assigned to it. However, due to imminent operational needs in areas such as operational support, witness protection and cooperation – not to mention new language requirements – new resources were also needed. Accordingly, the Office and the Registry submitted a Contingency Fund notification to the Committee. As ongoing investigative activities and workload are set to remain at a high level throughout 2019, and with two new active investigations compared to 2018, there is little to no further flexibility in terms of staff reallocation: most of the new resources are still needed in 2019. Lastly, part of the increase mentioned above relates to non-staff costs (€0.84 million), consisting mainly of increased travel costs to cover critical missions of the Integrated Teams (investigators and interpreters) to interview or meet witnesses and to conduct other investigative activities. The increase, if approved, will also ensure that the Office is able to budget its travel expenses more accurately by correcting a historical imbalance in the approved travel budget (and obviating the need to offset the historical overspend from other budget items).

23. The Registry’s proposed budget for 2019 presents a net reduction of €16.2 thousand. As a result of a stringent budgetary process, the Registry has proposed additional resources only when strictly necessary for the purpose of its mandated activities in the context of 2019 budgetary assumptions, and has been able to effectively finance all such increases through savings and efficiencies in its budget. Despite these increased requirements for

Registry support in the field, in particular in the CAR, Côte d'Ivoire, Mali and Georgia, but also with respect to Court-wide operations in general, no increases are included in the budget proposal. This has mostly been achieved through the implementation of savings and efficiencies, and through other measures such as the internal redeployment of staff from one country office to another to cater for the fluctuation in activities.

*Implementing reparations awards in three cases*

24. Three cases are expected to be at the stage of implementing reparations awards in 2019: *Lubanga* (DRC), *Katanga* (DRC) and *Al Mahdi* (Mali). The implementation of reparations awards will require activities in the field by the Trust Fund for Victims (TFV), supported by the Registry and in consultation with Legal Representatives of Victims and Trial Chambers. Activities in the *Lubanga* and *Al Mahdi* cases will include the identification of victims deemed eligible for reparations. These procedures, which take place both on-site and in The Hague, require the involvement of the TFV, the Registry and the relevant Chambers. The implementation of the reparations includes individual, service-based collective and symbolic awards.

25. Registry support will continue to be required from the two DRC country offices in Kinshasa and Bunia for the implementation of reparations in the *Katanga* and *Lubanga* cases. Likewise, the country office in Mali (Bamako) will be required to provide support for TFV activities related to the implementation of reparations in *Al Mahdi*. The DRC and Mali country offices will require adequate resources to perform the necessary activities in relation to ongoing reparations proceedings in those countries.

*Invest in key Court-wide information management projects and security capabilities*

26. In 2019, the Information Technology and Information Management (IT/IM) strategy for 2017-2021, approved by the Court's Information Management Governance Board and endorsed by the CoCo in 2017, will be entering the third year of its implementation stage. The strategy is intended to improve all Court processes, making them more suitable, efficient, secure and transparent. Most related activities are being implemented by the Registry for the benefit of all Court organs and external service users such as the victims' and defence teams.

27. The Court has undertaken a thorough analysis of its existing IT/IM infrastructure across different organs and the associated immediate and long-term requirements. Since the Court was established 15 years ago, a number of important IT/IM investments have been made to support its judicial, investigative and administrative operations. A number of these systems have become obsolete or are expected to become obsolete in the near future. Ringtail, which cannot process electronic evidence, is already outdated. Similarly, SAP will need to be upgraded to a new version in 2021, as the old system will no longer be supported by the vendor.

28. Moreover, the Court has grown significantly since it was established, and this has had an impact on its IT requirements as well as the volume of data generated. Specifically, there are requirements in areas such as digital evidence, information security and information management that are only partially met by the existing systems.

29. In February 2017, to address these challenges, a Court-wide Five-Year IT/IM Strategy was adopted to ensure a holistic approach to information technology, information security and information management aimed at meeting the Court's essential needs while maintaining better control of invested resources and maximizing their impact.

30. The Court will continue to implement the five-year strategic plan in 2019. The delta of the Court-wide investments for 2019 amounts to approximately €1 million out of the €2.2 million required. The Registry has been able to contain all resource requirements for the implementation of the strategy in 2019 within the level of the 2018 approved budget. Implementation in the Registry will include, for example, an investment of approximately €1.6 million. The largest portion of funding is for the Judicial Workflow Platform. The following Court-wide areas of improvement have been identified for 2019:

(a) Investigative: continuing improvements in long-term storage of digital and forensic evidence for the OTP, leading to a reduction in processing and retrieval time;

(b) Judicial: acquiring a new information repository platform as an integral part of the implementation of the Judicial Workflow Platform, which aims at providing the Court with a new system and centralizing storage of all case records;

(c) Information security: further strengthening the Court's information security profile, including the implementation of a data leak prevention system and continued enhancement of the threat intelligence system;

(d) Optimizing IT systems: renewing the Court's virtual infrastructure, enabling it to support increasing computational demands; and

(e) Administrative: automating processes and procedures to increase efficiency and reinforce internal controls.

31. This strategy is based on a more effective use of budgetary resources, as the proposed five-year initiatives will produce tangible outcomes to enhance the Court's operations. The OTP will see a reduction in the time and effort required to analyse, process and present evidence for its investigative and prosecutorial activities. The Judiciary will have access to the tools it needs to conduct expeditious, fair and transparent trials, and to deliver justice to victims. The Registry will be better equipped to provide services to other Court organs and all of its clients. Only a coherent, holistic and long-term Court-wide strategy will enable the Court to address current inefficiencies and perform to the fullest extent of its mandate. More detailed information on the projects and the associated investments can be found in Annex IX.

## C. Macroanalysis

32. The following chart represents the Court's 2019 Proposed Programme Budget by activity. The activities of the Court represented under "Judicial, Prosecutorial and Investigative Activities" are the main drivers of the Court's 2019 Proposed Programme Budget, amounting to 80.6 per cent of the total budget. "Other Activities" is comprised of administrative functions (11.6 per cent), governance (4.8 per cent) and maintenance costs related to the premises (3 per cent). Estimates related to the interest on the Host State Loan for the permanent premises are excluded from the macroanalysis.

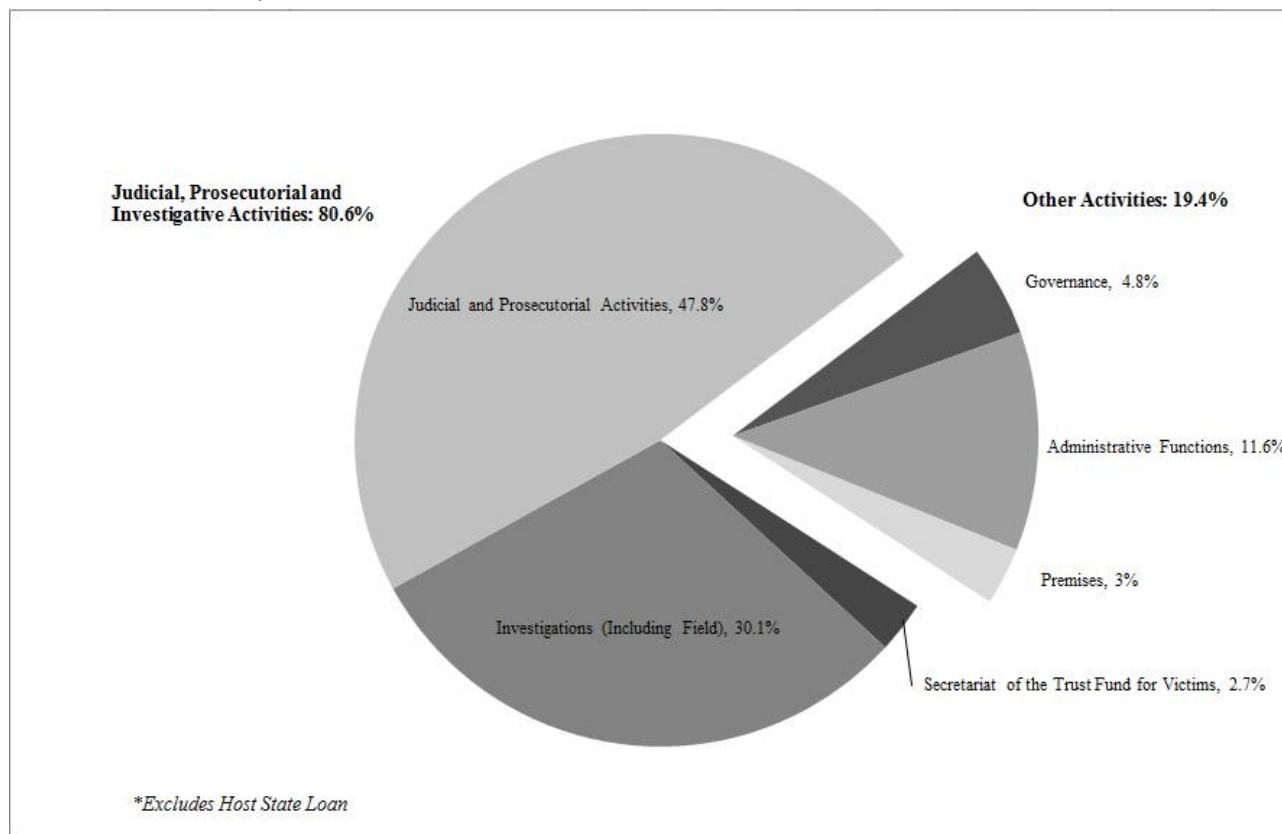
### *Judicial, Prosecutorial and Investigative Activities*

33. Under this category, resources related to "Judicial and Prosecutorial Activities" (47.8 per cent) include, among other items, support to victims and witnesses, legal aid, information technology, language services, and support for reparations activities provided by the Registry. These resources are required for the running and support of judicial proceedings, including hearings in the three cases expected to continue at the trial phase in 2019 (*Ongwen, Gbagbo and Blé Goudé* and *Al Hassan*), three cases at the appeals phase and three cases at the reparations implementation stage. Activities under "Investigations (Including Field)" are estimated at 30.1 per cent and relate to the eight active investigations to be carried out by the OTP – namely Burundi, CAR II.a (Séléka), CAR II.b (anti-Balaka), CIV II, Darfur, Georgia and Libya (III & IV) – involving activities in the field. The remaining activities, under the Secretariat of the Trust Fund for Victims (2.7 per cent), relate to the enhancement of that body's organizational capacity to ensure that it can meet its responsibilities, including at the implementation stage of reparations proceedings.

### *Other Activities*

34. The activities under this category include administrative functions (11.6 per cent), governance (4.8 per cent) and maintenance costs related to the premises (3 per cent). The Secretariat of the Assembly of States Parties, the Independent Oversight Mechanism, the Office of Internal Audit and a small part of the Registry (e.g. the New York Liaison Office) are grouped under "Governance".

Chart 1: Macro Analysis



#### D. Savings and Efficiencies

35. At its fifteenth session, in November 2016, the Assembly of States Parties (“the Assembly”) requested the Court to present a sustainable budget proposal whereby proposed increases were requested only after all possible steps had been taken to finance such increases through savings and efficiencies.<sup>4</sup> In addition, the Assembly requested the Court to present an annex to the 2018 programme budget with detailed information about the savings and efficiencies achieved in 2017 and estimates for 2018.<sup>5</sup> Subsequently, savings and efficiencies were reported in the 2018 programme budget.<sup>6</sup>

36. At its sixteenth session, in December 2017, the Assembly requested that the Court set Court-wide annual efficiency targets and present an annex to the 2019 programme budget on the achievement of those efficiency targets, as well as detailed information on savings, efficiencies, non-recurrent cost reductions and additional cost reductions achieved in 2018 and estimates for 2019.<sup>7</sup> Following this request, representatives from the Court met with the Committee at its thirtieth session in April 2018 for a workshop on savings and efficiencies to exchange views with the aim of enhancing the clarity, coherence and transparency of information. The Committee took note of the Court’s suggestions, including the definitions of savings, efficiencies, non-recurrent costs and additional cost reductions along with the suggestion made about amending Annex XI to the proposed programme budget on savings and efficiencies.<sup>8</sup>

37. Moving forward, the Court’s main goal will be to promote a culture of continuous improvement with a view to engaging staff in the identification and implementation of savings and efficiencies. Where possible, the Court will also table an organization-wide savings and efficiencies target of 1 per cent per annum. However, it will do so with caution, for the following reasons:

<sup>4</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, para. L.1.

<sup>5</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, para. L.2.

<sup>6</sup> ICC-ASP/16/10, paras. 38-51, Annex IX.

<sup>7</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. I, part III, ICC-ASP/16/Res.1, para. K.2.

<sup>8</sup> ICC-ASP/17/5, para. 17.

(a) The purpose of the target is to encourage sections to continually strive for savings and efficiencies. When the target is reached, there is a risk that some sections may stop looking for further efficiencies and savings.

(b) Only sections with large non-staff budgets are likely to be able to meet the target. This might penalize smaller sections.

(c) Savings and efficiencies are subject to diminishing returns. In time, fluctuations above and below the 1 per cent target are to be expected from year to year.

38. During the above-mentioned workshop, the following four categories for the savings and efficiencies report were discussed and defined:

(a) *Savings* (two categories): (i) costs incurred in the previous/current financial period and no longer appearing in the next programme budget, resulting in a reduction in the baseline; and (ii) increases in costs avoided through newly-introduced policies, procedures and/or negotiations with suppliers or service providers, resulting in the same baseline.

(b) *Efficiencies*: activities which limit or avoid requests for additional resources and/or provide increased productivity, resulting in the same baseline but avoiding any increase in costs.

(c) *Non-recurrent costs*: one-off decreases in resource requirements due to non-continuation of activities, resulting in a reduction in the baseline.

(d) *Additional cost reductions*: workload-related changes resulting in a reduction in the baseline.

39. As per the request in the Assembly's resolution, the Court seeks to absorb increases in resource requirements for new activities by first redeploying the resources released by savings, non-recurrent costs and additional cost reductions.<sup>9</sup>

40. The Court has continued to improve its reporting of savings and efficiencies in the following ways:

(a) The report clarifies how savings, efficiencies, non-recurrent costs and additional cost reductions affect the proposed budget baseline.

(b) The report is forward-looking. While a number of savings and efficiencies reported in the 2018 programme budget will allow the Court to avoid cost increases over a multi-year period, including in 2019, they will not be included in future reports unless they continue to reduce the baseline. The aim of this reporting practice is to enhance the clarity, coherence and transparency of impacts on programme budget baselines from year to year. For example, the 2018 programme budget reported the Finance Section's negotiation of bank charges, which spared that section cost increases of €27.0 thousand (had these negotiations not taken place, the 2018 baseline would have been €27.0 thousand higher). While that negotiation will allow the Court to avoid cost increases for a multi-year period, the baseline will not be reduced in the following year; therefore, this item will not be reported in the 2019 programme budget. Conversely, the 2018 programme budget reported the General Service Section's renegotiation of facilities management contracts, which enabled a baseline reduction of €35.6 thousand. In the following year, further renegotiations resulted in additional savings and reductions to the baseline of €7.0 thousand, which are reported in the 2019 programme budget (see Annex XI).

(c) Below are three high-level tables. Table 2 summarizes the savings, non-recurrent costs and additional cost reductions reducing the 2019 baseline, by Major Programme. Table 3 summarizes savings and efficiencies by Major Programme. Table 4 summarizes non-recurrent costs and additional cost reductions by Major Programme. In Annex XI, the details of these summaries are reported in separate tables, by category, for each Major Programme and sub-programme.

41. The Court has achieved organization-wide savings and efficiencies in the amount of €1,132.4 thousand (0.8 per cent). This is calculated by, first, taking the sum total of 2019 reductions in the baseline attributable to savings and 2019 costs avoided attributable to

<sup>9</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, para. L.1.



savings and efficiencies, and, second, dividing that sum by the 2018 programme budget (excluding the Host State Loan).

**Table 2: Savings, non-recurrent costs and additional cost reductions by Major Programme (thousands of euros)**

<i>Major Programme</i>	<i>Category</i>	<i>Amounts</i>
MP I: Judiciary	Non-recurrent costs	369.4
MP II: OTP	Savings	300.5
	Savings	424.0
MP III: Registry	Non-recurrent costs	18.3
	Additional cost reductions	2,243.7
MP VI: STFV	Savings	2.0
MP VII-6: OIA	Non-recurrent costs	20.0
<b>Grand Total</b>		<b>3,377.9</b>

**Table 3: Savings and efficiencies by Major Programme (thousands of euros)**

<i>Major Programme</i>	<i>Category</i>	<i>2018 Savings</i>	<i>2018 Efficiencies</i>	<i>2019 Impact to Baseline</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
MP I: Judiciary	Efficiencies	-	-	-	-
MP II: OTP	Savings	198.1	-	300.5	-
	Efficiencies	-	42.5	-	42.5
MP III: Registry	Savings	316.1	-	424.0	162.0
	Efficiencies	-	69.1	-	75.4
MP VI: STFV	Savings	2.0	-	2.0	-
	Efficiencies	-	-	-	126.0
<b>Grand Total</b>		<b>516.2</b>	<b>111.6</b>	<b>726.5</b>	<b>405.9</b>

**Table 4: Non-recurrent costs and additional cost reductions by Major Programme (thousands of euros)**

<i>Major Programme</i>	<i>Category</i>	<i>Amounts</i>
MP I: Judiciary	Non-recurrent costs	369.4
MP III: Registry	Non-recurrent costs	18.3
	Additional cost reductions	2,243.7
MP VII-6: OIA	Non-recurrent costs	20.0
<b>Grand Total</b>		<b>2,651.4</b>

**Table 5: Total ICC: Proposed budget for 2019**

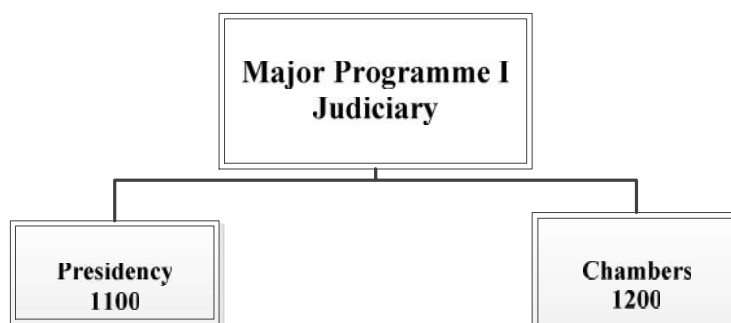
ICC	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
<i>Judges</i>	5,404.9	-	5,404.9	5,521.1	141.0	2.6	5,662.1
Professional staff				61,684.6	873.6	1.4	62,558.2
General Service staff				25,357.4	190.1	0.7	25,547.5
<i>Subtotal staff</i>	88,544.7	-	88,544.7	87,042.0	1,063.7	1.2	88,105.7
General temporary assistance	11,525.0	54.9	11,579.9	15,498.1	1,685.6	10.9	17,183.7
Temporary assistance for meetings	1,313.6	5.3	1,318.9	1,302.7	(234.0)	(18.0)	1,068.7
Overtime	285.2	-	285.2	360.8	(61.5)	(17.0)	299.3
<i>Subtotal other staff</i>	13,123.8	60.2	13,184.0	17,161.6	1,390.1	8.1	18,551.7
Travel	6,189.7	44.4	6,234.0	5,850.5	843.5	14.4	6,694.0
Hospitality	29.9	-	29.9	33.0	2.0	6.1	35.0
Contractual services	3,890.9	5.9	3,896.8	3,560.0	482.9	13.6	4,042.9
Training	744.4	-	744.4	1,013.0	46.9	4.6	1,059.9
Consultants	714.1	40.0	754.1	630.4	72.1	11.4	702.5
Counsel for defence	3,913.3	925.2	4,838.5	3,383.0	150.0	4.4	3,533.0
Counsel for victims	942.8	398.7	1,341.4	1,165.0	(63.7)	(5.5)	1,101.3
General operating expenses	13,809.7	2.2	13,812.0	16,032.9	(1,047.6)	(6.5)	14,985.3
Supplies and materials	1,230.9	-	1,230.9	1,028.0	147.5	14.3	1,175.5
Furniture and equipment	2,135.7	-	2,135.7	1,425.8	474.2	33.3	1,900.0
<i>Subtotal non-staff</i>	33,601.3	1,416.4	35,017.7	34,121.6	1,107.8	3.2	35,229.4
<b>Total</b>	<b>140,674.7</b>	<b>1,476.5</b>	<b>142,151.3</b>	<b>143,846.3</b>	<b>3,702.6</b>	<b>2.6</b>	<b>147,548.9</b>
<i>Host State Loan</i>	2,983.6	-	2,983.6	3,585.2	(0.1)	(0.0)	3,585.1
<b>Total including Host State Loan</b>	<b>143,658.4</b>	<b>1,476.5</b>	<b>145,134.9</b>	<b>147,431.5</b>	<b>3,702.5</b>	<b>2.5</b>	<b>151,134.0</b>

**Table 6: Total ICC: Proposed staffing for 2019**

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>														
Approved 2018	1	2	-	9	45	89	186	174	38	544	19	409	428	972
New	-	-	-	-	1	3	5	10	1	20	-	8	8	28
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	2	(1)	(1)	8	(8)	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>9</b>	<b>48</b>	<b>91</b>	<b>190</b>	<b>192</b>	<b>31</b>	<b>564</b>	<b>19</b>	<b>417</b>	<b>436</b>	<b>1,000</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	1.05	6.80	41.78	45.50	13.42	108.54	8.71	48.45	57.16	165.69
Continued	-	-	-	-	0.05	6.80	41.03	46.17	12.00	106.05	3.60	46.48	50.08	156.13
New	-	-	-	-	0.67	2.42	2.83	23.67	-	29.58	4.51	35.33	39.84	69.43
Redeployed	-	-	-	-	-	-	(0.03)	0.33	-	0.30	(0.60)	1.22	0.62	0.92
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	(2.00)	(4.00)	(6.00)	(1.00)	(13.00)	-	-	-	(13.00)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.72</b>	<b>7.22</b>	<b>39.83</b>	<b>64.17</b>	<b>11.00</b>	<b>122.93</b>	<b>7.51</b>	<b>83.03</b>	<b>90.54</b>	<b>213.48</b>

## II. Proposed Programme Budget for 2019

### A. Major Programme I: Judiciary



#### Introduction

42. Major Programme I is composed of the Presidency and the Chambers.

43. The Presidency performs functions in its three primary areas of responsibility: legal, external relations and administrative. In 2019, the Chambers will manage case work arising from developments in 2017 and 2018, including trial hearings in up to three cases, reparations proceedings and several final appeals (in addition to interlocutory appeals), as well as work on other situations and cases at the pre-trial level. Work by the Judiciary to improve the transparency of the International Criminal Court (“the Court”) and strengthen the cooperation of States Parties will also continue, alongside efforts to enhance the flexible and efficient use of available resources.

44. Following inter-organ consultations, the New York Liaison Office will be redeployed to Sub-programme 3800 (Division of External Operations) within the Registry and managed alongside the country offices. In the light of the Division’s central role at Headquarters in ensuring that logistical and administrative issues concerning the presence of the Court outside The Hague are addressed effectively and efficiently, the redeployment of the Office will facilitate positive synergy among the organs and ensure a consolidated and consistent strategy throughout all of the Court’s external offices.

45. The budget for Major Programme I is based on the judicial activities required under the Court’s budget assumptions for 2019, which were determined in an inter-organ effort.

**Table 7: Major Programme I: Proposed budget for 2019**

Major Programme I Judiciary	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
<i>Judges</i>	5,404.9	-	5,404.9	5,521.1	141.0	2.6	5,662.1
Professional staff				4,667.7	(268.5)	(5.8)	4,399.2
General Service staff				927.2	(80.5)	(8.7)	846.7
<i>Subtotal staff</i>	5,310.3	-	5,310.3	5,594.9	(349.0)	(6.2)	5,245.9
General temporary assistance	1,252.4	-	1,252.4	1,286.4	(18.4)	(1.4)	1,268.0
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	1,252.4	-	1,252.4	1,286.4	(18.4)	(1.4)	1,268.0
Travel	114.7	-	114.7	152.2	(16.4)	(10.8)	135.8
Hospitality	7.0	-	7.0	16.0	(1.0)	(6.3)	15.0
Contractual services	-	-	-	5.0	(5.0)	(100.0)	-
Training	22.1	-	22.1	22.0	24.0	109.1	46.0
Consultants	28.0	-	28.0	5.0	-	-	5.0
General operating expenses	91.0	-	91.0	104.4	(104.4)	(100.0)	-
Supplies and materials	1.8	-	1.8	5.0	(5.0)	(100.0)	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	264.6	-	264.6	309.6	(107.8)	(34.8)	201.8
<b>Total</b>	<b>12,232.3</b>	<b>-</b>	<b>12,232.3</b>	<b>12,712.0</b>	<b>(334.2)</b>	<b>(2.6)</b>	<b>12,377.8</b>

**Table 8: Major Programme I: Proposed staffing for 2019**

I	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-Staff and above	Total		Total Staff	
											GS-PL	GS-OL		GS-Staff
<b>Established Posts</b>														
Approved 2018	-	-	-	-	4	3	21	12	-	40	1	12	13	53
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	(1)	-	-	-	-	(1)	-	(1)	(1)	(2)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>3</b>	<b>21</b>	<b>12</b>	<b>-</b>	<b>39</b>	<b>1</b>	<b>11</b>	<b>12</b>	<b>51</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	4.00	8.00	-	12.00	-	-	-	12.00
Continued	-	-	-	-	-	-	4.00	8.00	-	12.00	-	-	-	12.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.00</b>	<b>8.00</b>	<b>-</b>	<b>12.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12.00</b>

## 1. Programme 1100: The Presidency

### Introduction

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

(a) Legal: to carry out its legal and judicial review functions under the Rome Statute. This includes: approval of Court-wide administrative issuances; international cooperation, in particular the enforcement responsibilities provided under Part X of the Rome Statute; timely assignment of situations and constitution of Chambers; procedural and substantive coordination of judges' plenary sessions, retreats and meetings; and full implementation of the Court's code of ethics, within its jurisdiction.

(b) 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 strategic planning of the Court's external relations activities; and

(c) Administrative: to provide efficient administrative and managerial coordination of the Judiciary; to contribute actively to the Court's governance under the Presidency's strategic leadership; and to engage with the Assembly of States Parties ("the Assembly") with a view to its management oversight role regarding the administration of the Court, as provided under the Rome Statute.

### *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 advance the "Lessons Learnt" review of judicial processes, focusing on procedures in trial preparation/hearing stages, victims, and the conclusion of trials and appeals, and consulting States Parties, participants and other stakeholders, as appropriate.
3. To ensure effective resource management, including identifying and implementing further efficiency measures and improving the management of staff performance; and to operate in line with appropriate performance indicators for judicial processes and relevant judicial support.
4. To further improve the Court's budget processes in a Court-wide effort.
5. To ensure effective management of risks.
6. Together with the other organs, to further improve dialogue between the Court, the Assembly and its sub-bodies.
7. To build trust in the Court among 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 and underscore to non-States Parties the benefits of joining the Court; and to conclude relevant agreements with States.

### *Judicial Priorities – Cooperation and Transparency*

47. The Judiciary will continue to work on enhancing and encouraging the cooperation of States Parties. Robust and effective support by States is essential to strengthen the mandate of the Court. This cooperation is vital in giving real weight and effect to the Court's work, in particular in implementing its decisions (including executing warrants of arrest), providing financial and logistical support and enforcing sentences.

48. The Judiciary will spearhead efforts, rooted in the Court's framework on ethical conduct, to promote a culture of fiscal responsibility, transparency, accountability and trust in the Judiciary and the Court as a whole, both internally and externally. These efforts will aim to provide States Parties, the public and other key partners and stakeholders with the

full picture of how the Court operates, subject to the necessary confidentiality attached to judicial and prosecutorial work, and the independence of the Prosecutor and other major programmes within the broader budget of the Court.

**Budget resources** **€1,304.9 thousand**

49. The requested amount has decreased by €9.2 thousand (1.5 per cent).

50. A total of €9.4 thousand in Presidency non-recurrent costs were applicable in 2018 and will not appear in 2019. This is attributable to a reduction in travel costs and the induction of newly-elected judges.

*Presidency allowances* *€28.0 thousand*

51. The Proposed Programme Budget for 2019 includes €28.0 thousand to cover the special allowances of the President,<sup>10</sup> and of the First or Second Vice-President when acting as President.<sup>11</sup> The regular salaries of the Presidency's three members are included in Sub-Programme 1200.

**Staff resources** **€1,116.1 thousand**

52. The amount requested for established posts has decreased by €0.6 thousand (0.9 per cent). The Presidency comprises 11 established posts. No new posts are proposed.

*Established posts: Professional and General Service* *€1,116.1 thousand*

53. The Presidency is entrusted with three main functions: legal/judicial review, external relations and administration.

54. The Presidency support staff is led by one Chef de Cabinet (P-5) who is responsible for staff management, strategic planning and guidance, and for representing the Presidency at the working level in inter-organ work and external meetings at senior level.

55. The current structure includes one Head, Legal and Enforcement Unit (P-4), one Legal Officer (P-3) and one Associate Legal Adviser (P-2) in the Legal and Enforcement Unit (LEU), responsible for coordinating and providing substantive legal support to the Presidency. The external relations functions of the Presidency are currently performed by an External Relations Adviser (P-3), who is assisted by one Administrative Assistant (External Relations) (GS-OL). One Special Assistant to the President (P-3) currently provides support to the President and the Presidency in the exercise of their responsibilities, with a particular focus on policies concerning administration and interaction with the Assembly and its subsidiary bodies. One Associate Administrative Officer (P-2) provides technical and accounting support for budget and staffing for the Presidency and the Judiciary. The remaining Presidency staff is composed of one Personal Assistant to the President (GS-PL), one Administrative Coordinator to the Judiciary (GS-OL) and one Administrative Assistant (GS-OL) assigned to the Chef de Cabinet, who provide wide-ranging administrative and logistical support.

**Non-staff resources** **€160.8 thousand**

56. Non-staff resources are required for travel, hospitality, training and consultants. The proposed amount has decreased by €0.6 thousand (5.6 per cent) owing to a reduction in travel requirements.

*Travel* *€135.8 thousand*

57. The requested amount has decreased by €0.6 thousand (6.6 per cent) owing to a reduction in the requirement for support staff accompanying senior officials. Funds are required for all official travel by judges and staff in the Presidency and Chambers. This

<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.

budget is used to fund travel by the President, Vice-Presidents or other judges to represent the Court at important external events. It also covers two judicial retreats, the costs associated with the opening of the judicial year and a limited amount of travel by Presidency and Chambers staff required to support the Presidency's external role or to provide expert contributions to external events, but in all cases only where funding from the organizers is not available. These costs are recurrent.

*Hospitality*

*€14.0 thousand*

58. The requested amount remains unchanged and is required for hospitality costs associated with visits of Heads of State or Government, ministers and other senior representatives of States (including ambassadors) to the President or the Vice-Presidents. The hospitality budget is also used to cover the Judiciary's contributions to Court events, such as Diplomatic Briefings, the NGO Roundtable and welcome and signing ceremonies, which are jointly funded by all organs. These costs are recurrent.

*Training*

*€6.0 thousand*

59. The requested amount remains unchanged. The Presidency continues to require a budget for specialized training for its staff in 2019, mainly for specific training relevant to the legal and external relations functions, as well as management training, and a small provision to improve working language skills. These costs are recurrent.

*Consultants*

*€5.0 thousand*

60. The requested amount remains unchanged from the amount approved for 2018. These costs are recurrent.

**Table 9: Programme 1100: Proposed budget for 2019**

1100 The Presidency	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
<i>Judges</i>	-	-	-	28.0	-	-	28.0
Professional staff				833.4	(9.6)	(1.2)	823.8
General Service staff				292.3	-	-	292.3
<i>Subtotal staff</i>	<i>1,028.2</i>	<i>-</i>	<i>1,028.2</i>	<i>1,125.7</i>	<i>(9.6)</i>	<i>(0.9)</i>	<i>1,116.1</i>
General temporary assistance	39.4	-	39.4	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>39.4</i>	<i>-</i>	<i>39.4</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	114.7	-	114.7	145.4	(9.6)	(6.6)	135.8
Hospitality	7.0	-	7.0	14.0	-	-	14.0
Contractual services	-	-	-	-	-	-	-
Training	5.7	-	5.7	6.0	-	-	6.0
Consultants	-	-	-	5.0	-	-	5.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>127.4</i>	<i>-</i>	<i>127.4</i>	<i>170.4</i>	<i>(9.6)</i>	<i>(5.6)</i>	<i>160.8</i>
<b>Total</b>	<b>1,195.0</b>	<b>-</b>	<b>1,195.0</b>	<b>1,324.1</b>	<b>(19.2)</b>	<b>(1.5)</b>	<b>1,304.9</b>

**Table 10: Programme 1100: Proposed staffing for 2019**

1100	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>														
Approved 2018	-	-	-	-	1	1	3	2	-	7	1	3	4	11
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>1</b>	<b>3</b>	<b>4</b>	<b>11</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>



## 2. Programme 1200: Chambers

### Introduction

61. Under articles 34(b) and 36(1) of the Rome Statute, the Chambers are composed of 18 judges, organized into three divisions: Pre-Trial, Trial and Appeals. In consultation with the judges, the Presidency decides on the assignment of judges to Judicial Divisions<sup>12</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. Within the confines of the Rome Statute, a flexible approach is adopted for the allocation of the workload among the judges to allow for the most effective use of resources and to avoid requests for new resources, even while the workload in some Chambers may increase. Depending on the workload within the relevant divisions, pre-trial judges may be assigned to trial and reparations work, and both pre-trial and trial judges may be assigned to specific appeals, where necessitated by a conflict of interest or other circumstances which require the temporary replacement of an appeals judge.

62. The Chambers comprise the judicial organ of the Court. As mandated by 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>13</sup>

### *Chambers’ objectives*

1. To ensure efficient conduct of pre-trial, trial and appeal proceedings.
2. To continue to reduce the length of proceedings by implementing the numerous reforms undertaken in recent years, such as the continuing “Lessons Learnt” review of judicial processes, with a focus on procedures in the trial preparation/hearing stages and, subsequently, on the conclusion of trials and appeals. This includes updating the Chambers Practice Manual.
3. To continue operating in line with the performance indicators developed for judicial processes.
4. To continue developing and implementing victim application and representation systems in consultation with the Registry.
5. To ensure effective management of staff and non-staff resources.
6. To further improve the management of staff performance through the new Court-wide performance appraisal system.

### *Judges’ costs*

€5,634.1 thousand

63. The Proposed Programme Budget for 2019 provides for the remuneration of 18 full-time judges and 2 trial judges. The latter’s terms of office were expected to end on 10 March 2018, but are continuing, pursuant to articles 36(10) and 39(3) of the Rome Statute. The two judges whose terms of office are extended need to remain for an as yet undetermined period in order to complete the trials in the cases of *Gbagbo and Blé Goudé* and *Ntaganda*.

64. The remuneration and allowances of judges are detailed in full in Annex VI(a).

65. In the Proposed Programme Budget for 2017,<sup>14</sup> a request was made to update the judges’ salaries to align them with increases in the cost of living in The Hague, as well as with the salaries of the judges of the International Court of Justice and other international courts and tribunals, on the basis of both article 49 of the Rome Statute and ICC-ASP/3/Res.3.<sup>15</sup> After consideration of this matter at the fifteenth session of the Assembly of States Parties (“the Assembly”), the decision was taken to request the Bureau “to consider a

<sup>12</sup> Rule 4 *bis* of the Rules of Procedure and Evidence.

<sup>13</sup> Article 64(2) of the Statute.

<sup>14</sup> Proposed Programme Budget for 2017, para. 163-168.

<sup>15</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.3, Annex, section XIII.

revision of the judges' remuneration and to report to the Assembly at its sixteenth session".<sup>16</sup> The Bureau subsequently decided that the facilitation on this issue would be led by a designated facilitator. As the facilitation process remains ongoing and its outcome will not be known before the presentation of the Proposed Programme Budget for 2019, an amount has been placed in Annex VI(a), without prejudice to the ongoing facilitation and subject to a determination of the appropriate level of any increase in remuneration by the States Parties.

#### *Forecast judicial activities*

66. The overall workload of Chambers will remain at a similar level to that of 2018. The Pre-Trial Division is currently seized of 15 situations. Furthermore, 16 warrants of arrest issued against 15 persons remain unexecuted to date. One case is currently pending before Pre-Trial Chamber I at the confirmation of charges stage and is likely to conclude, at the earliest, at the end of 2018. In all other situations and cases, selected issues regularly arise that require the intervention of the Pre-Trial Chambers. In the Trial Division, four cases will be at the trial hearing or deliberations stage. Appeals against a sentencing decision are likely to continue into 2019 and appeals against the trial judgments in up to two cases are expected to reach the Appeals Division in 2019. There will also be interlocutory appeal work throughout the year arising from the ongoing trials and pre-trial proceedings.

#### *Fair, transparent and efficient proceedings*

67. While fairness and transparency remain central pillars for the conduct of proceedings, the Judiciary also continues to work on enhancing its practice to improve efficiency. The judges are carrying on the important work on amendments and improvements in practice and implementing the best practices that have been developed through collaboration at judicial retreats and which are reflected in the Chambers Practice Manual.

#### *Case Law Database*

68. The Case Law Database (CLD) project is an ongoing, essential undertaking to create a uniform and consistent searchable database of the Court's case law. The completed CLD will index all judicial decisions of the Court in an easily searchable format. In addition to the CLD's full-text searching capability, key legal findings will also be extracted from decisions and categorized by proprietary headnotes, to which searchable legal keywords, phrases and other metadata will be attached. The CLD will also trace the evolution of the Court's case law and the relationships between judicial decisions.

69. The Chambers will continue its work on this project along with the other organs of the Court in order to create a comprehensive, fully functional and accessible CLD within existing resources.

### **Activity assumptions**

#### *Pre-Trial Division*

70. The Pre-Trial Division handles all requests presented during preliminary examinations, or regarding the initiation of an investigation or the preservation of evidence during an investigation. It also deals with the entire first phase of judicial proceedings, up to confirmation, where applicable, of the charges, upon which the case against the person(s) charged proceeds to trial.

71. Six judges are currently assigned to the Pre-Trial Division. Owing to the current workload at the Court, four of the six pre-trial judges are at the same time also temporarily attached to the Trial Division and involved in trial hearings and reparations matters. Pre-trial judges, like trial judges, have in the past also been temporarily attached to the Appeals Division to hear interlocutory appeals. In line with the Chambers' flexible approach to

<sup>16</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, section O.

staffing, a number of legal staff assigned to the Pre-Trial Division have also been simultaneously assigned to cases in other divisions and Chambers. This approach has so far made it possible to satisfactorily meet needs deriving from the current workload.

72. The Pre-Trial Chambers are currently actively seized of 15 situations, namely, Uganda; the Democratic Republic of the Congo; Darfur/Sudan; 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; Georgia; Gabon; Burundi; Afghanistan and Palestine. Significant activity is expected to continue, in particular in the situations in Darfur/Sudan, Libya, Mali, Central African Republic II, Georgia and Burundi. The *Al Hassan* case in the situation in Mali is currently pending at the confirmation of charges stage before Pre-Trial Chamber I and it is likely that it will remain before that Chamber until at least the end of 2018.

73. 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 that come before the Pre-Trial Chambers in 2018 may result in further applications being presented to the Pre-Trial Chambers by parties and participants in the various proceedings in 2019. Moreover, any of the 15 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 on three occasions in recent years, in the cases of *Ntaganda* and *Ongwen*, and in 2018 in the *Al Hassan* case. As a result, the Pre-Trial Division can only draw on the experience of previous years to arrive at its assumptions for 2019.

#### *Trial Division*

74. The Trial Division is composed of the Trial Chambers, whose mandate is to conduct trials following the confirmation of charges by the Pre-Trial Chambers. This mandate continues until the conclusion of the reparations phase. The Trial 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.

75. The Trial Division is currently composed of six judges assigned in various combinations to eight Trial Chambers. An additional four judges assigned to the Pre-Trial Division have been temporarily attached to the Trial Division for the duration of the specific cases before them. Trial judges are also temporarily attached to the Appeals Division to hear interlocutory and final appeals. The mandates of two judges were extended to allow them to complete the ongoing trials.

76. The Trial Division has six active proceedings before six Chambers: trial proceedings in *Ntaganda*, *Gbagbo and Blé Goudé* and *Ongwen*; and reparations proceedings in *Lubanga*, *Katanga* and *Al Mahdi*.

77. The judgment pursuant to article 74 of the Statute in *Ntaganda* is expected to be issued by the end of 2018. Subject to conviction, the sentencing decision is expected to be issued by the end of the first quarter of 2019. The *Ongwen* trial will continue in 2019, with the presentation of evidence by the defence expected to continue until the end of 2019, followed by closing submissions, deliberations and a judgment pursuant to article 74 of the Statute. In the *Gbagbo and Blé Goudé* case, a decision of the Trial Chamber is pending on the defence applications on "issues for which, in their view, the evidence presented by the Prosecutor is not sufficient to sustain a conviction". If the *Gbagbo and Blé Goudé* trial continues with a presentation of evidence by the two accused, the trial will be ongoing throughout 2019. Subject to confirmation of the charges, the *Al Hassan* trial is expected to start in 2019. These trials will generate a considerable workload, given the volume of evidence expected to be presented and, generally, the complexity of these cases.

78. In addition, reparations proceedings will be ongoing in 2019: subject to a conviction, the preparation of a reparations order in *Ntaganda* is expected to continue throughout 2019. In *Katanga*, *Lubanga* and *Al Mahdi*, the monitoring and supervision of the implementation phase after the issue of reparations orders are expected to take place throughout 2019.

79. In the light of the above, it is assumed that the workload arising from the trials for continuing and new cases, including reparations proceedings, will be at least at a similar level to that of 2018 and that the proceedings will need to continue in parallel. There are three ongoing trials in 2018 (*Ntaganda*, *Ongwen* and *Gbagbo and Blé Goudé*). Although one is expected to conclude by the end of 2018 – *Ntaganda* (subject to sentencing in the first quarter of 2019 in case of conviction) – two – *Ongwen* and potentially *Gbagbo and Blé Goudé* – will be ongoing throughout 2019. In addition, the *Al Hassan* case is expected to start in early 2019 (preparation and commencement of the trial, subject to the charges being confirmed). Reparations proceedings will be ongoing in 2019 as follows: Trial Chambers II and VIII are expected to continue overseeing the implementation of the reparations orders issued in the *Lubanga*, *Katanga*, and *Al Mahdi* cases. In addition, Trial Chamber VI will deal with new reparations proceedings in *Ntaganda* (subject to a conviction). Therefore, compared to 2018, there will be one additional case whose reparations proceedings will be ongoing. In contrast, in the light of the Appeals Chamber’s decision of 8 June 2018 to overturn Mr Bemba’s conviction, it is not expected that reparations proceedings in this case will continue in 2019.

#### *Appeals Division*

80. 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 in respect of any reparations decision, at the end of a trial, as well as interlocutory appeals against certain decisions of the Pre-Trial and Trial Chambers rendered 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 whole.<sup>17</sup> The Appeals Chamber may also be seized of other matters, such as requests for a reduction of sentence.

81. It is expected that the Trial Chamber will issue a new decision on the sentences of three convicted persons in the *Bemba et al.* case before the end of 2018. Depending on the timing of that decision, any appeals that may arise are likely to continue into 2019. It is anticipated that, during the first half of 2019, the Appeals Chamber will be seized of one or more appeals against the acquittal or conviction and, as the case may be, sentencing decisions of the Trial Chamber in *Ntaganda*. The case file, embracing several years of pre-trial and trial proceedings, and the evidentiary basis of the Trial Chamber’s decision(s) are substantial. Because of this complexity, the workload resulting from these appeals is expected to be high for the remainder of 2019. Depending on developments in the *Gbagbo and Blé Goudé* case, the Appeals Chamber may also be seized of final appeals in this case.

82. It is also anticipated that the Appeals Chamber will be seized of several interlocutory appeals arising from the cases pending before the Pre-Trial and Trial Chambers.

83. In the light of the above, it is assumed that the workload arising from the various final and interlocutory appeals expected in 2019 will be at least as substantial as in 2018, and that proceedings will need to continue in parallel.<sup>18</sup>

#### **Budget resources**

**€ 11,072.9 thousand**

84. The requested amount has increased by €9.2 thousand (0.9 per cent).

85. Non-recurrent costs amounting to €10.0 thousand, related to the installation of newly-elected judges in 2018, do not appear in this budget.

<sup>17</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>18</sup> About eight interlocutory appeals per year are expected.

**Staff resources (total for three divisions)****€5,397.8 thousand**

86. The amount requested has decreased by €47.4 thousand (1.1 per cent). The amount requested for GTA positions has decreased by €18.4 thousand (1.4 per cent).

87. The Judiciary is continuing its efforts to improve the efficiency and expeditiousness of judicial proceedings, in part through increased operational flexibility in its staffing structure. Legal support staff are assigned on a needs basis, taking into account the workload of each team, Chamber and division, as well as the required expertise. This approach allows for better responsiveness to changing needs and workloads, enhancing the Judiciary's overall effectiveness. It also expands the skills and experience of Chambers staff and has a positive impact on the general dynamic. Operational staff shortages are addressed with available resources, wherever possible, through flexible deployment between the divisions and simultaneous assignment to cases or requests at the pre-trial, trial or appeal stages of the proceedings.

88. Over time, this policy will continue to be used to streamline working processes and increase synergies and efficiencies by exposing staff to a variety of substantive matters and approaches. The roles and degrees of involvement of staff members differ according to the specific requirements of the cases (depending on the phase of the case) and Chambers, and according to staff expertise.

89. The ongoing flexible assignment of established and GTA staff is expected to continue to lead to better synergy between judicial operating requirements and the pool of knowledge and expertise in Chambers. Accordingly, for 2019, the staff resource requirements for Chambers remain at the same level as those approved for 2018. It is stressed, however, that this requirement is based on the present staffing level, composed of the fully operational, well-trained and experienced staff currently on board. Any reduction in this staffing level will cause disruption to workflows and operational delays, and prevent the expeditious completion of tasks.

90. The staffing structure of Chambers comprises 40 established posts and 12 GTA positions, and remains unchanged from 2018. Staff resources are presented jointly for all three divisions, on the basis of the principle of flexible staff assignment.

*Established posts: Professional and General Service**€4,129.8 thousand*

91. The workload of established staff will remain at approximately the same level, especially in the light of the complexity of the pending cases. Further extensive support will be required to conduct activities at the pre-trial level and for multiple interlocutory and final appeals.

92. The Chambers are served by 40 established posts. The Head of Chambers (P-5) is responsible for strategic planning and work processes in Chambers. The Head of Chambers oversees and leads coordination and communication between divisions, and provides support to the judges and overall managerial leadership to Chambers legal staff. The Head of Chambers is assisted by one Senior Legal Adviser (P-5) and two Legal Advisers (P-4), who offer essential division-specific expertise, provide guidance to the pre-trial, trial and appeals staff and coordinate their work on the cases. The Chambers are further staffed by 18 Legal Officers (P-3), who provide high-level legal advice to the judges to whom they are assigned and coordinate the legal support team of a Chamber, as necessary; 10 Associate Legal Officers (P-2), who assist with analysis of submissions, preparation of decisions and judgments, and the day-to-day logistics of courtroom activities; and 8 Administrative Assistants (GS-OL), who provide wide-ranging administrative and logistical support to the judges and staff.

*General temporary assistance**€1,268.0 thousand*

93. The work of the divisions will remain critically dependent on the availability of sufficient GTA support at the P-3 and P-2 levels. Therefore, the continuation of previously approved GTA resources is essential for the efficient functioning of the Chambers. All GTA positions are considered multi-year, since they are used as a pool of resources and allocated on a needs basis. This requirement is reviewed annually. Accordingly, GTA

resources are requested at the same level as those approved in the 2018 Programme Budget, as follows:

(a) Four *Legal Officers (P-3)*, funded for a total of 48 months. *Continued. Multi-year.* As in previous years, more experienced legal staff at P-3 level continue to be needed to coordinate and supervise teams and assist with specific assignments in cases, such as in-depth research on applicable law, legal analysis, preparation of draft decisions on any issues emerging during the proceedings and provision of in-court support; and

(b) Eight *Associate Legal Officers (P-2)*, funded for a total of 96 months. *Continued. Multi-year.* These staff provide the necessary legal support to the judicial activities of the Chambers. The requested GTA P-2 positions will be required, *inter alia*, to support the following specific activities: analysing and summarizing large volumes of evidence and submissions by parties; attending hearings and preparing summaries thereof; liaising as necessary with the Registry, parties and participants; analysing victims' applications for reparations; and performing any other relevant tasks necessary to ensure the proper functioning of the divisions.

#### **Non-staff resources**

**€41.0 thousand**

94. Non-staff resources are required for hospitality and training. In accordance with the recommendations of the Committee on Budget and Finance ("the Committee"), as endorsed by the Assembly, the budgetary provision for judges' travel has been included in the budget of the Presidency.<sup>19</sup> The requested amount has increased by €24.0 thousand (141.2 per cent) to cover required staff training and to provide for judges' training costs.

95. At present, the possibility exists that there could be in situ proceedings in 2019. The conduct of in situ proceedings will be subject to a decision of the Presidency, pursuant to rule 100 of the Rules of Procedure and Evidence. The Presidency will take its decision following a recommendation of the relevant Chamber and an assessment prepared by the Registry, and only after consultation with and the agreement of the State where the Chamber intends to sit. Moreover, as a full assessment can only be conducted when the above decision has been taken by the Presidency, the costs of such proceedings cannot accurately be estimated at this time.

#### *Hospitality*

*€1.0 thousand*

96. The requested amount remains unchanged and is necessary for hospitality costs associated with visits to judges by diplomatic and other high-level visitors, such as renowned legal scholars and figures of the international legal community. These costs are recurrent.

#### *Training*

*€40.0 thousand*

97. The requested amount has increased by €24.0 thousand (150.0 per cent). Funding is composed of €25.0 thousand for staff training (an increase of €9.0) and an additional €15.0 thousand for judges' training. The amount for staff training is required for drafting and linguistic capacity-building in the Court's working languages in view of the specific requirements of current casework in all three divisions, and for training in specialized legal matters in view of new developments in international humanitarian law, international criminal law, human rights law and evidence (e.g. digital forensics), and for further development of other professional skills. The amount earmarked for judges' training will be used to fund language immersion programmes for the judges. These costs are recurrent.

<sup>19</sup> *Official Records ... Ninth session ... 2010 (ICC-ASP/9/20)*, vol. I, part II.E. and vol. II, part B.2.II.D.1, para. 83.

**Table 11: Programme 1200: Proposed budget for 2019**

1200 Chambers	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
<i>Judges</i>	5,404.9	-	5,404.9	5,493.1	141.0	2.6	5,634.1
Professional staff				3,622.8	(47.4)	(1.3)	3,575.4
General Service staff				554.4	-	-	554.4
<i>Subtotal staff</i>	3,971.8	-	3,971.8	4,177.2	(47.4)	(1.1)	4,129.8
General temporary assistance	1,213.0	-	1,213.0	1,286.4	(18.4)	(1.4)	1,268.0
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	1,213.0	-	1,213.0	1,286.4	(18.4)	(1.4)	1,268.0
Travel	-	-	-	-	-	-	-
Hospitality	-	-	-	1.0	-	-	1.0
Contractual services	-	-	-	-	-	-	-
Training	16.3	-	16.3	16.0	24.0	150.0	40.0
Consultants	28.0	-	28.0	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	44.3	-	44.3	17.0	24.0	141.2	41.0
<b>Total</b>	<b>10,634.0</b>	<b>-</b>	<b>10,634.0</b>	<b>10,973.7</b>	<b>99.2</b>	<b>0.9</b>	<b>11,072.9</b>

**Table 12: Programme 1200: Proposed staffing for 2019**

1200	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>														
Approved 2018	-	-	-	-	2	2	18	10	-	32	-	8	8	40
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	4.00	8.00	-	12.00	-	-	-	12.00
Continued	-	-	-	-	-	-	4.00	8.00	-	12.00	-	-	-	12.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.00</b>	<b>8.00</b>	<b>-</b>	<b>12.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12.00</b>

### 3. Programme 1300: Liaison Offices – New York Liaison Office

#### Introduction

98. Following inter-organ consultations and agreement by the CoCo, the New York Liaison Office will be redeployed to Sub-programme 3800 (Division of External Operations) within the Registry and be managed alongside the country offices. In consequence, Major Programme I has not requested any resources to staff and operate the New York Liaison Office as these are now proposed under the Registry's Major Programme III, as indicated above.

**Table 13: Programme 1310: Proposed budget for 2019**

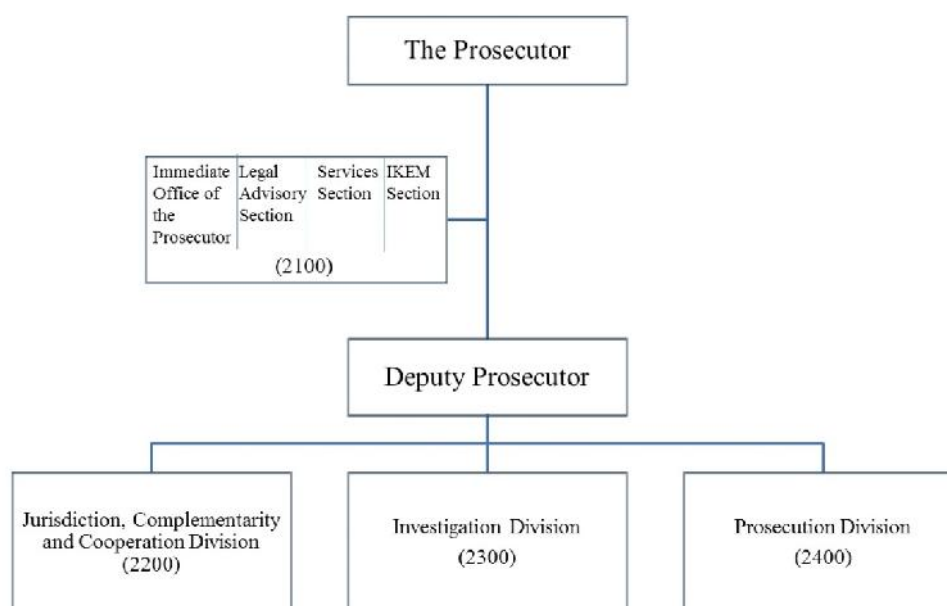
1310 New York Liaison Office	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
<i>Judges</i>	-	-	-	-	-	-	-
Professional staff				211.5	(211.5)	(100.0)	-
General Service staff				80.5	(80.5)	(100.0)	-
<i>Subtotal staff</i>	<i>310.4</i>	-	<i>310.4</i>	<i>292.0</i>	<i>(292.0)</i>	<i>(100.0)</i>	-
General temporary assistance	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	-	-	-
Travel	-	-	-	6.8	(6.8)	(100.0)	-
Hospitality	-	-	-	1.0	(1.0)	(100.0)	-
Contractual services	-	-	-	5.0	(5.0)	(100.0)	-
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	91.0	-	91.0	104.4	(104.4)	(100.0)	-
Supplies and materials	1.8	-	1.8	5.0	(5.0)	(100.0)	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>92.8</i>	-	<i>92.8</i>	<i>122.2</i>	<i>(122.2)</i>	<i>(100.0)</i>	-
<b>Total</b>	<b>403.2</b>	-	<b>403.2</b>	<b>414.2</b>	<b>(414.2)</b>	<b>(100.0)</b>	-

**Table 14: Programme 1310: Proposed staffing for 2019**

1310	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>														
Approved 2018	-	-	-	-	1	-	-	-	-	1	-	1	1	2
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	(1)	-	-	-	-	(1)	-	(1)	(1)	(2)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-



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



### Introduction

99. The proposed budget of the Office of the Prosecutor (“the Office” or OTP) of the International Criminal Court (“the Court”) for 2019 continues to be based on two main interlinked sources:

- (a) the OTP Strategic Plan for 2016-2018 and related policies, as well as the early draft Strategic Plan for 2019-2021; and
- (b) a careful and realistic assessment of the resources that will be needed by the OTP in 2019 to properly discharge its mandate under the Rome Statute.

100. The OTP Strategic Goals<sup>20</sup> (from the Strategic Plan for 2016-2018), proposed resource needs and corresponding 14 performance indicators have been fully integrated into this proposed budget. The relationship between goals and performance indicators is shown in Annex IV(b) to the Strategic Plan for 2016-2018, presented by the Office at the fourteenth session of the Assembly of States Parties (“the Assembly”).<sup>21</sup> The specific objectives for 2019 and the 14 identified performance indicators are included in Annex IV(d) to this budget document.

101. The OTP is currently finalizing its Strategic Plan for the next period (2019-2021). The next Strategic Plan builds largely on the objectives, results and experiences of previous Strategic Plans since 2012 (when the current Prosecutor took office), with some shifts in focus – e.g. to develop the additional policies that are needed as the Office and its cases mature.

<sup>20</sup> The Strategic Goals in the 2016-2018 Strategic Plan are as follows: *Strategic Goal 1*: Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions. *Strategic Goal 2*: Continue to integrate a gender perspective into all areas of the Office’s work and to implement its policies on sexual and gender-based crimes (SGBC) and crimes against children. *Strategic Goal 3*: Further improve the quality and efficiency of preliminary examinations, investigations and prosecutions. *Strategic Goal 4*: Further adapt the Office’s investigative and prosecutorial capabilities and network to the complex and evolving scientific and technological environment. *Strategic Goal 5*: Achieve a basic size commensurate with the demands placed on the Office so that it can perform its functions with the required quality, effectiveness and efficiency. *Strategic Goal 6*: Contribute to strengthening cooperation and promoting general support for the mandate and activities of the Office. *Strategic Goal 7*: Adapt the Office’s protection strategies to new security challenges. *Strategic Goal 8*: Ensure professional, accountable, transparent and efficient management of the Office. *Strategic Goal 9*: Work with partners to develop a coordinated investigative and prosecutorial strategy to close the impunity gap.

<sup>21</sup> ICC-ASP/14/22, Office of the Prosecutor: Strategic plan 2016-2018, 21 August 2015.

102. Results are measured on a regular basis via a set of performance indicators that were introduced in the Strategic Plan and subsequently fine-tuned over the 2016-2018 period. Currently, 35 indicators<sup>22</sup> – grouped into three main categories – are monitored.

103. The format and content of the Court-wide strategic plan are also now under review. Pending its finalization, the OTP assumes that the Court-wide strategic plan will continue to be broadly defined in 2019 by three high-level strategic goals: (a) Judicial and Prosecutorial; (b) Managerial; and (c) Cooperation and Support.

104. The OTP – with its independent mandate to initiate investigations and present cases before the Chambers – is the driving force behind the Court’s judicial activities. While the outcomes of proceedings are not guaranteed, effective performance by the OTP is key to enhancing the Court’s credibility and strengthening public confidence in its ability to deliver justice for the world’s most serious crimes. This is why the OTP is actively engaged in ensuring that its operations are conducted in accordance with the highest standards, and that its activities are compliant with the legal framework of the Rome Statute while being informed by professionalism, transparency, efficiency and effectiveness. The OTP is also a learning organization, where both successes and shortcomings are fully assessed and lessons are regularly learned and applied.

#### **OTP activities in 2019 – preliminary examinations, investigations and prosecutions**

105. The activities planned for 2019 build upon the results and experience of the OTP Strategic Plan for 2016-2018. They also tie into the next plan, which is to be presented in the last quarter of 2019.

#### **Situations under preliminary examination**

106. The OTP conducts preliminary examinations of all situations that come to its attention so as to determine, on the basis of the legal criteria established by the Statute and the information available, whether those situations warrant investigation. The OTP is currently conducting preliminary examinations in nine situations: Colombia, Gabon, Guinea, Iraq/UK, Nigeria, Palestine, the Philippines, Ukraine and Venezuela. The Office estimates that it will have between 8 and 10 ongoing preliminary examinations in 2019.

107. The criteria set out in article 53(1)(a)(b)(c) of the Statute provide 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 must consider jurisdiction, admissibility and the interests of justice.

108. 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 of reliable provenance. The Office also conducts missions, as required, to meet relevant stakeholders on all sides – from government officials to civil society representatives – for the purpose of gathering information, engaging with State authorities on complementarity issues, and explaining the nature and scope of the preliminary examination process, which is not to be confused with a full-fledged investigation.

109. All of the 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. The Statute provides no timeline for such a determination.

110. Preliminary examinations are not only crucial to deciding whether or not to open a new investigation; they also serve to lay a firm foundation for cooperation when – and if – such an investigation is opened. Preliminary examinations can also have a preventive effect

<sup>22</sup> *Justice Done*: Warrants of Arrest; Persons Confirmed; Persons Convicted; Cases with Final Appeals; Counts Charged. *Operational Excellence*: Individual Risk Assessment; Source Evaluations Completed; PEACE model; Evidence Review; Critical Submission Review; Investigation Plan Review; International Cooperation; SGBC and Policy on Children; Security Assessment; Quality of Interaction with the Office; Efficiencies; Productivity. *Management Excellence*: Gender Balance; Geographical Balance; Budget Implementation; Staff Costs; Non-Staff Costs; Procurement Compliance; Travel Compliance; MOD Settlement.

and may foster domestic efforts to investigate and prosecute, thereby potentially obviating the need for new investigations by the Office. Lastly, the analytical work conducted at the preliminary examination phase feeds into the analysis at the investigations phase, should the Prosecutor decide to open an investigation into a situation. In view of the increasingly high volume of information received for processing in some of the most recent preliminary examinations, the Office has had to consider ways to improve and strengthen its information management at the preliminary examination phase, which has required the dedication of specific resources.

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

111. In 2019, the OTP will be operating in up to 11 situations that are open: Burundi, the Central African Republic (CAR I and II), Côte d'Ivoire, Darfur (Sudan), the Democratic Republic of the Congo (DRC), Georgia, Kenya, Libya, Mali, Uganda and possibly Afghanistan, where, on 20 November 2017, the Prosecutor requested authorization from Pre-Trial Chamber III to initiate an investigation into alleged war crimes and crimes against humanity. As the matter is pending at the time of submission of the budget, this situation is not included in the budget proposal.

112. The OTP Executive Committee (the "ExCom") gives extensive consideration to various factors when planning for activities in each fiscal year and preparing for the corresponding programme budget request. In line with OTP strategy, cases that are being prepared for trial or have reached the trial stage are always the Office's top priority. At the same time, investigations are normally the most resource-intensive activity conducted by the Office, and timing is essential for optimal results. As the Court often operates in highly volatile political and security environments, priority attention and resources are also devoted to active investigations so as to capitalize on as many opportunities as possible.

113. The 2019 proposed budget provides for some essential increases to finalize important investigative activities and operations, while also catering for ongoing proceedings in the courtroom.

114. After thorough consideration, the ExCom has decided to prioritize eight active investigations in the following six situations in 2019: Burundi, CAR (two investigations), Côte d'Ivoire, Darfur (Sudan), Georgia and Libya (two investigations). The forecast of active investigations in 2019 is presented as accurately as possible, as of the preparation of the proposed programme budget. Owing to the inherently dynamic nature of Office's mandate and activities, it will continue to assess the need to open – or close – any investigations during 2019, considering developments in existing and new situations, if any, as well as its case selection and prioritization policy.

115. Despite the need to prioritize some situations over others in terms of the limited resources available, all other situations will continue to be under OTP's active monitoring, according to the requirements of each case, whether this means following up new leads on crimes, suspects or the possibility of arrests, or maintaining contact with victims and witnesses in cases where an arrest is pending.

116. Owing to the confidential nature of investigations, the OTP is not able to provide situation-specific operational details leading to its budget proposal. However, in order to allow for a better understanding of some situation-specific parameters, and to increase knowledge of the overall challenges facing OTP investigations and the corresponding impact on resource requests, there follows below a short description of the situations where the Office is engaged.

### **Situation in the Republic of Burundi**

117. On 9 November 2017, Pre-Trial Chamber III of the Court authorized the Prosecutor to open an investigation into crimes against humanity within the jurisdiction of the Court allegedly committed in Burundi, or by nationals of Burundi outside Burundi, from 26 April 2015 to 26 October 2017, the day before Burundi's withdrawal from the Rome Statute became effective on 27 October 2017. The Prosecutor is also authorized to extend her investigation to crimes which were committed before 26 April 2015 or continue after

26 October 2017, as long as the investigation or prosecution relate to the crimes allegedly committed during the time Burundi was a State Party to the Rome Statute.

118. While Burundi's withdrawal from the Court is regrettable and may present some practical investigative challenges, the Pre-Trial Chamber has confirmed Burundi's obligation to cooperate with the Court under Part 9 of the Rome Statute despite its withdrawal. As highlighted in its application to open the investigation, the OTP is concerned for the well-being of witnesses and will need to continue to act rapidly and dedicate priority resources to secure results in this investigation. Accordingly, the OTP has continued to call for the cooperation of authorities in Burundi, around the region and elsewhere. Owing to the urgent requirement to begin operations immediately and the unavailability of resources already allocated to other ongoing investigations and activities, in some areas such as operational support, witness protection, cooperation and new language requirements, new resources were needed in 2018. As the investigation is an ongoing priority, some of these resources – e.g. staff for investigation, cooperation and new situation-language needs – will continue to be required in 2019 and cannot be fully absorbed in the proposed budget.

### **Situation in the Central African Republic (I and II.a and II.b – two investigations)**

119. The Central African Republic has twice referred a situation on its territory to the Court. Investigations with respect to CAR I focused on atrocities committed in the CAR in 2002 and 2003. Proceedings against the main suspect, Jean-Pierre Bemba, ended in June 2018 with acquittal by the Appeals Chamber, whereas Mr Bemba had previously been sentenced to 18 years' imprisonment by the Trial Chamber. Mr Bemba and his defence lawyers, Mr Musamba, Mr Mangenda, Mr Babala and Mr Arido, remain the subject of ongoing proceedings regarding their appeal against conviction for offences against the administration of justice under article 70 of the Rome Statute.

120. Investigations in the CAR II situation focus on crimes allegedly committed during renewed violence in the country from 2012 onwards by government entities and various groups, including elements known by or operating under the names Séléka and anti-Balaka.

121. The investigation is ongoing, with two teams of investigators working on the crimes allegedly committed by the different parties to the conflict. While a good cooperation environment has helped the Office to make substantive progress in its investigation, the security environment remains extremely unstable and has caused certain challenges for OTP activities.

122. The situation is aggravated by the inability of state security forces to ensure full security, in particular beyond the borders of the capital, Bangui. Therefore, increased security measures and logistical support for the Court's operations in the CAR continue to be needed to ensure the protection of staff on the ground, given the prevailing circumstances and inadequate domestic infrastructure. At the same time, arrangements such as rental housing have been put in place to counter the high cost of hotel accommodation, with a view to maximizing overall savings and operational efficiencies.

### **Situation in Côte d'Ivoire**

123. Post-election violence erupted in Côte d'Ivoire in 2010-2011 after results in the presidential election, involving Mr Laurent Gbagbo and Mr Alassane Ouattara, were contested. Atrocities purportedly committed during the ensuing violence included murder, rape, other inhumane acts, attempted murder and persecution. The OTP's investigations have focused on crimes allegedly committed by both the pro-Gbagbo forces (CIV I) and pro-Ouattara forces (CIV II).

124. The CIV I investigation resulted in warrants of arrest for three suspects on the basis of 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. Mr Gbagbo and Mr Blé Goudé are in the Court's custody, while the warrant of arrest for Ms Gbagbo remains unexecuted. A joint trial of Laurent Gbagbo and Charles Blé Goudé opened on 28 January 2016 and is estimated to continue throughout 2019.

125. Simultaneously, throughout 2019, the OTP will actively continue its investigation, known as CIV II, into crimes allegedly committed by Mr Gbagbo's opponents during the post-electoral violence. Good progress has been made, but, as the other case is already approaching the defence phase, extra resources are needed to finalize the investigation into other parties to the conflict. It is to be recalled that the initiation of this investigation was severely delayed by a lack of sufficient resources.

### **Situation in Darfur**

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

127. 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 investigation has focused on allegations of genocide, war crimes and crimes against humanity committed in Darfur. Alleged crimes falling under the Court's jurisdiction reportedly continue to be committed in Darfur. As announced in its report to the United Nations Security Council, the OTP will continue, in 2019, to pursue leads relating to earlier investigative developments as well as ongoing crimes.

128. In this situation, several warrants of arrest issued further to earlier stages of the investigation remain outstanding – some since 2007. These remain either at the pre-trial stage, pending the suspects' arrest and surrender to the Court, or – in the case of Abdallah Banda Abakaer Nourain – at the trial stage, pending the accused's arrest before the presentation of evidence can commence. 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. Ahmad Muhammad Harun is facing 20 charges of crimes against humanity and 22 charges of war crimes, and Ali Muhammad Abd-Al-Rahman ("Ali Kushayb") is facing 22 counts of crimes against humanity and 28 counts of war crimes. Abdel Raheem Muhammad Hussein is facing seven charges of crimes against humanity and six charges of war crimes allegedly committed in Darfur between August 2003 and March 2004. 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 in North Darfur.

129. The OTP continues to call on States Parties to take urgent measures to ensure the execution of these warrants of arrest. A failure to implement these warrants would preclude any effective judicial outcome, thereby creating a risk to the Court's credibility and ostensibly wasting the considerable financial resources already invested in the related investigations, support activities and legal proceedings.

### **Situation in Georgia**

130. On 27 January 2016, following a preliminary examination of the situation prevailing in Georgia since 2008 and in the absence of effective proceedings at the national level, Pre-Trial Chamber I 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.

131. The OTP will continue actively investigating in the Georgia situation throughout 2019. One of the main challenges in the Georgia situation continues to be the need for enhanced secure communications for any staff deployed to the field, as well as overall information security. OTP is also acutely aware of the concerns of victims and affected communities in the situation, which has been the subject of no judicial remedies since the conflict began 10 years ago.

### Situation in Libya (two investigations)

132. By way of its resolution 1970 of 26 February 2011, the United Nations Security Council referred the situation in Libya since 15 February 2011 to the Prosecutor. Libya is not a State Party to the Rome Statute. On 3 March 2011, the OTP opened an investigation into the situation in Libya in relation to crimes within the jurisdiction of the Court allegedly committed since 15 February 2011. The OTP's investigations have led to three cases on charges of murder and persecution.

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

134. In relation to these same crimes, on 24 April 2017, Pre-Trial Chamber I granted the Prosecution's application to unseal the warrant of arrest for Al-Tuhamy Mohamed Khaled for the alleged crimes against humanity of imprisonment, torture, other inhumane acts and persecution, and for the war crimes of torture, cruel treatment and outrages upon personal dignity. Mr Al-Tuhamy is currently at large.

135. Despite the challenging security and political situation in Libya, the OTP has continued to collect, receive and process evidence concerning crimes committed in relation to the February 2011 revolution and more recent events, including ongoing crimes against humanity. In the light of the evidence collected, the OTP ExCom has decided to follow two active lines of investigation within the Libya situation in 2019: one concerning alleged crimes against humanity and inhumane treatment implicating Al-Werfalli and others, and another relating to alleged crimes against humanity, within the Court's jurisdiction, against migrants. The latter line of investigation will be conducted largely in line with the OTP's Strategic Goal 9. The Office will continue its consultations with relevant international and regional partners and agencies, as well as neighbouring States, to explore the possibility of cooperation, coordination and information sharing, where appropriate.

136. Owing to the different focus, nature and methods of these two lines of investigation – although some synergies may be achieved by sharing one Senior Trial Lawyer and one lead investigator between the two teams – it has been decided that the amount of work expected necessitates two separate Integrated Teams, each with its own investigators and other staff members. For full transparency in terms of budgetary planning, both investigations will be considered active, although it is not the OTP's intention to dedicate a full-size Integrated Team to each investigation.

### Situation in the Democratic Republic of the Congo

137. On 3 March 2004, the Government of the DRC referred to the Court the situation prevailing on its territory since 1 July 2002. The DRC situation has, to date, produced six cases, with six suspects facing numerous charges including the crimes against humanity of murder, rape and sexual slavery; and the war crimes of murder, directing attacks against a civilian population, rape and sexual slavery, pillaging, and conscripting, enlisting and using child soldiers. 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.

138. In terms of judicial activities in the DRC situation, three important proceedings are expected to be ongoing throughout 2019: the reparations proceedings and implementation of reparations awards in both *Lubanga* and *Katanga* – including possible appeals – and the trial proceedings in *Ntaganda*. The defence case in *Ntaganda* is expected to be completed in early 2019, to be followed by closing statements, judicial deliberations and issuance of the judgment.

139. The Office has continued to monitor with concern the situation in the DRC, including crimes allegedly committed in the Kasai region and elsewhere, and has issued preventive statements by the Prosecutor in this regard. It will continue to closely monitor these developments and assess any measures taken at the domestic level to address them.

### **Situation in Kenya**

140. Following a preliminary examination, Pre-Trial Chamber II authorized the OTP on 31 March 2010 to open an investigation *proprio motu* into the situation in the Republic of Kenya involving crimes against humanity within the jurisdiction of the Court allegedly committed between 2005 and 2009. The OTP's investigation focused on crimes against humanity allegedly 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 the crimes against humanity of murder, deportation or forcible transfer of population, persecution, rape and other inhumane acts.

141. On 23 January 2012, Pre-Trial Chamber II confirmed the charges against William Samoei Ruto, Joshua Arap Sang, Francis Kirimi Muthaura and Uhuru Muigai Kenyatta.

142. On 5 December 2014, the Prosecutor withdrew the charges against Mr Kenyatta. The Prosecutor stated that, given the state of the evidence in the case, she had no alternative but to withdraw the charges against him 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.

143. On 5 April 2016, Trial Chamber V(A) vacated the charges against William Samoei Ruto and Joshua Arap Sang, without prejudice to the possibility of prosecution in the future, either before the Court or under domestic jurisdiction.

144. Warrants of arrest have been issued for three Kenyan nationals for alleged offences against the administration of justice (article 70), namely corruptly influencing or attempting to corruptly influence witnesses in the Kenya cases. A warrant of arrest for Walter Osapiri Barasa was issued on 2 August 2013. Warrants for the arrest of Paul Gicheru and Philip Kipkoech Bett were issued on 10 March 2015. The case remains at the pre-trial stage. Limited OTP resources are still required for these article 70 investigations and prosecutions concerning alleged offences against the administration of justice.

### **Situation in Mali**

145. On 13 July 2012, the Government of Mali referred to the Court the situation prevailing on its territory since January 2012. After conducting a preliminary examination of the situation, the OTP opened an investigation on 16 January 2013 into alleged crimes committed on the territory of Mali since January 2012.

146. On 18 September 2015, Pre-Trial Chamber I issued a warrant of arrest for Ahmad Al Faqi Al Mahdi for the war crime of intentionally directing attacks against historic monuments and buildings dedicated to religion. On 24 March 2016, Pre-Trial Chamber I confirmed the charges against Ahmad Al Faqi Al Mahdi and committed him to trial. The accused admitted guilt pursuant to article 65. The judgment and sentence were issued on 27 September 2016.

147. In response to the continued strong demand for the OTP's intervention, and in the light of unforeseen investigative opportunities and the gravity of the crimes allegedly committed, the OTP continued to investigate – albeit with a reduced team – a wider range of war crimes in Mali, with the aim of gathering evidence which could lead to possible further cases. In April 2018, this resulted in the arrest of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, who has made his first appearance before the Court, and whose hearing on the confirmation of charges is scheduled for 24 September 2018. The trial is expected to last throughout 2019. While the Mali situation is not considered an active investigation for budget planning purposes, trial proceedings will require a continued high level of dedicated resources in the Integrated Team, including Trial Lawyers and other members of the Prosecution Division, as well as constant support from investigators and analysts, and cooperation efforts.

## Situation in Uganda

148. On 16 December 2003, the Government of Uganda referred to the Court the situation prevailing on its territory since 1 July 2002 concerning the Lord's Resistance Army (LRA).

149. 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 the perpetrator. On 8 July 2005, Pre-Trial Chamber II issued warrants of arrest under seal for 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, following their deaths. The warrants of arrest for Mr Kony and Mr Otti remain unexecuted.

150. On 16 January 2015, Dominic Ongwen was surrendered to the Court. On 23 March 2016, Pre-Trial Chamber II confirmed 70 charges against Dominic Ongwen and committed him to trial. The confirmed charges encompass crimes against humanity and war crimes allegedly committed in northern Uganda between 1 July 2002 and 31 December 2005, including sexual and gender-based crimes directly and indirectly committed by Dominic Ongwen, forced marriage, enslavement and the conscription and use of child soldiers.

151. In 2018, the trial entered the defence phase. It is expected to continue into 2019, including possible appeals. The OTP will continue to require a dedicated team for the duration of these proceedings.

### **Strategic and budgetary considerations related to the OTP's core activities: preliminary examinations, investigations and prosecutions**

152. The number of cases, investigations and preliminary examinations included in the budget assumptions is a translation of the ever-increasing demand on the Office to intervene in numerous situations around the globe where the most serious crimes of concern to the international community are being committed. Addressing those crimes, where the Court's jurisdiction allows it and where there are no national proceedings under way, is the very purpose for which the Court and the independent Office of the Prosecutor were established. Nonetheless, the OTP notes that 2019 is set to be yet another challenging year, not least in terms of resources. While the Office will continue to set priorities by balancing operational demands against the resources made available by the States Parties, a budget that is not commensurate with its carefully planned and essential resource needs will have a negative impact on the progress of its activities, without which no cases can be tried at the Court. Ultimately, insufficient resources are bound to lead to reputational risk for the OTP and the Court as a whole.

153. As has always been the practice, staff resources at the Office are allocated and redeployed flexibly between cases to maximize their effective use and quality of outcomes while ensuring the completion of ongoing work. For example, the staff resources that were allocated to the *Ntaganda* trial in 2018 will be redeployed to other situations when the trial ends – possibly in the fourth quarter of 2019. Staff members' fungible skills are used to facilitate the effective and efficient redeployment of existing resources and maximum absorption of new situations and cases within the limits of those resources.

154. However, some new situations require specific skills, necessitating the recruitment of new staff to enable the relevant teams to conduct operations. For instance, new situation languages require the recruitment of new translators, transcribers and field interpreters; the Burundi investigation has required extra field support capacity. In other circumstances, the intensification of an investigation or prosecution may require additional resources to strengthen the existing teams, in particular where all ongoing situations are faced with increased workloads simultaneously. If new staff cannot be recruited, those activities may grind to a halt, resulting in lost investigative opportunities or delayed results.



155. In compliance with the request expressed by the States Parties,<sup>23</sup> the Office has strictly scrutinized and evaluated the possibility of reducing financial impact by identifying savings and efficiencies before requesting any increase.

156. Because of the nature of its mandate and operations, most of the resources used by the Office are staff-related. In the 2019 proposed budget, total staff costs account for 88.5 per cent of the funds requested by the Office.<sup>24</sup>

157. Despite the limited possibility of achieving substantial material savings within the OTP after several years of the Court-wide efficiencies exercise, the OTP has been able to review certain processes for 2019, enabling it to perform more efficiently while maintaining the required level of quality in its results. These efficiencies are generally quantified in terms of existing staff time freed up, enabling current resources to absorb the largest possible share of the extra work arising from increased activity.

158. The total savings and efficiencies included in the 2019 budget proposal are €343.0 thousand. Of this amount, savings represent 87.6 per cent and efficiencies 12.4 per cent.

159. Identifying areas where the Office can make efficiency gains is an ongoing exercise. Since 2012, results have been documented and communicated to the Committee on Budget and Finance (“the Committee”) and the States Parties. Savings and efficiency gains have been integrated into the OTP’s budget proposals. The table below shows the results since 2012.

	2012	2013	2014	2015	2016	2017
Budget (€'000)	27,723.70	28,265.70	33,220.00	39,612.60	43,233.70	44,974.20
Savings and Efficiencies (€'000)	183.96	848.18	442.67	366.10	375.52	367.7
Savings + Efficiencies over Budget	0.7%	3.0%	1.3%	0.9%	0.9%	0.8%

160. Following workshop sessions dedicated to improving the budget process and the format of the budget package, the Court and the Committee have agreed – despite a certain level of unpredictability inherent in the nature of the operations of the OTP and the Court in general – to strive to increase the accuracy of requests for funds at budget item level. The 2019 budget proposal is therefore based on both estimates for 2019 activities and trends in the implementation of specific budget items in past years.<sup>25</sup>

161. The proposed budget for OTP travel in 2019 is an example of how the Office is seeking to align its budget proposal with the actual costs incurred in past years. The OTP is constantly reviewing its processes – such as mission planning and implementation – to maximize the value of the funds received, and has achieved some substantial savings in the process. However, the sheer number of missions needed to support and progress with investigative and prosecutorial activities, as well as the increased number of situations where the OTP is engaged, requires more resources than recommended by the Committee and approved by the Assembly in recent budgets.<sup>26</sup> This is clearly visible in the time series

<sup>23</sup> *Official Records ... Fifteenth session ... The Hague ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, section L, para. 1.

<sup>24</sup> The 2018 OTP Total Approved Budget was €45,991.8 thousand. Total staff costs and total non-staff costs amounted to €1,343.4 thousand and €1,648.4 thousand, respectively, and the former accounted for 90 per cent of the total approved budget.

<sup>25</sup> Using the data prepared by the Financial Planning and Control Unit (FPCU), the Senior Manager provides monthly updates on OTP budget implementation per budget item and sub-programme, and advises the Prosecutor and senior management on financial matters related to the activities being conducted. Time series of funds requested, approved and spent per year and per budget item are also available on the FPCU intranet page: <http://otp.icc.int/sites/ss/gau/pages/Budget%20and%20Expenditure%20Monitoring.aspx>

<sup>26</sup> The Office of the Prosecutor conducts missions in several countries where witnesses and victims are located and evidence can be collected with respect to the investigative and prosecutorial activities it manages. Since 2012, the Office has strived to be “as trial-ready as possible” by the time it seeks a confirmation of charges before a Pre-Trial Chamber. The process of collecting and analysing solid evidence is therefore a key factor in the OTP’s strategy, making operational missions fundamental to the implementation of that strategy.

shown in the table in Annex XIII OTP Travel – Approved Budget versus Actual Expenditure.

162. The 2019 proposal, therefore, includes a request for an increase in the budget available for missions. Naturally, the additional missions related to the OTP's new investigations are part of the reason for the request. However, the requested increase is also linked to the overall evaluation of the Office's needs in order to conduct its operations in the field at the right pace. If approved, this budget increase it will make it possible to close the gap between funds approved and spent.

163. The proposed Office budget is the product of a process of careful scrutiny which provides a realistic assessment of the OTP's resource needs to meet the demands placed on it in 2019, in accordance with its mandate.

<i>Parameter</i>	<i>2018</i>	<i>2019</i>
Number of planned Court hearings in 12-month period	400	324 <sup>27</sup>
Number of situations	10	11 <sup>28</sup>
Number of active investigations	6	8 <sup>29</sup>
Unsealed warrants of arrest pending execution	9	16 <sup>30</sup>
Number of preliminary examinations	10	9 <sup>31</sup>
Number of trial teams (OTP)	3	3 <sup>32</sup>
Number of final appeals	9	5 <sup>33</sup>

164. The Office continues to take measures, to the extent possible within its mandate, to promote complementarity and thereby reduce the need for its direct intervention. In this regard, preliminary examinations remain essential to promoting national proceedings, where appropriate.

165. On the basis of planned required activities for 2019, the OTP budget proposal has increased by €2,109.0 thousand (4.6 per cent), from €45,991.8 thousand to €48,100.8 thousand. The table below summarizes the increase per major budget item:

<i>Major Programme II</i>	<i>2018</i>	<i>Resource Changes</i>		<i>2019</i>
<i>Office of the Prosecutor</i>	<i>(€ '000)</i>	<i>Amount</i>	<i>%</i>	<i>(€ '000)</i>
Staff costs	31,897.1	1,010.8	3.2%	32,907.9
Other staff costs	9,446.3	253.9	2.7%	9,700.2
Non-staff costs	4,648.4	844.3	18.2%	7
<b>Total</b>	<b>45,991.8</b>	<b>2,109.0</b>	<b>4.6%</b>	<b>48,100.8</b>

166. The net impact<sup>34</sup> of 2019 operational costs is €2,109.0 thousand. Staff costs and non-staff costs account for €1,264.7 thousand and €844.3 thousand, respectively.

167. The increase in staff costs is due to the need to carry forward the GTA resources recruited for the Burundi situation while adding new positions that are necessary to enable

<sup>27</sup> Two courtrooms. *Gbagbo and Blé Goudé* (CIV): 124 days; *Ongwen* (Uganda): 160 days; *Al Hassan* (Mali II): 40 days.

<sup>28</sup> Burundi, CAR I, CAR II, CIV, DRC, Darfur, Georgia, Kenya, Libya, Mali, Uganda.

<sup>29</sup> Burundi, CAR II.a (Séléka), CAR II.b (anti-Balaka), CIV II, Darfur, Georgia, Libya (III) and Libya (IV).

<sup>30</sup> CIV I *bis* (1); Darfur I (2), II, IV and V (2), III (1); DRC IV (1); Kenya Art. 70 (3); Libya I (1), Libya II (1); Libya III (2); Uganda (2).

<sup>31</sup> Colombia, Gabon, Guinea, Iraq/UK, Nigeria, Palestine, Philippines, Ukraine, and Venezuela.

<sup>32</sup> CIV I (*Gbagbo and Blé Goudé*), UGA (*Ongwen*) and Mali II (*Al Hassan*).

<sup>33</sup> *Ntaganda* (Art. 74; Art. 76); *Gbagbo and Blé Goudé* (Art. 74; Art. 76); *Bemba et al.* (Art. 76).

<sup>34</sup> The net impact is the result of the positive and negative effects arising from all the factors affecting the budget proposal, such as post additions and deletions, non-staff items, conversions, reclassifications and implementation of the UN Common System changes.

and support progress in OTP activities. The utmost effort has been made to absorb as much of the impact of the new situation as possible. For the Burundi situation during 2018, the Office estimated the need to set up a team made of 21 positions (10.67 FTE) and the equivalent of 4 months of field interpretation, for a total of €1,049.1 thousand in staff costs and €457.2 thousand in non-staff costs. The full-year equivalent of these resources in 2019 would be €2,089.9 thousand and €914.4 thousand for staff and non-staff costs, respectively. A simple addition to the budget baseline would have led to an increase of €3,004.3 thousand, larger than the proposed amount for 2019.<sup>35</sup>

168. In the light of the lag time that characterizes recruitment processes at the Court, the OTP proposal adopts a recruitment time factor of four months for any new positions – not carried forward from 2018– financed through either GTA or established funds for 2019. In addition, mindful of the impact of filling vacancies through successful internal recruitment<sup>36</sup> on the overall implementation of the staff budget, the Office is not requesting the restoration in 2019 of the full GTA capacity for existing approved positions.<sup>37</sup>

169. Increases are requested to provide better support for Integrated Teams and OTP operations in general, and to address the need for more missions in order to complete investigative and prosecutorial activities and allow cases to advance to the next phase without further delay. These additions will only partially close the existing gap between the current level of resources allocated to cases and the actual level that would be needed to conduct operations at proper capacity.

---

<sup>35</sup> It is worth recalling that, in 2015, the Office estimated that funding an Integrated Team for one new investigation would require about €3.4 million. See answer to question no. 9 in CBF25/26S01, dated 25 September 2015.

<sup>36</sup> When an internal candidate who has successfully completed the competitive recruitment process is appointed to a new post, his or her previous post becomes vacant. This triggers another recruitment process that takes time to complete. This “domino effect” creates an unforeseen under implementation of staff budget funds.

<sup>37</sup> Restoring capacity would mean fully funding – for 12 months – all GTA positions approved in previous budgets and needed for the full year in 2019.

**Table 15: Major Programme II: Proposed budget for 2019**

Major Programme II Office of the Prosecutor	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				26,666.0	1,074.2	4.0	27,740.2
General Service staff				5,231.1	(63.4)	(1.2)	5,167.7
<i>Subtotal staff</i>	<i>32,011.0</i>	<i>-</i>	<i>32,011.0</i>	<i>31,897.1</i>	<i>1,010.8</i>	<i>3.2</i>	<i>32,907.9</i>
General temporary assistance	7,147.9	-	7,147.9	9,446.3	253.9	2.7	9,700.2
Temporary assistance for meetings	1.6	-	1.6	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>7,149.5</i>	<i>-</i>	<i>7,149.5</i>	<i>9,446.3</i>	<i>253.9</i>	<i>2.7</i>	<i>9,700.2</i>
Travel	3,532.5	-	3,532.5	2,928.9	599.3	20.5	3,528.2
Hospitality	4.8	-	4.8	5.0	-	-	5.0
Contractual services	392.3	-	392.3	579.5	-	-	579.5
Training	243.6	-	243.6	290.0	-	-	290.0
Consultants	84.3	-	84.3	70.0	-	-	70.0
General operating expenses	661.1	-	661.1	530.0	220.0	41.5	750.0
Supplies and materials	70.2	-	70.2	110.0	(20.0)	(18.2)	90.0
Furniture and equipment	282.8	-	282.8	135.0	45.0	33.3	180.0
<i>Subtotal non-staff</i>	<i>5,271.6</i>	<i>-</i>	<i>5,271.6</i>	<i>4,648.4</i>	<i>844.3</i>	<i>18.2</i>	<i>5,492.7</i>
<b>Total</b>	<b>44,432.0</b>	<b>-</b>	<b>44,432.0</b>	<b>45,991.8</b>	<b>2,109.0</b>	<b>4.6</b>	<b>48,100.8</b>

**Table 16: Major Programme II: Proposed staffing for 2019**

II	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>														
Approved 2018	1	1	-	3	17	36	77	71	33	239	1	79	80	319
New	-	-	-	-	1	2	4	6	1	14	-	-	-	14
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	2	(2)	-	8	(8)	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>20</b>	<b>36</b>	<b>81</b>	<b>85</b>	<b>26</b>	<b>253</b>	<b>1</b>	<b>79</b>	<b>80</b>	<b>333</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	1.00	5.75	29.20	21.25	8.42	65.62	3.60	23.87	27.47	93.09
Continued	-	-	-	-	-	5.75	29.70	21.92	7.00	64.37	2.60	24.20	26.80	91.17
New	-	-	-	-	-	1.67	1.33	10.00	-	13.00	-	7.92	7.92	20.92
Redeployed	-	-	-	-	-	-	(0.03)	0.33	-	0.30	(0.60)	1.22	0.62	0.92
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	(2.00)	(4.00)	(6.00)	(1.00)	(13.00)	-	-	-	(13.00)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5.42</b>	<b>27.00</b>	<b>26.25</b>	<b>6.00</b>	<b>64.67</b>	<b>2.00</b>	<b>33.33</b>	<b>35.33</b>	<b>100.00</b>

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

### Introduction

170. Programme 2100 comprises all staff functions that support and provide advice to the Prosecutor and the entire Office. For budgeting purposes, information has always been presented under two sub-programmes. Following the creation of the Information, Knowledge and Evidence Management Section, a third sub-programme has been added, under (c), below:

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

(b) Sub-programme 2120: the Services Section, comprising two specialized units that provide critical support functions in the areas of language expertise and budget, financial and administrative management;

(c) Sub-programme 2130: the Information, Knowledge and Evidence Management Section, comprising two units that provide support functions in the areas of physical and electronic evidence handling, and technical assistance for the Office of the Prosecutor in connection with information management and disclosure processes.

171. Following the terminology adopted in the inter-organ project for savings and efficiencies, most of the efficiencies achieved fall into the category of “review and standardization of policies, operations and procedures”. This has led to greater productivity with the same resources and allowed the increased workload to be absorbed with limited need to request additional resources in the Proposed Programme Budget for 2019 for the processes concerned.

172. Wherever possible, however, actual savings have been identified. These savings are being used to reduce the financial impact of increases in non-staff costs linked to the operations of Programme 2100 (e.g. travel).

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

173. The Immediate Office of the Prosecutor (IOP) provides assistance and advice to the Prosecutor in the day-to-day fulfilment of her functions *in toto* and overall management and quality control of the Office. IOP processes, prepares and reviews all communications on behalf of the Prosecutor for final approval, including relevant Office filings; facilitates ExCom's agenda and meetings – as well as communication with the divisions, sections and Integrated Teams; supports the Office's participation in inter-organ activities; manages and supports the public information activities of the Office to ensure effective and strategic information dissemination and public relations; provides advice and services on human resources for the Office to ensure a well-qualified and motivated workforce; manages all OTP human resources (HR) staff requests requiring the Prosecutor's approval per the Staff Rules and Regulations, and liaises with the Human Resources Section of the Registry accordingly; and provides general support to the Prosecutor and ExCom.

174. The IOP provides critical services to the Prosecutor and the Office with relatively marginal resources. The IOP contributes to the Office's overall aims of being an effective and efficient organ by participating in the implementation of best practices and performing a number of support functions, such as assisting the Prosecutor in the exercise of her administrative decision-making authority. The IOP also works with the Services Section to support the Prosecutor's management of the Office budget by implementing synergies and ensuring harmonization of practices between the organs in areas ranging from human resources to public information. The IOP further contributes to projects and initiatives aimed at streamlining processes.

175. The Legal Advisory Section (LAS), working with other parts of the Office as necessary, responds to requests for legal advice from the Prosecutor and the Office's divisions and sections. These requests concern the Office's core operations, the general functioning of the OTP as an independent organ and other internal matters. LAS leads the development – and coordinates the implementation – of OTP policies on key issues identified by the Prosecutor, including the Sexual and Gender-Based Crimes Policy and the Policy on Children, which have successfully been adopted. A new policy on Cultural Heritage is currently being developed. LAS also represents the Office in the development and revision of Court-wide policies and administrative issuances, and other regulatory instruments.

176. LAS also facilitates the development and maintenance of the Office's professional and ethical standards, coordinating the development of the Office's internal regulatory framework. LAS is therefore responsible for coordinating the revision of the OTP's Regulations and Operations Manual and updating the OTP Code of Conduct as necessary.

177. Furthermore, LAS has developed an electronic lessons-learned system to assist in identifying and recording lessons learned so as to enhance the quality and efficiency of operations. It also develops, provides and coordinates training programmes for OTP staff on the Office's Code of Conduct and core values. LAS manages the maintenance of online legal tools, commentaries and databases for the Office. It also provides related training as needed. LAS is additionally responsible for the development of a legal-academic network for the Office, which includes organizing a series of guest lectures by external experts.

178. The Section is also responsible for OTP input into the development of a Court-wide case law database and the preparation and dissemination of the OTP Weekly Court Reports. LAS is responsible for advising the Prosecutor on staff-related labour matters, including individual cases involving litigation, which require the application of the Staff Regulations and Rules as well as Administrative Instructions, in consultation with OTP-HR as needed.

**Budget resources**

**€2, 428.5 thousand**

179. The requested amount has decreased by €105.6 thousand (4.2 per cent). This is mainly due to the cancellation of the GTA position of Information Management Coordinator (P-5), which is being requested with a different profile as an established post under the newly-created Sub-programme 2130 (Information, Knowledge and Evidence Management Section).

**Staff resources** **€1,849.0 thousand**

180. The amount requested for established posts has increased by €1.5 thousand (0.1 per cent). The amount requested for GTA positions has decreased by €107.0 thousands (47.2 per cent). There are no changes in the number of established posts in Sub-programme 2110. The IOP and LAS comprise 16 established posts and 1 GTA position.

*Established posts: Professional and General Service* *€1,729.2 thousand*

181. The Prosecutor (USG) is supported by Sub-programme 2110 through the IOP and LAS. The position of Chef de Cabinet (P-4) in the IOP is requested for reclassification to P-5 grade.

182. The Chef de Cabinet, in addition to assistance and advice provided directly to the Prosecutor, is in charge of the IOP and all its functions and components, from OTP-HR and the Public Information Unit (PIU) teams to overseeing the work of other IOP staff fulfilling key functions. The Chef de Cabinet advises the Prosecutor in the exercise of her functions and, under her supervision, manages the IOP.

183. The IOP, headed by the Chef de Cabinet (P-5), has the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Chef de Cabinet <sup>38</sup>	P-5	1
HR Liaison and Coordination Officer	P-3	1
Public Information Officer	P-3	2
Special Assistant to the Prosecutor	P-2	2
Personal Assistant to the Prosecutor	GS-PL	1
Administrative Assistant	GS-OL	1
Public Information Assistant	GS-OL	1
Staff Assistant	GS-OL	1
Total		10

184. LAS, headed by a Senior Legal Adviser (P-5), has the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Senior Legal Adviser	P-5	1
Legal Adviser	P-4	1
Associate Legal Adviser	P-2	2
Associate Programme Officer	P-2	1
Total		5

*General temporary assistance* *€119.8 thousand*

185. The position of Information Management Coordinator is no longer requested under this sub-programme,<sup>39</sup> which explains the reduction of €107.0 thousand. One GTA position (1.0 FTE) is requested to meet crucial resource needs for 2019 to address demands placed on the IOP. This resource was approved in previous budget submissions and is hence a multi-year request:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
Special Assistant to the Prosecutor	P-3	1	12	1.00	Continued

**Non-staff resources** **€579.5 thousand**

186. The requested amount is substantially the same as in the 2018 budget. Non-staff resources are requested for travel, hospitality, contractual services, training and consultants. The resource request is recurrent unless otherwise indicated.

<sup>38</sup> Position resubmitted for reclassification.

<sup>39</sup> See paragraph 179.

*Travel*

€184.5 thousand

187. The requested amount has decreased by €0.1 thousand (0.1 per cent). The requested amount is intended to cover projected missions of the Prosecutor and her staff.

188. In order to foster political support and enhance cooperation at the highest levels among States Parties, non-States Parties, international organizations, other cooperation partners and affected communities – in furtherance of the Office’s investigations and efforts to arrest and prosecute individuals sought by the Court, thereby maximizing the impact of the Rome Statute – it is necessary for the Prosecutor to undertake missions abroad. In several instances, personal high-level engagement by the Prosecutor has yielded positive investigative results by helping to address concerns and questions at the highest levels of decision-making. The Prosecutor occasionally participates in other international events – although these are kept to a minimum – where strategic benefits for the Office are identified and, with a view to limiting the travel budget, where costs are covered by the organizers. The travel budget also covers missions by representatives of LAS, PIU and OTP-HR, and limited travel by external special advisers to the Prosecutor appointed under article 42(9) of the Rome Statute who, by virtue of their mandate, are occasionally required to travel to the seat of the Court.

*Hospitality*

€5.0 thousand

189. The requested amount is the same as in the 2018 approved budget.

190. These limited resources are for hospitality to cater for international delegations, diplomats and high-level dignitaries visiting the OTP. In past years, the Court has agreed to share among its organs most of the costs of catering for visiting high-level diplomats and delegations received by more than one Principal. The shared portion accounts for about €4.0 thousand (80 per cent of the total amount requested). The relocation of the Court to its permanent premises also intended to be used to further develop the Court’s outreach to the public will also contribute to the number of high-level visitors the Office can reasonably expect to receive in 2019.

*Contractual services*

€30.0 thousand

191. The requested amount is unchanged. The Office needs these resources to support independent public information missions in its countries of operation, for the rental of appropriate facilities for press conferences and for the production and distribution of informational material.

*Training*

€290.0 thousand

192. The requested amount is unchanged. The training budget for the entire OTP remains centralized in the IOP. Training is vital to creating a cohesive shared working culture within the OTP and enhancing the quality of the Office’s deliverables, its overall performance and its efficiency. The Office must also provide adequate training to any additional staff recruited, while enhancing the skills of existing staff. Funds will be used to deliver a training schedule in accordance with carefully planned and scrutinized OTP-specific training priorities.

193. Moreover, as in many national systems, certain categories of professionals within the Office are required to attend specific training to maintain their qualification or to obtain certification to the requisite standards.

194. It bears noting that, thanks to an eLearning platform developed by the Knowledge-Base Unit (KBU) – now the Business Solutions Development Unit – the Office will be able to offer additional training sessions to its staff without incurring trainers’ fees. The eLearning platform is based on infrastructure and architecture provided by the Registry’s Information Management Services Section (IMSS). The Office is also coordinating this project with the Registry’s Human Resources Section with the aim of developing joint courses, wherever possible, exploiting both the flexibility of delivery and the low cost per trainee made possible by the platform.



195. 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*

€70.0 thousand

196. The requested amount is unchanged compared to the previous year (when it was reduced by 30.0 per cent). The amount equates to approximately five 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 IOP to ensure coordination across operational divisions.

197. 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 and crimes against children. While these experts generally contribute their services on a *pro bono* consultancy basis, their appointments entail travel and DSA expenses which will be absorbed within the travel budget. Efforts are nevertheless made to keep such costs to a minimum.

**Table 17: Programme 2110: Proposed budget for 2019**

2110 Immediate Office of the Prosecutor / Legal Advisory Section	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				1,444.7	1.5	0.1	1,446.2
General Service staff				283.0	-	-	283.0
<i>Subtotal staff</i>	<i>1,575.3</i>	<i>-</i>	<i>1,575.3</i>	<i>1,727.7</i>	<i>1.5</i>	<i>0.1</i>	<i>1,729.2</i>
General temporary assistance	260.4	-	260.4	226.8	(107.0)	(47.2)	119.8
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>260.4</i>	<i>-</i>	<i>260.4</i>	<i>226.8</i>	<i>(107.0)</i>	<i>(47.2)</i>	<i>119.8</i>
Travel	208.2	-	208.2	184.6	(0.1)	(0.1)	184.5
Hospitality	4.8	-	4.8	5.0	-	-	5.0
Contractual services	32.9	-	32.9	30.0	-	-	30.0
Training	20.6	-	20.6	290.0	-	-	290.0
Consultants	48.0	-	48.0	70.0	-	-	70.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>314.4</i>	<i>-</i>	<i>314.4</i>	<i>579.6</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>579.5</i>
<b>Total</b>	<b>2,150.1</b>	<b>-</b>	<b>2,150.1</b>	<b>2,534.1</b>	<b>(105.6)</b>	<b>(4.2)</b>	<b>2,428.5</b>

**Table 18: Programme 2110: Proposed staffing for 2019**

2110	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>														
Approved 2018	1	-	-	-	1	2	3	5	-	12	1	3	4	16
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	1	(1)	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>1</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 Positions (FTE)</b>														
Approved 2018	-	-	-	-	1.00	-	0.50	-	-	1.50	-	-	-	1.50
Continued	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>

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

198. The Section is made up of two units: the Financial Planning and Control Unit (FPCU) and the Language Services Unit (LSU). The units perform activities which are not, and cannot be, carried out by sections or units in other parts of the Court, and which are essential to supporting OTP operations.

199. The Section adopts a flexible approach and ensures effective coordination with the Registry to allow the seamless provision of common services, within a continuum of activities aimed at meeting client needs with minimum resources.

200. 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 activities performed by the Office, and expenditure reporting and forecasting;<sup>40</sup>
- (c) management of OTP requests for provision of goods and services that require support by the Procurement Unit and other Registry entities;
- (d) management of the administrative and financial aspects of all OTP staff positions, including GTA, STA and individual contractors;
- (e) careful administration of funds dedicated to field operations and witness-related activities, and official travel;
- (f) effective monitoring and control of the use of resources in compliance with the Court's Financial Regulations and Rules;
- (g) field, event, and telephone interpretation;
- (h) transcription of audio and video evidence;
- (i) translation of OTP evidence and core Office documentation; and
- (j) summary translation, redaction, editing, subtitling, language identification and other support activities for projects requiring language expertise within the Office.

201. The Section also represents the OTP in financial, budgetary and resource-related matters before the Committee, the States Parties' delegates to The Hague Working Group (HWG) and the Assembly, the External Auditors, the Audit Committee, the Office of Internal Audit and other stakeholders such as NGOs and international organizations. Lastly, the Senior Manager of the Section represents the Office on Court-wide initiatives and projects.

**Budget resources****€5,678.5 thousand**

202. The requested resources have decreased by €2,197.9 thousand (27.9 per cent). This is the net effect of the reallocation of resources from KBU and the Information and Evidence Unit to the newly-created Information, Knowledge and Evidence Management Section (Sub-programme 2130) and minor changes in FPCU and LSU resources (staff and non-staff costs) linked to the increase in Office operations (e.g. for the situation in Burundi).

203. Thanks to continuing efforts to streamline processes and workflows, as well as efficiencies identified in 2017, FPCU has been able to manage the additional workload and achieve substantial efficiencies within the same basic structure. FPCU expects to achieve new efficiencies of around €28.9 thousand in 2018 and 2019, mainly attributable to the review and standardization of policies and operations in a number of areas. This includes: (1) providing checklists for travel claims to improve accuracy and processing time;

<sup>40</sup> This centralized approach provides full budget spending control and flexible financing of activities to match changing operational needs through reallocation of resources as required. This approach to funds 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.

(2) automating the process for printing pre-registration numbers to reduce the time taken to reconcile country offices' accounts and operations reports; and (3) creating an improved FPCU Online Request System in 2018 with a module for new staff requests that supports paperless processing and reduces the need for time-consuming email exchanges. In addition, the new system provides easy access to the status of requests and statistics on the process. These efficiencies have resulted in the absorption of higher work volumes, improved monitoring and control of activities, increased transparency and higher quality in the provision of services.

204. So far, FPCU has been able to provide high-quality support to meet increasingly complex needs arising from the Office's operational activities without requesting additional resources in previous budget proposals. However, the increasing complexity of operations and the increase in the volume of transactions to be managed requires an adjustment in the resources available to FPCU so that it can properly perform its critical functions.

205. FPCU plays a fundamental role not only in processing transactions (whose volume grows yearly), but also – and above all – in ensuring that the key functions of monitoring and controlling proper budget implementation are performed to a high standard.

206. In addition, FPCU supports the Senior Manager in analysing and evaluating trends and the potential financial impact of Office operations during budget implementation, so that the Prosecutor may be promptly and transparently advised on ways to achieve the OTP's goals in full compliance with the Court's financial and governance framework.

207. FPCU also supports the Senior Manager in engagements with internal and external stakeholders (e.g. inter-organ working groups, the Office of Internal Audit, the Committee, the External Auditors, the Audit Committee, States Parties' delegates to the Assembly and the HWG, NGOs, etc.) by providing data, reports and analysis on the financial aspects of OTP activities.

208. To perform these critical functions effectively, FPCU needs one additional Associate Administration Officer (GTA) (P-2) who can also act as Certifying Officer for the OTP. This position is carried forward from the 2018 Burundi team.

209. FPCU and the Knowledge-Base Unit (now Business Solutions Development Unit (BSDU)) are also actively involved in reviewing OTP-specific equipment, hardware and software requests. Following the review of workflows performed during the inter-organ synergies exercise, the roles of the two units as focal points within the OTP have been further developed. FPCU consolidates requests from business users in the OTP, verifies budgetary compliance and coordinates with the Procurement Unit in the Registry to ensure timely and effective delivery of goods and services. BSDU, in coordination with IMSS, verifies the compatibility of software and hardware requests with the overall infrastructure and technical architecture of the Court, and their consistency with the information strategies of the Office and the Court. This approach, supported by the Information Management Governance Board, is leading to improved speed and transparency in the procurement process, better control over expenses, consistency with Court-wide IT plans and increased synergies in the development of a Court-wide information management strategy.

210. LSU continues to provide the close, in-depth language support needed by the Integrated Teams throughout the preliminary examination, investigation and trial phases, including where needed during the defence case. LSU's three main areas of work remain field interpretation, transcription and translation, as required by OTP. The requirement for language services continues to be 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 with regard to suspects who are entitled to translations of evidence into a language they fully understand; (2) the frequency of use and other particularities of the languages involved; (3) the possible reach of an investigation beyond the situation country, necessitating additional languages; (4) security considerations in the relevant situations; and (5) the team's capacity to work in both working languages.

211. Given the specificity of language requirements and the often rapidly evolving nature of OTP operations, LSU retains an in-built flexibility and adaptability to apply resources in

keeping with actual needs deriving from the phase and foreseeable volume of activities. As the Integrated Teams continue to evolve, adapt or improve their working methods, LSU ensures that its core structure remains fit-for-purpose and most efficiently and effectively supports the Office's core mandate.

212. Accordingly, following a recent work-survey review of translation coordination, the title of the two P-4 Translator/Reviser posts has been proposed for amendment to Reviser and Coordinator to better reflect the focus of the work performed. At the time of the submission of this budget proposal, the change has not been reflected in the Court's HR system, so the Staffing table still mentions the title Translator/Reviser. Similarly, with the review of the transcription team conducted in 2017, the Transcription Coordinator post has been retitled Senior Transcript Coordinator, and one of the five established Transcript Reviewer posts has been repurposed as the Transcript Coordinator and Reviewer post to reinforce the team's capacity to effectively and efficiently source, manage and deliver hard-to-find "languages of lesser diffusion".

213. The Office continues to centralize some non-staff budget items – such as consultants, supplies and materials, furniture and equipment, and training<sup>41</sup> – so that it can respond quickly and flexibly to changing needs during budget implementation. The resources requested in the 2019 budget are required to provide support and materials needed for the business activities of other sub-programmes within the Office.

**Staff resources** **€4,620.0 thousand**

214. The amount requested for established posts has decreased by €1,490.5 thousand (38.0 per cent). The amount requested for GTA positions has decreased by €601.2 thousand (21.5 per cent). In 2019, the Section will comprise 27 established posts, 17 recurrent GTA positions and Field Interpreters (17.88 FTE), and 6 new GTA positions and Field Interpreter requests (5.59 FTE).

215. Following a review of the Office's long-term needs and careful consideration of the eligibility criteria adopted by the Court in compliance with Committee recommendations, the following position is resubmitted for conversion:

- (a) one Associate Administration Officer (P-2) in FPCU.

*Established posts: Professional and General Service* *€2,428.1 thousand*

216. The Section, comprising two units, is overseen by the Senior Manager (P-5).

217. FPCU, headed by one Administration Officer (P-3), has the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Administration Officer	P-3	1
Associate Administration Officer <sup>42</sup>	P-2	2
Finance and General Administration Assistant	GS-OL	3
Total		6

218. LSU, headed by one Language Coordinator (P-4), has the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Language Coordinator	P-4	1
Translator/Reviser (one English and one French)	P-4	2
Interpretation Coordinator	P-3	1
Translator (English)	P-3	1
Translator (French)	P-3	1
Translator (Arabic)	P-3	1
Associate Translator (English)	P-2	1

<sup>41</sup> Training and consultants are in Sub-programme 2110 (Immediate Office of the Prosecutor). Supplies and materials, along with furniture and equipment, are now mainly in the newly-created Sub-programme 2130 (Information, Knowledge and Evidence Management Section).

<sup>42</sup> Including the post requested for conversion (see paragraph 215, above).

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Associate Translator (French)	P-2	1
Associate Translator (Arabic)	P-2	1
Language Services Assistant	GS-OL	3
Senior Transcript Coordinator	GS-OL	1
Transcript Coordinator and Reviewer	GS-OL	1
Transcript Reviewer	GS-OL	4
Transcription Assistant	GS-OL	1
Total		20

*General temporary assistance* €2,191.9 thousand

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

220. The Section requires additional GTA positions to enable language services and financial planning to handle the additional workload due to the increase in activities. More specifically, the number of Transcript Reviewers required has risen due to the decision to broaden the scope of interviews recorded by the Integrated Teams, a process which will continue developing in the next budget year. In addition, an Associate Interpretation Coordinator is required to handle the continuing increase in the volume and concomitant complexity of field interpretation activities. A small reduction in the FTE translation capacity at P-3 and P-1 levels has been made, although the number of posts remains the same. The Section has closely analysed and evaluated the best ways to match efficiency and effectiveness in the delivery of its services.

221. The breakdown of GTA positions requested for 2019, in order of units in the Section, is as follows. Unless otherwise indicated, GTA resource requests are recurrent:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
Translation Officer	P-3	1	12	1.00	Continued
Translator	P-3	7	72	5.96	Continued
Associate Translator	P-2	1	12	1.00	Continued
Associate Interpretation Coordinator	P-2	1	12	1.00	Continued
Associate Interpretation Coordinator <sup>43</sup>	P-2	1	12	1.00	New
Assistant Translator	P-1	2	24	2.00	Continued
Administrative Support	GS-OL	1	12	1.00	Continued
Transcription Assistant	GS-OL	1	8	0.67	New
Transcript Reviewer	GS-OL	3	18	1.50	Continued
Transcript Reviewer <sup>44</sup>	GS-OL	3	24	2.34	New
Language Services Assistant	GS-OL	1	12	1.00	Continued
Field Interpreter	GS-OL		41	3.42	Continued
Field Interpreter	GS-OL		7	0.58	New
Associate Administration Officer <sup>45</sup>	P-2	1	12	1.00	New
Total		23	278	23.47	

222. The Section's 2018 approved budget (viewed *pro forma* as comprising only FPCU and LSU, for comparison with 2019) provided for 18 GTA positions and a total of 223.6 months or 18.63 FTE.<sup>46</sup> The requested increase is due to the resources needed for the Burundi situation, which in 2019 is an active investigation included in the budget proposal

<sup>43</sup> Carried forward from the Burundi Contingency Fund notification.

<sup>44</sup> See footnote 43, above.

<sup>45</sup> Carried forward from the Burundi Contingency Fund notification. For the reasons for this post, see paragraphs 207-208 and 215-221, above.

<sup>46</sup> Field Interpreters are not included in the number of positions but are included in the FTE figure.

in addition to those carried forward from 2018. Part of the additional workload arising from this new situation, but by no means all of it, can be absorbed with existing resources.

**Non-staff resources** **€1,058.5 thousand**

223. The requested amount has decreased by €106.2 thousand (9.1 per cent). Non-staff resources are used for travel, contractual services, general operating expenses, supplies and materials, and furniture and equipment. Unless otherwise indicated, the resource request is recurrent.

*Travel* *€459.0 thousand*

224. The requested amount has increased by €88.8 thousand (24.0 per cent). The increased number of missions in the field requires more local and international travel by interpreters to provide the necessary support for investigation- and prosecution-related activities during the preliminary examination, investigation, pre-trial and trial phases. This budget item further includes funds for a number of missions to situation countries to assess and recruit field interpreters. As in previous years, travel resources also provide for a limited number of missions for staff to participate in professional conferences, to engage in and remain up-to-date with developments in their fields, and to research and seek out advice on newly-emerging challenges (e.g. languages of lesser diffusion).

*Contractual services* *€549.5 thousand*

225. The amount requested is unchanged. LSU continues to monitor options for automating at least part of the transcript drafting process, but current technology remains insufficiently mature to cope with the complex linguistic requirements of OTP activities.

226. Contractual services are needed to supplement internal projects or provide resources for special requirements and peaks in activity that cannot be effectively and promptly handled in-house through additional recruitment. For example, translation and transcription outsourcing is used to supplement the Office's in-house capacity where confidentiality constraints allow. Most critically, it is needed to deal with peaks in activity due to case-specific, time-bound workloads and documents that must be transcribed in, or translated into or out of, languages for which no in-house capacity exists or is required.

*General operating expenses* *€20.0 thousand*

227. In previous budget proposals, the entire amount requested for general operating expenses was under Programme 2300 (Investigation Division). However, some of those funds are needed for annual maintenance of Office-specific software applications which are under the responsibility of FPCU. Therefore, based on actual expenditure incurred in 2018, a specific amount is being requested under Sub-programme 2120 to improve budget transparency and accountability.

*Supplies and materials* *€30.0 thousand*

228. The requested amount has decreased by €80.0 thousand (72.7 per cent). The difference has been reallocated to Information, Knowledge and Evidence Management Section (Sub-programme 2130). This is a centralized budget item; funds are used for operational purposes.

229. A portion of this budget item (€20.0 thousand) is allocated to the renewal of annual subscriptions to OTP-specific journals and other professional subscriptions (e.g. International Association of Prosecutors), and for purchasing key reference volumes necessary to support the Office's core activities. Subscriptions to online databases, services and journals shared by the entire Court are centralized by the Court Library and IMSS.

230. The remaining €10.0 thousand is requested to replace and integrate specific materials and supplies (e.g. satellite imagery, human remains pouches, rubber gloves, consumables and instruments) needed for the forensic investigation of crime scenes.

## Furniture and equipment

€0.0 thousand

231. The amount requested has decreased by €135.0 thousand (100.0 per cent). The amount requested by the Office has been reallocated to Sub-programme 2130 (Information, Knowledge and Evidence Management Section).

**Table 19: Programme 2120: Proposed budget for 2019**

2120 Services Section	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				2,375.3	(819.5)	(34.5)	1,555.8
General Service staff				1,543.3	(671.0)	(43.5)	872.3
<i>Subtotal staff</i>	<i>4,013.2</i>	<i>-</i>	<i>4,013.2</i>	<i>3,918.6</i>	<i>(1,490.5)</i>	<i>(38.0)</i>	<i>2,428.1</i>
General temporary assistance	2,381.4	-	2,381.4	2,793.1	(601.2)	(21.5)	2,191.9
Temporary assistance for meetings	1.6	-	1.6	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>2,382.9</i>	<i>-</i>	<i>2,382.9</i>	<i>2,793.1</i>	<i>(601.2)</i>	<i>(21.5)</i>	<i>2,191.9</i>
Travel	530.0	-	530.0	370.2	88.8	24.0	459.0
Hospitality	-	-	-	-	-	-	-
Contractual services	280.8	-	280.8	549.5	-	-	549.5
Training	49.8	-	49.8	-	-	-	-
Consultants	5.6	-	5.6	-	-	-	-
General operating expenses	27.4	-	27.4	-	20.0	-	20.0
Supplies and materials	70.2	-	70.2	110.0	(80.0)	(72.7)	30.0
Furniture and equipment	282.8	-	282.8	135.0	(135.0)	(100.0)	-
<i>Subtotal non-staff</i>	<i>1,246.6</i>	<i>-</i>	<i>1,246.6</i>	<i>1,164.7</i>	<i>(106.2)</i>	<i>(9.1)</i>	<i>1,058.5</i>
<b>Total</b>	<b>7,642.8</b>	<b>-</b>	<b>7,642.8</b>	<b>7,876.4</b>	<b>(2,197.9)</b>	<b>(27.9)</b>	<b>5,678.5</b>

**Table 20: Programme 2120: Proposed staffing for 2019**

2120	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>														
Approved 2018	-	-	-	-	1	4	6	7	4	22	-	23	23	45
New	-	-	-	-	-	-	-	1	-	1	-	-	-	1
Redeployed	-	-	-	-	-	(1)	(1)	(3)	(4)	(9)	-	(10)	(10)	(19)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>-</b>	<b>14</b>	<b>-</b>	<b>13</b>	<b>13</b>	<b>27</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	7.83	7.67	3.75	19.25	-	9.58	9.58	28.84
Continued	-	-	-	-	-	-	8.00	7.67	4.00	19.67	-	9.58	9.58	29.25
New	-	-	-	-	-	-	-	2.00	-	2.00	-	3.58	3.58	5.58
Redeployed	-	-	-	-	-	-	(1.03)	(4.67)	(2.00)	(7.70)	-	(2.67)	(2.67)	(10.37)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	(1.00)	-	(1.00)	-	-	-	(1.00)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6.97</b>	<b>4.00</b>	<b>2.00</b>	<b>12.97</b>	<b>-</b>	<b>10.50</b>	<b>10.50</b>	<b>23.47</b>



**(c) Sub-programme 2130: Information, Knowledge and Evidence Management Section**

232. Following a comprehensive, year-long review of the programmatic, procedural and efficiency aspects of the OTP's activities in the business areas of information, knowledge and evidence management, the Office has opted to consolidate all such activities into a single unified entity: the Information, Knowledge and Evidence Management Section (IKEMS).

233. This consolidation has resulted in the amalgamation of the Information and Evidence Unit, the Knowledge-Base Unit and the Data Processing Unit, formerly housed in separate divisions.

234. Consequently, the Office has not only centralized its information management and evidence processing activities, but has also sought to optimize its approaches to developing business solutions and managing projects in this area.

235. This new holistic and centralized approach will help the OTP devote the necessary attention to information and evidence – a critical part of its operations. It will also enable the OTP, as an information-driven organization, to position itself strategically to:

(a) continuously increase its responsiveness, flexibility and adaptability to meet current and future OTP-specific needs with regard to information, evidence and knowledge management, while strengthening and streamlining its collaboration with the Registry in this area;

(b) progressively reduce the IKEM burden which the former decentralized approach placed on some OTP divisions, sections and units, in order to allow for easier coordination, better-integrated collaboration, and increased business focus within OTP core business areas;

(c) ensure that OTP initiatives in the areas of client-need identification, requirements gathering, project management and solutions implementation better reflect its operational needs and strategic goals; and

(d) increase inter-organ efficiencies by affording the OTP the ability to centralize, review and present its IKEM requirements to IMSS in a more coordinated and unified manner.

236. IKEMS, headed by an Information Management Coordinator, is comprised of two units: the Information and Evidence Unit and the Business Solutions Development Unit (BSDU).

237. These units perform activities which should not, and cannot, be carried out by other divisions, sections or units of the OTP or other organs of the Court, and which are essential to supporting OTP core business activities and day-to-day operations. The Section applies a scalable OTP-wide approach to meeting the Office's IKEM needs, in line with the One-Court principle. The approach is sustainable, streamlined and budget-neutral.

238. IKEMS fosters more effective coordination across OTP divisions and with the Registry. It also represents the Office on Court-wide information management initiatives and projects, allowing it to ensure the seamless provision of information management and evidence processing services along a continuum of activities centred on meeting client needs with minimum resources.

239. The Section aims to optimize the provision of information management, evidence processing and solutions development services in a more unified, coordinated and efficient manner.

240. BSDU is specifically responsible for:

(a) ensuring that the OTP's strategic approach and positioning with regard to IKEM over the next decade are in keeping with industry best practices and standards;

(b) safeguarding a coordinated, balanced and transparent approach to OTP business development and innovation;

(c) conducting comprehensive business analyses, process mapping, requirements gathering and business needs assessment exercises on behalf of the Prosecutor, for all OTP business streams;

(d) leading and coordinating – in close coordination with all OTP business streams, the Registry and the Court-wide Information Management Governance Board – the Office’s business development processes, including project management and project documentation to ensure the seamless provision of IKEM services;

(e) advancing a more stringent approach to stewarding OTP business development initiatives by ensuring continuous and recurring in-house program and project evaluation, as well as intra- and inter-organ sharing of IKEM lessons learned;

(f) drafting and maintaining the OTP’s IKEM strategic plan, including forecast assessments of IKEM-related developments which may impact OTP core business operations; and

(g) supporting existing knowledge- and information-management systems, business processes and eLearning needs within the Office by acting as the primary OTP knowledge broker in the IKEM area.

241. The second and equally important half of IKEMS is the Information and Evidence Unit (IEU), which, as a result of the recent consolidation, has absorbed the Data Processing Unit formerly situated in the Investigation Division. IEU is responsible for:

(a) evidence management and processing, including: registration, chain-of-custody management, physical and digital storage, custodianship and digital evidence support services, in addition to functional support for legal and disclosure review needs;

(b) evidence disclosures in support of the OTP’s Prosecution Division;

(c) providing advice and support to the Office on the collection and handling of evidence, including eDiscovery and Technology Assisted Review (TAR);

(d) management of administrative processes surrounding material collected and submitted under article 15 of the Rome Statute;

(e) equipment and support for witness interviews and missions, including safe storage and transfer of evidence;

(f) implementing operational information-architecture decisions as delegated by the Information Management Coordinator, including metadata and data-model administration in support of evidence management and disclosure systems; and

(g) maintaining direct (embedded) operational data and information management support to OTP Integrated Teams, from preliminary examinations to the pre-trial stage.

242. The OTP’s Information Management Coordinator (IMC) plays a critical role in leading both IKEMS units and, by extension, acts as the Office’s central focal point for all IKEM issues. The essential functions of the IMC include:

(a) leading the IKEMS units and ensuring that their mandates, processes and outputs systematically deliver the efficient, client-focused information, evidence and business solutions necessary to support all of the OTP’s operational business streams;

(b) coordinating and harmonizing all OTP information- and evidence-management processes, systems, architectures and initiatives – in line with the Office’s current and future needs – in an objective, transparent and judicious manner;

(c) optimizing inter-organ cooperation and collaboration as the OTP focal point for the Registry on all IKEM-related matters;

(d) preparing and maintaining an OTP-wide IKEM strategic plan and harmonizing that plan with the Registry’s Court-wide IT strategy;

(e) promoting innovation and forward thinking, where and when practicable, across the entirety of the IKEM landscape, to ensure that the OTP is strategically positioned to be a proactive rather than reactive organization.

**Budget resources****€4,011.2 thousand**

243. Apart from the Head of the Section, whose post is requested as a new established post replacing the previous GTA position approved under Sub-programme 2110, and a few additional GTA positions labelled “New” in the GTA table under paragraph 249, the funds requested for Sub-programme 2130 simply represent a reallocation of resources from Sub-programme 2120 and Sub-programme 2300.

**Staff resources****€3,761.2 thousand**

244. In 2019, this newly-created section will comprise 32 established posts, 12 recurrent GTA positions (12.0 FTE) and 3 new GTA requests (2.00 FTE), for a total of 45.67 FTE.

*Established posts: Professional and General Service*

*€2,479.6 thousand*

245. The Section, comprising two units, is overseen by one *Information Management Coordinator (P-5), 8 months*.

246. BSDU has the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Knowledge-Base Manager	P-4	1
Information Officer (Evidence and Analysis Systems)	P-2	2
Database Coordinator	P-1	3
Assistant Information Officer	P-1	1
Disclosure/Search Assistant	GS-OL	1
Total		8

247. The Information and Evidence Unit has the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, Information and Evidence Unit	P-3	1
Associate Information and Evidence Officer	P-2	1
Data Processing Manager	P-2	1
Data Processing Assistant	GS-OL	7
Information Management Assistant	GS-OL	5
Information Storage Assistant	GS-OL	3
Senior Evidence Assistant	GS-OL	1
Evidence Assistant	GS-OL	4
Total		23

*General temporary assistance* €1,281.6 thousand

248. The Section requires GTA positions to support the activities of the Office. Unless otherwise indicated, the resource request is multi-year.

249. The breakdown of GTA positions requested for 2019 is as follows:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
Data Management Officer	P-3	1	12	1.00	Continued
Associate Electronic Evidence Officer	P-2	2	24	2.00	Continued
Assistant Information and Evidence Officer	P-1	2	24	2.00	Continued
Evidence Assistant	GS-OL	1	12	1.00	Continued
Associate Database Coordinator	P-2	1	12	1.00	Continued
Information Officer	P-2	1	12	1.00	Continued
Learning Officer	P-2	1	12	1.00	Continued
Disclosure/Search Assistant	GS-OL	1	12	1.00	Continued
Technical Assistant (Information Systems)	GS-OL	1	12	1.00	Continued
Information Management Assistant	GS-OL	1	12	1.00	Continued

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
Associate eVault Officer	P-2	1	8	0.67	New
Associate Database Coordinator	P-2	1	8	0.67	New
Information Management Assistant	GS-OL	1	8	0.67	New
Total		15	168	14.00	

**Non-staff resources****€250.0 thousand**

250. The Section has been newly created, mainly by reallocating existing staff from various programmes and sub-programmes within the OTP, where the decrease in the relevant commitment items can be observed.

251. The requested amount is €250.0 thousand. Non-staff resources are recurrent and are used for travel, supplies and materials and furniture and equipment.

*Travel**€10.0 thousand*

252. The requested amount of €10.0 thousand provides for a limited number of missions for technical staff to participate in professional conferences.

*Supplies and materials**€60.0 thousand*

253. This is a centralized budget item; funds are used for operational purposes. In previous budget proposals, the entire amount was under Sub-programme 2120. Following the creation of IKEMS, the portion of this budget item allocated to the units moved to the new section is requested under Sub-programme 2130.

254. A portion of this budget item is allocated for purchasing digital and electronic consumables (e.g. memory cards, encrypted hard drives and batteries) for equipment used by investigators, such as cameras and recording devices.

*Furniture and equipment**€180.0 thousand*

255. The amounts requested for furniture and equipment for each Major Programme were discussed at inter-organ meetings aimed at ensuring consistency with the Five-Year IT/IM Strategy developed by the Court and approved by the CoCo. Furniture and equipment figures in Sub-programme 2130 relate to the portion of IT investments funded through the OTP budget, since the expenditure concerns OTP-specific items which form part of agreed investments in key initiatives aimed at achieving the prosecutorial goals laid out in the Court's plan.

256. The first of these initiatives relates to the integration of the Fact Analysis Database with other investigative tools. These tools directly support investigative analysis needs in support of OTP core business operations.

257. The second initiative consists of the broad-scope implementation of the forensic tool kit, which is composed of three subprojects: anonymous web browsing (WASP); forensic capture and triage of digital evidentiary materials requiring additional analysis and review; and, lastly, developing and enhancing the OTP's ability to collect and process open-source information to support its core investigative and prosecutorial activities.

258. Funds requested for furniture and equipment will also go towards the creation of a secure and sustainable electronic vault (eVault) for the safe storage of digital evidentiary material to ensure that the OTP is inoculated against the eventual deterioration and possible loss of digital media held on digital media carriers in the physical vault.

**Table 21: Programme 2130: Proposed budget for 2019**

2130 Information, Knowledge and Evidence Management Section	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				-	1,070.5	-	1,070.5
General Service staff				-	1,409.1	-	1,409.1
<i>Subtotal staff</i>	-	-	-	-	2,479.6	-	2,479.6
General temporary assistance	-	-	-	-	1,281.6	-	1,281.6
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	1,281.6	-	1,281.6
Travel	-	-	-	-	10.0	-	10.0
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	60.0	-	60.0
Furniture and equipment	-	-	-	-	180.0	-	180.0
<i>Subtotal non-staff</i>	-	-	-	-	250.0	-	250.0
<b>Total</b>	-	-	-	-	<b>4,011.2</b>	-	<b>4,011.2</b>

**Table 22: Programme 2130: Proposed staffing for 2019**

2130	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>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	1	-	-	-	-	1	-	-	-	1
Redeployed	-	-	-	-	-	1	1	4	4	10	-	21	21	31
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>11</b>	-	<b>21</b>	<b>21</b>	<b>32</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	1.33	-	1.33	-	0.67	0.67	2.00
Redeployed	-	-	-	-	-	-	1.00	5.00	2.00	8.00	-	4.00	4.00	12.00
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-	<b>1.00</b>	<b>6.33</b>	<b>2.00</b>	<b>9.33</b>	-	<b>4.67</b>	<b>4.67</b>	<b>14.00</b>

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

### Introduction

259. The Jurisdiction, Complementarity and Cooperation Division (JCCD) conducts preliminary examinations and facilitates the Office's investigations by fostering cooperation and judicial assistance under Part 9 of the Rome Statute. Cooperation is vital to ensuring the timely investigation and prosecution of cases; it plays an important part in the preventive and complementary functions of the Court. Each situation or case has its own unique cooperation requirements. JCCD's functions with regard to judicial and general cooperation and external relations include establishing and managing relations with States (including diplomatic, judicial and law-enforcement sectors), international organizations, NGOs and other private entities. JCCD's ultimate objective is to facilitate the effective fulfilment of the OTP's judicial mandate and to galvanize general support for the Office's work by engaging in advocacy and delivering key messages.

260. The Division is also responsible for conducting preliminary examinations of all situations brought to the Office's attention, whether as a result of a State Party or United Nations Security Council referral or through article 15 communications and open-source information. The Division is thus responsible, within the Office, for receiving and analysing all communications under article 15, and for assessing matters of jurisdiction, admissibility and the interests of justice across all situations under preliminary examination, with a view to enabling the Prosecutor to make informed decisions on the possible opening of new investigations. As part of its preliminary examination activities, the Division interacts with a wide range of stakeholders, including article 15 communication senders, national and international NGOs, international organizations and States.

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

262. Below is an overview of ICS's three main areas of activity, or components, coordinated by and under the overall supervision of the Head of ICS. These are: (a) situation-specific cooperation within Integrated Teams; (b) transversal judicial cooperation; and (c) general cooperation and external relations:

(a) *Situation-specific cooperation within Integrated Teams* – ICS provides each Integrated Team with cooperation expertise through an International Cooperation Adviser, who becomes a full member of the Integrated Team. The International Cooperation Adviser facilitates responses to all judicial assistance needs and cooperation requests addressed by the Integrated Team to cooperation partners; generates and maintains situation-specific support and promotes understanding of the OTP's work in relation to the investigation and prosecution of the case to which she or he is assigned; establishes operational focal points to give the Integrated Team continuous access to the territory, physical evidence and witnesses for the case; and provides prompt responses and feedback to the Integrated Team on any problems identified by it or by national authorities. The number of situations under investigation has increased in recent years, resulting in a heavier workload and challenging cooperation requirements. It should be noted that, in recent years, ICS has not requested additional resources despite the heavier workload. However, it is no longer tenable for ICS to survive on efficiencies and flexible use of its staff resources to rise to the challenge. As cooperation is absolutely vital to investigations, the lack of adequate staffing within ICS has had a chilling effect on the facilitation of timely and tangible cooperation for effective investigations. These operational realities make it imperative for ICS to be bolstered by an additional Associate International Cooperation Adviser (P-2) GTA position in the 2019 budget, and to continue the Associate International Cooperation Adviser (P-2) GTA position filled in 2018 to cater for the Burundi situation.

(b) *Transversal judicial cooperation* – This component of ICS operations is undertaken by one Judicial Cooperation Adviser (P-4), one Legal Assistant (GS-OL) and one Judicial Cooperation Assistant (GS-OL). Following relevant procedures and standards, these staff provide strategic, technical and operational advice, support and guidance to all situation-bound International Cooperation Advisers to ensure quality control, channelling of and follow-up to all judicial assistance requests and responses sent on behalf of the Integrated Teams. They are responsible, in association with each International Cooperation

Adviser, for tracking compliance and maintaining all records related to outgoing and incoming requests for assistance in the database. They also play a leading role in developing and overseeing strategies to reinforce and extend the transversal network of partners, for example by discussing cooperation agreements where needed, and by facilitating information sharing and cooperation for arrest and surrender, or for the identification, location, tracking and freezing of assets.

(c) *General cooperation and external relations* – This component is handled by one International Cooperation Adviser (P-4) dealing with external relations and one External Relations Adviser (P-3). They are responsible for providing the Prosecutor and OTP's senior management with non-situation-specific strategic advice and support on general cooperation and external relations. This small team 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 to galvanize general support for OTP activities; and represents the OTP during discussions on various issues under consideration by the Assembly and/or its subsidiary bodies, where those issues affect the work of the OTP. In the past, this team had an additional Associate International Cooperation Adviser (P-2, later reclassified to P-3), but owing to essential situation-specific cooperation needs that post was redeployed to support component (a) above. However, in view of the continuously high workload and increasing volume and complexity of needs for general cooperation and support – as well as the higher number of external engagements by the Section and OTP senior management – the ICS requests the additional GTA position of Associate External Relations Adviser (P-2) to support the team in 2019.

263. Within the JCCD, legal advice on jurisdiction, complementarity and judicial assistance matters arising out of the work of the Situation Analysts and the International Cooperation Advisers in the situations under preliminary examination and investigation is provided by one Legal Adviser (P-4). In view of its extensive responsibilities across the Office, this position is requested for reclassification to Senior Legal Adviser (P-5).<sup>47</sup> The Senior Legal Adviser also supports the Division and the Integrated Teams on litigation and strategy regarding jurisdiction, admissibility and judicial assistance and related areas of public international law such as national security law, Head of State immunity and disclosure of classified information, working alongside the Prosecution Section and the Appeals Section on written and oral submissions as required. Furthermore, the Senior Legal Adviser negotiates and concludes cooperation agreements and memoranda of understanding with national actors, international organizations and peacekeeping entities to support OTP operations and attends all ExCom meetings held with Integrated Teams and SAS on ongoing investigation/prosecutions and preliminary examinations.

264. SAS carries out preliminary examinations and provides advice on complex matters of fact and law regarding jurisdiction, admissibility, and assessments of the interests of justice, in particular where victims' interests are at stake. Preliminary examinations are one of the Office's three core activities, together with investigations and prosecutions. Preliminary examinations are not only crucial to deciding whether or not to open a new investigation; they also serve to lay a firm foundation for cooperation in situations where such investigations are ultimately opened. Additionally, preliminary examinations can have a preventive effect and may foster domestic efforts to investigate and prosecute, potentially obviating the need for investigation by the Office. Lastly, the vital analytical work conducted by SAS feeds into the analysis that is essential to successful investigative operations should the Prosecutor decide to open an investigation into a situation.

265. In practice, SAS functions include: (a) receiving and processing information on alleged crimes submitted under article 15 of the Statute, which includes building crime analysis databases; (b) requesting further information from multiple reliable sources to verify the reliability of information in its possession regarding alleged crimes, and querying the conduct of relevant national proceedings, including through field missions; (c) conducting contextual, factual and legal analyses of all available information to assess jurisdiction, admissibility of potential cases, and the interests of victims; (d) interacting with a broad range of partners to gather information and assess and/or encourage national investigations and prosecutions; (e) reporting on its findings to the Prosecutor and

<sup>47</sup> This post is being resubmitted in the 2019 proposed programme budget. The positive evaluation of eligibility for the new grade was performed before submission of the 2018 proposed programme budget.

explaining the Office's preliminary examinations to relevant stakeholders and the public. All of these tasks – pertaining to 8-10 preliminary examinations and an average of 500 new communications yearly – are performed by a small team of 12 Situation Analysts and 1 Head of Section. No additional resources have been allocated since 2014, despite its ever-increasing workload and, in particular, the high volumes of information required to be processed in some of the more recent preliminary examinations.

266. In view of the high volumes of information SAS is required to process and use – which includes managing information submitted by article 15 communication senders, States and NGOs, and capturing, registering and collating information from open sources and social media – SAS is requesting two new Information Management Assistants (GS-OL) to support the Section and alleviate the information management and registration pressure on P-level analysts. This will allow SAS to focus on its key deliverables, notably preliminary examination reports and recommendations to the Prosecutor, thereby increasing the speed of completion of preliminary examinations. It will also streamline information management practices across the end-to-end OTP business process and facilitate the hand-over of preliminary examination dossiers to downstream investigation teams.

#### **Budget resources**

**€4,332.4 thousand**

267. The requested resources have increased by €298.2 thousand (7.4 per cent). The increase is mainly due to the new GTA positions needed to strengthen ICS and SAS as explained in the previous paragraphs. Extensions are requested for the other GTA resources previously approved in the 2018 budget. These resources are crucial to enabling the Division to conduct its mandate effectively in 2019.

268. The Division expects to achieve efficiencies of around €3.6 thousand in 2019 by using SharePoint-based automated workflows to coordinate external speaking engagements and developing a database for incoming and outgoing cooperation requests.

#### **Staff resources**

**€3,890.5 thousand**

269. The amount requested for established posts has increased by €96.2 thousand (3.0 per cent). The amount requested for GTA positions has increased by €201.1 thousand (47.3 per cent). The Division comprises 31 established posts and eight GTA positions (6.17 FTE).

270. Legal Adviser (P-4) has been resubmitted for reclassification, and International Cooperation Adviser (P-3) has been resubmitted for conversion.

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

*€3,263.8 thousand*

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

272. ICS comprises a total of 17 established posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, International Cooperation Section	P-5	1
Senior Legal Adviser <sup>48</sup>	P-5	1
International Cooperation Adviser	P-4	1
Judicial Cooperation Adviser	P-4	1
International Cooperation Adviser <sup>49</sup>	P-3	7
External Relations Adviser	P-3	1
Associate International Cooperation Adviser	P-2	1
Judicial Cooperation Assistant	GS-OL	1
Legal Assistant	GS-OL	1
Administrative Assistant	GS-OL	2
<b>Total</b>		<b>17</b>

<sup>48</sup> Resubmitted for reclassification. Under the structure approved by the external reclassifier, this post would report to the Director of JCCD, in order to reflect its transversal competencies in support of both ICS and SAS.

<sup>49</sup> Includes one position resubmitted for conversion.



273. The Situation Analysis Section, headed by one Head of Section (P-5), comprises a total of 12 established posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, Situation Analysis Section	P-5	1
Situation Analyst	P-3	3
Associate Situation Analyst	P-2	6
Assistant Situation Analyst	P-1	2
Total		12

*General temporary assistance*

€626.7 thousand

274. Three GTA positions (equivalent to 2.5 FTE) are requested to be continued in the 2019 budget to support the preliminary examinations, investigations and trials foreseen in the 2019 budget assumptions, and to provide administrative and operational support for the ever-increasing cooperation workload. Each International Cooperation Adviser is formally assigned to a specific Integrated Team but may also serve as a backup for another team. His or her assignment may also change – should new or existing situations so require – and in some cases may cover more than one situation, workload permitting.

275. In the past, this flexible use of resources has allowed JCCD and ICS management to maximize efficiency in allocating existing resources when situational requirements have fluctuated. However, the increase in the number of situations, coupled with increasingly complex cooperation requirements, requires more than flexibility can offer. Accordingly, it has become an operational necessity to request two additional staff positions at P-2 level. One of the P-2 GTA positions requested is that of Associate International Cooperation Adviser, to support situation-specific cooperation needs; the second is that of Associate External Relations Adviser (P-2), to support cooperation in general. ICS also continues to require one GTA resource brought on board in 2018 for the Burundi situation to enable it to carry on delivering cooperation results within the Integrated Team.

276. Furthermore, the Situation Analysis Section is requesting two new GS-OL staff positions for information management purposes, as explained above in paragraphs 259-260.

277. The breakdown of GTA positions requested is as follows:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
International Cooperation Adviser	P-3	1	12	1.00	Continued
Situation Analyst	P-3	1	12	1.00	Continued
Legal Officer (New York)	P-3	1	6	0.50	Continued
Associate International Cooperation Adviser <sup>50</sup>	P-2	1	12	1.00	New
Associate International Cooperation Adviser	P-2	1	8	0.67	New
Associate External Relations Adviser	P-2	1	8	0.67	New
Information Management Assistant	GS-OL	2	16	1.33	New
Total		8	74	6.17	

278. The Legal Officer (P-3) (0.5 FTE), continued in ICS, is retained as a United Nations staff member by the United Nations Office of Legal Affairs to process and coordinate, within the United Nations system, all requests for assistance from the OTP. This is an essential component of the efficient and timely execution of all requests. Since the position also handles requests for assistance sent by the Registrar on behalf of Chambers or defence counsel, the remaining costs of the position will be shared by the Immediate Office of the Registrar.

279. As in previous years, JCCD management has done its utmost to allocate existing resources as effectively as possible and identify efficiencies to meet the requirements set by OTP budget assumptions. However, the limits of flexibility have been reached, and additional resources are required to ensure the expected results in 2019.

<sup>50</sup> This is a resource continued from the Burundi Contingency Fund notification of 2018.

**Non-staff resources****€441.9 thousand**

280. Requested non-staff resources have increased by €0.9 thousand (0.2 per cent). These resources are dedicated to travel and are recurrent.

*Travel**€441.9 thousand*

281. The requested travel budget is substantially the same as in 2018. The funds requested for missions are the same as in 2018, and it remains critical that adequate funds are provided for this budget item. JCCD staff conduct missions in relation to situations under preliminary examination or investigation to secure and foster cooperation, or to gather information and attend key meetings with State officials. JCCD staff will also continue to accompany the Prosecutor on situation-related missions. These missions continue to be targeted and planned so as to use the travel budget as efficiently as possible, thus enabling efficiency reductions in the proposed budget, despite the increased number of planned missions.

**Table 23: Programme 2200: Proposed budget for 2019**

2200 Jurisdiction, Complementarity and Cooperation Division	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				2,832.1	96.2	3.4	2,928.3
General Service staff				335.5	-	-	335.5
<i>Subtotal staff</i>	<i>3,015.3</i>	<i>-</i>	<i>3,015.3</i>	<i>3,167.6</i>	<i>96.2</i>	<i>3.0</i>	<i>3,263.8</i>
General temporary assistance	415.5	-	415.5	425.6	201.1	47.3	626.7
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>415.5</i>	<i>-</i>	<i>415.5</i>	<i>425.6</i>	<i>201.1</i>	<i>47.3</i>	<i>626.7</i>
Travel	303.7	-	303.7	441.0	0.9	0.2	441.9
Hospitality	-	-	-	-	-	-	-
Contractual services	13.2	-	13.2	-	-	-	-
Training	7.6	-	7.6	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>324.4</i>	<i>-</i>	<i>324.4</i>	<i>441.0</i>	<i>0.9</i>	<i>0.2</i>	<i>441.9</i>
<b>Total</b>	<b>3,755.3</b>	<b>-</b>	<b>3,755.3</b>	<b>4,034.2</b>	<b>298.2</b>	<b>7.4</b>	<b>4,332.4</b>

**Table 24: Programme 2200: Proposed staffing for 2019**

2200	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>														
Approved 2018	-	-	-	1	2	3	10	7	2	25	-	5	5	30
New	-	-	-	-	-	-	1	-	-	1	-	-	-	1
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	1	(1)	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>11</b>	<b>7</b>	<b>2</b>	<b>26</b>	<b>-</b>	<b>5</b>	<b>5</b>	<b>31</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	3.50	-	-	3.50	-	-	-	3.50
Continued	-	-	-	-	-	-	3.50	-	-	3.50	-	-	-	3.50
New	-	-	-	-	-	-	-	2.33	-	2.33	-	1.33	1.33	3.67
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	(1.00)	-	-	(1.00)	-	-	-	(1.00)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.50</b>	<b>2.33</b>	<b>-</b>	<b>4.83</b>	<b>-</b>	<b>1.33</b>	<b>1.33</b>	<b>6.17</b>

### 3. Programme 2300: Investigation Division

#### Introduction

282. The Investigation Division (ID), under the overall management of its Director and management team, provides the investigative and analytical component of the Integrated Teams which conduct the Office's investigations and prosecutions under the responsibility of the Prosecution Division's Senior Trial Lawyers. ID recruits, trains and monitors the performance of investigators and analysts within the Integrated Teams. In support of the Integrated Teams, ID is also responsible for the forensic and scientific aspects of investigations, as well as providing operational support.

283. ID comprises a Director and four sections: the Investigation Section, the Investigative Analysis Section, the Forensic Science Section and the Planning and Operations Section.

284. ID provides investigation teams, which are a substantial and critical component of Integrated Teams. Investigation teams undertake key investigative activities, focusing on crimes and suspects and the links between them. Regarding crimes, investigation teams collect evidence on the incidents under investigation and the resulting victimization. Regarding suspects, investigation teams manage lines of inquiry into their roles, knowledge and intent with respect to the crimes alleged. To that effect, ID collects evidence on the structure or organization allegedly responsible for the crimes, the roles of the suspects involved and the links between them and the crimes, including the financing and logistics required to commit the crimes. Specialized sections within the ID support the Integrated Teams in the elaboration and implementation of their plans through expert advice and assistance in the conduct of operations:

(a) The Investigation Section (IS) includes all the investigators allocated to the Integrated Teams. IS develops the Office's investigative capabilities by designing and implementing innovative procedures, tools and methods to ensure that investigative activities are efficient, effective, high-quality and compliant with applicable standards.

(b) The Investigative Analysis Section (IAS) ensures the development of standards, best practices, training, quality reviews and resource provision across the various investigation teams for factual analysis purposes. The Analysts and Analysis Assistants are part of IAS and form an essential component of the Integrated Teams. IAS provides support to ID and the Prosecution Division in the following areas: crime pattern analysis of multiple crime allegations via databases, statistics, chronologies, maps and reports to support management decisions on case selection, investigations, fugitive tracking and periodic reports to the United Nations Security Council; running a fact analysis database in support of investigations to collate and integrate all sources of evidence about relevant groups, locations, persons and other entities; systematic evaluation of witnesses and other sources of evidence according to standard criteria of reliability and credibility; analysis of structures and networks, including telecommunications data, military issues (military command and control, operations, weaponry, etc.) and *modi operandi*; gender analysis regarding the relevant crimes and context; trial support in preparation for witness examinations and filings; operational analysis in support of investigators on field missions; and systematic use of online open sources.

(c) The Forensic Science Section (FSS) provides scientific support to investigations and prosecutions as well as preliminary examinations. It is composed of three units: 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, cyberinvestigations, etc.) and the Imagery Unit (in charge of geographic information systems and satellite image analysis, photo/video analysis, 3D mapping and reconstruction, drone imagery, etc.). In addition, the Forensic Science Section maintains the Executive Secretariat of the OTP Scientific Advisory Board and develops standard operating procedures and guidelines relating to scientific activities. The Scientific Advisory Board, composed of the sitting presidents of the 18 most representative institutions of the international scientific community, meets annually and advises the Office on recent developments in new and emerging technologies,

scientific methods and procedures that could potentially enhance the collection, management and analysis of testimonial, documentary and scientific evidence.

(d) In the Planning and Operations Section (POS), the Operational Risk and Support Unit (ORSU) ensures the confidentiality and security of field deployments and provides operational support to missions. The Protection Strategies Unit (PSU) guarantees that the Office's investigative strategy is developed in such a way that foreseeable risks to persons interacting with the OTP are managed. Both ORSU and PSU work closely and in a complementary manner with the Registry, dividing up responsibility along a continuum of services. The Gender and Children Unit assists teams in handling vulnerable witnesses and investigating sexual and gender-based crimes and crimes against children. Lastly, the administration and planning team provides information processing and administrative services/project management support.

285. The necessary increase in the number of parallel investigations (and corresponding trial support) is putting significant strain on the speed of investigations. While the Office aims to maintain its quality standards – the best guarantee of successful judicial outcomes – the pressure on staff to undertake frequent, long and tiring missions without sufficient time to recuperate and process the necessary information has become a challenge. While ID has succeeded in identifying efficiency gains of 1-1.7 per cent in the last four years and is using its resources flexibly to meet the most pressing needs, these measures alone will not suffice to solve the Division's capacity problem.

#### **Budget resources**

**€19,918.7 thousand**

286. The requested amount has increased by €7.2 thousand (0.1 per cent). Staff make up 86.0 per cent of the costs and have the biggest impact on the budget.

287. The eight staff of the Data Processing Unit – which previously existed within the Planning and Operations Section – and the Division's five Information Management Assistants (previously under the Investigation Section) have been reallocated to the newly-created Information, Knowledge and Evidence Management Section.

288. As in previous years, the Division has made a significant effort to identify savings and efficiencies and expects to achieve savings of around €300.5 thousand. Throughout 2018, in coordination with the other divisions of the OTP and the other organs of the Court, ID has dedicated resources and time to identifying savings and efficiencies by reducing meetings and reports and introducing new approaches to sourcing accommodation in situation countries, witness travel, the deployment of investigative capacity, etc. Due consideration was given to savings and efficiencies before proposing an increase in resources. For 2019, through the continued identification of savings and efficiencies from previous years, the Division has been able to minimize the budget request.

289. In the Investigation Section, current capacity in terms of investigators still falls short of identified needs. The persistent consequences of understaffing are as follows: active investigations require more time for the completion of planned activities; investigation teams are unable to react appropriately to important unforeseen events without removing or significantly reducing 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 identification of opportunities to gather new evidence. Additional resources are still required. One proposal to increase the Division's investigative capacity, introduced in the 2018 budget, is the addition of a Situation-Specific Investigation Assistant (GS-OL) to bring the investigative team a deep knowledge of the situation country under investigation, including a better understanding of socioeconomic and cultural issues. At Headquarters and/or in the field, the Situation-Specific Investigation Assistant would support teams in establishing local and regional networks, identifying leads and investigative opportunities and collecting information from open sources, in particular when local languages are used. This position would also improve teams' ability to deploy locally and to understand and connect with local communities and individuals in local languages, thereby enhancing the efficiency of investigations. Given that the first Situation-Specific Investigation Assistants have proven extremely useful and effective in the past year in the Darfur, Georgia and Uganda situations, other teams are requesting similar support (CIV II, Libya and CAR II). The Investigation Section therefore requests

two additional Situation-Specific Investigation Assistants to enhance its investigative activities. Such posts could also be justified for other teams, such as in the new Burundi investigation, but they have not been requested in the current budget in order to limit budgetary growth and to factor in the possibility of redeploying them from old to new investigations.

290. An additional two positions are sought to support fugitive-tracking activities. The Office needs to enhance its ability to track fugitives in view of their growing number and the fundamental importance of securing arrests in order to conduct trials. This requires dedicated investigators and analysts in conjunction with JCCD cooperation advisors, to liaise with relevant national and international authorities, including INTERPOL, to collect the required information and analyse it systematically. The Investigation Section requests one new Investigator (P-3), and the Investigative Analysis Section requests one new Analyst (P-3), to support fugitive-tracking activities.

291. The Forensic Science Section requests one new position of Head of the Forensic Unit (P-4) to provide operational leadership of the Forensic Unit (FU) and supervise the work of Forensic Officers at Headquarters and on missions. The Head of FU ensures the traceability of client requests and quality control of delivered products, supervises and coordinates in-house best practice manuals with due regard for international standards and arranges specialized training and networking to maintain Forensic Officers' skills and knowledge.

292. Within the Planning and Operations Section, PSU is responsible for the holistic management of OTP witnesses. Following the in-depth review of the PSU's needs and profile in 2017 and implementation of some internal reorganizations in 2018, PSU managed a heavier workload in 2018 without any increase in resources. However, PSU requires a modest increase in resources owing to a continued increase in activities – especially in high-risk environments – and the need to be involved in protection-related work for preliminary examinations. Active investigations have seen an upturn in the requirement for protection-related activities.

293. ORSU is responsible for taking a holistic approach to operations within the OTP, from preliminary examination to investigation and prosecution. In the field, ORSU musters only the minimum of experienced Professional and General Service staff. A flexible approach to staff deployment has made it possible to meet these minimum requirements, but any increase in activities will require more resources.

294. The Gender and Children Unit (GCU) plays an important role in the development of OTP policy on handling sexual and gender-based crimes, crimes against children and vulnerable witnesses in general. GCU helps the Integrated Teams, during investigations and prosecutions, to develop and implement strategies related to these specific crimes. GCU ensures policy implementation and constant research to improve the Office's methods in relation to these policies, including through the provision of training. As in previous years, resources are needed to contract Psychosocial Experts from the roster maintained by GCU when parallel investigative activities require simultaneous support beyond GCU's capacity. No additional resources are required in 2019.

295. The administration and planning team is responsible for administrative support; the essential collection, collation and production of management information; monitoring of efficiency and risk management; support for priority projects (including deployment of the Investigation and Witness Management System); and assistance with the Division's complex resource management requirements. No additional resources are required in 2019.

#### **Staff resources**

**€17,129.7 thousand**

296. The amount requested for established posts has decreased by €324.5 thousand (2.4 per cent). The amount requested for GTA positions has decreased by €348.3 thousand (8.1 per cent). In 2019, the Division comprises a total of 136 established posts and 39 recurrent GTA positions (36.45 FTE), plus seven new GTA requests (5.33 FTE), for a total of 182 staff (177.8 FTE).

297. Three positions of Analyst (P-3) in the Investigative Analysis Section and five positions of Associate Investigator (P-2) in the Investigation Section have been resubmitted for conversion.

*Established posts: Professional and General Service* €13,159.5 thousand

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

299. The Investigation Section is headed by one Investigations Coordinator (P-5) and comprises 61 posts in total:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Investigations Coordinator	P-5	1
Team Leader	P-4	3
Senior Investigator	P-4	6
Investigator	P-3	21
Associate Investigator <sup>51</sup>	P-2	30
Total		61

300. The Investigative Analysis Section is led by a Head of Section (P-5) and comprises 23 posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, Investigative Analysis Section	P-5	1
Analyst (Crime Pattern)	P-4	1
Analyst <sup>52</sup>	P-3	9
Associate Analyst	P-2	7
Data Processing Assistant	GS-PL	3
Analysis Assistant	GS-OL	2
Total		23

301. The Forensic Science Section is led by a Head of Section (P-5) and comprises nine posts in total:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, Forensic Science Section	P-5	1
Forensic Officer	P-3	2
Cyber Forensic Investigator	P-3	3
Associate Analyst (Geographic Information Systems)	P-2	1
Associate Analyst	P-2	1
Information Storage Assistant	GS-OL	1
Total		9

302. The Planning and Operations Section, led by a Head of Section (P-5), comprises 41 posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, Planning and Operations Section	P-5	1
Head, Protection Strategies Unit	P-4	1
Protection Strategies Officer	P-3	1
Associate Protection Strategies Officer	P-2	1
Protection Strategies Assistant	GS-OL	5
Head, Operational Risk and Support Unit	P-4	1
Operations Officer	P-3	2
Operations Officer (Security)	P-3	1

<sup>51</sup> Includes five positions resubmitted for conversion.

<sup>52</sup> Includes three positions resubmitted for conversion.

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Operations Risk and Field Officer	P-3	4
Information Analyst	P-2	2
Assistant Analyst	P-1	1
Field Operations Coordinator	GS-OL	5
Field Operations Assistant	GS-OL	2
Operations Assistant	GS-OL	2
Witness Management Assistant	GS-OL	1
Administrative Assistant	GS-OL	3
Victims Expert	P-4	1
Associate Victims Expert	P-2	3
Administrative Assistant	GS-OL	4
<b>Total</b>		<b>41</b>

*General temporary assistance* €3,970.2 thousand

303. The Investigation Division continues to require the GTA provision to support the OTP's increased activity. For 2019, the Division is requesting 46 GTA positions, 7 of which are new (41.8 FTE). All GTA resource requests are multi-year unless otherwise indicated.

304. The GTA resources requested for Programme 2300 in 2019 are as follows:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
<i>Investigation Section</i>					
Senior Investigator	P-4	1	12	1.00	Continued
Investigator	P-3	6	56.4	4.70	Continued
Investigator	P-3	1	8	0.67	New
Associate Investigator	P-2	2	24	2.00	Continued
Associate Investigator	P-2	1	8	0.67	New
Situation-Specific Investigation Assistant	GS-OL	5	60	5.00	Continued
Situation-Specific Investigation Assistant	GS-OL	1	8	0.67	New
<i>Investigative Analysis Section</i>					
Analyst	P-3	3	36	3.00	Continued
Analyst	P-3	1	8	0.67	New
Analysis Assistant	GS-OL	8	96	8.00	Continued
<i>Forensic Science Section</i>					
Head, Cyber Unit	P-4	1	9	0.75	Continued
Forensic Officer	P-3	2	18	1.5	Continued
Head, Forensic Unit	P-4	1	8	0.67	New
<i>Protection Strategies Unit</i>					
Associate Protection Strategies Officer	P-2	4	48	4.00	Continued
Associate Protection Strategies Officer <sup>53</sup>	P-2	1	12	1.00	New
Protection Strategies Assistant <sup>54</sup>	GS-OL	1	12	1.00	New
<i>Operational Risk and Support Unit</i>					
Operations Risk and Field Officer	P-3	1	12	1.00	Continued
Field Operations Coordinator	GS-PL	2	24	2.00	Continued
Field Operations Coordinator	GS-OL	1	12	1.00	Continued
<i>Gender and Children Unit</i>					
Psychosocial Expert	P-2	1	6	0.50	Continued
<i>Administration and Planning Team</i>					
Project Officer	P-3	1	12	1.00	Continued
Assistant Planning and Control Officer	P-1	1	12	1.00	Continued
<b>Total</b>		<b>46</b>	<b>501.4</b>	<b>41.8</b>	

<sup>53</sup> Carried forward from the Burundi Contingency Fund notification.

<sup>54</sup> Carried forward from the Burundi Contingency Fund notification.

305. In the Investigation Section, one new Investigator (P-3) is requested to support fugitive-tracking activities. One Associate Investigator (P-2) and one Situation-Specific Investigation Assistant (GS-OL) are requested to support one of the investigation teams in the field. The increase is partially offset by the discontinuation of one Investigator (P-3) position that was approved for nine months in 2018.

306. In the Investigative Analysis Section, one new Analyst (P-3) is requested, also to support fugitive-tracking activities.

307. In the Forensic Science Section, one new position of Head of the Forensic Unit is requested.

308. The position of Associate Protection Strategies Officer and the position of Protection Strategies Assistant are carried forward from the Burundi team.

#### **Non-staff resources**

**€2,789.0 thousand**

309. The requested amount has increased by €700.0 thousand (33.5 per cent) and is required for travel and general operating expenses. Unless otherwise indicated, the resource request is recurrent.

#### *Travel*

*€2,059.0 thousand*

310. The requested amount has increased by €500.0 thousand (32.1 per cent).

311. For the past several years, the Investigation Division has overimplemented its approved travel budget. In both 2016 and 2017, the overexpenditure of the travel budget was about €800.0 thousand. While a number of significant cost-saving measures (such as an alternative model for accommodation in the field during periods of intensive deployment) have been able to save the Office approximately €200.0 thousand in mission costs, the nature of investigative activities and the need to place teams in the field continue to require mission support, even where it leads to over-implementation of the travel budget. This overspend has been, and continues to be, covered by the reallocation of funds from other budget items, which affects the Office's ability to properly staff and equip teams.

312. The Investigation Division has paid considerable attention to identifying savings and efficiencies related to travel. Through a process continued in 2017 and 2018 to evaluate and reduce costs, adapt the design of operations and improve operating conditions, the Investigation Division has reduced accommodation and DSA costs in the situation countries where teams are deployed for missions. It is anticipated that, by maintaining this approach, €120.0 thousand in operations costs can be saved in 2019, assuming similar conditions. The size of savings depends on the frequency and intensiveness of mission travel focused on a single location. In the Proposed Programme Budget for 2018, the Investigation Division proposed reaching a normalized travel budget over a two-year period (based on activity at the time) to respond to its actual needs. Unfortunately, the 2018 approved travel budget remained significantly lower than actual requirements, and the normalized travel budget level will only be achieved in a longer time frame. The Office will continue to be as efficient as possible, adapting travel arrangements to maintain the most effective balance between flight and DSA costs.

#### *General operating expenses*

*€730.0 thousand*

313. The requested amount has increased by €200.0 thousand (37.7 per cent).

314. This budget item is a recurrent cost necessarily incurred by witnesses' attendance at interviews and the Office's satisfying its duty of care to witnesses during all phases of activities (preliminary examinations, investigations, trials and the remaining residual cases). These costs are not covered by the Registry's Victims and Witnesses Section (VWS), as they arise from interactions between the OTP and witnesses (e.g. travel and accommodation for witness to be interviewed) and low-cost/low-impact security measures taken by the OTP in the light of the protocol in place between it and VWS.

315. The requested increase in general operating expenses is based on a number of factors: the need to interact with new witnesses in ongoing investigations while satisfying a continuing duty of care to existing witnesses; longer-term rental of accommodation for staff during missions; and the maintenance and replacement of devices, such as trackers, panic buttons and telecommunications equipment, which facilitate secure communication with the Office.



316. Part of the increase requested is for the contract related to accommodation in the CAR. This solution – as an alternative to expensive accommodation in the only secure hotel in the capital of that country – has led to savings in excess of €100.0 thousand on the cost of missions to the CAR (e.g. reduced DSA and lower per-night cost).

317. Provision has been made for the acquisition of satellite imagery, which is requested for evidentiary purposes more and more frequently given the time lapse between incidents and the Office's intervention and the inaccessibility of certain crime scenes. While the Investigation Division is mindful of these costs and strives to limit expenditure in this area by constantly seeking savings and efficiencies, the requested increase remains necessary to maintain high operating standards and satisfy the OTP's duty of care.

**Table 25: Programme 2300: Proposed budget for 2019**

2300 Investigation Division	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				10,951.5	477.0	4.4	11,428.5
General Service staff				2,532.5	(801.5)	(31.6)	1,731.0
<i>Subtotal staff</i>	<i>13,975.0</i>	<i>-</i>	<i>13,975.0</i>	<i>13,484.0</i>	<i>(324.5)</i>	<i>(2.4)</i>	<i>13,159.5</i>
General temporary assistance	2,770.1	-	2,770.1	4,318.5	(348.3)	(8.1)	3,970.2
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>2,770.1</i>	<i>-</i>	<i>2,770.1</i>	<i>4,318.5</i>	<i>(348.3)</i>	<i>(8.1)</i>	<i>3,970.2</i>
Travel	2,193.1	-	2,193.1	1,559.0	500.0	32.1	2,059.0
Hospitality	-	-	-	-	-	-	-
Contractual services	29.2	-	29.2	-	-	-	-
Training	122.0	-	122.0	-	-	-	-
Consultants	10.1	-	10.1	-	-	-	-
General operating expenses	633.5	-	633.5	530.0	200.0	37.7	730.0
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>2,987.9</i>	<i>-</i>	<i>2,987.9</i>	<i>2,089.0</i>	<i>700.0</i>	<i>33.5</i>	<i>2,789.0</i>
<b>Total</b>	<b>19,733.0</b>	<b>-</b>	<b>19,733.0</b>	<b>19,891.5</b>	<b>27.2</b>	<b>0.1</b>	<b>19,918.7</b>

**Table 26: Programme 2300: Proposed staffing for 2019**

2300	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>														
Approved 2018	-	-	-	1	4	13	40	41	1	100	-	40	40	140
New	-	-	-	-	-	-	3	5	-	8	-	-	-	8
Redeployed	-	-	-	-	-	-	-	(1)	-	(1)	-	(11)	(11)	(12)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>43</b>	<b>45</b>	<b>1</b>	<b>107</b>	<b>-</b>	<b>29</b>	<b>29</b>	<b>136</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	1.75	14.37	10.83	1.00	27.95	3.00	13.78	16.78	44.73
Continued	-	-	-	-	-	1.75	14.20	11.50	1.00	28.45	2.00	14.12	16.12	44.57
New	-	-	-	-	-	0.67	1.33	1.67	-	3.67	-	1.67	1.67	5.33
Redeployed	-	-	-	-	-	-	-	-	-	-	-	(0.12)	(0.12)	(0.12)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	(3.00)	(5.00)	-	(8.00)	-	-	-	(8.00)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.42</b>	<b>12.53</b>	<b>8.17</b>	<b>1.00</b>	<b>24.12</b>	<b>2.00</b>	<b>15.67</b>	<b>17.67</b>	<b>41.78</b>

#### 4. Programme 2400: Prosecution Division

##### Introduction

318. 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 Section and the Appeals Section. 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 responsible for leading the Integrated Teams, providing overall guidance on the investigation of cases and leading trial teams before the Chambers of the Court. PD recruits, trains and monitors the performance of Trial Lawyers, Appeals Counsel, Legal Officers, Case Managers and Trial Support Assistants.

319. 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 and other parts of the Office as required.

320. The Prosecution Section and the Appeals Section also organize extensive training and lectures for staff within the Prosecution Division and other parts of the Office on topics such as written and oral advocacy, international human rights law and international criminal law. This includes, *inter alia*, a Legal Meeting for all PD staff members every two weeks, where legal and procedural developments relevant to the Division are discussed, and regular internal advocacy training – encompassing oral motion advocacy and witness examination training – in both French and English.

321. The Prosecution Division is led and managed by its Director (D-1), who oversees the effective deployment of resources, standardization of case preparation and filings. Where appropriate, the Director, together with the Senior Appeals Counsel (P-5), reviews all filings and briefs before they are filed with the Court to ensure that 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 Special Assistant (Prosecutions) (P-3) and one Case Management Coordinator (P-2) for planning and coordination of the Division. The Director also 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.

322. The Integrated Teams are responsible for investigating and prosecuting 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 focus mainly on the formulation of the case hypothesis. The Prosecution team will provide 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 disclosures and draft relevant documents – including all filings – which may be necessary at the investigation stage. The Case Manager and Trial Support Assistant manage evidence, information and filings and support the lawyers in their tasks. The budget assumptions include eight active investigations in 2019.<sup>55</sup>

323. As soon as the investigation has progressed to a firm case hypothesis, the Prosecution Division increases its capacity to form a pre-trial team. For 2019, it is expected that, along with three trials and seven final appeals, some cases will also be in the pre-trial phase. The pre-trial phase starts with the Integrated Team's preparing the transition from investigation to trial by refining the legal aspects of the case hypothesis and drafting applications for warrants of arrest. The preparation of an application for a warrant of arrest or summons to appear includes a comprehensive evidence review – involving Office staff

<sup>55</sup> See paragraph 114 above.

members external to the team that is assigned to the investigation or prosecution – aimed at scrutinizing the sufficiency of the evidence according to the standards of that stage of the proceedings. If the warrant of arrest or summons to appear is issued, the Registrar, in consultation with the Prosecutor, transmits a request for arrest and surrender under articles 89 and 91 of the Statute to any State on the territory of which the person may be found. After arrest or surrender, the suspect’s initial appearance should normally take place within 48 to 96 hours of his or her arrival at the seat of the Court. According to rule 121(1) of the Rules of Procedure and Evidence, at the suspect’s first appearance, the Pre-Trial Chamber sets the date of the hearing on the confirmation of charges. The typical target date for the hearing on the confirmation of charges should be around four to six months from the first appearance. Between the initial appearance and the hearing on the confirmation of charges, the Prosecution team will begin disclosure to the defence, a process which includes reviewing and applying the appropriate redactions and preparing the document containing the charges, the pre-confirmation brief and the list of evidence. If needed, an additional evidence review will be conducted, and the need for the use of article 56 of the Rome Statute will be considered. Within 60 days of the hearing on the confirmation of charges, the confirmation decision will be delivered. Following the confirmation of charges, the case is transferred to the Trial Chamber. Before opening statements, the prosecution team will update and finalize disclosure and prepare key trial filings such as the pre-trial brief, witness list, evidence list and requests for in-court protective measures.

324. 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 reaches 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. They will marshal inculpatory and exculpatory evidence; manage witnesses; provide guidance for additional investigations; manage disclosure; draft all filings and briefs before the Pre-Trial Chamber and the Trial Chamber; participate in hearings; and address the Court at the hearing on the confirmation of charges and at trial, examining and cross-examining witnesses and making submissions. The Case Manager and Trial Support Assistant will manage evidence, information and filings and support the lawyers in their tasks. The budget assumptions include three cases at trial for 2019.

325. The Appeals Section comprises the following posts: one Senior Appeals Counsel (P-5), who manages the Section and oversees all of its work; three Appeals Counsel (P-4), three Appeals Counsel (P-3); one Associate Appeals Counsel (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.

326. In addition, the Appeals Section plays a major role in providing legal research and advice both orally and via written memos to all investigation and trial teams in the Prosecution Section, and to other parts of the Office in general and the Immediate Office of the Prosecutor in relation to international criminal law issues.

327. The Appeals Section also conducts a variety of other litigation, such as article 53(3) review proceedings, compensation proceedings, early-release proceedings and reparations proceedings. In addition, the Appeals Section has been responsible for preparing and updating a 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 training, written and oral advocacy training and lectures throughout the year for all Prosecution Division staff. Staff of other divisions may also attend.

328. It is expected that, in 2019, the Prosecution Division will remain engaged in trial activities in *Gbagbo and Blé Goudé*, *Ongwen* and *Al Hassan*.<sup>56</sup> In addition, charges are

<sup>56</sup> Without prejudice to the decision on the confirmation of charges.

expected to be brought for confirmation in one or more cases currently under investigation. PD teams will remain engaged in investigative activities in Georgia, CIV II, CAR II, Libya, Darfur, Burundi and other situations that are open. The Appeals Section will have to deal with final appeals which may be filed in the trial ending in 2018, plus additional interlocutory appeals in other cases.

329. The Prosecution Division 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.

330. The Prosecution Division will also ensure that it adequately uses the various possibilities for attributing criminal responsibility under article 25 (individual criminal responsibility) and article 28 (responsibility of commanders and other superiors) of the Rome Statute. Consistent with existing policies, the Prosecution Division 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. The Prosecution Division will be particularly attentive to forms of victimization that have been traditionally undercharged internationally or domestically.

331. The Prosecution Division has created internal coordination mechanisms and working groups and is involved in Office-wide initiatives in priority areas for 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 – and reviews of critical instances of presentation of cases in court – to perform continuous critical assessments of the quality of its work and ensure high-quality output.

#### **Budget resources**

**€11,731.5 thousand**

332. The requested amount has increased by €75.9 thousand (0.7 per cent).

333. The activities of the Prosecution Division are characterized by, and dependent upon, the use of professionals specializing in the field of international criminal law. The vast majority of the Division's budget (96.9 per cent) is therefore concentrated in staff resources. Consequently, the focus of the Division is on finding savings and efficiencies by stimulating an increase in productivity, eliminating waste from processes, re-examining internal procedures and streamlining cooperation with other divisions and parties where possible. In addition to the internal measures defined above, the Division and its staff members also rely on its robust and wide-reaching network, where practicable. The Division builds its network by, for example, giving lectures and speeches to professionals and students at various institutions.

334. Although it must be considered that the workload of the Prosecution Division is mostly determined by its obligations under the Rome Statute and orders issued by Chambers, the Division is committed to continuing to look for savings and efficiencies. Throughout 2018, the Prosecution Division has committed resources and time to identifying savings and efficiencies. The entire Division has been involved in this exercise, as all PD teams have been asked to provide their thoughts and ideas about potential efficiencies in their work. The Division is developing several proposals to improve efficiency, including adjusting existing procedures and policies. The hope is that finding efficiencies will alleviate work pressure and reduce the long hours faced by Prosecution staff.

335. Following an in-depth review of current staffing resources and minimum requirements for 2019, the Prosecution Division is able to submit a conservative budget proposal for 2019, focusing only on the positions absolutely crucial to achieving the budget assumptions. The Division 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. The Division is therefore requesting only one additional Trial Lawyer (P-4) and one Associate Trial Lawyer (P-2) (both GTA). The Trial Lawyer (P-4) is continued from the 2018 Burundi team. Trial Lawyers at P-4 level provide extensive support during investigations by conducting legal research and analysis on

complex issues. They also coordinate team projects such as evidence review. The Associate Trial Lawyer (P-2) will provide substantive, hands-on support to one of the ongoing investigations, including the ongoing review of evidence collected. The incumbent will also conduct legal research. The Associate Trial Lawyer (P-2) position will be the most junior lawyer position in the Prosecution Division.

336. The Prosecution Division also requires non-staff resources to support its activities. Within the Office, most of the services requiring non-staff resources are provided (and budgeted for) under Sub-programmes 2110, 2120 and 2130. A specific allotment, however, is requested for travel and is included in the Prosecution Division's budget. The requested amount is the same as in 2018.<sup>57</sup>

#### **Staff resources**

**€11,357.7 thousand**

337. The amount requested for established posts has increased by €248.5 thousand (2.6 per cent). The amount requested for GTA positions has decreased by €172.3 thousand (10.2 per cent). The Division will comprise 108 staff members: 91 established posts and 17 GTA (13.58 FTE) positions.

338. Three positions – two Trial Lawyers (P-4) and one Case Manager (P-1) – are resubmitted for conversion.

339. For budgetary purposes only, and owing to the original allocation of the post, the Deputy Prosecutor (ASG) is assigned to the Prosecution Division. His role, however, is to act in full as deputy to the Prosecutor. In such capacity, the Deputy Prosecutor under the direct supervision of the Prosecutor oversees and coordinates the three divisions: JCCD, the Investigation Division and the Prosecution Division. The Personal Assistant to the Deputy Prosecutor is also assigned to the Prosecution Division.

340. In order to implement the structural changes envisioned in 2015/2016 in its organization chart, the Prosecution Division will replace the Assistant Trial Lawyer (P-1) positions with Associate Trial Lawyer (P-2) positions. This measure concerns eight established posts and three GTA positions. In 2015, an external consultant reviewed the staffing composition of the Prosecution Division. The consultant concluded that two positions were wrongly classified, namely the Assistant Legal Officer position – which was classified as G-level although the work performed was at P-level – and the Assistant Trial Lawyer position, which was classified as P-1 although the tasks and responsibilities of the position were equal to those of the Associate Trial Lawyer (P-2) position. As a first step to correct this, in 2016, the Legal Assistant positions in the Division were reclassified from G-level to P-level, reflecting the fact that this position was functioning at a Professional level. To complete the transition, from 2019, the Prosecution Division will discontinue the Assistant Trial Lawyer (P-1) position and replace it with that of Associate Trial Lawyer (P-2). This measure will have no effect on the budget, does not change the FTE requested for 2019 and will enable the Office to come closer to the envisioned composition of prosecution teams. The Associate Trial Lawyer (P-2) position is an existing job profile in the Prosecution Division. Staff members currently occupying the Assistant Trial Lawyer (P-1) position were successful in a recent recruitment process and are on the roster for the Associate Trial Lawyer (P-2) position. This measure will have no budget impact and will not change the number of requested staff.<sup>58</sup>

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

*€ 9,847.7 thousand*

341. No additional established posts are requested.

342. The Prosecution Division comprises the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Deputy Prosecutor (Prosecution)	ASG	1
Director, Prosecution Division	D-1	1

<sup>57</sup> See details in paragraph 346 below.

<sup>58</sup> This measure is equivalent to that proposed by the Investigation Division in 2017 and approved by the Assembly of States Parties (see Approved Programme Budget for 2017 of the International Criminal Court, para. 342).

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Senior Trial Lawyer	P-5	8
Senior Appeals Counsel	P-5	1
Trial Lawyer <sup>59</sup>	P-4	13
Appeals Counsel	P-4	3
Trial Lawyer	P-3	14
Legal Officer	P-3	1
Appeals Counsel	P-3	3
Associate Trial Lawyer <sup>60</sup>	P-2	19
Assistant Legal Officer	P-1	10
Case Manager <sup>61</sup>	P-1	9
Trial Support Assistant	GS-OL	5
Administrative Assistant	GS-OL	2
Personal Assistant	GS-OL	1
Total		91

*General temporary assistance* €1,510.0 thousand

343. To enable the Prosecution Division to effectively carry out the activities provided for in the budget assumptions, 17 GTA positions are requested (13.58 FTE) on a multi-year basis, as follows:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
Trial Lawyer	P-4	2	24	2.00	Continued
Trial Lawyer <sup>62</sup>	P-4	1	12	1.00	New
Trial Lawyer	P-3	2	24	2.00	Continued
Special Assistant (Prosecutions)	P-3	1	12	1.00	Continued
Associate Trial Lawyer	P-2	2	15	1.25	Continued
Associate Trial Lawyer <sup>63</sup>	P-2	3	24	2.00	New
Associate Trial Lawyer	P-2	1	8	0.67	New
Associate Appeals Counsel	P-2	1	6	0.5	Continued
Case Management Coordinator	P-2	1	12	1.00	Continued
Assistant Legal Officer	P-1	1	12	1.00	Continued
Trial Support Assistant	GS-OL	1	6	0.5	Continued
Administrative Assistant	GS-OL	1	8	0.67	New <sup>64</sup>
Total		17	163	13.58	

*Changes in comparison to the 2018 budget*

344. Considering the expected development of cases in 2019, the Prosecution Division is requesting one additional Trial Lawyer (P-4)<sup>65</sup> and one Associate Trial Lawyer (P-2). All existing resources have been assigned elsewhere, including to absorbing new investigations to the extent possible.

*Changes with no impact on the budget*

345. The Prosecution Division is changing one Personal Assistant (GS-PL) GTA position to an Administrative Assistant (GS-OL) GTA position to align with HR-approved job titles.

**Non-staff resources** €373.8 thousand

346. The requested amount has decreased by €0.3 thousand (0.1 per cent). Within the Office, most non-staff resources needed to support the Prosecution Division's activities are

<sup>59</sup> Includes two positions resubmitted for conversion.

<sup>60</sup> Includes eight positions resubmitted for reclassification.

<sup>61</sup> Includes one position resubmitted for conversion.

<sup>62</sup> Carried forward from the Burundi Contingency Fund notification.

<sup>63</sup> The three Assistant Trial Lawyer (P-1) positions approved in previous budgets are no longer requested. The request for these Associate Trial Lawyers (P-2) is a structural strategic change with no budgetary impact.

<sup>64</sup> See paragraph 345 below.

<sup>65</sup> This is a resource continued from the Burundi Contingency Fund notification of 2018.

provided (and budgeted for) under Sub-programmes 2110 and 2120. The non-staff costs of travel, however, are included in the Prosecution Division budget.

*Travel*

€373.8 thousand

347. Prosecution staff regularly go on mission as part of the Integrated Teams to support ongoing investigations. Travel of Prosecution Division staff is also required in the pre-trial and trial phases of a case to take article 68 statements, prepare witnesses and support witnesses testifying via video link. Additionally, provision is made for the Deputy Prosecutor, the Director of the Division and the Senior Appeals Counsel to undertake missions in pursuit of their representative functions aimed at broadening understanding of – and cooperation with – the Office’s activities. On the basis of 2019 assumptions, the Division requests the same amount for travel as was budgeted for in 2018. Travel costs are recurrent.

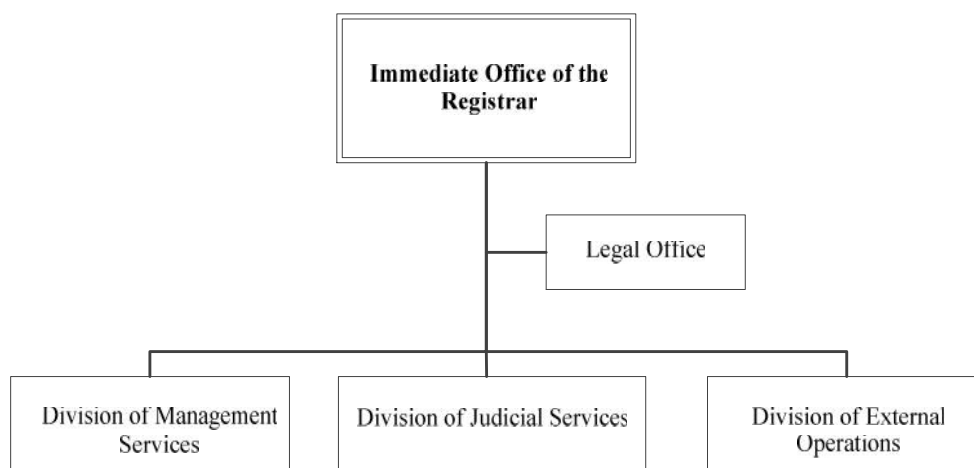
**Table 27: Programme 2400: Proposed budget for 2019**

2400 Prosecution Division	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				9,062.4	248.5	2.7	9,310.9
General Service staff				536.8	-	-	536.8
<i>Subtotal staff</i>	<i>9,432.1</i>	<i>-</i>	<i>9,432.1</i>	<i>9,599.2</i>	<i>248.5</i>	<i>2.6</i>	<i>9,847.7</i>
General temporary assistance	1,320.6	-	1,320.6	1,682.3	(172.3)	(10.2)	1,510.0
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,320.6</i>	<i>-</i>	<i>1,320.6</i>	<i>1,682.3</i>	<i>(172.3)</i>	<i>(10.2)</i>	<i>1,510.0</i>
Travel	297.6	-	297.6	374.1	(0.3)	(0.1)	373.8
Hospitality	-	-	-	-	-	-	-
Contractual services	36.1	-	36.1	-	-	-	-
Training	43.7	-	43.7	-	-	-	-
Consultants	20.6	-	20.6	-	-	-	-
General operating expenses	0.2	-	0.2	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>398.2</i>	<i>-</i>	<i>398.2</i>	<i>374.1</i>	<i>(0.3)</i>	<i>(0.1)</i>	<i>373.8</i>
<b>Total</b>	<b>11,150.9</b>	<b>-</b>	<b>11,150.9</b>	<b>11,655.6</b>	<b>75.9</b>	<b>0.7</b>	<b>11,731.5</b>

**Table 28: Programme 2400: Proposed staffing for 2019**

2400	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>														
Approved 2018	-	1	-	1	9	14	18	11	26	80	-	8	8	88
New	-	-	-	-	-	2	-	-	1	3	-	-	-	3
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	8	(8)	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>9</b>	<b>16</b>	<b>18</b>	<b>19</b>	<b>19</b>	<b>83</b>	<b>-</b>	<b>8</b>	<b>8</b>	<b>91</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	4.00	3.00	2.75	3.67	13.42	0.60	0.50	1.10	14.52
Continued	-	-	-	-	-	4.00	3.00	2.75	2.00	11.75	0.60	0.50	1.10	12.85
New	-	-	-	-	-	1.00	-	2.67	-	3.67	-	0.67	0.67	4.33
Redeployed	-	-	-	-	-	-	-	-	-	-	(0.60)	-	(0.60)	(0.60)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	(2.00)	-	-	(1.00)	(3.00)	-	-	-	(3.00)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3.00</b>	<b>3.00</b>	<b>5.42</b>	<b>1.00</b>	<b>12.42</b>	<b>-</b>	<b>1.17</b>	<b>1.17</b>	<b>13.58</b>

## C. Major Programme III: Registry



### Introduction

348. The Registry is headed by the Registrar, the principal administrative officer of the International Criminal Court (“the Court”), and is the organ responsible for the non-judicial aspects of the administration and servicing of the Court. It is divided into three divisions, all crucial for ensuring fair, expeditious and transparent judicial proceedings, as well as support to investigations and Registry clients: the Division of Management Services (DMS), the Division of Judicial Services (DJS) and the Division of External Operations (DEO). The Immediate Office of the Registrar helps the Registrar provide strategic leadership, coordination and guidance to all Registry divisions and sections. The Registry Legal Office is responsible for supporting the performance of the Registrar’s legal functions.

349. Judicial proceedings form the core of the Court’s work and cannot be undertaken without the necessary services and functions provided by the Registry. As a neutral support platform, the Registry supports judicial proceedings through, among other things, court and records management, facilitation of witness testimony, facilitation of victim participation in proceedings, administration of legal aid and support to counsel, court interpretation and translation services, information technology management, security, management of the detention facilities, facilitation of judicial cooperation and assistance, the public nature of the proceedings, communication (in particular with the affected communities) and field operations in support of the work of the judges, parties and participants. Without these Registry functions, judicial proceedings would not be possible, as different participants in the proceedings – including the judges, the Office of the Prosecutor (OTP), the defence, and victims and witnesses – would not have the necessary technical, operational and language support or, where applicable, the necessary financial support to ensure fair and expeditious judicial proceedings. The Registry’s budgetary needs in these areas are directly driven by judicial and prosecutorial developments.

350. The Court is also a unique international institution, with its own external governance framework centred on the Assembly of States Parties (“the Assembly”) and its subsidiary bodies. The Court has a special relationship with the United Nations, with which it cooperates on many different issues, but also requires the cooperation of individual States on a broad range of matters, from warrants of arrest to witness relocation. Consequently, the Court needs to maintain and further develop relationships with these actors. At the same time, the Court needs to provide information to the general public on its activities, as well as more tailored outreach information to communities affected by crimes under its jurisdiction. The Registry is responsible for all of these initiatives, where necessary, both from Headquarters and at its country offices in situation countries. While the costs associated with external activities are also driven by judicial and prosecutorial developments, they partially depend on factors beyond the Court’s control, such as the level of State cooperation with the Court.



351. The administrative services provided by the Registry are crucial to the smooth functioning of the Court as a whole, which is staffed by nearly one thousand people. The Registry manages human resources, budgeting, finance, procurement, facilities, travel and security, and coordinates Court-wide executive functions, such as risk management, reporting to governing bodies, audit and compliance. In the administrative area, as well, the Registry's services are directly linked to the expeditious conduct of judicial proceedings in terms of transporting witnesses, ensuring courtroom security and providing the parties with all the courtroom equipment they need. The Registry's budgetary needs in these areas depend on the needs of the Major Programmes it services.

### **Overview of Registry budget requirements for 2019**

352. The proposed 2019 budget for the Registry amounts to €77,126.3 thousand, which represents a net reduction of €16.2 thousand when compared to the Approved Programme Budget for 2018. As a result of a stringent budgetary process, the Registry has proposed additional resources only when strictly necessary for the purposes of its mandated activities in the context of 2019 budgetary assumptions. It has been able to effectively finance all such increases through savings and efficiencies.

353. For the Registry, judicial assumptions in relation to supporting trial proceedings do not represent a major shift in the required level of resources for 2019. As in 2018, two courtroom teams will continue to be required to support the trial hearings in the *Gbagbo and Blé Goudé* case and the *Ongwen* case throughout the year. Additional trial hearings may take place towards the last quarter of 2019 in the *Al Hassan* case, which will be supported with existing courtroom capacity in the Registry.

354. Importantly, for the Registry's purposes, the assumptions underlying the 2019 budget proposal require additional investments to support the anticipated level of activities and operations. This is particularly the case for the approximately €1.6 million required mainly to support investigations by the OTP and overall Court operations in Mali and Georgia, and to support implementation by the Trust Fund for Victims (TFV) of reparation orders in Mali and the Democratic Republic of the Congo (DRC). Furthermore, additional investments of €0.9 million are required for the continued implementation of the IT/IM strategy, as laid out in Annex IX.

355. As detailed in Annex XI, the Court-wide savings and efficiencies exercise has identified approximately €2.7 million in quantifiable savings, non-recurrent costs and additional cost reductions that have reduced the Registry's baseline. The savings and reductions identified in the Registry have, to a large extent, been the result of a thorough reassessment of what will be required to cope with the expected level of activity in 2019, in particular in relation to field operations and witness support and protection. These reductions do not take into consideration the additional impact resulting from the application of the United Nations Common System, which in Registry amounts to approximately €0.7 million. Consequently, the Registry has effectively managed to reduce and offset the required increase by realizing efficiencies, savings and reductions, and by redeploying resources wherever possible.

356. The Registry's proposed budget includes a reduction of €17.0 thousand corresponding to budget provisions transferred from the Registry to the Secretariat of the Assembly of States Parties (€67.0 thousand) for the External Auditor's fees, and to Major Programme V (€250.0 thousand) in connection with the contract for corrective and preventive maintenance of the Court's premises in The Hague. However, €370.6 thousand have been transferred to the Registry from the Presidency as a result of the placement of the Court's New York Liaison Office under the Registry's DEO.

357. All additional resource requirements in the Registry, including the additional €370.6 thousand resulting from the redeployment of the Court's New York Liaison Office from the Presidency to the Registry, have been fully contained within a budget proposal for the Registry that is slightly lower than the approved 2018 budget. In fact, in terms of staff costs, without the additional costs of the New York Liaison Office, the Registry would have presented a net reduction of €73.1 thousand.

### **Strategic priorities in 2019 and link to the Proposed Programme Budget for 2019**

358. The Registry's proposed budget for 2019 is directly linked to its strategic priority areas, the first three of which relate directly to the workload resulting from 2019 judicial assumptions and Court-wide strategic priorities. They are: (a) conducting hearings in two, possibly three, trials and provision of support for judicial and prosecutorial activities; (b) provision of support for eight investigations and other field activities, including reparations; and (c) key Court-wide information technology requirements. In addition, the Registry is proposing to focus strategic investments on promoting staff engagement and organizational culture in the Court.

#### **Conducting hearings in two, possibly three, trials**

359. In 2019, a total of four trial proceedings will continue to require judicial support. The Registry will continue to require the simultaneous use of two courtrooms to support trial hearings in two cases for the full year, and possibly a third towards the last quarter of 2019. Trial hearings in both the *Ongwen* (Uganda) and the *Gbagbo and Blé Goudé* (Côte d'Ivoire) cases are expected to run over 160 days and 124 days, respectively, whereas the estimated length of possible trial hearings in the *Al Hassan* case (Mali) is 40 days. In addition, while trial hearings in the *Ntaganda* case (DRC) are not expected in 2019, specific forms of support in this case continue to be required from the Registry. The four accused and one suspect are expected to remain in detention. Services in 10 languages will be required to support the ongoing proceedings and to facilitate testimony in the courtroom.

360. While some additional resources are required to support new language requirements in Arabic and Tamasheq in the *Al Hassan* case, for the most part, resources are required at the same level as in 2018, namely two courtroom teams to support trial hearings in two courtrooms simultaneously and to cope with additional judicial hearings which may take place in 2019 (trial hearings in *Al Hassan* and judgment and sentencing hearings in *Ntaganda*).

#### **Provision of support for eight active investigations and other field activities, including reparations**

361. In 2019, the Court will continue to operate in 11 situations that are open. The OTP is expected to focus its efforts on eight active investigations: Burundi, two investigations in the Central African Republic (CAR), Côte d'Ivoire, Darfur, Georgia and two investigations in Libya. Each of these investigations will continue to require support from the Registry, both in the field and at Headquarters, in areas such as victim and witness support, languages, security and logistics. Registry will also conduct or support other mandated activities such as victim participation and reparations, and outreach. The Registry will maintain its country offices in seven locations: Kinshasa and Bunia (DRC), Bangui (CAR), Abidjan (Côte d'Ivoire), Tbilisi (Georgia), Bamako (Mali) and Kampala (Uganda).

362. Investments are required to ensure the full operationalization of the country offices in Mali and Georgia, the operational models of which, to date, have been restricted to limited activities, with a reduced level of staffing and a reduced operational budget. In 2019, the *Al Hassan* case will require increased resources to support the volume of activities expected to be carried out by the Registry and other actors in Mali. The Georgia office is expected to provide further services to the OTP and other clients and to step up the implementation of effective outreach to affected communities and other key stakeholders. In addition, the Registry is expected to support the OTP's investigative activities in Burundi, in particular in relation to witness protection, pursuant to its own mandate to reach out to victims and affected communities.

363. The Court's work in relation to reparations is expected to continue in 2019. In this regard, support will continued to be required from the DRC offices in Kinshasa and Bunia for the implementation of reparations in the *Katanga* and *Lubanga* cases. Likewise, the country office in Mali (Bamako) will be required to provide support to TFV activities in relation to the implementation of reparations in the *Al Mahdi* case. The offices in the DRC and Mali will require adequate resources to perform the necessary activities in relation to the ongoing reparations processes in those countries.

364. It is expected that the number of people under protective measures will remain high in 2019. According to current figures and assumptions, around 90 witnesses and 360 dependents will be under protection in 2019. Similarly, it is expected that more than 7,500 individuals will apply for participation as victims in the various ongoing judicial proceedings. Furthermore, the Registry will be required to support more than 29 situation-related languages in 2019 for the purposes of the Court's 11 situations that are open.

#### **Investment in key Court-wide information technology improvement projects**

365. The Court has undertaken a thorough analysis of its existing IT/IM infrastructure across the organs and the associated immediate and long-term requirements. Since the Court was established 15 years ago, a number of important IT/IM investments have been made to support its judicial, investigative and administrative operations. A number of systems have become obsolete or are expected to become obsolete in the near future as they reach their end of life. Moreover, the Court has grown significantly since it was established, and this has had an impact on its IT requirements as well as on the volume of data generated. Specifically, certain requirements in areas such as digital evidence collection, information security and information management are only partially met by the existing systems.

366. To address these challenges, the Court-wide Five-Year IT/IM Strategy was adopted in February 2017 to ensure a holistic approach to information technology, information security and information management, aimed at meeting the Court's essential needs while maintaining better control of invested resources and maximizing their impact. In 2019, the IT/IM strategy will be entering the third year of its implementation stage and will require an increase of approximately €0.9 million of the €1.6 million required for investments in 2019, which has been fully offset in the context of the Registry's overall proposed budget. The largest portion of funding required for 2019 will be allocated to the Judicial Workflow Platform. Other resources will be required for prosecutorial activities, although they are presented within the Registry budget in the context of inter-organ synergies. Expected Court-wide investments for 2019 are as follows:

- (a) Investigative: €295.0 thousand, to include projects to continue improvements in long-term storage of digital and forensic evidence for the OTP, leading to a reduction in processing and retrieval time;
- (b) Judicial: €1,060.0 thousand, to acquire a new information repository platform as an integral part of the implementation of the Judicial Workflow Platform, which is intended to provide the Court with a new system to centralize storage of all case records;
- (c) Information security: €187.0 thousand, for further enhancements to continue strengthening the Court's information security profile, including the implementation of a data leak prevention system and continued enhancement of the threat intelligence system;
- (d) Optimizing IT systems: €50.0 thousand, to include renewal of the Court's virtual infrastructure enabling it to support increasing computational demands;
- (e) Administrative: €150.0 thousand, to automate processes and procedures to increase efficiency and reinforce internal controls.

367. The strategy is based on more effective use of budgetary resources, as the proposed five-year initiatives will produce tangible outcomes to enhance the Court's operations. The OTP will see a reduction in the time and effort required to analyse, process and present evidence for its investigative and prosecutorial activities. The Judiciary will have access to the tools it needs to conduct expeditious, fair and transparent trials and to deliver justice to victims. The Registry will be better equipped to provide services to other organs of the Court and all of its clients. Only a coherent, holistic and long-term Court-wide strategy will enable the Court to address current inefficiencies and perform to the fullest extent of its mandate.

#### **Promotion of staff engagement and organizational culture**

368. One key priority for the Registry in 2019 is to promote and improve staff engagement, team building and internal communication. To achieve this, the Registry will be required to undertake activities to develop cohesion and facilitate communication, and to develop and implement training programmes focused on welfare and improving staff motivation and productivity. In addition, capacity-building in informal conflict resolution within the Court will be required, as will the elaboration and implementation of relevant human resources policies.

### **Reductions in non-recurrent costs**

369. The Registry has identified non-recurrent costs, details of which are provided in Annex XI. Non-recurrent costs are one-off decreases in resource requirements arising out of the non-continuation of activities. A total of €18.3 thousand in Registry non-recurrent costs were applicable in 2018 and will not appear in 2019.

### **Additional cost reductions**

370. The Registry has identified additional cost reductions, details of which are provided in Annex XI. Additional cost reductions are workload-related changes resulting in a reduction. A total of €2,243.7 thousands in Registry additional costs that were applicable in 2018 will not appear in 2019.

371. This figure includes a reduction in costs related to the Victims and Witnesses Section amounting to €1,717.4 thousand. This is mainly attributable to the post-*ReVision* structure, OTP referral estimates, improved working practices in case management, enhanced focus on expenditure and increased cooperation from core partner States, and the estimated reduced demand from clients for temporary assistance for meetings.

### **Reductions through savings**

372. The Registry has implemented and continues to implement savings and efficiencies for 2019 in addition to those achieved in 2018. Details of these savings and efficiencies are provided in Annex XI.

373. For 2019, Registry savings have reduced the budget by €424.0 thousand. This includes a reduction in electricity consumption amounting to savings of €94.0 thousand. The General Services Section (GSS) continuously seeks to improve energy use at Headquarters, and this results in constant adjustments and recalibration of the Court's building technology. In addition, the GSS is to move to a new maintenance contractor, thus eliminating the need for one Handyman (GS-OL) and resulting in a saving of €72.9 thousand.

374. Savings of €52.0 thousand have been achieved by VWS through a review of the contract structure established with vendors who assist with witness protection initial response systems. The new contracts no longer contain monthly retainers but focus on payments aligned with work delivered.

375. Savings of €30.0 thousand have been achieved by the Information Management Services Section (IMSS) through renegotiated agreements for landline telephone communications at Headquarters. In addition, IMSS decommissioned ISDN lines as backup for voice services at Headquarters, resulting in a saving of €25.0 thousand.

### **Avoiding additional costs through efficiencies**

376. Efficiencies are activities which limit requests for additional resources and/or provide increased productivity, resulting in the same baseline but avoiding any increase in costs.

377. For 2019, Registry efficiencies have resulted in the avoidance of cost increases in the amount of €75.4 thousand. This includes the Victim Participation and Reparations Section's development and implementation of a new mobile victim application form and tablet-based process, replacing the previous paper-based process. Removing the paper-based elements of the process increases security and data processing speed at Headquarters and enhances the Court's ability to report on key statistics. It is estimated that the time taken to process application forms has been reduced by 10 hours (GS-OL) per week, resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €16.7 thousand. In addition, the Budget Section reduced the time spent on generating monthly expenditure reports by creating an automated interface between the report and SAP data. It is estimated that the time taken to produce the report has been reduced by three days per month (GS-OL), resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €9.4 thousand.

### **Conclusion**

378. The final combined result of the Registry's efforts to achieve savings and efficiencies, coupled with the aforementioned requirements for the implementation of the

Registry's four strategic priorities for 2019 and the transfer to the Registry of the costs associated with the Court's New York Liaison Office, is a net reduction of €16.2 thousand.

**Table 29: Major Programme III: Proposed budget for 2019**

Major Programme III Registry	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				27,834.8	(9.2)	(0.0)	27,825.6
General Service staff				18,631.1	181.0	1.0	18,812.1
<i>Subtotal staff</i>	<i>48,544.2</i>	<i>-</i>	<i>48,544.2</i>	<i>46,465.9</i>	<i>171.8</i>	<i>0.4</i>	<i>46,637.7</i>
General temporary assistance	2,384.0	54.9	2,438.9	3,287.5	367.2	11.2	3,654.7
Temporary assistance for meetings	1,229.4	5.3	1,234.7	1,162.7	(261.1)	(22.5)	901.6
Overtime	271.7	-	271.7	322.8	(61.5)	(19.1)	261.3
<i>Subtotal other staff</i>	<i>3,885.2</i>	<i>60.2</i>	<i>3,945.3</i>	<i>4,773.0</i>	<i>44.6</i>	<i>0.9</i>	<i>4,817.6</i>
Travel	1,881.7	44.4	1,926.1	2,016.5	66.3	3.3	2,082.8
Hospitality	11.2	-	11.2	4.0	1.0	25.0	5.0
Contractual services	2,606.9	5.9	2,612.8	2,286.8	420.9	18.4	2,707.7
Training	451.7	-	451.7	623.2	(13.2)	(2.1)	610.0
Consultants	512.7	40.0	552.7	395.4	72.1	18.2	467.5
Counsel for defence	3,913.3	925.2	4,838.5	3,383.0	150.0	4.4	3,533.0
Counsel for victims	942.8	398.7	1,341.4	1,165.0	(63.7)	(5.5)	1,101.3
General operating expenses	11,590.7	2.2	11,593.0	13,853.6	(1,467.7)	(10.6)	12,385.9
Supplies and materials	1,148.6	-	1,148.6	895.3	172.5	19.3	1,067.8
Furniture and equipment	1,846.1	-	1,846.1	1,280.8	429.2	33.5	1,710.0
<i>Subtotal non-staff</i>	<i>24,905.6</i>	<i>1,416.4</i>	<i>26,322.0</i>	<i>25,903.6</i>	<i>(232.6)</i>	<i>(0.9)</i>	<i>25,671.0</i>
<b>Total</b>	<b>77,335.0</b>	<b>1,476.5</b>	<b>78,811.5</b>	<b>77,142.5</b>	<b>(16.2)</b>	<b>(0.0)</b>	<b>77,126.3</b>

**Table 30: Major Programme III: Proposed staffing for 2019**

III	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>														
Approved 2018	-	1	-	3	22	43	84	89	5	247	15	311	326	573
New	-	-	-	-	-	-	-	4	-	4	-	6	6	10
Redeployed	-	-	-	-	1	-	-	-	-	1	-	1	1	2
Reclassified	-	-	-	-	-	1	(1)	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>23</b>	<b>44</b>	<b>83</b>	<b>93</b>	<b>5</b>	<b>252</b>	<b>15</b>	<b>318</b>	<b>333</b>	<b>585</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	1.00	4.50	7.00	4.00	16.50	5.11	23.00	28.11	44.61
Continued	-	-	-	-	-	1.00	3.00	7.00	4.00	15.00	1.00	21.00	22.00	37.00
New	-	-	-	-	-	-	1.50	3.00	-	4.50	4.51	12.50	17.01	21.51
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>4.50</b>	<b>10.00</b>	<b>4.00</b>	<b>19.50</b>	<b>5.51</b>	<b>33.50</b>	<b>39.01</b>	<b>58.51</b>

## **1. Programme 3100: Office of the Registrar**

### **Introduction**

379. The Office of the Registrar (OTR) encompasses both the Immediate Office of the Registrar (IOR) and the Legal Office (LO). The IOR directly supports the Registrar in providing strategic leadership, coordination and guidance to all Registry divisions, sections and offices, as well as in managing and supervising the Registry as a whole. The IOR also facilitates the flow of information to and from the Registry divisions and ensures proper high-level coordination with the other organs of the Court and external stakeholders. The IOR supports the Registrar in the performance of his executive functions and coordinates the remaining executive functions delegated to the Directors of Registry divisions.

380. The Legal Office is responsible for performing 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 and across a range of subject matters including human resources, finance and procurement, and coordinates all the Registry's legal submissions in judicial proceedings. The LO also negotiates and prepares agreements and arrangements between the Court and third parties and, as appropriate, provides advice on interpreting the Headquarters Agreement and other agreements.

### **Operating environment**

381. The OTR will continue to ensure that the Registry as a whole is able to successfully perform the administrative and operational tasks demanded of it in 2019. In this regard, the OTR ensures appropriate inter-organ coordination, provides the required support to the work of the Registry Management Team, enables the Registrar to ensure that high-quality services are delivered to the organs of the Court and that he is able to discharge his substantive responsibilities on matters such as witness protection, legal aid and support to counsel, and outreach. Given the level and type of support required from the Registry in relation to judicial activities, the Registrar must not only provide oversight with respect to the anticipated activities, but also be able to react and reprioritize activities should developments in situations and cases so require. The continued issuance of new prosecutorial and judicial decisions with regard to ongoing investigations and cases – whether in the pre-trial, trial, appeals or reparations phase – means that the operational direction and allocation of resources, both at Headquarters and in the field, must be constantly monitored to ensure optimal service delivery and consistent implementation of the Registry's legal position. Furthermore, the effective functioning of optimized presences in situation countries, and the opening and closure of country offices, requires sustained attention from both the Registrar and the Registrar's advisers, to ensure that the strategic and legal premises for the Registry's engagement in these countries are sound.

### **Priorities**

#### **Strengthening strategic leadership through the Registry Management Team**

382. The RMT oversees and steers the executive management of the Registry. The RMT is the Registry's highest-level forum for advice and assistance to the Registrar on strategy, policy and operational challenges the Court may potentially face in 2019. The RMT is composed of the Registrar, the three Directors, and the Chief of Staff of the IOR. The contributions of the IOR and the Directors' Offices mainly concern strategic guidance and leadership. The RMT will be in a position to ensure that the goals set for 2019, especially in relation to priority activities, are met and that appropriate action is taken where necessary.

#### **Strategic and policy development**

383. The OTR will continue to take the lead in fostering the development of clear, consistent and transparent strategies and policies, both within the Registry and Court-wide, as appropriate. The Registry – and the Court as a whole – will continue to focus on staff

welfare and well-being in an effort to improve motivation, productivity and work-life balance. Another area of particular involvement for the OTR will be overseeing, from the Registry, the development and implementation of Court-wide initiatives aimed at improving geographical representation and gender balance among the staff at the Court, including through the establishment of a Focal Point for Women and the introduction of a mentoring programme.

384. The LO's strategic priorities for 2019, apart from providing routine legal services across the Registry, will include continuing the work on alternative resolution mechanisms for staff disputes as a matter of priority. Such mechanisms are indispensable in optimizing working relationships and limiting litigation, which is time- and energy-consuming for both staff and the administration.

#### **Budget resources**

**€1,723.7 thousand**

385. There is an overall proposed decrease of €2.9 thousand (0.2 per cent). This is a result of an increase of €35.0 thousand in non-staff costs mainly as a result of additional requirements in consultants, which have been fully offset by a proposed decrease in staff resources of €17.2 thousand and in non-staff resources of €20.7 thousand stemming from reductions in the LO's travel and training budgets.

#### *Staff resources*

*€1,620.8 thousand*

386. As indicated above, the proposed decrease of €17.2 thousand results from built-in reductions associated with the application of the United Nations Common System.

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

*€1,620.8 thousand*

387. No new established posts are requested. The proposed amount for established posts has decreased by €17.2 thousand (1.1 per cent). These decreases are a result of reductions associated with the application of the United Nations Common System in 2019.

#### *Non-staff resources*

*€102.9 thousand*

388. The net increase in non-staff resources amounts to €14.3 thousand (16.1 per cent) and is mainly the result of an increase of €35.0 thousand in the LO for specialized legal consultants. This increase has been partially offset by reductions in the LO's travel and training requirements amounting to €20.7 thousand. The requested amount in non-staff resources is required for travel, hospitality, training and consultants.

#### *Travel*

*€50.9 thousand*

389. The proposed resources for travel in the OTR have decreased by €7.3 thousand (12.5 per cent) and correspond to a decrease in requirements in the LO.

390. In the IOR, the proposed resources for travel reflect a slight increase of €1.6 thousand. Resources are still required for the Registrar, or a representative of the Registrar, to travel for the purpose of building support and cooperation at the highest levels among States Parties and key external partners such as the United Nations, other intergovernmental organizations (IGO) and non-governmental organizations (NGO). The Registrar's presence is required in the field on particular occasions. The Registrar also plans to visit the country offices as part of his staff engagement strategy and to strengthen relationships with the situation countries and local authorities in order to ensure smooth cooperation with the Court.

391. The LO's proposed travel budget of €16.0 thousand reflects a reduction of €8.9 thousand and will cover travel and related expenses incurred in the performance of the LO's mandate, including: (i) attendance at an annual meeting of legal counsel of specialized agencies of the United Nations system and related organizations; (ii) attendance at meetings related to international administrative law; and (iii) provision of advice on and

assistance outside the Netherlands in the certification of prior recorded testimony pursuant to rule 68(2)(b) of the Rules of Procedure and Evidence.

*Hospitality*

*€4.0 thousand*

392. The requested amount remains unchanged. The Registry engages in hospitality, to a limited extent, to help foster support and cooperation among States Parties and key external partners.

*Training*

*€8.0 thousand*

393. The proposed training budget has decreased by €13.4 thousand (62.6 per cent). The amount is required to cover the training needs of the LO staff. In the light of the section's complex and broad mandate, it is imperative that investments be made in training, both on substance and skills, and notably on legal drafting.

*Consultants*

*€40.0 thousand*

394. The proposed increase of €35.0 thousand (700.0 per cent) is required in the LO to cover specialized legal consultancy and specific legal expertise needed, in particular in relation to recent cases currently before the Administrative Tribunal of the International Labour Organization. In addition, resources continue to be required for specialized 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 31: Programme 3100: Proposed budget for 2019**

3100 Office of the Registrar	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				1,492.5	(17.2)	(1.2)	1,475.3
General Service staff				145.5	-	-	145.5
<i>Subtotal staff</i>	<i>2,191.2</i>	<i>-</i>	<i>2,191.2</i>	<i>1,638.0</i>	<i>(17.2)</i>	<i>(1.1)</i>	<i>1,620.8</i>
General temporary assistance	26.9	-	26.9	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>26.9</i>	<i>-</i>	<i>26.9</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	83.7	-	83.7	58.2	(7.3)	(12.5)	50.9
Hospitality	11.2	-	11.2	4.0	-	-	4.0
Contractual services	85.6	-	85.6	-	-	-	-
Training	42.1	-	42.1	21.4	(13.4)	(62.6)	8.0
Consultants	5.4	-	5.4	5.0	35.0	700.0	40.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	0.5	-	0.5	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>228.4</i>	<i>-</i>	<i>228.4</i>	<i>88.6</i>	<i>14.3</i>	<i>16.1</i>	<i>102.9</i>
<b>Total</b>	<b>2,446.6</b>	<b>-</b>	<b>2,446.6</b>	<b>1,726.6</b>	<b>(2.9)</b>	<b>(0.2)</b>	<b>1,723.7</b>

**Table 32: Programme 3100: Proposed staffing for 2019**

3100	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>														
Approved 2018	-	1	-	-	2	2	5	2	-	12	1	1	2	14
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>

## 2. Programme 3200: Division of Management Services

### Introduction

395. The Division of Management Services (DMS) provides administrative and management services to support the operations of the Court as a whole. DMS is led by the Director of the Division of Management Services and consists of the Office of the Director (OD-DMS), 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).

396. OD-DMS is responsible for the overall direction, strategic planning, and delivery of all administrative and managerial support to the Registry and the Court. It is responsible for a number of critical executive functions including strategic resource planning and monitoring, risk management and reporting on organizational performance. OD-DMS coordinates audit compliance throughout the Court and also Court-wide efforts to meet the reporting requirements of oversight bodies including the Committee on Budget and Finance (“the Committee”) and the Audit Committee. OD-DMS also promotes and maintains a duty of care via policies and programmes to ensure the physical, mental and emotional well-being of staff through the Occupational Health Unit (OHU). Through the SAP team, it provides the strategic framework and operational support for the use of the Court’s Enterprise Resource Planning (ERP) system, SAP, and supports the delivery of SAP-related projects aimed at automating work processes.

397. The Division provides a wide range of services in the area of human resources management, such as strategic advice on human resources issues, policy development, staff grievances, recruitment, post management, administration of contracts (staff and non-staff), benefits, entitlements and payroll, insurance and pension matters. Emphasis is also placed on performance management, staff training and managerial development. HRS, with the support of the SAP team, will continue streamlining and automating HR-related processes, such as the submission of pension contributions to the United Nations Joint Staff Pension Fund (UNJSPF), to enhance efficiencies. In 2019, DMS envisages developing and implementing a mediation framework in order to support matters related to internal conflict resolution.

398. In relation to the Court’s budget process, the Division provides centralized budget oversight and ensures maximum efficiency in the utilization of resources. This includes coordinating and preparing the annual programme budget, supplementary budgets and Contingency Fund notifications; monitoring budget performance; and reporting on budgetary issues. The Division is also responsible for monitoring, evaluating and forecasting budget implementation.

399. Furthermore, the Division provides financial management services, and coordinates and produces the financial statements of the Court and the Trust Fund for Victims (TFV). It manages, monitors and reports on all Court funds. It is also responsible for carrying out all disbursement activities, managing assessed and voluntary contributions, treasury operations including cash flow projections to monitor liquidity risk, and accounting and financial reporting. In addition, DMS provides assistance and guidance in relation to financial policies and processes across the Court.

400. In the area of general services, the Division is responsible for daily operations at the Headquarters premises, including the management of soft services such as catering, cleaning, utilities, and services to the conference cluster, in addition to hard services such as building maintenance, repairs and replacements. In the field, DMS is responsible for assessing and adapting premises. Through its Procurement Unit, it provides value for money on goods and services required by the Court and other services in the following areas: fleet management, shipping, transport (including transport support of witnesses at Headquarters), mail operations, asset management and warehousing. All of the Court’s official travel, visa services and residency permits in The Hague, and administrative functions related to privileges and immunities, are also arranged by DMS.

401. DMS also provides a safe and secure working environment at Headquarters and protects all persons to whom the Court owes a duty of care, along with its tangible and

intangible assets. DMS is responsible for policy development related to security and safety, both for the field and Headquarters, and liaises with the host State on security-related matters. At Headquarters, the Division provides uninterrupted, round-the-clock security and safety services, including for the safe and undisturbed conduct of court hearings.

### **Operating environment**

402. The Division has been able to effectively adjust to its dynamic environment and to evolving operational needs, and also cope with the expected 2019 workload and services within the level of its approved resources for 2018. In this regard, the budget proposal addresses the required services in: the area of informal conflict resolution; complex procurement services including for reparations-related activities; further implementation of risk management across the Court following the expected completion of the Court's Strategic Plan in 2019; and implementation of initiatives related to duty of care. At the same time, the adjustments made by DMS have enabled the Division to contain the anticipated increase in the level of prices for goods and services for the entire Court and which fall under the areas of work of DMS.

403. Furthermore, DMS will continue providing services in the areas of budget, finance, human resources, general services and security and safety; and coordinating the provision of information to oversight bodies and other stakeholders, including The Hague Working Group, the Committee, the Audit Committee, the External Auditor, and the Office of Internal Audit, so that they can discharge their mandates efficiently and effectively. DMS will also continue working on streamlining processes and procedures and reinforcing internal controls.

### **Strategic priorities in 2019 and link to the Proposed Programme Budget for 2019**

404. The overarching objective of DMS is to provide the necessary administrative and operational services to the entire Court. To this end, in 2019, DMS will focus on solutions to enhance its services in order to support the Court in achieving its high-level priorities for 2019 in relation to the conduct of judicial and prosecutorial activities and projects to improve information technology. It will likewise support the Registry's priorities with regard to the mandates of the Court and the Registry, the continuous improvement and promotion of staff engagement and organizational culture.

#### *Judicial and prosecutorial activity in 2019 and focus on the mandates of the Court and the Registry*

405. In addition to providing management services to the entire Court (Headquarters and country offices) as described in the introduction above, DMS will provide direct support to judicial and prosecutorial activities. In 2019, the Division will support trial hearings in two, possibly three cases, in the light of developments in 2017 and 2018. These cases will require security services for the safe and undisturbed conduct of court hearings; local transportation of witnesses to trial hearings; arrangement of travel for witnesses; arrangement of travel and visa requirements for defence and victims' counsel, court interpreters and journalists attending court hearings; and facilities management at Headquarters, including courtroom management and facilities in the field for remote testimonies (video link). Furthermore, reparations in *Lubanga*, *Katanga* and *Al Mahdi* cases will be implemented in 2019, requiring DMS to provide support both from Headquarters (e.g. travel-related services, financial services and procurement) and from the field (e.g. local transportation and facilities management), including for the TFV.

406. Similarly, the eight active investigations that the OTP will continue conducting in 2019 will require DMS support for the arrangement of official travel and provision of medical-related services, including for investigators and analysts; shipping of equipment (e.g. forensic equipment); and management of the Court's vehicles at country office locations to ensure the safety and efficiency of Court operations in challenging operating environments. Other actors, such as the TFV, will also rely on assistance from DMS to conduct their operations. Likewise, the continuing volatility with regard to security in the situation countries in which the Court operates will require direct support from DMS to

develop security and safety guidelines that respond to the Court's needs in its different areas of operation.

*Court-wide projects to improve information technology and continuous improvement*

407. DMS will continue to play a leading role in identifying and implementing proposals aimed at achieving savings and efficiencies in different areas of administrative services, mainly through process streamlining, automation and control. In this regard, DMS will make the most of the Court's management software (SAP).

408. In order to support the implementation of this strategy, DMS will work on improving administrative processes and putting in place automation initiatives. In this regard, DMS's objective is to review, streamline and digitize paper-based administrative processes, increase efficiency through a higher level of automation and strengthen internal control.

409. In 2019, DMS will continue assisting in the implementation of the Court's Five-Year Information Technology and Information Management (IT/IM) Strategy, which will result in improvements in a number of areas. One of these areas involves administration systems pertaining to human resources, finance and budget. In 2018, DMS implemented the Business Planning and Consolidation (BPC) platform in SAP in order to automate and streamline budget-related processes. The new system is expected to be fine-tuned, on the basis of lessons learned, during Phase II of this project in 2019. Likewise, DMS plans to continue its work in the following projects: automated submission of pension contributions as required by the UNJSPF; SAP integration with mission planning to avoid duplicate data entry; upgrade of the SAP system's finance module; and Position Budgeting and Control (PBC) for improved staff costs management through automation of forecasting. In addition, DMS will start the following initiatives in 2019, in line with the Strategy: digitization of paper personnel files and integration in SAP HR; enhancement of scheduling and attendance management of security and safety staff; and streamlining of SAP approvals through easy access features. The investment required for the continuation of the strategy in 2019 has been kept at the 2018 level of €250.0 thousand.

**Promotion of staff engagement and organizational culture**

410. Improving staff engagement, team building and internal communication will include undertaking activities to develop cohesion and facilitate communication; implementing training programmes, including for managers, required for the effective delivery of tasks; and addressing welfare issues to improve staff motivation, productivity and work-life balance. The objective is to motivate staff to perform at their best, where communication and ongoing feedback play a key role in identifying achievements, strengths, areas for development and, consequently, action plans that will help the Registry and the Court to continuously enhance its organizational performance.

411. Initiatives related to staff engagement and organizational culture also include capacity-building in informal conflict resolution, both internal and external, and elaboration and implementation of HR-related policies.

**Budget resources**

**€18,937.0 thousand**

412. The requested amount has decreased by €97.8 thousand (0.5 per cent).

413. DMS has been able to find solutions to address changes in operational needs through efficient allocation of resources. The level of prices for goods and services for the entire Court has also been partially offset through the achievement of savings and efficiencies.

414. Likewise, DMS has transferred provisions of €67.0 thousand related to the External Auditor's fees to Major Programme IV, as the Audit Committee is heading the procurement process for the selection of the Court's next External Auditor. Similarly, €250.0 thousand have been transferred to Major Programme V as they relate to the corrective and preventive maintenance contract of the Court's premises in The Hague. Reallocation of resources from the Registry's budget to other Major Programmes has been offset in excess by the transfer of the New York Liaison Office's budget to the Registry.

415. DMS expects to achieve total savings of €345.6 thousand. Of this amount, a reduction of €243.6 thousand in the 2019 baseline in GTA, contractual services, general operating expenses, and supplies and materials was realized primarily through the continuous improvement in the use of energy at Headquarters, the review and renegotiation of general services contracts such as garbage removal, and the review of a number of facilities management processes resulting in the need for one fewer GTA (GS-OL). Savings in the amount of €102.0 thousand from the renegotiation of SAP licences allow the Division to avoid cost increases in 2019. In addition, efficiencies of around €31.1 thousand are expected in 2018 and 2019, resulting mainly from the creation of an automated interface between the monthly budget expenditure report and SAP and the mandatory upgrade of the SAP funds management module. Furthermore, with regard to non-recurrent costs, approximately €15.1 thousand has been identified in 2018 related mainly to contractual services to maintain UN System Finance and Budget network membership fees (that are required every other year). Finally, additional cost reductions owing to decreases in estimated workload are expected to reduce the 2019 baseline in overtime, contractual services, general operating expenses, and supplies and materials by €18.5 thousand. This is mainly because of a reduction in overtime for security staff and in workload in connection with witness transportation. Detailed information on savings, efficiencies, non-recurrent costs and additional cost reductions is provided in Annex XI.

### Staff resources

**€14,082.2 thousand**

416. For 2019, DMS proposes 181 established posts and 12 GTA positions (11.50 FTE), which includes two new established posts, one redeployment, one reclassification, and a net increase for funding of 2.5 GTA FTE.

*Established posts: Professional and General Service*

*€13,213.7 thousand*

417. The requested staff costs have increased by €158.4 thousand (1.2 per cent), mainly owing to the following posts.

418. One *Senior Finance Assistant (Accounts) (GS-OL). Redeployed*. In line with the recommendation of the External Auditor “to ensure stability and reinforcement of the accounting function” at the Court,<sup>66</sup> and to strengthen financial control at the Court, this post is required to act as a focal point for employee benefit liabilities, fixed assets and intangible assets accounting. These are highly complex areas, whose accounting-related issues under IPSAS are evolving and might further be complicated by the fact that the Court owns its permanent premises. The incumbent will also contribute to the financial year closure by ensuring that recorded transactions are IPSAS-compliant and preparing various year-end reports. Since this is a structural requirement for DMS, a solution has been found by redeploying an established post within the Registry.

419. One *Administrative Officer and Risk Management Coordinator (P-4). Reclassified*. OD-DMS is requesting the reclassification of the Administrative Officer (P-3) position to Administrative Officer and Risk Management Coordinator (P-4). This request has been triggered mainly by the following reasons: (i) the implementation of an internationally recognized risk management framework at the Court, as endorsed by the Coordination Council, the oversight bodies and the Office of Internal Audit (OIA). In this regard, the Audit Committee has reiterated its recommendation for the Court to appoint a Court-wide risk coordinator,<sup>67</sup> while the OIA has recommended that the Court establish a senior-level risk management function to coordinate, implement, maintain and monitor the Enterprise Risk Management Framework.<sup>68</sup> In its latest report to the Audit Committee, the OIA stated that resources allocated to risk management remain limited and that the current level of resources is insufficient given the work to be carried out and/or supervised,<sup>69</sup> and (ii) the increased complexity, responsibilities and workload of OD-DMS, which include providing reporting requirements to oversight bodies and performing executive functions Court-wide (audit compliance, risk management and strategic resource planning). In order to address

<sup>66</sup> *Official Records ... Fifteenth session ... 2016 (ICC-ASP/15/20)*, vol. I, part III, Annex IX.

<sup>67</sup> AC/5/5, para. 25

<sup>68</sup> OIA.02.13/002.

<sup>69</sup> AC/8/12, para. 7.

these issues, the structure of OD-DMS has been adjusted by the proposed reclassification and the reallocation of responsibilities to a new established post.

420. One *Associate Administrative Officer (P-2)*, four months. *New*. In the light of the workload and new responsibilities indicated above, this post is crucial to supporting the operational needs and complementing the capacity of OD-DMS under its new structure. It is estimated that the proposed adjustment to the structure of OD-DMS is the most efficient and effective to deliver on its mandate, including the further implementation of the executive functions and the day-to-day work of OD-DMS, which also comprises oversight of the sections that fall under DMS and provide Court-wide services.

421. One *Associate Procurement Officer (P-2)*, seven months. *New*. The requested post is for the Procurement Unit of GSS. The reason for the addition is threefold: (i) the presence of larger and more complex procurements, including for reparations, requires additional capacity at the Professional level.<sup>70</sup> Currently, the Unit has only one professional staff member, which does not meet the benchmark staffing levels of other international organizations; (ii) the transfer of the role of Procurement Review Committee Secretary from the Registry Legal Office to the Procurement Unit following a reassessment of the procurement workflow; and (iii) the need to track contracts, and expand and improve the vendor database.

*General temporary assistance*

€625.2 thousand

422. The requested amount has increased by €2.5 thousand (17.4 per cent) in order to accommodate the following new and existing positions. One Handyman position that was originally approved in 2016 to support DMS until the long-term maintenance contract for the premises was established is no longer required given that the contract is due to commence at the beginning of 2019.

423. One *Human Resources Officer (Legal and Policy) (P-3)*, 12 months. *New. Multi-year*. An assessment of needs for internal conflict resolution expertise at the Court (as well as limited external expertise) has determined that a Human Resources Officer (Legal and Policy) is required to develop and implement a mediation framework for DMS to coordinate support in informal conflict resolution, in addition to carrying out the HR legal work transferred from the Registry Legal Office through a redesigned workflow. This will allow potential conflicts to be handled at an early stage to achieve informal resolutions and avoid litigation costs.<sup>71</sup>

424. One *Budget Assistant (GS-OL)*, six months. *New. Non-recurrent*. This position is required to provide technical support for the following automation projects: (i) Phase II of the BPC tool, which will fine-tune the current system on the basis of lessons learned; and (ii) the SAP Position Budgeting and Control (PBC) platform, which will enhance and automate the monitoring and forecasting processes to improve control of staff costs by building a bridge between the SAP's HR management system and SAP's Budget Control modules, thereby eliminating the use of cumbersome and complex Excel-based spreadsheets.

425. One *Senior Occupational Health Nurse (GS-PL)* and One *Field Paramedic (GS-OL)*, 12 months. *New*. As reported in the Proposed Programme Budget for 2018,<sup>72</sup> and as a result of the savings and efficiencies exercise, by terminating the Field Paramedic contract with an external service provider, the annual cost of the service is being used to recruit one in-house GS-PL Senior Nurse and one GS-OL Field Paramedic. This pilot approach, being implemented by the Court, has proved to be successful. The difference between the yearly cost of the external contract and the budgeted cost of internal resources replacing the company represents a saving of €2.2 thousand, which at the same increases OHU's internal capacity. The Nurse will address pressing health issues to implement

<sup>70</sup> The TFV has calculated that €40.0 million will be required over the next four years to fund assistance and reparations programmes (CBF/30/13, para. 34).

<sup>71</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 252: The Committee on Budget and Finance has noted that mediation and informal dispute resolution systems can be very important tools for both management and staff to resolve disputes, at a lower cost, both financial and personal, to those involved; Report of the Committee on Budget and Finance on the work of its thirtieth session (ICC-ASP/17/5), para. 9: It has also encouraged the Court to avail itself of mediation mechanisms and to revise its human resources management approach in order to avoid future litigations to the extent possible.

<sup>72</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part A.III, Annex X.

preventive programmes and measures, while providing backup at times when OHU medical staff are on annual leave or in mandatory training to maintain certifications. The Field Paramedic will maintain and manage medical equipment, pharmaceuticals and relevant infrastructure in field operations; assist with remote (high-risk) missions; train field staff on first aid and emergency protocols; draft and maintain standard operating procedures for field medical support; and draft reports and situation updates as needed.

426. One *Associate ERP Systems Officer (P-2)*, 12 months. *Continued. Multi-year.* This post continues to be required to assist with the implementation of the 2019 initiatives of the Court's Five-Year Information Technology and Information Management (IT/IM) Strategy, which was endorsed by the Information Management Governance Board. This includes digitizing paper personnel files; managing scheduling and attendance of security and safety staff; and streamlining SAP approvals. Additionally, the position is required to assist with the implementation of SAP projects such as the HR automation of processes and reporting requirements which will in turn contribute to the implementation of open audit recommendations, compliance issues and system enhancements in the light of continuously improving the level of automation in the administration.

427. Seven *Security Officers/Senior Security Officers (GS-OL)*, 12 months. *Continued. Multi-year.* These positions are required to guarantee security support for the second courtroom. These resources are recurrent as the requirement to support the judicial activities in the two courtrooms is maintained.

*Overtime* €243.3 thousand

428. The requested amount has decreased by €64.5 thousand (21.0 per cent). Overtime resources are recurrent and fluctuate to cope with operational needs. Overtime requirements are reassessed annually.

429. In the area of general services, overtime is required mainly for out-of-hours driver services. The amount of €100.0 thousand is required, which is €20.0 thousand less (16.7 per cent) than the 2018 approved budget and reflects the reduction in the number of driver hours needed for witnesses expected to appear at The Hague in 2019.

430. Overtime requirements have decreased by €44.5 thousand (24.5 per cent) in the area of security owing to the reduction of Court hearing days (400 in 2018 as opposed to 324 in 2019). The amount of €136.8 thousand is required not only to support the expected extended hours for Court hearing days, but also to provide security and safety services during official Court holidays, and for the night differential for staff working evenings and nights, as maintenance of round-the-clock security and safety services requires permanent staffing of a number of posts.

431. The requested amount remains unchanged at €6.5 thousand for support related to budget and finance, which is required for time-bound activities such as the preparation of the annual proposed and approved programme budgets, and for periods of accounting close, financial reporting and external auditing.

*Non-staff resources* €4,854.8 thousand

432. Non-staff resources are required for travel, contractual services, training, consultants, general operating expenses, supplies and materials, and furniture and equipment. Some budget items show small increases, which have been fully offset by decreases in other non-staff costs, resulting in an overall decrease of €64.2 thousand (5.2 per cent).

*Travel* €192.2 thousand

433. The requested amount is recurrent and has increased by €22.1 thousand (13.0 per cent) mainly as a result of increased requests for security support for the Heads of Organ during official travel to situation countries and other locations that require security support in line with local security landscapes. In other areas of operations, DMS presents either reductions or no proposed increases in travel requirements for 2019.

434. The proposed amount is required for travel to the field for the assessment, adjustment planning and maintenance of facilities; assessment of the vehicle fleet for purposes of maintenance and capital replacement planning; and participation in meetings to

ensure the Court's alignment with the United Nations Common System and with accounting standards/IPSAS.

*Contractual services*

€515.7 thousand

435. The requested amount is recurrent and has decreased by €127.8 thousand (19.9 per cent) mainly owing to reductions in the area of finance following the transfer of the External Auditor fees to Major Programme IV, as well as in general services and security and safety.

436. As SAP projects require a range of functional and technical expertise that is not always available in-house, resources in the amount of €118.8 thousand are required. This amount has decreased by €6.2 thousand and is required mainly for highly specialized areas (e.g. requirements gathering, impact analysis, coding, configuration and migration) to support the implementation of several new projects, including: digitization of paper personnel files; scheduling and attendance management of security and safety staff; streamlining of SAP approvals; and HR process automation of reporting requirements.

437. In the area of general services, costs have decreased by €83.5 thousand (37.2 per cent). The proposed amount of €141.0 thousand is required to cover the cost of UNLP (United Nations laissez-passer) renewals, a contracting company for conference support (there are already requests for 300 events in 2019 and over 800 events are expected for which support will be required), logistic support for office moves, and external printing and postage costs.

438. Resources are also requested in the amount of €75.7 thousand for the adequate recording of medical data in a digital medical filing system in order to allow DMS to properly map, analyse and evaluate medical and psychological risks for staff and to recommend improvements and preventive measures. This amount is also requested for the Court's participation as an observer in the UN Common System and the UN network of medical officers to ensure the Court's continued awareness of and alignment with UN Common System developments.

439. An amount of €43.0 thousand is required for security services including an annual fee to INTERPOL, key-holding services for residences of elected officials, and the rental of the shooting range to conduct firearms training and certification of security and safety personnel. There is a proposed decrease of €22.5 thousand (34.4 per cent) in security services owing to the implementation of a new approach for the pre-employment screening procedure for all new fixed-term and temporary personnel.

440. Finally, DMS also requires €37.3 thousand for United States tax reimbursement administrative fees and the mandatory actuarial valuation for IPSAS-compliant financial statements. Fees for the External Auditor which were previously included in the DMS budget have been transferred to Major Programme IV.

*Training*

€363.3 thousand

441. The requested amount is recurrent and has increased slightly by €0.6 thousand (0.2 per cent).

442. An amount of €203.9 thousand mainly for the Court's corporate training programmes, including an online learning platform that offers an online library and flexible, cost-effective tutorials in different languages to help learners achieve personal and professional goals; leadership development; performance management training; and language training. It also includes the Court's onboarding programme for new staff.

443. An amount of €112.4 thousand is required to ensure the provision of mandatory training for security staff members and other staff members involved in the emergency response capacity, in full compliance with Court and host State regulations. The mandatory training includes courses in first aid, fire and emergency response, and firearms, in addition to specialized topics such as transport of accused persons and close protection. In addition, training on safe and secure approaches in the field environment will continue to be delivered in collaboration with the host State military. The United Nations security certification programme for a new Field Security Officer is also required.

444. Finally, an amount of €47.0 thousand is required for specialized training including training to maintain medical credentials of relevant staff and registration in the Netherlands,



training on SAP application developments and new functionalities, training on financial reporting and on enhancement to the SAP-based Business Planning and Consolidation (BPC) module for budget focal points, IPSAS training, mandatory training for drivers at Headquarters and certification training for building technicians.

*Consultants* €42.0 thousand

445. The requested amount has increased by €30.0 thousand (250.0 per cent), which is required for external mediation services where cases are brought before the internal justice mechanism, with a view to provide and strengthen early and informal conflict resolution at the Court.

446. Recurrent resources are also required in the amount of €12.0 thousand for external expertise in post (re)classifications and updating of the Court's risk register and risk monitoring strategies. This is periodically reported to the Audit Committee.

*General operating expenses* €3,071.4 thousand

447. The requested amount has decreased overall by €188.5 thousand (5.8 per cent), mainly in the area of general services, owing to the transfer of funding for preventive and corrective building maintenance costs of €250.0 thousand to Major Programme V under the new maintenance contract for the Court's Headquarters building in The Hague. This consolidation facilitates cost identification and monitoring, as recommended by the Committee on Budget and Finance.<sup>73</sup> All resources below are recurrent.

448. An amount of €2,543.1 thousand is required for cleaning (€900.0 thousand); utility costs (€781.0 thousand); maintenance of furniture and equipment and adjustments (€584.7 thousand), which includes regular and mandatory maintenance for vehicles, furniture repair and adjustments to premises in The Hague and in the field; and sundry operations costs (€277.3 thousand) such as commercial insurance policies, postage, freight and courier services.

449. An amount of €345.6 thousand is required for existing SAP software licence contracts, software subscriptions for the recruitment and performance and goals processes, in addition to new software to support the budget preparation process. Licences are optimized to the most economical licence type per user.

450. In the area of security, recurrent resources are required in the amount of €12.8 thousand for the maintenance of the security screening equipment; maintenance of firearms and diverse security and training equipment for the recertification of security officers; and membership fees to the United Nations Security Management System (UNSMS).

451. An amount of €70.0 thousand continues to be required to cover banking fees and charges.

*Supplies and materials* €291.7 thousand

452. The requested amount has decreased by €13.1 thousand (4.3 per cent). All resources below are recurrent.

453. The amount of €228.0 thousand is required in the area of general services for fuel and supplies for vehicles; office supplies and toner; paper for printers; robes for court hearings; uniforms for chauffeurs and facility management staff; and building management supplies, hardware and electrical supplies.

454. Resources related to security and safety remain unchanged and amount to €63.6 thousand. Resources are required for the issuance of passes to staff and visitors; supplies and materials for firearms training; and replacement of security uniforms, safety footwear and protective security equipment such as concealed body armours and bullet-proof vests and helmets, given the end of the life cycle of older equipment.

*Furniture and equipment* €378.5 thousand

455. The requested amount has increased by €12.5 thousand (3.4 per cent) and is required to replace high-mileage and obsolete vehicles in field locations, and some furniture at

<sup>73</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, Part B.2, para. 224.

Headquarters and in the field. 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 failure in this regard. In the light of this, the Court plans to replace four 4x4 and two armoured vehicles in 2019.

**Table 33: Programme 3200: Proposed budget for 2019**

3200 Division of Management Services (DMS)	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				3,826.5	61.6	1.6	3,888.1
General Service staff				9,228.8	96.8	1.0	9,325.6
<i>Subtotal staff</i>	<i>14,533.8</i>	<i>-</i>	<i>14,533.8</i>	<i>13,055.3</i>	<i>158.4</i>	<i>1.2</i>	<i>13,213.7</i>
General temporary assistance	319.4	-	319.4	532.7	92.5	17.4	625.2
Temporary assistance for meetings	-	-	-	20.0	(20.0)	(100.0)	-
Overtime	246.6	-	246.6	307.8	(64.5)	(21.0)	243.3
<i>Subtotal other staff</i>	<i>566.0</i>	<i>-</i>	<i>566.0</i>	<i>860.5</i>	<i>8.0</i>	<i>0.9</i>	<i>868.5</i>
Travel	201.6	-	201.6	170.1	22.1	13.0	192.2
Hospitality	-	-	-	-	-	-	-
Contractual services	652.7	-	652.7	643.5	(127.8)	(19.9)	515.7
Training	323.7	-	323.7	362.7	0.6	0.2	363.3
Consultants	52.7	-	52.7	12.0	30.0	250.0	42.0
General operating expenses	3,568.4	-	3,568.4	3,259.9	(188.5)	(5.8)	3,071.4
Supplies and materials	394.7	-	394.7	304.8	(13.1)	(4.3)	291.7
Furniture and equipment	651.1	-	651.1	366.0	12.5	3.4	378.5
<i>Subtotal non-staff</i>	<i>5,844.9</i>	<i>-</i>	<i>5,844.9</i>	<i>5,119.0</i>	<i>(264.2)</i>	<i>(5.2)</i>	<i>4,854.8</i>
<b>Total</b>	<b>20,944.8</b>	<b>-</b>	<b>20,944.8</b>	<b>19,034.8</b>	<b>(97.8)</b>	<b>(0.5)</b>	<b>18,937.0</b>

**Table 34: Programme 3200: Proposed staffing for 2019**

3200	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>														
Approved 2018	-	-	-	1	5	8	12	6	-	32	8	138	146	178
New	-	-	-	-	-	-	-	2	-	2	-	-	-	2
Redeployed	-	-	-	-	-	-	-	-	-	-	-	1	1	1
Reclassified	-	-	-	-	-	1	(1)	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>9</b>	<b>11</b>	<b>8</b>	<b>-</b>	<b>34</b>	<b>8</b>	<b>139</b>	<b>147</b>	<b>181</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	1.00	-	1.00	-	8.00	8.00	9.00
Continued	-	-	-	-	-	-	-	1.00	-	1.00	-	7.00	7.00	8.00
New	-	-	-	-	-	-	1.00	-	-	1.00	1.00	1.50	2.50	3.50
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>1.00</b>	<b>8.50</b>	<b>9.50</b>	<b>11.50</b>

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

#### Introduction

456. The Division of Judicial Services (DJS) is responsible for providing support for the judicial proceedings of the Court. It comprises the Office of the Director (OD-DJS), the Court Management Section (CMS), the Information Management Services Section (IMSS), the Detention Section (DS), the Language Services Section (LSS), the Victims Participation and Reparations Section (VPRS), the Counsel Support Section (CSS), the Office of Public Counsel for Victims (OPCV) and the Office of Public Counsel for the Defence (OPCD).

457. DJS provides a number of services that are crucial for the implementation of the Court's core activities. As part of its support for judicial proceedings, it manages the courtrooms and organizes hearings, including simultaneous hearings and hearings by video link. In addition, DJS is responsible for the management of Court records and the functioning of the eCourt system. It helps victims participate in the various phases of Court proceedings, including reparations (where appropriate), by receiving and processing their applications, and strives to simplify the process of collecting victims' applications with the help of information technologies. The Division, through CSS, also manages legal aid for indigent victims and defendants and coordinates all assistance provided to counsel by the Court. DS ensures safe, secure and humane conditions for persons in the Court's custody and the smooth functioning of the detention facilities according to international standards.

458. The Division's services are not limited to courtroom activities: DJS provides information management support to the entire Court and to trial parties and participants. The library services available to all Court staff and external counsel are part of the Division's mandate. In view of the nature of the Court's activities, an important area of support provided by DJS is information security. Translation and interpretation services are provided to assist in the conduct of Court proceedings, and to safeguard the rights of suspects and accused persons to follow proceedings and of witnesses to testify in their own language. These services are also made available, both at Headquarters and in the field, to a variety of stakeholders, including defence and Legal Representatives of Victims' teams, and the Trust Fund for Victims (TFV). Pursuant to article 87(2) of the Rome Statute ("the Statute"), translation from and into more than 20 languages is provided for the purpose of judicial cooperation for which the Court communicates its requests to States Parties.

459. Although substantively independent, OPCV and OPCD fall under the Registry's DJS solely for administrative purposes. Working under the mandates set out in the Regulations of the Court, they provide additional support to the victims' and defence teams, respectively. When appointed by the Chambers, OPCV represents victims during Court proceedings. Its involvement has steadily increased since 2012. Out of the 8,213 victims currently participating in proceedings before the Court, 4,748 are being represented by OPCV counsel, and over 2,931 by external counsel. When it comes to the effective representation of accused persons, OPCD plays a crucial role in protecting, representing and promoting the rights of suspects pending the appointment of a defence team and, as appropriate, assists those defence teams, once they are assigned, with case management and legal research throughout the proceedings.

#### Operating environment

460. All ongoing judicial activities in relation to four cases in 2019 will require full support from DJS sections. Support is expected for a total of 324 days of hearings in three ongoing trial proceedings (*Gbagbo and Blé Goudé*, *Ongwen* and *Al Hassan*). For the *Ntaganda* case, no hearings are planned except at the judgment and sentencing stages. This level of expected support will still require two full courtroom support teams and interpretation services in 10 languages in the courtroom alone. In addition, it is expected that language support for 29 other case-related languages will be required. Reparations proceedings in at least three cases will continue in 2019, namely, in the *Lubanga*, *Katanga* and *Al Mahdi* cases. The number of victims applying for participation/reparations in 2019 may be as high as 7,500 and the Registry's assistance will be required to process those applications. Furthermore, DJS will continue to administer legal aid for 10 defence and 5

victims' teams, and to support the work of OPCV teams. Four accused and one suspect are expected to remain in detention throughout 2019.

461. The Division's structure allows it to cope effectively with most of these activities within its existing level of resources. Additional resources are sought exclusively in connection with the Court-wide priorities for 2019, and only after savings and reductions have been identified to contain the required increases.

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

462. Active investigations by the Office of the Prosecutor (OTP) in eight situations – namely, Burundi, CAR II (two investigations), CIV II, Darfur, Georgia and Libya (two investigations) – will require the normal DJS support in terms of language services, IT assistance, management of legal aid and processing of victims' applications.

463. Language support, including in the languages of lesser diffusion, will also be required for field activities (communication with victims, witness protection, etc.) in other situations. About a thousand victims are expected to file their applications in the proceedings related to the *Al Hassan* case. Approximately three thousand victims are expected to file their applications in the situation in CAR II. Additional applications are also expected in CIV II (where more than three thousand have already applied and more are expected) and in the Burundi situation. Interpretation and translation services are expected to be required for the pre-trial proceedings in the respective languages used in the context of these situations.

#### **Trial proceedings**

464. In 2019, a total of four cases in trial will continue to require judicial support.

465. In the case of *The Prosecutor v. Bosco Ntaganda*, the accused is in the Court's custody and his defence team is funded through legal aid. A total of 2,129 victims are participating in these proceedings and are being represented by two OPCV teams. Language support will be required in Kinyarwanda, in particular in the context of the judgment and sentencing hearings, to provide the accused with adequate interpretation and to translate judicial and public information documents into Kinyarwanda.

466. In the case of *The Prosecutor v. Dominic Ongwen*, the accused is in the Court's custody and his defence team is funded through legal aid. Trial hearings in this case are scheduled for 12 months in 2019. A total of 4,100 victims are participating in these proceedings, 2,599 of whom are represented by external legal representatives funded through legal aid; OPCV is representing the remaining 1,501 victims. In the context of this trial, 64 witnesses are expected to appear before the Court in 2019. DJS will be required to continue providing translation and interpretation services throughout the year in Acholi, Ateso and Lango.

467. In the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, both of the accused are in the Court's custody and both of their defence teams are being funded through legal aid. A total of 726 victims are participating in the proceedings and are being represented by OPCV. For this case, language support in Dioula, Guéré, Mòoré and Bambara are expected to be required throughout 2019.

468. In the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, the suspect is in the Court's custody and his defence team is also being financed through legal aid. A significant number of victims are expected to participate in the confirmation hearing scheduled to take place on 24 September 2018 and in the possibly ensuing trial proceedings. For this case, language support in Arabic, Bambara and Tamasheq will be required throughout 2019 to meet both translation and operational interpretation needs. Importantly, while at the time of this budget proposal, this case is still at the pre-trial stage with the decision currently expected in the last quarter of the year, it has been considered more effective and transparent to include limited provisions for 40 days of trial proceedings in this case towards the end of 2019. In other words, solely for budgetary and planning purposes, the Court's proposed budget for 2019 is based on the assumption that trial hearings will take place at the end of 2019. Because of the specific

circumstances in 2019 whereby two full courtroom teams are expected to be required for the *Ongwen* (Uganda) and *Gbagbo and Blé Goudé* (CIV) cases, adding the possible 40 days of trial hearings in the *Al Hassan* case at the end of 2019 will not impact the resources requested in that regard, as such level of judicial support can be covered with the existing courtroom teams. If the charges against the accused are not confirmed, the Registry will identify and reduce any additional proposed resources for this case, as appropriate (mainly legal aid and language services).

### **Appeals proceedings**

469. Final appeals arising from the cases that are currently before the Trial Chambers may reach the Appeals Chamber in 2019. The Appeals Chamber is also expected to be seized of several interlocutory appeals throughout 2019.

470. DJS support will be required to assist the defence teams by providing legal aid, logistical support and legal research. Appeals hearings will be supported by the existing courtroom teams.

### **Reparations proceedings**

471. Three cases have reached the reparations stage: *Lubanga*, *Katanga* and *Al Mahdi*. In the *Katanga* case, Trial Chamber II issued its reparations order in May 2017, which led to the implementation stage of reparations. In the *Lubanga* and *Al Mahdi* cases, reparations orders were issued in March 2018 and the relevant implementation activities are ongoing. Furthermore, following the acquittal of Jean-Pierre Bemba by the Appeals Chamber on 8 June 2018, Trial Chamber III has invited submissions by the parties and the TFV on the implications of the acquittal on the reparations proceedings. Although no resources have been proposed to that effect, they may be needed – especially by external legal representatives and by OPCV – depending on the ruling of the Trial Chamber and should additional activities take place.

472. In addition, three reparations proceedings will be ongoing in 2019. In the *Lubanga*, *Katanga* and *Al Mahdi* cases, the implementation of reparations awards is expected to continue in 2019. The Registry will require adequate resources to be able to render a number of services to the Chambers and the parties involved in the reparations process. Effective representation will require counsel, including OPCV, and the Registry, to be active in the field, collecting relevant victim-related information and consulting with clients. VPRS will be required to process additional application forms for reparations and perform the requisite legal review to support the TFV, as appropriate, and to provide adequate reports and other assistance to the Chamber. Field activities will also require language support.

### **Strategic priorities in 2019**

473. In addition to the provision of judicial support and the implementation of Court-wide strategic priorities, additional resources are required to strengthen the efficient and effective support to reparations proceedings and to implement the Five-Year Information Technology and Information Management (IT/IM) Strategy.

### **Running and supporting trial hearings in two, possible three cases**

474. In 2019, trial hearings are expected to take place in three cases: *Ongwen*, *Gbagbo and Blé Goudé*, and *Al Hassan*. The Division will provide all necessary support to these three proceedings, two of which will be taking place simultaneously throughout the year and each requiring a dedicated courtroom support team. It is estimated that the trial hearings will last 124 days in the *Gbagbo and Blé Goudé* case (CIV) and 160 days in the *Ongwen* case (Uganda), whereas the estimated length is 40 days in the *Al Hassan* case (Mali). The three accused and the one suspect are expected to remain in detention. Services in 10 languages will be required to support the ongoing proceedings and to facilitate testimony in the courtroom. This support will be provided both in the courtrooms and for missions. A total of 128 witnesses are expected to appear for the three cases in 2019.

## **Implementation of the Five-Year Information Technology and Information Management (IT/IM) Strategy**

475. In 2019, the IT/IM Strategy for 2017-2021, approved by the Information Management Governance Board and endorsed by the Coordination Council in 2017, will be entering its third year of implementation. The strategy is intended to improve all Court processes, making them more suitable, efficient, secure and transparent. Most related activities are being implemented by IMSS for the benefit of all Court organs and external service users such as the victims' and defence teams. In 2019, the largest portion of funding is allocated to the Judicial Workflow Platform. Annex IX to the Proposed Programme Budget contains the Court-wide overview of investments from 2017 through 2021, while the sections on non-staff resources for contractual services and furniture and equipment detail IMSS expenditure for strategic initiatives in 2019.

### **Budget resources**

**€33,572.4 thousand**

476. The Division's proposed budget presents an overall net increase of €742.0 thousand (2.3 per cent). The proposed net increase in DJS is the result of increases in non-staff costs amounting to €1,271.5 thousand, which have been partially offset by reductions in staff costs and other staff costs amounting to €529.5 thousand.

477. DJS has identified savings that reduce the 2019 baseline in travel and general operating expenses in the amount of €94.0 thousand. This is mainly attributable to the renegotiation of the agreement for landline phone communications and the decommissioning of ISDN lines as backup for voice services at Headquarters. Efficiencies of €38.0 thousand and €44.3 thousand were identified for 2018 and 2019, respectively, resulting mainly from a new mobile victim application form and process and from an upgrade to the Victims Application Management System (VAMS). Additional cost savings have reduced the 2019 baseline in GTA, travel and general operating expenses by €291.8 thousand. This is mainly attributable to a reduction in estimated court hearing days, decreasing the need for certain situation language interpreters at hearings and in the field, in addition to a reduction in mobile communications costs for the Uganda Country Office as a result of a decrease in estimated missions. Detailed information on savings, efficiencies, and additional cost reductions is provided in Annex XI.

478. The Division's proposed budget presents a total reduction in staff costs and other staff costs amounting to €529.5 thousand. This is mainly attributable to a proposed reduction of €338.4 thousand in GTA and temporary assistance for meetings (TAM), and to a decrease of €191.1 thousand in professional and general service staff associated with the application of the United Nations Common System. Other net decreases in the Division's proposed budget include €27.9 thousand in travel, most of which is in relation to OPCV, and €63.7 thousand in counsel for victims, in the light of the anticipated fluctuation of victims' teams funded through legal aid in 2019.

479. The sections presenting net increases in their proposed budgets are IMSS (€1,089.0 thousand) for the implementation of the Court-wide IT/IM strategy, DS (€30.3 thousand) owing to the yearly indexing of the rental prices of detention cells under the Product Price Agreement, and CSS (€75.6 thousand) to support the adequate representation of suspects and accused in ongoing proceedings, including through legal aid. All other sections in the Division present net decreases in their budget proposals amounting to a reduction of €452.5 thousand compared to the 2018 approved budget.

480. Notably, while the overall required investment within the Division in non-staff costs for the implementation of the Court-wide IT/IM strategy in 2019 is €1,592.0 thousand, the additional resources required in IMSS out of this investment amounts to €92.0 thousand. This is in addition to €186.8 thousand also required in IMSS mostly for other activities in 2019. Of the total €1,592.0 thousand in investments earmarked for the strategy, €295.0 thousand is intended for the implementation of solutions in the OTP, mainly in relation to the processing, registration and analysis of evidence; €1,060.0 thousand is required for improvements in the judicial process, including the management of victim-related information; €187.0 thousand is required for improvements in information security,

including for protection from cyberattacks and to ensure secure communications; and €50.0 thousand for virtual infrastructure renewal.

481. As a result of the Court-wide identification of savings and efficiencies, some additional resources have been included in the Registry's proposed budget with a view to maximizing the use of existing resources within the Court.

**Staff resources** **€19,284.2 thousand**

482. The €29.5 thousand decrease in staff resources corresponds to a net decrease in staff costs amounting to €91.1 thousand as a result of the application of the United Nations Common System, and a total decrease in other staff costs of €38.4 thousand in the light of proposed reductions in GTA and TAM.

*Established posts: Professional and General Service* *€16,979.9 thousand*

483. The total reduction in staff costs amounts to €91.1 thousand (1.1 per cent) and corresponds to the application of the United Nations Common System. The total number of established posts within the Division remains at the same level as in 2018 (188). No new established posts are required in 2019 and no changes have been proposed to the Division's staffing table.

*General temporary assistance* *€1,494.1 thousand*

484. On the basis of the anticipated judicial activity for 2019, the overall decrease of €306.7 thousand (17.0 per cent) for GTA in the Division corresponds mostly to reduced requirements in CMS (€76.4 thousand), as two of the French Text Processors will be required only for six months in 2019; and in LSS (€225.6 thousand), as the three Kinyarwanda interpreters are no longer required following the completion of the *Ntaganda* trial hearings. All other sections within the Division propose continuing the same level of approved GTA resources in 2018, with some minor budgetary adjustments in VPRS, OPCD and OPCV.

485. The requested amount of GTA resources in CMS has decreased by €76.4 thousand. The requested reduced resources for CMS are required to fund the positions as outlined below.

486. One *Associate Legal Officer/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.

487. Three *Text Processors (French) (GS-OL) (2 FTE), one 12 months, two 6 months. Continued.* With two of the positions required for six months each, the FTE will be reduced from 3.0 to 2.0 in 2019. These positions are required in order to provide French real-time and edited transcripts for the scheduled simultaneous trials. The existing five Court Reporters are to be complemented by the French Text Processors.

488. One *eCourt Project Manager (P-4), 12 months. Continued.* CMS is mandated to handle eCourt administration and management. This position continues to be required to ensure the ongoing implementation of the Judicial Workflow Platform project planned under the Court's Five-Year IT/IM Strategy, to be set up by 2021. This project is a core, essential element of the five-year strategy and requires a dedicated manager. Given the length and extent of the project, a GTA position continues to be more cost-effective for the Court than the use of external resources.

489. The proposed GTA resources for IMSS remain unchanged compared to the approved 2018 budget.

490. One *Information Management Assistant (Web-based Collaboration) (GS-OL), 12 months. Continued.* As part of the Court-wide synergies exercise, the Web Developer was transferred in 2018 from the Secretariat of the Assembly of States Parties to the Registry to consolidate IT expertise. This transfer has enabled the Assembly and its subsidiary bodies to have documentation and information posted on the website and on the

respective extranet pages. Some of the documentation and information available on the website for the general public also pertains to nominations and elections to Assembly bodies. Continuing to fund this post in the Registry is more cost-effective than outsourcing the service. Moreover, thanks to centralization in IMSS, the Information Management Assistant benefits from synergies to improve technologies and backups to ensure continuity of service to the Assembly and its subsidiary bodies.

491. The requested amount of GTA resources in LSS has decreased by €225.6 thousand, as the three Kinyarwanda interpreters are no longer required following the completion of the *Ntaganda* trial hearings. The proposed amount of €642.5 thousand is required to meet the needs related to the provision of interpretation at hearings and the provision of field interpretation for missions related to the proceedings. The need for three Court Interpreters (Arabic) for two months each has been fully absorbed with the decrease in resources in the Section. Field interpretation requirements (Individual Contractors) are included in GTA costs. Accredited field and operational interpreters (GS-PL or G7/1), are necessary for 42.1 months according to service requests from clients, representing a decrease of 7.2 months compared to 2018.

492. Three *Court Interpreters (Arabic) (P-3) (0.5 FTE), two months each. New. AlHassan* trial – Court capacity. The interpreters will be recruited for the *AlHassan* proceedings on GTA contracts as a more economical option compared to recruiting freelance interpreters. They will provide interpretation from and into Arabic and take on translation and other special projects where required by the Chamber.

493. Three *Paraprofessional Interpreters (Acholi) (P-1) (3 FTE), 12 months each. Continued. Multi-year.* Ongwen trial – Court capacity. The Acholi team, supported by one Associate Translator (English) seconded to the interpretation team, interpret from and into Acholi and English for the accused and for Acholi-speaking witnesses, the Chamber, the parties and participants. They also take on translation assignments when not interpreting in the booth.

494. One *Language Assistant (Acholi) (GS-PL) (1 FTE), 12 months. Continued.* The Language Assistant is required to provide support to witness familiarization and interpretation for the accused and also carry out ad hoc written and sight translations as may be needed by witnesses and victims. There are additional sensitive interpretation assignments for the accused that are carried out by the Language Assistant. Without this position, it would not be possible to provide the victims, witnesses and the accused with interpretation and translation services, since the Paraprofessional Interpreters work in the booth, while the Language Assistant prepares witnesses for testimony (witness familiarization, psychosocial assessment and other assignments).

495. Field interpretation requirements (SSA - Individual Contractors) are included in GTA costs. Accredited field and operational interpreters (GS-PL or G7/1), are necessary for 42.1 months according to service requests from clients, representing a decrease of 7.2 months compared to 2018. Field and operational interpreters need to be assigned to facilitate verbal communication in all active situations in all relevant language combinations, including languages of lesser diffusion. Without the services of field and operational interpreters, meetings could not be held between Court staff and witnesses, victims, counsel, clients and others who do not speak and understand a working language of the Court.

496. The proposed GTA requirements in VPRS remain unchanged. It is expected that, in 2019, the Section will need to maintain the 2018 approved level of GTA resources to adequately respond to the continuous needs for the planned proceedings, including in the implementation of reparations in an enhanced partnership with the TFV.

497. One *Assistant Legal Officer (P-1), 12 months. Continued.* VPRS anticipates receiving an amount of victim applications requiring legal analysis, comparable to that of 2018. In addition, the need for comprehensive legal responses and dispatch of external requests to the Section in relevant situations has become more pressing because of increased situation-related activity in the OTP. Victim application processes at pre-trial level, in addition to reparations proceedings in several cases, will generate a similar workforce need as in 2018. The continued assistance of the Assistant Legal Officer as key



dispatcher in a number of cases will be essential to meet the Chambers' deadlines in victim-related matters in all ongoing proceedings.

498. One *Data Processing Assistant (GS-OL)*, 12 months. *Continued.* This position continues to be required for carrying out the processing (scanning, registering, filing, etc.), data entry and redaction of the high volume of victims' applications expected in connection with participation and reparations proceedings. Furthermore, in 2019, the VPRS victim-related database will be made more widely accessible within the Court to provide an improved information and data workflow (web-based application). In addition, an electronic victim application form that was developed in 2018 will be used in the field. While this will ultimately generate tangible efficiencies, it will require the current workforce at Headquarters in 2019. In addition, increased assistance to the TFV, as exemplified in the *Al Mahdi* reparations proceedings, will require at least a similar data processing workforce as in 2018.

499. The proposed GTA requirements in OPCD remain unchanged, and funding continues to be required for the following position.

500. One *Legal Officer (P-3)*, 12 months. *Continued.* This GTA position in OPCD is required for another 12 months in 2019 to cope with the continuing workload of 11 known situations involving at least 11 defendants. The assigned counsel/teams will require continued support, especially in relation to three trials (four defence teams) potentially proceeding into sentencing/appeals/reparations phases, and at least one case potentially moving through pre-trial and into trial. OPCD will need to retain staff to avoid delays in its ability to assist all teams under manageable deadlines. The Legal Officer will undertake a portion of the workload of conducting legal research and preparing manuals to provide assistance to the defence teams, and will also assist in policy and management functions where needed.

501. The proposed GTA requirements in OPCV remain at the same level as approved for 2018.

502. One *Associate Legal Officer (P-2)*, 12 months. *Continued.* This position continues to be needed and is essential for the satisfactory fulfilment of OPCV's mandate. OPCV has four teams allocated to ongoing proceedings at trial for which daily presence in the courtroom is required. This position is required to be able to follow the other ongoing proceedings and to provide external counsel with legal research and advice.

*Temporary assistance for meetings*

€795.2 thousand

503. The proposed resources in TAM reflect a net decrease of €31.7 thousand (3.8 per cent). This reduction is mainly related to an adjustment of the requirements for CMS in the light of the assumptions and parameters for the 2019 proposed budget, amounting to a decrease of €71.7 thousand (49.6 per cent). This reduction fully offsets the proposed increase of €40.0 thousand required in LSS.

504. Moreover, resources amounting to €72.9 thousand continue to be required in CMS, as the recruitment of freelance Court Reporters and Text Processing Assistants continues to be more cost-effective than outsourcing for contractual services. Most of the resources required in 2019 correspond to the need to continue complementing the current capacity in court reporting teams to sustain services for trial proceedings for 324 days.

505. For LSS, there will be a requirement to supplement in-house resources in 2019. Hence, the resources proposed by LSS in TAM amount to €12.3 thousand, representing an increase of €40.0 thousand compared to the approved budget for 2018. Some hearings in the *Al Hassan* case will be serviced by Africa-based Bambara freelance interpreters, along with French and English interpreters. Their work is essential for providing interpretation of the testimony of Bambara-speaking witnesses. Parallel proceedings and non-judicial events will require the recruitment of additional freelance interpreters to complete the in-house teams of French and English staff interpreters. Two French freelance interpreters will support the in-house interpretation team in the *Ongwen* case. The English Translation Unit and the French Translation Unit will continue to rely mainly on in-house resources to meet the needs of their clients, calling on occasional external support during peak times and for specific projects that require additional staff to be recruited on a short-term basis.

Efficiencies will continue to be achieved through assignment management of various staff: the French Translation Unit has two staff members who can translate into another language (English and Arabic), while other staff will continue to assist with occasional interpretation assignments. The Situation Languages Translation Unit normally relies primarily on in-house resources consisting of interpreters being assigned translations into situation languages whenever their schedule allows. The Unit only outsources when the language combination requested cannot be provided by in-house LSS language staff. Service requests indicate a need to recruit translators on a short-term basis in several situation languages such as Kirundi, Georgian, Tamasheq and Bambara.

#### **Non-Staff resources**

**€ 14,288.2 thousand**

506. The proposed net increase in non-staff costs amounts to €1,271.5 thousand (9.8 per cent). While the total non-staff increases required for new investments and activities in 2019 amount to €1,437.4 thousand, the Division has managed to slightly reduce the impact of the increase with reductions and savings amounting to €385.8 thousand. Such reductions include savings resulting in a net decrease in IMSS in relation to mobile, satellite and internet communication costs (€1.3 thousand); reductions in LSS in relation to language interpreters at hearings and in the field (€185.8 thousand); reductions in CSS in relation to legal aid for victims (€63.7 thousand); and other reductions spread throughout the Division, including in travel, contractual services, training and consultants (€42.1 thousand).

507. The total non-staff additional requirements for new investments and activities are related to: (i) increases required in 2019 for the implementation of the Court-wide IT/IM Strategy, which will result in greater efficiencies for the entire organization (€92.0 thousand); (ii) increases in relation to other investments in IMSS, including maintenance of equipment and non-recurrent expenditure for the replacement of obsolete firewall hardware – a core component in maintaining the security and integrity of Court's systems and data (€186.8 thousand); (iii) increased costs related to support for counsel for defence (€150.0 thousand); and (iv) language support to meet both translation and operational interpretation needs related to proceedings (€72.7 thousand). A further increase in DS results from the yearly indexing of detention cell rental prices under the Product Price Agreement (€34.9 thousand).

508. The majority of the non-staff resources required in DJS relate to IT/IM strategic investments in IMSS. As indicated, the total amount earmarked for these investments is €1,592.0 thousand, of which approximately €295.0 thousand is intended for the implementation of solutions in the OTP, mainly for the processing, registration and analysis of evidence; €1,060.0 thousand is required for improvements in the judicial process, including for the management of victim-related information; €187.0 thousand is required for improvements in information security, including protection from cyberattacks and for secure communications; and an additional €50.0 thousand is proposed for the optimization and renewal of the virtual infrastructure.

#### *Travel*

*€369.8 thousand*

509. Overall, the proposed resources for travel have decreased by €27.9 thousand (7.0 per cent) reflecting a decrease in requirements mainly in OPCV (€20.2 thousand), LSS (€5.3 thousand) and CSS (€2.2 thousand). The resources in OPCV have been adjusted to reflect the anticipated level of judicial activities in 2019 and continue to be required in support of OPCV's mandate during the ongoing reparations proceedings and for necessary consultations with its clients in the ongoing trial proceedings.

510. Travel resources are still required in the Division for missions scheduled to provide the relevant judicial services. Such services include language interpretation (LSS), facilitation of victim participation in proceedings (VPRS), information security assessments and maintenance of country office infrastructure (IMSS). Resources are required in CMS for the travel of the ALO/Courtroom Officers to the video link locations to support planned testimonies by video link. Resources required in CSS have decreased by €2.2 thousand but are still needed for missions to encourage lawyers from situation countries to apply for admission to the List of Counsel and thus contribute to reducing the cost of appointments in situ.

*Contractual services*

€1,022.7 thousand

511. The proposed resources for contractual services in DJS have increased by €82.3 thousand (132.2 per cent). This is because of an increase of €17.0 thousand in IMSS related to contractual services required for the Judicial Workflow Platform and an increase of €65.3 thousand in LSS considering the additional requirements to outsource judicial translation services in official and situation languages.

512. The requested €37.0 thousand in IMSS for 2019 represents a €17.0 thousand net increase from the 2018 baseline. The increased amount includes €20.0 thousand in recurrent costs resulting from a transfer of storage maintenance from general operating expenses in 2018 to contractual services in 2019. The remaining €497.0 thousand increase is for the implementation of 2019 initiatives under the Court's Five-Year IT/IM Strategy. To control costs, wherever possible, IMSS first utilizes staff resources to build solutions to be delivered to the Court. External vendors are used where there is a specialized need in a particular technology that cannot be addressed solely with staff resources. This includes the following:

(a) OTP - In 2019, an investment of €05.0 thousand is required for the following initiatives: €50.0 thousand to continue improvements in the long-term storage of digital and forensic evidence. This project will improve the OTP's ability to register and manage digital evidence, leading to a reduction in processing and retrieval time. An amount of €55.0 thousand is required to complete the integration of a Fact Analysis Database (FAD) with many other sources of information. Successful implementation of this project will yield efficiencies in evidentiary material analysis and a qualitative increase in investigative leads.

(b) Judicial - To support the implementation of the Judicial Workflow Platform (JWP) in 2019, €80.0 thousand is required, of which €402.0 thousand will be spent on the implementation of the Evidence and Case Record Gateway. This project is an integral part of the JWP and will allow trial parties to significantly decrease efforts required to fulfil their disclosure obligations and litigation material processing. €90.0 thousand is required to implement the information repository system which will be purchased in 2019; this project is a prerequisite for successful implementation of the JWP. Lastly, €88.0 thousand will be spent on initiating the development of the Litigation Platform – the central piece of the JWP allowing parties to access and analyse evidence, and litigate using a single interface.

(c) Information Security - In 2019, an investment of €87.0 thousand is required for the following initiatives: €67.0 thousand to implement Cloud Access Security Broker. This new system will allow the Court to exercise control over all the information going to and from various cloud service providers and pave the way for utilizing cloud services in a secure way. An amount of €20.0 thousand is required to conduct penetration testing of Court systems by a third party. Such project is a common best practice; the results of this exercise will be used to evaluate effectiveness and suitability of Court's information security.

513. The remaining resources continue to be required in LSS in 2019 to outsource a part of translation services as not all languages are available in-house, such as languages for judicial cooperation, some of the official languages and situation languages including Acholi, Ateso, Dioula, Georgian, Kinyarwanda, Lingala and both Congolese and Standard Swahili.

514. The requested amount for VPRS (€32.0 thousand) has remained at the approved level in 2018. Resources are required for: (i) specialized external services regarding certain aspects of the VPRS database development (software improvement and adaptation of VPRS systems to respond to new requirements due to web-based application); (ii) contractual services linked to interaction with victims and intermediaries in relevant countries (particularly where country offices cannot assist); and (iii) limited residual external printing of explanatory booklets and materials for victims regarding participation and reparations.

515. The requested amount in OPCV (€50.0 thousand) remains at the level approved for 2018 and continues to be needed for OPCV's judicial activities in ongoing proceedings in

which it is active, and to transport victims from their place of residence to a safe location where they can meet with counsel.

*Training*

€91.5 thousand

516. The proposed DJS training budget shows a slight increase by €0.4 thousand (0.4 per cent). The staff training budgeted for 2019 is an essential element which helps DJS cope with the increased workload and covers any additional expertise needed. In this regard, a number of sections must maintain a certain level of technical expertise if the Registry is to provide optimal services to all Court organs, including the OTP and Chambers. Training is requested for the following sections as part of their recurring expenses: OD-DJS (€4.1 thousand), CMS (€5.9 thousand), IMSS (€8.8 thousand), DS (€6.8 thousand), VPRS (€5.3 thousand) and OPCD (€0.6 thousand). The proposed training budget for CMS shows a minor increase (€0.4 thousand). It includes training for eCourt Assistants on specific applications with a view to enhancing an adequate level of in-house support instead of relying solely on external vendors. Training is also intended for Audio-Visual Production Assistants to maintain quality service and updated knowledge. For all training, it is recommended that it be done online or that the trainer be hosted on Court premises, as the most cost-efficient solution.

517. Training requirements in IMSS for 2019 continue to focus on staff receiving the required technical training to maintain certifications, and in particular those which are necessary to perform mandatory upgrades for email, operating systems, Office and networking. Failing to keep certifications and training up to date is likely to increase reliance on vendors for routine maintenance and upgrades, which may lead to increases in contractual services. Wherever possible to maximize training, IMSS uses online or local training; if travel is required, the present budget accommodates all expenses. Resources continue to be required in DS to provide Custody Officers with mandatory training on, for example, the effects of long-term detention and cross-cultural awareness in a detention environment. In VPRS, the resources are required for staff working with the Section's database to train them in software tools to combine and extract data and produce statistics more efficiently. Training is also required for staff members who interact with victims and intermediaries in highly sensitive environments.

*Consultants*

€385.5 thousand

518. The proposed resources for consultants in the Division have increased by €7.1 thousand (1.9 per cent). This proposed budget is mostly the result of requirements in OPCV, which amount to €37.5 thousand. The resources in OPCV are required for the appointment of field counsel based in the situation country, which is essential to maintain continuous contact with victims represented and in order to keep them updated of the proceedings, to gather their views and concerns, and to collect evidence.

519. An increase of €7.1 has been requested in LSS. The resources requested for OD-DJS (€5.0 thousand), OPCD (€20.0 thousand), DS (€6.0 thousand), and VPRS (€5.0 thousand) are unchanged and continue to be required. In the case of VPRS, the resources are required to bring in external specialist expertise to handle challenges in terms of mass claims regarding reparations before the Court (victim mapping exercises, harm categorization techniques, etc.).

520. The requested amount in LSS is required for a language expert to test situation languages for the accreditation of field interpreters in languages of lesser diffusion and for which expertise is not available in-house. Language expert panels have been organized since 2004 for specific languages where legal and judicial terminology needs to be developed for use during investigative and prosecutorial activities, and also during trial. In 2019, one expert panel is planned in connection with one of the situations currently in the pre-trial phase (Burundi, Mali or Afghanistan).

*Counsel for the defence*

€ 3,533.0 thousand

521. The proposed legal aid budget for defence counsel presents an increase of €150.0 thousand (4.4 per cent). This is attributable to the application of the Court's legal

aid system for existing judicial activities and related assumptions for 2019. The proposed budget for defence counsel will fund defence teams in the *Lubanga, Katanga, Ntaganda, Ongwen, Banda, Al Mahdi* and *Al Hassan* cases, the five convicted persons in the *Bemba et al.* case, and the two accused in the *Gbagbo and Blé Goudé* case.

522. An additional sum has been proposed for duty and ad hoc counsel, appointed by the Registrar and Chambers, respectively, under the conditions established in the Statute, the Rules of Procedure and Evidence and the Regulations of the Court.

*Counsel for victims* €1,101.3 thousand

523. The proposed legal aid budget for counsel for victims has decreased by €3.7 thousand (5.5 per cent) compared to the approved budget for 2018. The requested budget is required to fund all existing external teams of legal representatives for victims currently participating in proceedings before the Court. This figure includes 2,605 victims in the *Ongwen* case and all the victims participating in the *Lubanga, Katanga* and *Al Mahdi* cases. An additional sum has been requested for activities at the situation level or where the needs of the cases require the intervention of a legal representative.

*General operating expenses* €6,124.9 thousand

524. The proposed budget in DJS for general operating expenses (GOE) represents an increase of €135.2 thousand (2.3 per cent). The resources in GOE include an increase of €103.3 thousand in IMSS and a slight increase of €34.9 thousand in DS. In addition, CSS presents a net decrease in GOE amounting to €3.0 thousand, representing a 100 per cent reduction, while OPCV requires resources at the same level as that approved in 2018.

525. Of the requested amount of €6,124.9 thousand, €4,051.9 thousand corresponds to resources required in IMSS and €2,062.0 thousand to resources approved in DS. The remaining €1.0 thousand is required for OPCV.

526. The proposed GOE budget for IMSS amounts to €4,051.9 and represents a net increase of €103.3 thousand. The proposed budget therefore includes annual recurrent costs comprised of (a) €146.6 thousand for the rental of furniture and equipment; (b) €1,097.9 thousand for communication costs; and (c) €2,807.45 thousand for maintenance of furniture and equipment to support Headquarters and country office locations. Costs for the rental of furniture and equipment have increased by €20.0 thousand; communications have decreased in the annual recurrent costs by €61.3 thousand, while maintenance of furniture and equipment has increased by €144.7 thousand from 2018. Details specific to decreases and increases are outlined in the following paragraphs.

527. For the maintenance of furniture and equipment, the requested amount in 2019 is €2,807.45 thousand, which is a €144.7 thousand net increase from the 2018 baseline of €2,662.75 thousand. The increases for 2019 were attributable to €38.0 thousand for additional BlackBerry licences to accommodate the Court's move to the Apple iOS device for security reasons, €18.0 thousand for support and maintenance for a vulnerability scanner solution purchased in 2018, €20.0 thousand for the maintenance of the Court's public website in the light of additional streaming requirements, €48.7 thousand for the maintenance of purchased software in 2018 and the remaining €20.0 thousand for annual increases for support and maintenance per maintenance contracts.

528. An increase in GOE (€34.9 thousand) is presented for DS on account of the yearly indexing of the rental prices of detention cells under the Product Price Agreement. Other recurring expenses for DS are unchanged.

529. The sum of €1.0 thousand approved for OPCV is unchanged. The resources will cover the costs of renting premises where victims can be met safely and in a way that preserves the privileged relationship between counsel and client.

*Supplies and materials* €353.5 thousand

530. The proposed amount for supplies and materials represents an increase of €87.1 thousand (32.7 per cent). The majority of the resources in the Division's budget for

supplies and materials correspond to the €22.0 thousand required in IMSS. Other allocations of resources include €13.8 thousand in CMS, €7.5 thousand in DS, €8.2 thousand in LSS and €2.0 thousand in VPRS.

531. The proposed 2019 budget for supplies and materials in IMSS includes a €6.0 thousand increase from the 2018 baseline of €26.0 thousand. This increase is a result of the following: the transfer of €5.0 thousand from GOE to supplies per IPSAS; €5.0 thousand in additional funds for inter-library loans owing to the closure of the Peace Palace and €6.0 thousand for annual contractual increases in library subscriptions. The requested 2019 budget is fully composed of recurrent costs, of which €16.0 thousand is for the continued provision of library references and resources such as digital and print subscriptions for serials and monographs, used daily by the OTP, Chambers and the Registry for legal research. The €16.0 thousand consists of serials and subscriptions amounting to €64.0 thousand for library serials in different languages with various titles on international criminal law, human rights, genocide studies, and defence and security analysis which are mainly used by the Office of the Deputy Prosecutor, the Investigation Division, the Situation Analysis Section, and Chambers' Legal Officers on behalf of the Judges. An amount of €75.0 thousand is for subscriptions to Westlaw and UNSEIAC that includes Lexis-Nexis, Factiva, Oxford Reports on International Law, HeinOnline Foreign and International Law Resources Database, etc., which are used by legal officers and researchers. The remaining amount of €42.0 thousand is for various titles of print and electronic book purchases in diverse languages that are used by the whole Court, including defence teams, for legal research. It also consists of €35.0 thousand for new purchases to compensate for inter-library loans that will no longer be possible following the closure of the Peace Palace Library.

532. In LSS, the requested amount will be needed for reference materials. Language professionals, in particular translators, need up-to-date dictionaries and reference materials (online and hard copies) in the working, official, situation and case languages as new situations and cases result in new language combinations. Translation Support and Terminology Unit resources must support such developments, and online subscriptions to various dictionaries and reference materials need to be renewed every year. For CMS, the requested amount has decreased by €8.9 thousand. The amount for supplies and materials will remain unchanged for DS and VPRS.

*Furniture and equipment*

*€1,306.0 thousand*

533. The amount approved for furniture and equipment in DJS has increased by €401.0 thousand (44.3 per cent) and corresponds exclusively to investments required in IMSS. No other section in the Division has any approved resources for furniture and equipment. There are two broad categories for software and hardware: those used directly by Court staff, known as front office IT and those required for its support, known as back office IT. Front office IT encompasses software and hardware such as evidence management applications to support evidence registration and management processes, in addition to end user hardware such as workstations, laptops and mobile devices. Back office IT refers to infrastructure that is required for applications and end user hardware to operate, exchange and store data.

534. The budget for furniture and equipment amounts to €1,306.0 thousand and is required for recurring costs and investments under the Court's Five-Year IT/IM Strategy. The proposed budget for furniture and equipment for 2019 in total comprises the following recurrent items, which vary annually as a result of obsolescence and wear and tear:

(a) €200.0 thousand earmarked exclusively for the annual replacement of end user workstations, laptops and mobile devices. This is included in the calculation of the annual baseline operating costs. It is important to maintain this replacement cycle to mitigate risks associated with out-of-date computers and mobile devices that are not compatible with security updates required to protect the Court's systems and data. No change from 2018.

(b) €126.0 thousand to replace obsolete hardware and software, representing a €1.0 thousand increase from 2018. In 2019 IMSS must upgrade its firewall, which is a core component in maintaining the security and integrity of Court's systems and data. In

addition, the Court needs to purchase software to continue to offer videos to the public via its website. The current system will be decommissioned worldwide in 2019.

(c) €160.0 thousand required to maintain the Court's storage per tiered storage model, allowing the Court to decrease the total cost of ownership (TCO) of storage. No change from 2018.

535. In 2019, a total of €20.0 thousand in non-recurrent investment is required for strategic initiatives under the Court's Five-Year IT/IM Strategy. This is an increase of €70.0 thousand from 2018 and is distributed among the following initiatives:

(a) €80.0 thousand for OTP to continue improvements of the OTP's ability to register and manage digital evidence leading to a reduction in processing and retrieval time. €90.0 thousand is requested for the purchase of hardware and software to continue improvements in the long-term storage of digital and forensic evidence. This project will improve the OTP's ability to register and manage digital evidence leading to a reduction in processing and retrieval time. The remaining €90.0 thousand is to support the Investigation Division in achieving efficiencies in the collection, processing and analysis of open-source digital evidence. This builds on existing investments to further automate data transfers and analysis to reduce investigation timelines and utilize staff resources more efficiently.

(b) Judicial: €490.0 thousand is required to acquire a new information repository platform. This project is an integral part of the Judicial Workflow Platform implementation and aims to provide the Court with a new system for centralizing the storage of all case records.

(c) Information Security: an investment of €100.0 thousand is required to continue strengthening the Court's information security profile. An amount of €40.0 thousand is proposed to be spent on software and hardware for the implementation of a Data Leak Prevention (DLP) system, allowing the Court to improve control over document dissemination. Another €40.0 thousand is required to continue enhancing the existing threat intelligence system aimed at improving the Court's security posture against both internal and external threats. The remaining €20.0 thousand will be split between incident response training subscription and risk assessment tools, both aimed at enhancing IMSS information security staff members' capabilities to respond to potential security incidents.

(d) Optimizing IT: an investment of €50.0 thousand is required to renew the Court's virtual infrastructure, enabling it to support increasing computational demands imposed by the implementation of the Court's Five-Year IT/IM Strategy.

(e) Administrative: €150.0 thousand, to automate processes and procedures to increase efficiency and reinforce internal controls.

**Table 35: Programme 3300: Proposed budget for 2019**

3300 Division of Judicial Services (DJS)	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				12,091.2	(158.3)	(1.3)	11,932.9
General Service staff				5,079.8	(32.8)	(0.6)	5,047.0
<i>Subtotal staff</i>	<i>17,577.7</i>	<i>-</i>	<i>17,577.7</i>	<i>17,171.0</i>	<i>(191.1)</i>	<i>(1.1)</i>	<i>16,979.9</i>
General temporary assistance	1,516.6	54.9	1,571.5	1,800.8	(306.7)	(17.0)	1,494.1
Temporary assistance for meetings	1,020.5	5.3	1,025.8	826.9	(31.7)	(3.8)	795.2
Overtime	12.9	-	12.9	15.0	-	-	15.0
<i>Subtotal other staff</i>	<i>2,550.0</i>	<i>60.2</i>	<i>2,610.1</i>	<i>2,642.7</i>	<i>(338.4)</i>	<i>(12.8)</i>	<i>2,304.3</i>
Travel	318.9	15.4	334.3	397.7	(27.9)	(7.0)	369.8
Hospitality	-	-	-	-	-	-	-
Contractual services	459.6	-	459.6	440.4	582.3	132.2	1,022.7
Training	61.3	-	61.3	91.1	0.4	0.4	91.5
Consultants	408.9	40.0	448.9	378.4	7.1	1.9	385.5
Counsel for defence	3,913.3	925.2	4,838.5	3,383.0	150.0	4.4	3,533.0
Counsel for victims	936.0	398.7	1,334.6	1,165.0	(63.7)	(5.5)	1,101.3
General operating expenses	5,623.2	2.2	5,625.5	5,989.7	135.2	2.3	6,124.9
Supplies and materials	426.7	-	426.7	266.4	87.1	32.7	353.5
Furniture and equipment	953.7	-	953.7	905.0	401.0	44.3	1,306.0
<i>Subtotal non-staff</i>	<i>13,101.6</i>	<i>1,381.5</i>	<i>14,483.1</i>	<i>13,016.7</i>	<i>1,271.5</i>	<i>9.8</i>	<i>14,288.2</i>
<b>Total</b>	<b>33,229.3</b>	<b>1,441.7</b>	<b>34,670.9</b>	<b>32,830.4</b>	<b>742.0</b>	<b>2.3</b>	<b>33,572.4</b>

**Table 36: Programme 3300: Proposed staffing for 2019**

3300	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>														
Approved 2018	-	-	-	1	7	23	33	42	5	111	2	75	77	188
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>7</b>	<b>23</b>	<b>33</b>	<b>42</b>	<b>5</b>	<b>111</b>	<b>2</b>	<b>75</b>	<b>77</b>	<b>188</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	1.00	2.50	2.00	4.00	9.50	5.11	5.00	10.11	19.61
Continued	-	-	-	-	-	1.00	1.00	2.00	4.00	8.00	1.00	4.00	5.00	13.00
New	-	-	-	-	-	-	0.50	-	-	0.50	3.51	-	3.51	4.01
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>1.50</b>	<b>2.00</b>	<b>4.00</b>	<b>8.50</b>	<b>4.51</b>	<b>4.00</b>	<b>8.51</b>	<b>17.01</b>



#### 4. Programme 3800: Division of External Operations

##### Introduction

536. 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), along with the external representations of the International Criminal Court ("the Court") in six situation countries and at the United Nations (UN) in New York.

537. The Division is responsible for the Court's external offices, which are established in situation countries, and for a liaison office to the UN in New York to facilitate and serve as the base for the Court's operations. The New York Liaison Office was previously located in Major Programme I and, while it serviced all organs of the Court, it reported to the Presidency for administrative matters. Following an agreement of the Coordination Council, the New York Liaison Office (NYLO) will be moved to the Registry in 2019 to be able to benefit from the existing structure in DEO supporting the work of external offices and thus take advantage of the ensuing operational, managerial and budgetary synergies. The size and composition of each external office are determined on a case-by-case basis, taking into consideration the specific circumstances of each situation and the stage of investigative or judicial activities, and are therefore bound to fluctuate depending on specific needs. The Division also plays a central role in ensuring, from Headquarters, that logistical and administrative issues concerning the Court's external offices are addressed effectively and efficiently. Crucially, DEO acts as the centre for all field-related mission planning and also supports the implementation of crisis management procedures.

538. Within the Division, VWS provides protective measures, security arrangements, counselling and other assistance to witnesses, victims appearing before the Court and others who are at risk on account of testimony given by such witnesses. Through the work of PIOS and the external offices, the Division is also responsible for external communication and, in this regard, for delivering accurate and timely information about the Court's principles, objectives and activities to the general public and target audiences. Through outreach in situation countries, the Division ensures that communities affected by the proceedings before the Court are kept apprised of judicial developments.

539. The Division is further responsible for discharging the Registry's statutory responsibilities in relation to State cooperation and judicial assistance, such as the implementation of requests emanating from the Chambers, and establishing 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 sociopolitical developments in countries of relevance for the work of the Court. This enables the Court to successfully conduct its core activities, meet its obligations towards the safety of staff, and safeguard its property and assets.

##### Operating environment

540. In 2019, the Court will continue to maintain country offices in six situation countries, namely, the Central African Republic (CAR), Côte d'Ivoire (CIV), the Democratic Republic of the Congo (DRC), Georgia, Mali and Uganda. The trial hearings envisaged for 2019 in the *Ongwen*, *Gbagbo and Blé Goudé* and, probably, *Al Hassan* cases will likely involve a high number of witnesses expected to appear before the Court, either in person or via video link, which will require the assistance and support of the VWS. In addition, active engagement with the communities in the situation countries will be required in relation to these cases, both in terms of outreach and communication, and in relation to victims participating or seeking to participate in the proceedings. As it is expected that the *Ongwen* and the *Gbagbo and Blé Goudé* cases will have proceeded to the defence's presentation of evidence in 2019, support to defence teams from the offices in Uganda and CIV will be required. The active investigations carried out by the Office of the Prosecutor (OTP), notably in CIV, the CAR, Burundi and Georgia, will continue to require

DEO support in terms of the logistics and security of the investigative missions, in addition to the protection of witnesses. Other actors such as the TFV will rely heavily on the support of the situation country offices. The country offices will continue to be heavily engaged in supporting the Court's work in the situation countries through active engagement with diplomatic, governmental and civil society representatives. The offices are responsible for developing, in cooperation with Headquarters, and implementing strategies in relation to outreach, victim participation, reparations and external relations. The country offices also play the primary role in ensuring that the necessary security measures are in place to protect field staff and staff on mission, as well as the Court's property and assets.

541. As the DEO supports and manages the work of the Court's country offices in the situation countries, it is considered more efficient that the Court's strategic requirements – in relation to cooperation with the UN and its programmes, funds and offices – be serviced and supported from within the Division. Therefore in 2019, the NYLO will be integrated into DEO to ensure the implementation of not only a cohesive policy on the management of all the Court's external representations, but also a consolidated strategy in terms of judicial cooperation, external relations and outreach. The NYLO provides Court-wide services and will continue to serve and represent all organs of the Court by providing them with administrative, logistical, strategic and operational support in their respective activities and plans in relation to the UN. The NYLO will also continue to be the Court's focal point for all discussions and activities conducted in New York by the Bureau of the Assembly of States Parties and of its New York Working Group. The country offices and the NYLO have therefore been integrated under the Court's external offices.

542. Challenges are expected in 2019, especially with regard to support for the hearings envisaged in three proceedings for 2019 and to continued cooperation and support to the Court from States. In 2019, the Division will continue to develop its consolidated strategy on its efforts in the areas of external relations, judicial cooperation and outreach to ensure that the efforts in these areas are complementing each other in order to enhance the impact.

#### *Central African Republic*

543. In 2019, the country office in Bangui will continue to support the OTP's two active investigations in relation to crimes allegedly committed by the Séléka and the anti-Balaka in the context of the CAR II situation. Likewise, the country office will continue conducting outreach and communication, along with victims' participation activities, and providing appropriate logistical support to the activities of other actors in the CAR such as the TFV. The investments made in 2018, notably to bring the office premises to acceptable standards, have allowed the field office to provide adequate services to clients and to contain the increases proposed for next year.

544. The overall workload generated by the anticipated activities in relation to the situation in the CAR requires limited investments in both staff and non-staff resources to provide security and logistical support for missions to Bangui and elsewhere in the country. As demonstrated by the violent incidents in the capital and other areas in the CAR in 2018, the security situation in the country remains extremely tense. The Court must take adequate precautions to protect its staff based or on mission in the CAR, as well as its assets. In 2019, the country office will also focus on outreach and victim participation activities to address key judicial developments.

#### *Côte d'Ivoire*

545. The OTP's active investigations in relation to CIV II will continue to require support from the country office in Abidjan. The trial in the *Gbagbo and Blé Goudé* case will go into 2019, while the TFV will continue to shape its activities next year. The ongoing judicial activities will mean that the Registry's operations in Côte d'Ivoire are expected to remain at the same level as in 2018.

546. The field office in Abidjan will be moving to new premises in 2018. The previous premises were no longer suitable for the Court's operations and the move is necessary to allow the office to meet its operational requirements, such as accommodating the expected increases in personnel, while providing a safe and secure location for video link

testimonies. The increased costs resulting from the move have been fully absorbed in the budget proposal. The office will continue to implement a proactive outreach programme in order to ensure accurate and timely communication regarding the Court's work in Côte d'Ivoire.

#### *Democratic Republic of the Congo*

547. The country office in Kinshasa, as well as the additional presence in Bunia in the eastern DRC, will continue to support the Court's activities in relation to the situation in the DRC. The *Ntaganda* trial is expected to conclude in the first half of 2019, with the possibility of reparations and appeals phases to follow. The ongoing implementation of reparations awards in the *Lubanga* and *Katanga* cases will also require continued support from the country offices in the DRC. The offices will continue to reach out to the affected communities to provide information regarding ongoing judicial developments. In addition, the TFV's activities in eastern DRC are expected to continue in 2019.

548. The work of the Court in the DRC takes place against a backdrop of a deteriorating security situation. This will lead to unavoidable costs in the area of security management to ensure that risks arising from the unpredictable operating environment are reduced as much as possible.

#### *Georgia*

549. In 2019, the OTP will continue its active investigation in relation to the situation in Georgia. The country office in Tbilisi, established in late 2017, will be expected to provide increasing support to the OTP's investigative activities. This will require increased resources, both staff and non-staff, in order to provide adequate assistance to the different actors. The office is being expanded in a cost-conscious and incremental manner, in full consideration of the expected developments in relation to the Georgia situation.

550. As the office was only partially funded in the 2018, it has had to limit the scope of its operations. The focus so far has been limited to setting up the office, which included securing suitable premises and strengthening relationships with key interlocutors. These relationships will allow the office in 2019 to, *inter alia*, conduct effective outreach and public information activities concerning the Court's work in Georgia. It is proposed that the office be funded for 12 months in 2019 to ensure the uninterrupted continuation of its activities and to enhance its operations as required.

#### *Mali*

551. The Court's activities in the Mali situation are expected to increase significantly in 2019, resulting in the need to strengthen the resources of the office in Bamako. The possible commencement of the *Al Hassan* case and the reparations proceedings in the *Al Mahdi* case require the office to perform a wide range of activities within its own mandate, in addition to supporting the work of its clients. The office will require additional staff positions in order to cope with the considerable increase in workload.

552. The upsurge in the Court's work with respect to the situation in Mali comes at a time when the security situation in the country continues to be extremely volatile, with attacks targeting international staff. The office's security team needs adequate resources in order to ensure the safety and security of personnel under the Court's duty of care. In the light of judicial developments, the country office will also dedicate resources for victim participation, reparations and outreach activities. Likewise, witness protection and assistance will be one of the key cost drivers for the Registry's operations in Mali. Carefully planned outreach and victims' participation activities will also need to be conducted.

#### *Uganda*

553. The *Ongwen* trial will continue in 2019 with the country office in Kampala providing support and assistance to the parties and participants. Defence witnesses will be

expected to give testimony in the ongoing trial, including via video link from Uganda. While the presentation of prosecution evidence finished in 2018, the country office is expected to provide a high level of support to the defence in the next stage of the trial. The activities of the office will include mission support to reach the affected communities in northern Uganda from the capital, Kampala.

554. The country office will continue its outreach activities and to assist in the implementation of the right to participation by the over four thousand victims admitted to participate in the *Ongwen* case. The TFV's activities in the country will likewise continue in 2019.

#### *Burundi*

555. Following authorization by Pre-Trial Chamber III, the OTP is conducting an investigation into the crimes allegedly committed in Burundi since 2018. In 2019, the Division is expected to provide support for the OTP's investigative activities. In addition, the Registry is mandated to reach out to the victims and the affected communities to inform them of developments in the judicial proceedings and the Division will provide its support to the related activities to this end.

556. The withdrawal of Burundi from the Rome Statute also requires the Division to focus on its outreach strategy to keep the general public abreast of the judicial activities in the Burundi situation. Similar efforts will be made as in other situations to gain support and obtain cooperation from key stakeholders.

#### *New York (United Nations)*

557. The Court is continuing its endeavour to enhance interaction and facilitate cooperation with the UN and its programmes, funds and offices. The NYLO contributes to serving the needs of the Court and is constantly engaged with the UN Secretariat to explore ways of strengthening cooperation and improving mutual operational support between the two organizations. The NYLO also engages with UN Member States and various policy and decision-making organs of the UN, including the General Assembly, the Security Council and their subsidiary bodies; represents the Court in the relevant meetings of these bodies; and seeks to ensure that the mandate and work of the Court are respected in their deliberations and decisions.

558. The NYLO will continue to monitor and report on UN developments of relevance to the Court and disseminate information and reports from the Court to the UN 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 intersessional meetings of the Bureau and other subsidiary bodies of the General Assembly in New York.

### **Strategic Priorities for 2019**

559. The overarching objective of the DEO is to ensure high-level coordination and give strategic direction for all external operations of the Registry. While the effective implementation of the mandated activities of the sections within the Division remains a key priority, the DEO will in 2019 focus especially on developing processes and strengthening its capacity in the following four main priority areas.

#### **Support for judicial activities**

##### *Adequate support to implement reparations orders*

560. Throughout 2018, the field offices in the DRC have provided valuable support for the implementation of reparations in the *Katanga* and *Lubanga* cases. Likewise, through its field office in Mali, the Registry has supported the activities of the TFV with respect to the reparations phase in the *Al Mahdi* case. The Court's work in relation to reparations for victims is expected to continue to develop in 2019 in a number of cases and situations. The

offices in the DRC and Mali will require adequate resources, both staff and non-staff, to perform the necessary activities in relation to the reparations proceedings in those countries.

*Furthering cooperation with the Court in relation to the conclusion of framework agreements and arrest of suspects*

561. The effective implementation of the Court's mandate is highly reliant on the cooperation, support and assistance received from States, international organizations and other stakeholders. In 2019, the DEO plans to build concrete support for the work of the Registry and the Court through the conclusion of further cooperation agreements. These pertain to the relocation of witnesses where effective cooperation from States can reduce the Court's budgetary requirements, as witnesses can exit the Court's protection programme. They also concern the interim and final release of accused and convicted persons. In 2018, the DEO launched a successful pilot process to actively target a number of States to further focus the Registry's efforts in attracting additional signatories to cooperation agreements.

562. The DEO, in full coordination with other organs, as appropriate, will also focus on building support among States Parties for the arrest of suspects currently at large. While the implementation of warrants of arrest will ultimately depend on the cooperation of States, the Court must also work actively to liaise with relevant stakeholders to pursue those who continue to evade justice. A limited increase in resources, notably for travel, is required to further these key cooperation goals.

*Development and implementation of asset recovery capacity*

563. In 2019, the Division, in full coordination with other organs, as appropriate, will continue to focus on enhancing the Registry's effective capacity to successfully track the assets and property of accused persons in order to make accurate assessments of indigence and reparations. A minimum level of resources is also requested for training and travel in relation to asset tracing and recovery. In 2018, the Division has started developing a broad strategy, including through a gap analysis on operational and resource needs. The ongoing mapping will serve as the groundwork for the Registry's resource requests in the coming years to enable the Registry to conduct effective financial investigations and asset recovery.

**Support for OTP investigations and overall Court operations**

*Full operationalization of the country offices in Georgia and Mali*

564. For 2018, the operational models for the field offices in Tbilisi, Georgia and Bamako, Mali were restricted to limited activities. This entailed a reduced level of resources both in terms of staffing and operational budget. For 2019, the new *Al Hassan* case will require increased resources to support the large amount of anticipated activities by the Registry and other actors in Mali. For instance, witness protection in Mali is a demanding exercise in a country facing severe security challenges.

565. In Georgia, the office operated in 2018 with skeleton staffing focusing only on setting up the Court's full-time presence in the country. In 2019, the office is expected to provide further services to the OTP and other clients, in addition to stepping up the implementation of effective outreach to the affected communities and other key stakeholders. Both the Georgia and Mali field offices will be moving to new, fit-for-purpose premises in 2018. While the majority of the costs deriving from these moves will be covered within the 2018 budget, an increase is expected to be required in 2019 owing to the expansion of office space and other service costs.

**Budget resources**

**€22.893.2 thousand**

566. The overall proposed budget in 2019 for DEO is €22,893.2 thousand, representing a net decrease of €57.5 thousand (2.8 per cent) as compared to the 2018 approved budget. The decrease results from a number of savings and efficiencies, the discontinuation of non-recurrent costs, and additional cost reductions in temporary assistance for meetings,

travel, contractual services, general operating expenses and furniture and equipment. The total cost for the additional activities expected in 2019 amounts to approximately €1,920.0 thousand. This figure excludes the additional increase of €370.6 thousand arising from the move of the NYLO from the Presidency to DEO. This means that a total of approximately €1,920.0 thousand has been identified as reductions and savings in the Division's budget, thus fully offsetting the required increase, and resulting in a net proposed decrease of €657.5 thousand.

567. DEO has identified savings in travel, contractual services and general operating expenses in the amount of €86.4 thousand. This is mainly attributable to the renegotiation of contracts with vendors who assist with witness protection initial response systems. In addition, savings that allow the Division to avoid additional costs while maintaining the same baseline in 2019 have been identified in travel, general operating expenses and furniture and equipment. The main explanation is the elimination of the travel formally required for Safe and Secure Approaches in Field Environments (SSAFE) training, which was relocated from Headquarters to an in-country location for staff in the DRC. In non-recurrent costs, approximately €3.2 thousand related to PIOS technical training will reduce the training baseline. Additional cost reductions have reduced the 2019 baseline in temporary assistance for meetings, training, and general operating expenses by €1,833.4 thousand. This is mainly attributable to a reduction in general operating expenses for VWS and the level of witness-related temporary assistance for meetings. Detailed information on savings and efficiencies is provided in Annex XI.

568. The total proposed increase in staff costs, including other staff costs, is €96.7 thousand, which is fully offset by the decrease proposed in non-staff costs by €1,254.2 thousand.

569. The Division's proposed budget shows an addition of 9 established posts, of which 8 are new proposed positions and 2 have been redeployed to DEO from the Presidency and the NYLO (the Chief of NYLO and the Administrative Assistant). In addition, one GS-OL established post has been redeployed out of DEO into the Finance Section in DMS. The Division's proposed budget thus shows a net increase of nine established posts. Of the eight new proposed posts, one is required to support the increased workload of the Office of the Director, and the other seven are required to support the full operationalization of the offices in Georgia and Mali. This is mainly attributable to a significant increase in demand from the OTP, as well as other actors, for support for the country offices and to address an increase in workload to support the activities resulting from the two judicial proceedings in the *Al Mahdi* and *Al Hassan* cases, as well as for reparations, as well as other Registry functions. It should also be noted that activities in the DRC and Uganda have decreased or stabilized as the cases of these situations have currently reached a certain phase. In order to use resources efficiently, therefore, one Field Assistant (GS-OL) post in the DRC Country Office is redeployed to the Finance Section and one Field Officer (VPR/Outreach) (P-3) post in the Uganda Country Office is redeployed to the Mali Country Office in order to address the increased activities in Mali. As explained below, following reconsideration of the security need of the country office in Georgia, the post of Field Security Officer (P-3) is also redeployed to the Mali Country Office as a Field Officer (VPR/Outreach) (P-3).

570. All the 16 FTE approved in 2018 in relation to GTA resources will be continued in 2019. The Division has requested a total of 14 new FTE GTAs. The proposed additional GTA resources are required to enable the VWS and the country offices in Uganda, the CAR, Mali and CIV to provide adequate support to the investigative missions in the CAR, the VWS activities in the Mali and Libya situations and the activities resulting from the two active trials in the Mali situation in relation to witness protection, victim participation and reparations, and the outreach-related activities.

571. It should be noted that, in addition to the internal redeployment of posts within the Division, the increase in staff costs is also partially offset by a notable decrease of €209.4 thousand in resources proposed for temporary assistance for meetings (TAM). This reduces the increase in staff costs to €96.7 thousand, and thus partially absorbs the resources required for the overall expected increase in the field activities.

572. Finally, the proposed net decrease of €1,254.2 thousand in non-staff costs is mainly linked to the decrease in the general operational expenses requested for the VWS

(€1,717.4 thousand). This significant decrease offsets the required additional resources incurred by the integration of the NYLO in the Division (€125.7 thousand), additional travel costs owing to the increased number of missions to be conducted in the situation countries, and other proposed increases mostly related to the full operationalization of the Mali and Georgia country offices.

**Staff resources** **€16,468.1 thousand**

573. The total proposed increase in staff costs, including other staff costs, amounts to €96.7 thousand (3.8 per cent), resulting from a proposed increase of €21.7 thousand in established posts, an additional €3.0 thousand for overtime, and an increase of €81.4 thousand in GTA resources, which have been partially offset by a reduction of €209.4 thousand in TAM.

*Established posts: Professional and General Service* *€14,823.3 thousand*

574. The amount requested for established posts has increased by 221.7 thousand (1.5 per cent) as compared to the 2018 approved budget. In total, eight new posts are requested and six posts have been redeployed (three internal redeployments within the country offices, one outward redeployment to DMS in the Registry and the inward redeployments of two posts from the Presidency following the transfer of the NYLO). Importantly, the increase in established posts associated with the redeployments of the positions in the NYLO amounts to €44.9 thousand. Therefore, all other additional proposed established posts requirements have been fully offset within the baseline of the 2018 approved budget, as a result of the application of the UN Common System in the Division.

575. *One Associate External Affairs Coordinator (P-2), 12 months. New.* The requested post is proposed to be located in OD-DEO. The addition of this post would bring the composition of OD-DEO more in line with OD-DJS and OD-DMS. A total of six Chiefs of country offices, including the NYLO, and three Section Chiefs in Headquarters report directly to the Director of DEO. The new post is justified by the significant workload created by the complexities associated with administering three sections and seven external offices (six country offices and, as of 2019, the NYLO), encompassing a total over 200 staff members in these locations. The workload is such that it cannot be managed by one External Affairs Coordinator (P-3) alone. In this regard, both the External Affairs Coordinator and the Associate will be assigned the task of coordinating the Division's day-to-day work, including operational support for the country offices and the NYLO, and providing assistance and analysis on policies to the Director, drafting various documents and managing administrative matters.

576. *One Local Security Assistant (GS-OL), 12 months. New.* The post of Local Security Assistant is required to provide adequate security and safety support for the Court's activities in Georgia. The post replaces that of Field Security Officer (P-3), which is redeployed to the Mali Country Office. Because of the relatively stable physical security situation in Georgia and the need to prioritize limited resources, it is not considered necessary to have international security staff for the time being in the country office. The Local Security Assistant will provide services in ensuring the physical safety and security of the Court's staff working permanently in or deployed on mission to Georgia. With the number of deployed personnel and of staff on mission expected to increase in 2019, the post is crucial to enable the country office to have the local knowledge concerning the security landscape in order to assess threats and risks as they arise.

577. *One Administrative Assistant (GS-OL), 12 months. New.* The post of Administrative Assistant is requested to support the Chief of Country Office (P-5) in the administration and management of the country office in Tbilisi. The request is in line with the gradual scaling up of the country office in Georgia to meet the Court's increased activities in the country. The post will be used to ensure the efficient budgetary, financial and technical administration of the office which, because of the increased workload in 2019, cannot be performed by the Chief of Country Office alone.

578. *One Driver (GS-OL). 12 months. New.* One driver is requested to service all Court staff on mission or stationed in Georgia. The post would allow the country office to reduce the funds needed for rental vehicles and driver support. In 2019, the country office in Tbilisi will need to provide a broader range of services to its clients as compared to 2018. The increase in the number of missions versus previous years makes this a cost-effective solution to provide the required logistical support for the OTP, Registry, TFV and other clients. An in-house driver is also desirable to protect the confidentiality of any sensitive operations.

579. *One Associate Field Security Officer (P-2). 12 months. New.* This post is requested as the core field security staff in the Mali Country Office to support the work of the Field Security Officer (P-3) in providing an adequate level of security to staff operating in Mali. Because of the high level of activities in Mali and the country's critical security situation, Professional-level security staff is required to complement the Field Security Officer to enhance field security capacity. A full security team, consisting of one Field Security Officer, one Associate Field Security Officer and one Local Security Assistant, is needed on the ground to ensure the safety and security of the Court's staff, property and assets in one of the most dangerous countries where the Court operates.

580. *Three Drivers (GS-OL). 12 months each. New.* These posts are required to provide support to the users in order to guarantee operational continuity. Currently, driver services are provided by a third party for security reasons. In anticipation of ending the third-party contract with the company in 2019, the Mali Country Office is required to hire drivers to provide the relevant services. Recruiting these essential posts as Court staff will also make it possible to retain more reliable, vetted and motivated personnel.

581. *Two Field Officers (P-3). 12 months. Redeployed.* These posts, which were originally approved in 2018 as part of the offices in Uganda (Field Officer (P-3)) and Georgia (Field Security Officer (P-3)), are now both necessary in Mali to allow the Registry to perform its functions in relation to the reparations proceedings in the *Al Mahdi* case, and with respect to the *Al Hassan* case, where the start of the proceedings will necessitate effective communication with the victim communities, as well as the general public. The current judicial phases of the two ongoing cases and the resulting workload mean that two Professional-level staff are needed to lead the Bamako office's outreach and VPRS efforts in an extremely challenging security environment. The Division has been able to redeploy these posts in the light of the following:

(a) *One Field Security Officer (P-3), 12 months.* Redeployed to Mali as one of the Field Officers (P-3) above. The post of Field Security Officer (P-3) is no longer requested for the Georgia Country Office. In the light of the relatively good security situation, it is considered sufficient for one Local Security Assistant (GS-OL) to provide the security services required to safeguard the Court's operations in the country.

(b) *One Field Officer (Outreach and VPR) (P-3). 12 months.* Redeployed to Mali as Field Officer (Outreach and VPR) (P-3). As the *Ongwen* trial continues into 2019, activities related to victim participation and outreach have stabilized. Therefore, only one Field Officer is considered sufficient to maintain the related workload of the country office and the other is redeployed to the Mali Country Office.

582. *One Senior Driver (GS-OL). 12 months. Redeployed.* The post of Senior Driver is to be redeployed from the Uganda Country Office to the DRC Country Office in Kinshasa. The redeployment is to correct the situation in which the Kinshasa office has not had a Senior Driver post, while the Uganda Country Office has had two.

583. *One Chief of New York Liaison Office (P-5) (New York). 12 months. Redeployed.* Following the integration of the NYLO into the Division, the post of Chief of NYLO is redeployed from the Presidency to the Division and will handle all of the substantive work of the NYLO. The Chief of NYLO focuses on the most essential tasks, including pursuing the most urgent requests for cooperation with the UN, establishing and maintaining formal contacts and informal networks with the UN Secretariat and Permanent Missions, monitoring and reporting to the Court on UN activities of concern to the Court, disseminating information from the Court to stakeholders in New York, and arranging visits of Court officials to the UN.



584. One *Administrative Assistant (GS-OL) (New York)*. 12 months. *Redeployed*. This post is redeployed from the Presidency and is required to support all administrative and logistical matters and assist the Chief of NYLO in her daily management of the office.

*General temporary assistance*

€1,535.4 thousand

585. The requested resources for GTA within the DEO have increased by €81.4 thousand (60.9 per cent) from the 2018 approved budget and correspond solely to proposed increases in VWS (€300.5 thousand) and the external offices (€280.9 thousand). As in 2018, no other section within the Division requires GTA resources in 2019. In total, 30 FTE positions are being requested, which represents an increase of 14 new FTE GTA, 11 of which are proposed for the country offices. The 16 FTE GTA positions approved in 2018 will continue to be required in 2019.

586. The proposed GTA resources in VWS have increased by €300.5 thousand in the light of the additional requirements of three FTE positions in 2019. The five positions approved in the 2018 budget for VWS will continue to be required in 2019.

587. One *Associate Confidential Accounts and Planning Officer (P-2)*, 12 months. *New*. This position caters for the confidential financial operations related to protected Court victims and witnesses especially during international movements. It supports highly secret relocation missions, liaising with external partners and providing assistance to team leaders and handlers during secret operations. This position is a proven long-term need insofar as it is critical to the efficient functioning of the International Criminal Court Protection Programme (ICCPP), which requires the highest level of secrecy. The confidential accounts systems which have been established by VWS incorporate regular interaction with the Court's external third parties and the handling of a significant amount of confidential funds. The system is being developed further to incorporate covert working practices which require engagement at Professional-staff level. The position also provides the long-term support proven to be needed with respect to fund monitoring and budget and finance administration responsibilities that benefit not only VWS, given the complexity of its operations, but also the Registry, as it contributes to the identification of significant savings and efficiencies. The complexity of VWS operations and the importance of having workable policies to achieve savings and efficiencies require continuous monitoring, review and analysis while ensuring absolute confidentiality of VWS operations. The continuous need for this position is in line with the centralization of all financial and budget functions within the planning team (including the management of field finances after the abolition of the positions of the Field Confidential Accounts Assistants), as well as with the development of a more controlled approach to budget analysis and monitoring and efficiency measures. The position has proved its benefits to VWS and to the Registry through better resource management and the creation of significant savings and efficiencies.

588. One *Associate Team Leader (P-2)*, 12 months. *New*. This position is required to provide the necessary support in relation to the *Al Hassan* trial scheduled for 2019, in addition to the case management of protected witnesses. The Mali team is the basic set-up required to support the increased workload linked to Mali in terms of the trial, but also to initial response systems (IRS) and other mechanisms necessary to the OTP and judicial activities. The position will lead the VWS field team and assist the Team Leader in the daily management of protection-related issues, manage the IRS and follow up on referrals for protection and support made by the parties. It will conduct threat and risk assessments for inclusion in the ICCPP and recommendations on witness-protection measures, and collect and update witness information for senior managers at Headquarters and for filings to be submitted to Chambers.

589. One *Associate Analyst (P-2)*, 12 months. *New*. This resource is required to provide analysis and conduct research in the Mali situation. It provides the necessary support in analysis and information gathering, monitoring and review of the security situation in Mali. The position will assist the situational teams in identifying possible risks in advance and provide advice in relation to protection operations. The position also supports other situations as Mali, Georgia, Libya and other conflict/post-conflict areas in which the Court operates.

590. One *Team Leader (P-3), 12 months. Continued.* This position leads the Georgia team that constitutes the basic set-up for the Georgia situation. It provides coordination functions from Headquarters and manages the day-to-day operations. The position is required to support the increased workload due to the investigations in Georgia and is related to operational set-up including putting in place “response systems” and other mechanisms that are necessary not only to support OTP activities, but also to deal with protection and support cases. The services required include the 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, recommendations on witness-protection measures, and provision of relevant information to senior managers and for filings to be submitted to Chambers.

591. One *Associate Witness Protection Training Officer (P-2), 12 months. Continued.* This position supports the implementation of the Section’s specialized witness protection training and development plan. It is required for the Section to continue its training strategy and to ensure the development, coordination, maintenance and delivery of the VWS training programme to equip staff with a consolidated understanding of protection, risk and case management concepts necessary to implement the Section’s mandate. The continuation is justified by the fact that new staff, especially in the field, must be abreast of the necessary operating standards, given that confidentiality challenges in the area of witness protection and risk reduction techniques are continuously evolving. Furthermore, protection processes should be adapted to changing sociopolitical situations in any particular region of operations. The continued professional development of VWS staff members in the area of witness protection is therefore critical to the efficient functioning of the Section and for the Court’s protection of victims and witnesses.

592. One *Associate Team Leader (P-2) (GEO), 12 months. Continued.* This position is a component of the basic set-up for the Georgia situation. It is required to support the increased workload in connection with recent investigations in Georgia related to operation set-up, response systems and mechanisms necessary to OTP activities. The position leads the VWS field team in the country office, assists the Team Leader in the daily management of protection-related issues, manages the IRS and follows up on referrals for protection and support made by the parties, conducts threat and risk assessments for inclusion in the ICCPP, and provides recommendations on witness-protection measures.

593. One *Associate Field Case Officer (P-2), 12 months. Continued.* This position is a component of the basic set-up for the Georgia situation. It is responsible for administering and managing specific referrals from a calling party. It is required to support the increased workload linked to investigations in Georgia, and oversee ongoing operational support, response systems and mechanisms necessary to OTP activities. It is also 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. It will also conduct threat/risk assessments for the purpose of including victims and witnesses in the ICCPP, assist with 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.

594. One *Associate Case Development Officer (P-2), 12 months. Continued.* This position is a long-term need to provide the continuity necessary in situational case development and information gathering. This unique position within the VWS Case Development Team is required to support the VWS Analyst in monitoring and reviewing the security situation in Uganda, Mali, Georgia, Libya and other conflict/post-conflict areas in which the Court operates. The position specifically brings the necessary military expertise to ensure that threat actors operating in those conflict zones are properly identified, that their military/rebels’ strategies, capabilities and modus operandi are analysed and understood, and that the risk they pose to victims and witnesses in hostile environments is assessed accordingly.

595. The amount of GTA resources in external offices has increased by €280.9 thousand and corresponds to resources required to support the increased level of field activities in a number of Registry country offices. In addition to the 11 positions approved in 2018, and whose continuation is proposed in 2019, the external offices are requesting an additional 11 positions.

596. Four *Field IT Technicians (GS-OL)*, 12 months. *Continued*. These positions continue to be required for the country offices in Uganda, the DRC, the CAR and Côte d'Ivoire given the need to ensure uninterrupted IT services, notably in relation to witness testimonies conducted by video link from the situation country.

597. One *Field Security Officer (P-3)*, 12 months. *Continued*. The Field Security Officer is required to lead the country office's full security team and enable the country office in Mali, one of the most dangerous countries in which the Court is operating, to provide security support at an adequate level. The start of the *Al Hassan* case and the reparations proceedings in the *Al Mahdi* case mean that the Court's engagement and presence in Mali will increase steeply.

598. One *Local Security Assistant (GS-OL)*, 12 months. *Continued*. The position of Local Security Assistant for the Mali Country Office continues to be required to support the field security team in the country. As described for the posts of Field Security Officer and Associate Field Security Officer, the level of Court activities in Mali has increased significantly and resources to ensure that these activities can be conducted in as safe and secure environment as possible are urgently required. The Local Security Assistant provides support to the two other members of the field security team.

599. Four *Field Assistants (GS-OL)*, 12 months. *New*. Four Field Assistant positions are requested for the country office in Bamako. These positions are needed to support the two Field Officers (P-3) in performing the Registry's outreach, along with victim participation and reparations responsibilities in both the *Al Mahdi* and *Al Hassan* cases. As described above, the profile of activities for the Mali Country Office has changed from the previous years on account of the increased judicial activities in relation to the situation and the resulting need to interact with the victims and affected communities.

600. One *Senior Driver (GS-OL)*, 12 months. *New*. The requested position will be located in the Mali Country Office. The significant increase in support to missions requires a Senior Driver to manage and coordinate the other drivers and the vehicle fleet. Recruiting a Senior Driver for the Mali Country Office will be in line with the driver support capacity of the country offices in other situation countries.

601. Two *Field Assistants (GS-OL)*, 12 months. *Continued*. The requested positions would be required for activities in Gulu, Uganda to be able to support the level of activities and missions expected in 2019 to contact victims and affected communities and to reduce travel costs of the VPRS/Outreach staff supporting the missions and activities in Gulu from the Kampala Country Office.

602. One *Local Security Assistant (GS-OL)*, 12 months. *New*. The country office in Uganda supports the increased level of missions in the country. An additional Local Security Assistant is required in Uganda to provide security services including the collection of security-related information.

603. One *Administrative Assistant (GS-OL)*, 12 months. *New*. As the country office in Uganda supports the activities in the region, an additional Administrative Assistant is requested to assist in the additional workload of the Administration and Operations Officer.

604. One *Driver (GS-OL)*, 12 months. *Continued*. The requested position would be located in the country office in Uganda. This position continues to be required to support the same level of in-country missions anticipated in the light of trial proceedings in the *Ongwen* case.

605. Two *Field Assistants (GS-OL)*, 12 months. *Continued*. The requested positions will be located in the CAR Country Office. They will form part of the VPRS team based in the CAR, working under the direct supervision of the Field Officer. With an estimated three thousand victims potentially applying to participate in proceedings related to CAR II situation cases, the CAR Country Office needs to maintain its capacity to be able to adequately address the needs to support the activities related to victim participation and outreach in 2019.

606. One *Senior Driver (GS-OL)*, 12 months. *New*. The requested position will be located in the CAR Country Office. This position is requested to enable the country office to provide adequate support to the increased number of investigative missions and missions,

scheduled to take place in 2019, to reach out to the high number of victims and affected community scattered throughout the country.

607. *One Driver (GS-OL), 12 months. New.* The requested position will be located in the CAR Country Office. This position is requested to support the team to enable the country office to provide adequate support to the increased number of missions scheduled to take place in 2019.

608. *Two Drivers (GS-OL), 12 months. New.* The requested position will be located in the CIV Country Office. The positions are requested to support an increasing number of anticipated field missions and activities, including in the west of the country, in relation to the ongoing trial and the CIV II investigation.

*Temporary assistance for meetings*

*€106.4 thousand*

609. The proposed resources for TAM have decreased by more than one-third (€209.4 thousand) (66.3 per cent) and corresponds to the continuation of a limited roster of Witness Assistants (G-4) required in VWS to facilitate and support witness appearances before the Court and the related workload during trial days. The roster is required to provide important welfare-related services to witnesses appearing before the Court when in The Hague, such as: assisting with escorting witnesses during their stay (medical matters, commuting, shopping, etc.); monitoring and supporting witnesses (day and night) and assisting with day-to-day activities for their well-being; providing logistical support to witnesses during their preparation for trial by the calling party when such is granted by the Chambers.

610. The roster allows more flexibility in the use of human resources, which is more compatible with the fluctuating nature of trial-related activities. It allows the size of the VWS team to adjust to a variable workload and obviates the need for additional staff to manage any escalation in trial activity.

#### **Non-staff resources**

**€6,425.1 thousand**

611. The proposed non-staff resources in the DEO for 2019 have decreased by €1,254.2 thousand (16.3 per cent). Non-staff resources are dedicated to travel, contractual services, training, general operating expenses, supplies and materials, and furniture and equipment. While additional non-staff resources amounting to €32.8 thousand will be required in 2019 – mostly for travel, contractual services, general operating expenses, and supplies and materials mainly in the external offices – the Division has achieved overall reductions in non-staff costs amounting to €2,082.6 thousand. These reductions are mostly linked to reduced requirement in general operating expenses in VWS of €1,717.4 thousand, in addition to some savings in travel, training and contractual services.

*Travel*

*€1,469.9 thousand*

612. The resources requested have increased by €79.4 thousand (5.7 per cent) compared to the approved budget for 2018. Most of the increase is the result of a net increase of €9.7 thousand in the external offices linked to additional travel requirements in the CAR, Côte d'Ivoire, Mali, Georgia and New York (€174.4 thousand), which have been partially offset by reductions in travel requirements in Uganda and the DRC (€14.7 thousand).

613. Additional resources are requested for the CAR, Côte d'Ivoire, Mali and Georgia country offices to provide adequate logistical and security support to the OTP, TFV and other clients' increased number of missions, and also to undertake in-country missions to meet with victims and affected communities. Difficult security situations, notably in the CAR and Mali, require additional measures that increase the cost of travel in those areas for security assessment. As indicated above, in 2018 the Mali and Georgia field offices have been operating with only skeleton staff focusing on limited areas of work, thus keeping travel costs at an artificially low level. As the Mali and Georgia offices will be fully operational in 2019, they will now have the necessary capacity to intensify their operations.

614. Resources in the OD-DEO and in EOSS continue to be required at a slightly increased level from the approved budget in 2018, reflecting additional activities related to assets recovery and negotiation of cooperation agreements with States, in addition to the visit of the Occupational Health Unit to the country offices to monitor the physical and

psychological health of the field staff. The travel resources requested for PIOS represent a slight increase (€8.2 thousand) mainly on account of the outreach activities scheduled for the Burundi situation and for other situation countries, as well as to other locations, to build institutional support, promote more coverage of the Court's work and missions in relation to outreach, with a view to preparing and coordinating strategies for engagement with victims and affected communities.

615. The resources requested by the VWS have decreased by €8.0 thousand, in line with reduced Court activities anticipated in 2019. The first quarter of 2018 and assumptions for 2019 indicate continuous increased activities in Mali, Libya and Darfur, in combination with case management in all ongoing situations.

616. The VWS travel budget is directly linked to the Court's activities and implicit to the service requirements of the OTP and the Defence for new referrals, but also to existing case management. The current (first quarter 2018) level of referrals by OTP in the Mali case is indicative of the active case management and/or protection activities for the 2019 operational year. Management of the CAR, DRC, Côte d'Ivoire and Georgia cases is also ongoing, in addition to those situations without country offices, such as Libya and Darfur. In 2019, excluding existing cases, the OTP anticipates that it will need VWS assistance for 30 referrals for relocation/assisted moves and 12 referrals for support. All of these require missions related to assessment, relocation, assisted moves, IRS maintenance, implementation of local protective measures and missions related to risk reduction (RR) and risk reduction internationally (RRI) of existing cases. The proposed travel budget is also required to support operational missions and missions to negotiate relocation agreements within and outside Europe, and to organize regional seminars to promote relocation of ICCPP witnesses to other countries. The travel budget is also requested for missions related to witness escort to the Court for trial purposes and some operational and staff-related travel.

*Contractual services*

€1,169.3 thousand

617. The resources requested for contractual services for DEO have decreased by €33.6 thousand (2.8 per cent). While the vast majority of the requested resources continue to be for the country offices (€78.3), this amount has been reduced mainly because of decreased activities in the DRC. The resources are necessary, *inter alia*, for security measures to be implemented in the country offices and transportation protection for missions. Contractual services are likewise primarily used in relation to outreach and VPRS activities in the field, but also for intelligence collection in the tracking of suspects at large.

618. There are proposed increases for contractual services in EOSS (€8.0 thousand) and for the offices in Uganda, the CAR, Mali and Georgia (€2.0 thousand), in addition to €5.0 thousand required for the NYLO. In Mali, the increased activities will have an impact on the field security support requirements, such as contracted local police and UN peacekeeping support during field missions. The country office in Georgia will require increased resources to support its outreach activities and to comply with its obligations as part of the UN Security Management System. All other sections and offices in the Division, namely, VWS, PIOS, and the offices in the DRC and Côte d'Ivoire, present reductions amounting to a total of €138.6 thousand. These reductions fully offset the required increases and further result in a net decrease of €33.6 thousand.

*Training*

€147.2 thousand

619. The resources requested for training have decreased by €0.8 thousand (0.5 per cent). In 2018, the DEO has been able to stabilize its training needs and therefore slightly reduce its required training resources for 2019. The country offices have been able to identify cost-effective means, including through the use of UN training opportunities and greater coordination among the offices for training programmes, to meet the training needs of the organization and staff. The cost drivers for DEO's training budget include annual mandatory security training for both security staff and drivers, for example, firearms certification and a defensive driving course for armoured vehicles, as required under the UN Security Management System. Other limited specialized training is required in the areas of communication and judicial cooperation to allow staff to maintain the necessary level of expertise to perform their functions at the optimal level. In addition, training resources continue to be required in EOSS in relation to asset identification and recovery, PIOS for technical trainings to implement the Court's social media approach and for

maintenance of the infrastructure needed to keep the website up to date, and in VWS to cover external trainers' fees to provide specific training to VWS staff at Headquarters and in the country offices.

*General operating expenses* €3,189.6 thousand

620. The proposed budget for general operating expenses presents a net decrease of €1,414.4 thousand (30.7 per cent). While additional resources amounting to €13.0 thousand are proposed mainly in relation to the country offices, these have been fully offset by reductions in the Division amounting to €1,727.4 thousand, of which €1,717.4 thousand corresponds to a reduction in VWS.

621. The proposed increase for the country offices is largely attributable to the increase in the rental of new premises in Mali, Côte d'Ivoire and Georgia, in addition to higher maintenance costs partially resulting from the expansion of office space and the operational costs to support the increased activities in the three situation countries. There is also an increase of €107.6 thousand resulting from the redeployment of the NYLO to DEO. The proposed resources in PIOS have increased by €5.0 thousand and are required mainly for maintenance of editing and film equipment, photography material and USB duplicators.

622. The proposed resources in VWS have significantly decreased from the 2018 level by €1,717.4 thousand (48.6 per cent). The resources requested by VWS support witness appearances before the Court, protection programmes including IRS, case management and relocation costs, and the enhancement of VWS cooperation with States in order to increase relocation agreements that would eventually result in a reduction of case management costs.

623. Notwithstanding the fact that the general operating expense budget is central to the discharge of VWS's mandate, the Section has managed to reduce its budget thanks to a number of measures including: (i) improved working practices and case management methodology of VWS following implementation of its new structure; (ii) swifter and more informed decision-making throughout the VWS structure; (iii) enhanced assistance from core partner States which are cooperating with VWS and accepting victims/witnesses for relocation; (iv) a more centralized and controlled approach to case management expenditure (constant expenditure monitoring and professional trend analysis thanks to the addition of a new specialized position to the original structure); (v) a conscious policy of empowerment and training of staff in the field and at Headquarters; (vi) the RR/RRI measures in place since 2016, allowing the Section to gradually decrease its financial involvement; (vii) the anticipated number of witnesses to appear in trial before the Chambers in 2019; and (viii) a reduction in the OTP's projections in the number of new referrals (for relocation and assisted moves) to be submitted in 2019 (from 33 to 25). These various elements seem to have yielded benefits and enable the Section to take the calculated risk of reducing case management and other costs to a minimum.

*Supplies and materials* €422.6 thousand

624. The requested resources have increased by €98.5 thousand (30.4 per cent). The increase is mostly the result of an increase of €97.5 thousand for the country offices. The increase primarily concerns the country offices in Mali and Georgia where limited investments in supplies and materials, such as fuel for vehicles and emergency rations, are required to cater for the increase in both the level of activities and the number of staff stationed in those offices. This operational budget line includes essential resources allowing the country offices to support missions on the ground and staff working in the duty station.

625. Resources will continue to be required in VWS at the 2018 approved level to renew annual subscriptions of analysis tools and electronic newsletters used by the VWS Case Development Team in their research and to cover the costs of supplies for witnesses' waiting rooms at Headquarters. Furthermore, resources in EOSS and PIOS are requested at virtually the same levels as those approved in 2018, with a slight proposed increase of €1.0 thousand in PIOS.

*Furniture and equipment* €25.5 thousand

626. The requested amount has increased by €15.7 thousand (160.2 per cent) as compared to the 2018 approved budget. The requested resources are mostly needed to support the Court's field activities. Specifically, the resources are requested for the country offices, notably the office in Bamako, whose number of staff using the office premises will

significantly increase in 2019. The increase is partly offset by reductions under the same budget line for the country office in the CAR, where the level of resources requested for 2019 has been reduced following the successfully completed move, thereby reducing the need for additional investments in furniture and equipment. In addition, an increase of €4.0 thousand is requested in PIOS to cover the required costs for purchasing software licences to create information tools (fact sheets, AV programmes, photos and posters) and designs for publications and social media visuals, annual subscriptions to social media monitoring, and renewal costs for licences for publication design software.

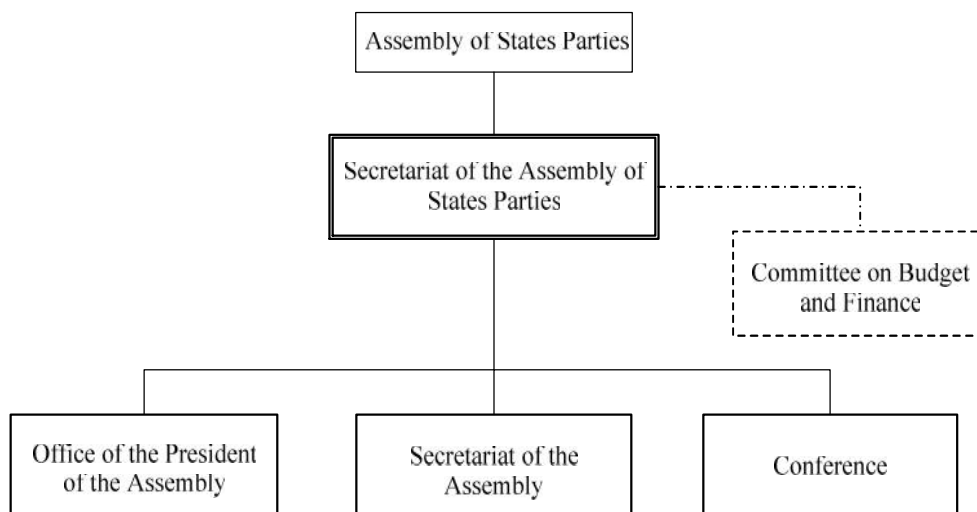
**Table 37: Programme 3800: Proposed budget for 2019**

3800 Division of External Operations (DEO)	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				10,424.6	104.7	1.0	10,529.3
General Service staff				4,177.0	117.0	2.8	4,294.0
<i>Subtotal staff</i>	<i>14,241.5</i>	<i>-</i>	<i>14,241.5</i>	<i>14,601.6</i>	<i>221.7</i>	<i>1.5</i>	<i>14,823.3</i>
General temporary assistance	521.1	-	521.1	954.0	581.4	60.9	1,535.4
Temporary assistance for meetings	208.9	-	208.9	315.8	(209.4)	(66.3)	106.4
Overtime	12.3	-	12.3	-	3.0	-	3.0
<i>Subtotal other staff</i>	<i>742.3</i>	<i>-</i>	<i>742.3</i>	<i>1,269.8</i>	<i>375.0</i>	<i>29.5</i>	<i>1,644.8</i>
Travel	1,277.5	29.0	1,306.5	1,390.5	79.4	5.7	1,469.9
Hospitality	-	-	-	-	1.0	-	1.0
Contractual services	1,409.0	5.9	1,414.9	1,202.9	(33.6)	(2.8)	1,169.3
Training	24.6	-	24.6	148.0	(0.8)	(0.5)	147.2
Consultants	45.7	-	45.7	-	-	-	-
Counsel for defence	-	-	-	-	-	-	-
Counsel for victims	6.8	-	6.8	-	-	-	-
General operating expenses	2,399.0	-	2,399.0	4,604.0	(1,414.4)	(30.7)	3,189.6
Supplies and materials	326.7	-	326.7	324.1	98.5	30.4	422.6
Furniture and equipment	241.3	-	241.3	9.8	15.7	160.2	25.5
<i>Subtotal non-staff</i>	<i>5,730.6</i>	<i>34.9</i>	<i>5,765.5</i>	<i>7,679.3</i>	<i>(1,254.2)</i>	<i>(16.3)</i>	<i>6,425.1</i>
<b>Total</b>	<b>20,714.4</b>	<b>34.9</b>	<b>20,749.3</b>	<b>23,550.7</b>	<b>(657.5)</b>	<b>(2.8)</b>	<b>22,893.2</b>

**Table 38: Programme 3800: Proposed staffing for 2019**

3800	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>														
Approved 2018	-	-	-	1	8	9	34	39	-	91	4	97	101	192
New	-	-	-	-	-	-	-	2	-	2	-	6	6	8
Redeployed	-	-	-	-	1	-	-	-	-	1	-	-	-	1
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>9</b>	<b>9</b>	<b>34</b>	<b>41</b>	<b>-</b>	<b>94</b>	<b>4</b>	<b>103</b>	<b>107</b>	<b>201</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	2.00	4.00	-	6.00	-	10.00	10.00	16.00
Continued	-	-	-	-	-	-	2.00	4.00	-	6.00	-	10.00	10.00	16.00
New	-	-	-	-	-	-	-	3.00	-	3.00	-	11.00	11.00	14.00
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.00</b>	<b>7.00</b>	<b>-</b>	<b>9.00</b>	<b>-</b>	<b>21.00</b>	<b>21.00</b>	<b>30.00</b>

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



### Introduction

627. The Secretariat of the Assembly of States Parties (SASP or “the Secretariat”) provides the Assembly of States Parties (“the Assembly”), its Bureau and its subsidiary bodies with administrative and technical assistance in the discharge of their functions under the Statute.<sup>74</sup> The conference-servicing functions of the Secretariat include planning, preparing and coordinating meetings of the Assembly and its subsidiary bodies and receiving, translating, reproducing and distributing their documents, reports and decisions. The Secretariat also provides substantive services to the Assembly and its subsidiary bodies. Its substantive service functions include, *inter alia*, legal and substantive secretarial services such as the provision of documentation, reports and analytical summaries, and advisory services within the Secretariat on legal and substantive issues relating to the work of the Assembly.

628. The Secretariat has four programmes: Programme 4100 (Conference), Programme 4200 (Secretariat of the Assembly of States Parties), Programme 4400 (Office of the President of the Assembly), and Programme 4500 (Committee on Budget and Finance).

### Budget resources

**€2,871.6 thousand**

629. The requested amount for 2019 represents an increase of €153.4 thousand (5.6 per cent) in comparison to the 2018 approved budget, which results from the funding of one established General Service post, as well as the External Auditors’ fees of €67.0 thousand that were transferred from Programme 3200 in the Registry to Programme 4500 (Committee on Budget and Finance) within Major Programme IV. The increase is also partly attributable to the provision of interpretation for Bureau meetings in The Hague.

630. The moderate 5.6 per cent increase in resources was contained through a combination of measures, such as synergies and re-adjustments of staff resources, with a view to meeting the actual needs of the Secretariat in a flexible manner and bearing in mind efficiency considerations and synergy effects.

### Staff resources

**€1,805.6 thousand**

631. The Secretariat has 10 established posts (five Professional-level staff and five GS-level staff) and 12 GTA positions (seven Professional-level (4.43 FTE) and five GS-level (1.28 FTE)). Some of the GTA positions are for short periods (0.42 FTE) to service the Assembly and its subsidiary bodies. The requested number of staff remains unchanged.

<sup>74</sup> Such bodies include the Bureau and its working groups (the New York and The Hague Working Groups), the Advisory Committee on Nominations of Judges, 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.



*Established posts: Professional and General Service*

€1,004.3 thousand

632. 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 Documentalist/Archivist (GS-PL), one Meetings and Administrative Assistant (GS-OL), and two Administrative Assistant (GS-OL) posts, one of which was unfunded in the 2018 approved budget. With the exceptions indicated below, all Secretariat staff carry out their functions under the supervision of the Director. Secretariat staff provide both substantive services (in the case of Legal Officers) and technical services (in the case of conference-servicing and administrative staff) to the Assembly and its subsidiary bodies.

633. 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 the particular duties of the post, the Executive Secretary continues to perform functions within the Secretariat as a whole, in particular as regards the financing and administration of Major Programme IV. On the recommendation of the Committee on Budget and Finance ("the Committee"), in 2015 the Assembly approved the appointment of the Executive Secretary to the Committee as the Secretary to the Audit Committee,<sup>75</sup> in addition to the above-mentioned duties. The two Administration Officers (see below) and the Senior Administrative Assistant assist the Executive Secretary in servicing the two committees, as does the rest of the Secretariat, to the extent required.

*General temporary assistance*

€596.2 thousand

634. The Secretariat currently has four full-time GTA positions and various other, shorter-term GTA positions serving the Assembly and its subsidiary bodies.

635. One *Senior Legal Officer (P-5), 0.05 months. Continued. Multi-year.* 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). This additional officer supplements the two Legal Officers in the Secretariat's core staff.

636. One *Legal Officer (P-4), 0.55 months. Continued. Multi-year.* 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 Legal Officer (P-4). This additional officer supplements the two Legal Officers in the Secretariat's core staff.

637. One *Administration Officer (P-3), 12 months. Continued. Multi-year.* The incumbent assists the Executive Secretary to the Committee in preparing for the two sessions of the Committee and in following up on implementation of Committee recommendations and related matters, including preparation for sessions of the Audit Committee. This position also provides an 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.

638. One *Administration Officer (P-3), four months. Continued. Multi-year.* The incumbent assists the Executive Secretary to the Committee with taking minutes and preparing reports on the two sessions of the Committee and the two sessions of the Audit Committee.

639. One *Legal Officer (P-3), 12 months. Continued. Multi-year.* The incumbent assists the Secretariat on major issues related to budgetary, financial and administrative matters and assists the facilitator on the proposed programme budget.

640. One *Special Assistant to the President (P-2), 12 months. Continued. Multi-year.* The Special Assistant is based in New York and supports the President during visits to New York involving United Nations-related matters concerning the International Criminal Court ("the Court"). This staff member provides substantive and technical support to the President regarding the preparation of statements, correspondence and coordination with key stakeholders. This staff member also assists with the preparation of official communications,

<sup>75</sup> *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para. 145.

coverage of Assembly-related issues at United Nations Headquarters, and continuous engagement with observer States to promote the universality of the Rome Statute. Furthermore, this 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. Technical servicing will continue to be undertaken by the New York Liaison Office.

641. One *Special Assistant to the Director (P-1)*, 12 months. *Continued. Multi-year.* The incumbent assists the Director of the Secretariat with, *inter alia*, logistical preparations for the session of the Assembly, participation of NGO representatives,<sup>76</sup> media and the organization of side events, and processing requests for office space from States Parties for bilateral meetings to be held during the Assembly session, which includes determining space requirements and equipment needs. The incumbent also provides assistance with other logistical activities throughout the year and organizes meetings of the Director with Court officials and States Parties.

642. *Registration Assistants*, 10.4 months. *Continued. Multi-year.* The Secretariat requires Registration Assistants during the months leading up to and including the annual session of the Assembly. Registration Assistants assist the Director with all the logistical aspects of meetings of the Assembly, including registration of delegations and NGO representatives before and during the annual session of the Assembly, issuance of access passes for participation in the annual session, assisting in the preparation and maintenance of the list of participants in the annual session, reproduction and distribution of documents, determining space requirements and equipment needs for meetings, and any other logistical preparations for the session of the Assembly.

643. *Administrative Assistants*, two months. *Continued. Multi-year.* The Secretariat requires Administrative Assistants during the months leading up to and including the annual session of the Assembly. Administrative Assistants assist the Director with logistical preparations for the session of the Assembly.

644. *Document Assistant*, one month. *Continued. Multi-year.* The Secretariat requires a Document Assistant during the month of the annual session of the Assembly. The Document Assistant assists the Director with the preparation of documents for the session of the Assembly.

645. *Service Assistant (GS-OL)*, two months. *Continued. Multi-year.*<sup>77</sup> The Service Assistant ensures that the annual session of the Assembly is properly serviced in terms of the Court's IT equipment and software, which has to be installed at the session venue; sufficient personnel must also be on call to resolve any problems that may arise.

*Temporary assistance for meetings* €167.1 thousand

646. The amount requested for temporary assistance for meetings has increased by €27.1 thousand (19.4 per cent) due to the provision of interpretation for Bureau meetings.

Temporary assistance is required, in particular, for translating the official documentation of the Assembly and its subsidiary bodies and for registering delegates, issuing passes, photocopying and distributing documents on a large scale, and generally facilitating delegates' attendance at the sessions. The increase for additional interpretation stems from the 16 July 2018 Bureau decision that its meetings in The Hague should have interpretation in English, French and Spanish.<sup>78</sup> The Secretariat will seek to limit the financial implications by coordinating with the Registry to use in-house interpreters whenever possible.<sup>79</sup>

*Overtime* €38.0 thousand

647. The amount proposed 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

<sup>76</sup> In 2017, more than 600 NGO representatives requested accreditation for the annual session of the Assembly. For Assembly sessions in The Hague, the Secretariat must produce all the requisite badges for access to the convention centre.

<sup>77</sup> IT support is required for any annual session of the Assembly held in The Hague. This support is not required for years in which the session is scheduled to take place at United Nations Headquarters in New York.

<sup>78</sup> The costs are based on an assumption of holding six Bureau meetings in The Hague in 2019.

<sup>79</sup> The Court has interpreters for English and French. If freelance interpreters are required, the necessary administrative steps to engage their services and allow them to work at the premises of the Court will be undertaken by relevant offices of the Registry.

above and must necessarily work beyond normal working hours, including weekends, during and in relation to the session of the Assembly and the sessions of the Committees.

**Non-staff resources** **€1,066.0 thousand**

648. The amount requested has increased by €73.0 thousand (7.4 per cent), owing mainly to the transfer of external auditing services from the Registry. Non-staff resources comprise travel, hospitality, contractual services, training, general operating expenses, supplies and materials and furniture and equipment.

*Travel* *€438.9 thousand*

649. The amount requested for travel has increased by €6.8 thousand (1.6 per cent). The travel budget reflects the cost of travel for: members of the Committee to attend their sessions; the Chair of the Committee to attend meetings with the New York and The Hague Working Groups and Court officials; and a few members of the Committee to visit country offices. This budget item also covers the cost of travel for the Office of the President of the Assembly, including visits to the seat of the Court in The Hague and to New York.<sup>80</sup> In addition, it covers the travel of five members of the Audit Committee to The Hague.

*Hospitality* *€7.0 thousand*

650. The amount requested for hospitality has increased by €2.0 thousand (40.0 per cent) in comparison to 2018, owing to price increases by the caterer. Hospitality is mainly used for the two sessions of the Committee and the two sessions of the Audit Committee.

*Contractual services* *€568.7 thousand*

651. The amount requested for contractual services has increased by €67.0 thousand (13.4 per cent) because of the transfer of external auditing services from the Registry. The remaining amount covers the cost of holding the eighteenth session of the Assembly in The Hague at the World Forum Convention Centre, which includes ancillary services and facilities at the venue, issuing badges, hiring additional security personnel, printing and equipment and the outsourcing of translation and external printing.

*Training* *€7.3 thousand*

652. The amount requested for training has decreased by €2.8 thousand (27.7 per cent) from 2018. Training is used to keep staff members up to date in their specific fields of work.

*General operating expenses* *€24.4 thousand*

653. The amount requested for general operating expenses has remained unchanged from 2018. General operating expenses cover expenditure for mailing documents, notes verbales and publications – to States Parties and to the members of the Committee and the Audit Committee – and occasionally for seminars to promote the universality of the Rome Statute, via regular post, registered mail or courier services.

*Supplies and materials* *€14.7 thousand*

654. The amount requested for supplies and materials has remained unchanged from 2018. It covers the cost of office supplies, including stationery used by the staff of the Secretariat (including paper, toner, pens, memo pads and folders) and stationery for the two sessions of the Committee, the two sessions of the Audit Committee, the annual session of the Assembly and the regular meetings of The Hague Working Group.

*Furniture and equipment* *€5.0 thousand*

655. The amount requested for furniture and equipment has remained unchanged from 2018. The Secretariat has managed to increase efficiency through the use of USB flash

<sup>80</sup> The President of the Assembly for the period 2018-2020, Mr O-Gon Kwon, is based in Seoul, Republic of Korea.

drives, which are distributed to delegates attending the Assembly session. These contain pre-session official documents in the official languages, resulting in savings on the cost of printing, transporting, storing and distributing paper copies of such documents. Increased use of this “paper-light” approach and of the Assembly website and extranets may further reduce the need for printed material in the medium term.

**Table 39: Major Programme IV: Proposed budget for 2019**

Major Programme IV Secretariat of the Assembly of States Parties	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				652.2	(4.5)	(0.7)	647.7
General Service staff				291.0	65.6	22.5	356.6
<i>Subtotal staff</i>	<i>879.3</i>	<i>-</i>	<i>879.3</i>	<i>943.2</i>	<i>61.1</i>	<i>6.5</i>	<i>1,004.3</i>
General temporary assistance	387.2	-	387.2	604.0	(7.8)	(1.3)	596.2
Temporary assistance for meetings	82.6	-	82.6	140.0	27.1	19.4	167.1
Overtime	13.5	-	13.5	38.0	-	-	38.0
<i>Subtotal other staff</i>	<i>483.4</i>	<i>-</i>	<i>483.4</i>	<i>782.0</i>	<i>19.3</i>	<i>2.5</i>	<i>801.3</i>
Travel	395.8	-	395.8	432.1	6.8	1.6	438.9
Hospitality	6.3	-	6.3	5.0	2.0	40.0	7.0
Contractual services	642.8	-	642.8	501.7	67.0	13.4	568.7
Training	-	-	-	10.1	(2.8)	(27.7)	7.3
Consultants	-	-	-	-	-	-	-
General operating expenses	11.0	-	11.0	24.4	-	-	24.4
Supplies and materials	9.9	-	9.9	14.7	-	-	14.7
Furniture and equipment	5.7	-	5.7	5.0	-	-	5.0
<i>Subtotal non-staff</i>	<i>1,071.5</i>	<i>-</i>	<i>1,071.5</i>	<i>993.0</i>	<i>73.0</i>	<i>7.4</i>	<i>1,066.0</i>
<b>Total</b>	<b>2,434.1</b>	<b>-</b>	<b>2,434.1</b>	<b>2,718.2</b>	<b>153.4</b>	<b>5.6</b>	<b>2,871.6</b>

**Table 40: Major Programme IV: Proposed staffing for 2019**

IV	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>														
Approved 2018	-	-	-	1	1	1	1	1	-	5	2	3	5	<b>10</b>
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>2</b>	<b>3</b>	<b>5</b>	<b>10</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	0.05	0.05	2.08	1.00	1.00	4.18	-	1.58	1.58	<b>5.75</b>
Continued	-	-	-	-	0.05	0.05	2.33	1.00	1.00	4.43	-	1.28	1.28	<b>5.72</b>
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.05</b>	<b>0.05</b>	<b>2.33</b>	<b>1.00</b>	<b>1.00</b>	<b>4.43</b>	<b>-</b>	<b>1.28</b>	<b>1.28</b>	<b>5.72</b>

**Table 41: Programme 4100: Proposed budget for 2019**

4100 ASP Conference	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				-	-	-	-
General Service staff				-	-	-	-
<i>Subtotal staff</i>	<i>(0.2)</i>	<i>-</i>	<i>(0.2)</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
General temporary assistance	44.2	-	44.2	350.8	(23.6)	(6.7)	327.2
Temporary assistance for meetings	8.4	-	8.4	80.0	27.1	33.9	107.1
Overtime	2.9	-	2.9	20.0	-	-	20.0
<i>Subtotal other staff</i>	<i>55.6</i>	<i>-</i>	<i>55.6</i>	<i>450.8</i>	<i>3.5</i>	<i>0.8</i>	<i>454.3</i>
Travel	36.8	-	36.8	-	-	-	-
Hospitality	-	-	-	-	-	-	-
Contractual services	581.3	-	581.3	413.0	-	-	413.0
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	11.0	-	11.0	11.0	-	-	11.0
Supplies and materials	9.3	-	9.3	10.0	-	-	10.0
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>638.4</i>	<i>-</i>	<i>638.4</i>	<i>434.0</i>	<i>-</i>	<i>-</i>	<i>434.0</i>
<b>Total</b>	<b>693.7</b>	<b>-</b>	<b>693.7</b>	<b>884.8</b>	<b>3.5</b>	<b>0.4</b>	<b>888.3</b>

**Table 42: Programme 4100: Proposed staffing for 2019**

4100	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>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<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>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	0.05	0.05	1.00	-	1.00	2.09	-	1.58	1.58	3.67
Continued	-	-	-	-	0.05	0.05	1.00	-	1.00	2.10	-	1.28	1.28	3.38
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>-</b>	<b>1.00</b>	<b>2.10</b>	<b>-</b>	<b>1.28</b>	<b>1.28</b>	<b>3.38</b>

656. Programme 4100 (Conference) shows conference costs, *inter alia*, for the Assembly and costs for the regular meetings of the Bureau and its working groups (the New York and The Hague Working Groups). Such costs also include temporary assistance for meetings and travel costs.

**Table 43: Programme 4200: Proposed budget for 2019**

4200 ASP Secretariat	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				502.8	(4.7)	(0.9)	498.1
General Service staff				211.1	65.6	31.1	276.7
<i>Subtotal staff</i>	<i>613.3</i>	<i>-</i>	<i>613.3</i>	<i>713.9</i>	<i>60.9</i>	<i>8.5</i>	<i>774.8</i>
General temporary assistance	127.5	-	127.5	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	8.2	-	8.2	18.0	-	-	18.0
<i>Subtotal other staff</i>	<i>135.7</i>	<i>-</i>	<i>135.7</i>	<i>18.0</i>	<i>-</i>	<i>-</i>	<i>18.0</i>
Travel	59.0	-	59.0	16.5	(0.5)	(3.0)	16.0
Hospitality	3.1	-	3.1	1.0	-	-	1.0
Contractual services	-	-	-	-	-	-	-
Training	-	-	-	5.5	(2.6)	(47.3)	2.9
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	0.6	-	0.6	4.7	-	-	4.7
Furniture and equipment	5.7	-	5.7	5.0	-	-	5.0
<i>Subtotal non-staff</i>	<i>68.4</i>	<i>-</i>	<i>68.4</i>	<i>32.7</i>	<i>(3.1)</i>	<i>(9.5)</i>	<i>29.6</i>
<b>Total</b>	<b>817.4</b>	<b>-</b>	<b>817.4</b>	<b>764.6</b>	<b>57.8</b>	<b>7.6</b>	<b>822.4</b>

**Table 44: Programme 4200: Proposed staffing for 2019**

4200	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>														
Approved 2018	-	-	-	1	-	1	1	1	-	4	1	3	4	8
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>8</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>

657. Programme 4200 (Secretariat of the Assembly of States Parties) reflects the resources for the Secretariat, including costs relating to services and work on behalf of the Bureau of the Assembly and the working groups of the Bureau (the New York and The Hague Working Groups).

**Table 45: Programme 4400: Proposed budget for 2019**

4400 Office of the President of the Assembly	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				-	-	-	-
General Service staff				-	-	-	-
<i>Subtotal staff</i>	-	-	-	-	-	-	-
General temporary assistance	104.8	-	104.8	121.5	(12.2)	(10.0)	109.3
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	104.8	-	104.8	121.5	(12.2)	(10.0)	109.3
Travel	72.9	-	72.9	99.9	15.5	15.5	115.4
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	12.0	-	-	12.0
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	72.9	-	72.9	111.9	15.5	13.9	127.4
<b>Total</b>	<b>177.7</b>	<b>-</b>	<b>177.7</b>	<b>233.4</b>	<b>3.3</b>	<b>1.4</b>	<b>236.7</b>

**Table 46: Programme 4400: Proposed staffing for 2019**

4400	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>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
Continued	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00

658. Programme 4400 (Office of the President of the Assembly) includes direct costs relating to the Office of the President of the Assembly, such as the costs of the President's travel to The Hague, New York and other destinations, the post of the Special Assistant to the President and contractual services to cover meetings with diplomats and high-ranking officials.

**Table 47: Programme 4500: Proposed budget for 2019**

4500 Committee on Budget and Finance	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				149.4	0.2	0.1	149.6
General Service staff				79.9	-	-	79.9
<i>Subtotal staff</i>	<i>266.2</i>	<i>-</i>	<i>266.2</i>	<i>229.3</i>	<i>0.2</i>	<i>0.1</i>	<i>229.5</i>
General temporary assistance	110.7	-	110.7	131.7	28.0	21.3	159.7
Temporary assistance for meetings	74.2	-	74.2	60.0	-	-	60.0
Overtime	2.4	-	2.4	-	-	-	-
<i>Subtotal other staff</i>	<i>187.3</i>	<i>-</i>	<i>187.3</i>	<i>191.7</i>	<i>28.0</i>	<i>14.6</i>	<i>219.7</i>
Travel	227.1	-	227.1	315.7	(8.2)	(2.6)	307.5
Hospitality	3.2	-	3.2	4.0	2.0	50.0	6.0
Contractual services	61.5	-	61.5	76.7	67.0	87.4	143.7
Training	-	-	-	4.6	(0.2)	(4.3)	4.4
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	13.4	-	-	13.4
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>291.8</i>	<i>-</i>	<i>291.8</i>	<i>414.4</i>	<i>60.6</i>	<i>14.6</i>	<i>475.0</i>
<b>Total</b>	<b>745.3</b>	<b>-</b>	<b>745.3</b>	<b>835.4</b>	<b>88.8</b>	<b>10.6</b>	<b>924.2</b>

**Table 48: Programme 4500: Proposed staffing for 2019**

4500	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>														
Approved 2018	-	-	-	-	1	-	-	-	-	1	1	-	1	2
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>1</b>	<b>-</b>	<b>1</b>	<b>2</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	1.08	-	-	1.08	-	-	-	1.08
Continued	-	-	-	-	-	-	1.33	-	-	1.33	-	-	-	1.33
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.33</b>	<b>-</b>	<b>-</b>	<b>1.33</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.33</b>



659. Programme 4500 (Committee on Budget and Finance) includes direct costs relating to the Committee 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; the post of the Executive Secretary to the Committee; the post of the Senior Administrative Assistant; the 12-month GTA position of Administration Officer; the four-month GTA position of Administration Officer; hospitality for the sessions of the Committee and the sessions of the Audit Committee; training; and external printing of the recommendations made by the two committees.

660. As the Audit Committee is now entrusted with making recommendations to the Assembly concerning the nomination of the External Auditors, as set out in the Audit Committee Charter,<sup>81</sup> Programme 4500 further includes (under contractual services) the fees for external auditing services, namely for the audits of the financial statements of the Court and of the Trust Fund for Victims, and for one performance audit. Such fees were previously budgeted for under Programme 3200 (Division of Management Services) in the Registry.<sup>82</sup> Programme 4500 will cover the relevant procurement process for the External Auditors and for Certifying Officer-related tasks, while the auditees (such as the Court and the Secretariat of the Trust Fund for Victims) will interact with the External Auditors on substantive matters related to the specific audits and on logistical support during the audit missions. Such transfers will be cost-neutral to States Parties.

---

<sup>81</sup> Charter of the Audit Committee, para. 60. Available at:

[https://asp.icc-cpi.int/en\\_menus/asp/AuditCommittee/Pages/default.aspx](https://asp.icc-cpi.int/en_menus/asp/AuditCommittee/Pages/default.aspx)

<sup>82</sup> Approved Programme Budget for 2018 of the International Criminal Court, para. 490.

## E. Major Programme V: Premises

### Introduction

661. This programme was established to provide for the maintenance of the Headquarters of the International Criminal Court (“the Court”) in The Hague. The programme covers costs related to preventive and corrective maintenance as well as capital replacements for the premises. In 2018, as in previous years, the estimated expenditure is related to preventive maintenance, with no cost estimated for corrective maintenance. Corrective maintenance is covered under this programme as of 2019. No cost is anticipated for capital replacements in 2019.

662. Preventive and corrective maintenance is currently contracted to the construction company. This contract, which was scheduled to expire on 31 December 2017, has been extended to 31 December 2018. Selection of a new contractor is currently being finalized through a competitive procurement process. The new contractor would be expected to take over on 1 July 2019.

### Budget resources

**€1,800.0 thousand**

663. The requested amount has increased by €301.5 thousand (20.1 per cent) in comparison to the 2018 approved budget.

### *General operating expenses*

*€1,800.0 thousand*

664. The requested amount has increased by €301.5 thousand (20.1 per cent), including the amount of €250.0 thousand which was approved under the General Services Section of the Registry for corrective maintenance (repairs) at the Court and has been redeployed to this Major Programme as recommended by the Committee on Budget and Finance (“the Committee”) at its twenty-ninth session in September 2017.<sup>83</sup> The remaining increase of €1.5 thousand is attributable to the price index increase for service contracts in the Netherlands. These resources are recurrent.

665. The amount of €250.0 thousand approved under the General Services Section has been redeployed to facilitate cost monitoring and transparency of maintenance and operating costs for the Court’s premises, as recommended by the Committee. This amount will continue to cover costs related to unforeseen repairs (corrective maintenance).

666. The amount proposed for the price index increase is based on the prevailing price index increase for service contracts in the Netherlands, pending the outcome of the ongoing procurement of the new maintenance contract. The Court cannot guarantee that the price will not increase beyond this estimate, as the result is determined by market forces.

667. While long-term capital replacements related to the permanent premises have been submitted to the premises focal point of The Hague Working Group, capital investment costs are presented in Annex X. The first capital replacements are planned for the year 2020.

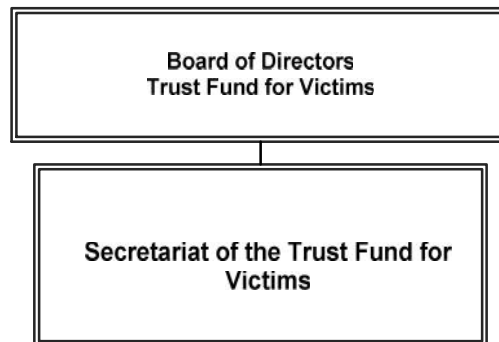
<sup>83</sup> ICC-ASP/16/15.

**Table 49: Major Programme V: Proposed budget for 2019**

Major Programme V Premises	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	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	1,454.9	-	1,454.9	1,498.5	301.5	20.1	1,800.0
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>1,454.9</i>	-	<i>1,454.9</i>	<i>1,498.5</i>	<i>301.5</i>	<i>20.1</i>	<i>1,800.0</i>
<b>Total</b>	<b>1,454.9</b>	-	<b>1,454.9</b>	<b>1,498.5</b>	<b>301.5</b>	<b>20.1</b>	<b>1,800.0</b>

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

### Introduction



668. The Trust Fund for Victims (TFV) at the International Criminal Court (“the Court”) supports activities which address the harm resulting from crimes under the jurisdiction of the Court, by helping victims 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>84</sup> and (2) using other resources for the benefit of victims in accordance with the provisions of article 79 of the Rome Statute.<sup>85</sup> Both mandates provide support to victims of genocide, crimes against humanity and war crimes committed since 1 July 2002.<sup>86</sup>

669. There have been significant developments in the reparations practice of the Court and the TFV from late 2017 onwards, which are expected to continue and further evolve in 2019. The TFV and the Court will present a detailed joint overview of budgetary implications in a separate document, to be read in conjunction with the “Joint Report of the Court and the Trust Fund for Victims on foreseeable administrative and operational cost implications of reparations” (“Joint Report”), submitted to the Committee on Budget and Finance (“the Committee”) ahead of its thirtieth session in April 2018.<sup>87</sup> The separate document, which is to be viewed as an integral part of the budget submission of the Court and the TFV, allows for an overall appreciation of the reasoning and budgetary implications tied to the implementation of the Rome Statute’s reparations provisions, which give rise to a range of activities cutting across boundaries between, and within, the Court and the TFV.

670. The TFV considers that the information and insights shared with the Committee in the Joint Report and in another report, the “Report of the Trust Fund for Victims on foreseeable workload in relation to its organizational structure”,<sup>88</sup> remains valid as an important foundation for the TFV’s proposed budget for 2019. Those reports should be viewed an integral part of the present document. For reasons of limited narrative space, the information and insights contained in them are assumed to be known.

### Strategic Goals

671. 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. The TFV is governed by its Board of Directors, which is directly accountable to the States Parties for the activities of the TFV.<sup>89</sup> Furthermore, the TFV’s victim assistance projects are not financed out of assessed contributions, but primarily through voluntary contributions and private donations. In the case of reparations, funding results from such awards, fines and forfeitures as may be ordered by the Court and/or by

<sup>84</sup> Rule 98(2), (3) and (4) of the Rules of Procedure and Evidence.

<sup>85</sup> Rule 98(5) of the Rules of Procedure and Evidence. For more information on the TFV’s legal basis, see <https://www.trustfundforvictims.org/en/about/legal-basis>

<sup>86</sup> As defined in articles 6, 7 and 8 of the Rome Statute.

<sup>87</sup> CBF/30/8.

<sup>88</sup> CBF/30/13.

<sup>89</sup> Regulations of the Trust Fund for Victims (RTFV), ICC-ASP/4/Res 3, regulation 76.

the use “other resources of the Trust Fund” to complement payments for awards, if so decided by the Board of Directors.<sup>90</sup>

672. The TFV’s new strategic plan for 2019-2022 is in development in 2018 and is scheduled to be formally adopted in 2019 by the Board of Directors, elections to which are to be held at the Assembly of States Parties (“the Assembly”) in December 2018. Accordingly, for the purpose of developing the Proposed Programme Budget for 2019, the TFV’s high-level strategic objectives remain in place, as do the TFV Performance Monitoring Plan (PMP) and the TFV Risk Management Framework.

673. The TFV’s mission is to respond to the harm resulting from the crimes under the jurisdiction of the Court by ensuring the rights of victims and their families through the provision of reparations and assistance.

674. The TFV’s Strategic Goals:

(a) Strategic Goal 1: Reparative justice for victims – overcoming harm and transforming lives. Victims and their families overcome harm, lead a dignified life and contribute towards reconciliation and peacebuilding within their communities.

(b) Strategic Goal 2: Financial growth and sustainability. States Parties and donors ensure financial growth and sustainability.

(c) Strategic Goal 3: Advocacy for victims. The TFV is a powerful advocate for the rights of victims and their families in the public domain, in particular within the global justice system and humanitarian sector.

(d) Strategic Goal 4: Creating an effective organizational structure. The TFV, acting in a collaborative partnership with its strategic partners, ensures good governance, accountability and transparency throughout its activities.

## **TFV mandates**

### *Assistance*

675. In 2018, the assistance programmes in the Democratic Republic of the Congo (DRC) and northern Uganda are entering a new five-year implementation cycle. The assistance programme in Côte d’Ivoire is also scheduled to start in 2018 and will include a capacity-building component to strengthen the national government’s performance in implementing domestic reparation initiatives.

676. New assistance programmes are being explored for the Central African Republic (CAR), Kenya, Georgia and Mali. In the event that convictions are not secured and reparations proceedings not initiated, the TFV may prioritize assistance programmes in the related situation countries. New assistance programmes are likely to differ in scope and size, but each will require TFV field capacity to guide and manage programme implementation.

677. The launch and management of assistance programmes requires adequate organizational capabilities and thoughtful operational strategies, not least to ensure complementarity with existing domestic reparation initiatives – and to reinforce them, as this is an inherent part of the TFV’s assistance mandate. The TFV recalls the External Auditor’s recommendations that the TFV strengthen its field teams to ensure effective project monitoring and control of TFV activities.

### *Reparations*

678. Three cases before the Court are in the reparations phase, ranging from the stage of a draft implementation plan (*Al Mahdi* in Mali) to that of implementation (*Lubanga* and *Katanga* in the DRC). Reparations proceedings may occur in *Ntaganda*, *Gbagbo and Blé Goudé* and *Ongwen*, subject to convictions.

<sup>90</sup> RTFV, regulation 56.

679. The reparations workload of the TFV is subject to significant increase and/or peak periods during three stages:

(a) *Judicial stage leading to the reparations order*: An increasing number of cases are entering the reparations phase of proceedings. As a key participant in this phase, the TFV is dedicating significant time and resources to legal analysis and operational research in support of TFV filings on reparations proceedings, submitted at the invitation of Chambers.

(b) *The preparation of draft implementation plans by the TFV*, expected (at the time of writing) to occur in *Ntaganda* in 2018-2019, is a particularly resource-intensive undertaking, drawing heavily on the TFV's legal and operational resources and requiring intensive victim and stakeholder consultation efforts both in the field and at Headquarters. This in turn requires the assistance and collaboration of Registry sections and the Legal Representatives of Victims (LRVs).

(c) Most significantly, following the approval of an implementation plan, the overall *responsibility and direct involvement of the TFV* as the implementation agency for reparations awards generates a substantial workload in the following areas: disbursement of individual awards; consultations with victims and their legal representatives on access to reparations, leading to the necessary fine-tuning of collective awards; outreach to and identification of new victims and screening for eligibility to access individual and collective awards; implementation of collective and symbolic awards. In particular, victim screening and award implementation are resource-intensive undertakings requiring additional implementation capacity both in the relevant country offices and at Headquarters.

680. Across these stages, the TFV notes a significant surge in workload related to:

(a) *Legal work*, to lay the foundation for and guide the implementation of reparations awards, including victim identification and verification, as well as overall functional steering of quality control and reporting to Chambers.

(b) *Field activities*, to support the preparation of draft implementation plans and provide oversight for operations and the administration of programme implementation in connection with reparations awards, including management of implementing partners, ensuring good coordination practices, standardizing procedures, outreach to (potentially) eligible victims and their communities and relationships with other stakeholders, including State authorities and agencies.

(c) *Monitoring and evaluation* activities to verify the appropriateness and effectiveness of the implementation of reparations awards, including measuring the satisfaction of victim-beneficiaries and sustaining the required reporting to Chambers on progress and outcomes.

(d) In the event of a TFV complement to the payment of awards owing to the indigence of the convicted person, *fundraising activities* have to be conducted to obtain contributions and donations earmarked for the awards or specific elements thereof.

681. The TFV recalls that its current capacity to cope with ongoing and expected reparations proceedings is dwarfed by the combined capacities of the Court and other parties engaged in each of the reparations cases. In 2017-2018, the increasing workload has eroded both the TFV's responsiveness to proceedings – including its ability to submit filings by the requested deadlines while ensuring review and approval by the Board – and its ability to exercise the desired levels of quality management and control throughout the drafting process for complex filings, which are often breaking new legal, procedural and substantive ground and which are the subject of stringent scrutiny.

682. The TFV recalls resolution 6 of the sixteenth session of the Assembly, in which the States Parties requested the Court and the Trust Fund for Victims to continue developing a strong collaborative partnership, mindful of each other's roles and responsibilities, to implement Court-ordered reparations.<sup>91</sup> In particular, the TFV has been collaborating closely with field offices, the Finance Section, the Procurement Unit, the Victims Participation and Reparations Section (VPRS), the External Relations and State

<sup>91</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. I, part III.A, ICC-ASP/16/Res.6, Annex, para. 12(c).

Cooperation Unit (ERSCU), the Counsel Support Section (CSS), the Office of Public Counsel for Victims (OPCV), the Security and Safety Section (SSS), and the Public Information and Outreach Section (PIOS). The TFV highly appreciates the collaboration and assistance provided by the Registry and the LRVs throughout the preparation and implementation of reparations awards in the past year, and seeks to strengthen this collaboration in 2019.

### *Security*

683. The effective delivery of assistance programmes and reparations awards is highly susceptible to insecurity or conflict in areas where the TFV operates. This is currently apparent in the Ituri Province of the eastern DRC, in northern Mali and in the CAR. The only currently stable areas of intervention are northern Uganda and (precariously so) the DRC's Kivu Provinces.

684. Security challenges are inherent to the mandates of the Court and the TFV. They take on particular importance for the TFV, as its assistance and reparations mandates thrive best in a context of longer-term stability that allows reparation measures to come to fruition, assisting victims and their communities to overcome harm, rebuild their lives and contribute to peaceful co-existence.

685. Security challenges may impact the implementation of the TFV's activities in different ways, forcing reorientation, delays and adaptation and complicating the selection and management of implementing partners. Such impact has human and financial resource consequences for the TFV, which it must absorb in order to remain responsive to its obligations with respect to the Court and the expectations of victims. For this reason, the TFV's organizational structure must retain its ability to respond flexibly to unexpected developments, including through the rotation of field-based staff.

### **Organizational development**

686. The above trends oblige the TFV to seek to strengthen its organizational structure significantly in order to remain responsive in the discharge of its mandates, in particular in the form of activities emanating from judicial reparations proceedings. This strengthening is based on the premise of continuity of the organizational logic of the existing structure, which will not be affected.

687. TFV programmes and reparations awards are managed from the country offices under the auspices of the Programme Managers. Functional steering (standard setting, technical advice and quality control) is achieved under the responsibility of the following positions: Legal Adviser, Finance Officer, Monitoring and Evaluation Officer and, to a lesser extent, the Fundraising and Visibility Officer. Administrative procedures, including internal control, to support implementation processes are therefore also provided by or coordinated from the office in The Hague. Legal work is conducted mostly in The Hague, as are activities related to mobilizing resources to fund programmes and awards.

688. The following four functional areas require strengthening:

(a) *Field operations, including monitoring and evaluation*: to develop and manage programmes under the assistance and reparations mandates, including preparation of implementation plans; and to implement reparations awards, including eligibility screening. Strengthening of field-based teams is required to build the requisite case-specific capacity for the duration of implementation of reparations awards; to implement programmes under the assistance mandate at the same time; and to monitor and evaluate the effectiveness of assistance programmes and reparations awards.

(b) *Finance and administration*: to ensure internal control (extended to implementing partners) as recommended by the External Auditor, and procurement (selection of implementing partners); to ensure centralized administration of award and programme implementation; to support the TFV's rapidly expanding complex procurement practice; to enable functional reporting to donors and the Court; and to coordinate and steer a consistent practice of financial monitoring across programmes and awards.

(c) *Legal work*: to support the TFV's engagement at all stages of the reparations proceedings, including legal filings throughout the reparations phase, drafting of implementation plans and contribution to reparations progress reports to the Court; and to ensure legal guidance and quality control during the implementation of awards.

(d) *Fundraising and visibility*: to maintain efforts to raise the level of annual revenue from private donations and States Parties' voluntary contributions to at least €10.0 million per year, so as to strengthen the TFV's financial sustainability and ability to respond to its mandates (this includes capacity required to launch and manage the TFV Bonds initiative, about which the TFV intends to inform the Committee separately in more detail); to improve the TFV's ability to engage in mandate-specific communications and outreach, including campaigns to support fundraising; and to increase awareness of the TFV's mandates and activities in the international public domain as well as in situation countries.

689. The budget proposal includes reference to future positions currently left unfunded, which the TFV expects will be needed for possible additional reparations proceedings requiring the development of case-specific organizational capacity, in the same manner as proposed for the 2019 budget. The related positions are included in the Proposed Programme Budget for 2019, with zero funding. This is meant to be of informative value only.

#### *Cooperation and synergy with the Registry*

690. The TFV recalls resolution 6 of the sixteenth session of the Assembly, in which the States Parties encouraged the Board of Directors and the Secretariat of the Trust Fund for Victims to continue to strengthen its ongoing dialogue with the organs of the Court, States Parties and the wider international community, including donors as well as non-governmental organizations, which all contribute to the valuable work of the Trust Fund for Victims, so as to ensure increased strategic and operational visibility and to maximize its impact and ensure the continuity and sustainability of the TFV's interventions.<sup>92</sup>

691. The strengthening of the organizational capacity of the Secretariat is envisaged on the basis of assumptions about sufficient support and advisory services to be provided by the Registry, especially in but not limited to the country offices, obviating the need for the TFV to build such in-house capacity.

692. For example, cooperation with the VPRS and field offices has been important in the design of the TFV's victim verification procedures, to allow previously unidentified victims to have access to the collective reparations awards in *Lubanga* and the individual awards in *Al Mahdi*. The continued availability, experience, expertise and prospective supporting role of VPRS, in The Hague and especially in the field, will define the TFV's ability to successfully perform these procedures. The TFV must therefore be able to rely on the Registry's VPRS capacity and expertise, especially in the country offices, in order to avoid having to replicate this functionality in its own structure.

693. During the preparation of draft implementation plans and the implementation of reparations awards, the TFV continues to collaborate with the LRVs and relies on CSS to provide them with logistical and administrative support. The TFV highly appreciates the support that has been provided in relation to reparations in *Lubanga*, *Katanga* and *Al Mahdi*, and will continue to rely on CSS's assistance in 2019 for the three cases mentioned and for additional reparations cases.

694. The TFV also relies on the Finance Section, the SAP team and the Procurement Unit for the selection of implementing partners and the disbursement of amounts/awards, and to ensure good financial reporting in the system for reporting to relevant stakeholders. The TFV also expects to strengthen this collaboration in 2019 in order to continue the implementation of reparations awards and assistance programmes.

<sup>92</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. I, part III.A, ICC-ASP/16/Res.6, Annex, para. 12(b).



695. In the field offices, cooperation between the TFV and the Registry in regard to outreach and communications has improved. Yet, the exigencies of outreach related to the implementation of reparations awards are expected to lead to a need to further strengthen the relevant field-based capacities.

696. The implementation of multiple reparations awards is increasing the TFV's need to rely on Registry services to manage external relations with governments and international organizations, especially the United Nations and its related organizations.

697. Security challenges threatening the implementation of assistance programmes and reparations awards require the TFV to rely increasingly on the services of the Registry to help assess, anticipate and mitigate such situations.

*Responsiveness, adaptability and flexibility*

698. The envisaged strengthening of the TFV is guided by the following considerations:

699. *Responsiveness.* The TFV is required to be responsive, in particular, with regard to the obligations resulting from approved implementation plans for reparations. According to the Court's reparations principles, swift implementation of awards is in the interest of victims, the Court and the TFV.

700. *Adaptability.* The pace and scope of the implementation of reparations awards and programmes can be affected by external developments, e.g. related to security. The organizational structure is designed to enable the (temporary) transfer of staff capacity across awards and programmes, as well as across country offices in different situation countries. The positions in the country offices are all standardized, allowing for contextualized task-setting and transfers. The same approach has been adopted for the administrative and programme support positions at Headquarters.

701. In this regard, it is noted that future Court reparations orders and TFV decisions to initiate assistance programmes may require a (temporary) expansion of the TFV's organizational capacity, following the same logic as currently applied to ongoing reparations proceedings and programmes. Any such (temporary) expansion will take the form of existing generic TFV positions, including Programme Managers, Associate Legal Officers, Associate Field Programme Officers and different support positions (administrative/programme, field assistance, monitoring and evaluation).

702. *Flexibility* of the organizational structure is achieved by using different types of contracts:

(a) *Established posts*, including in the field, represent the TFV's long-term organizational needs, as provided for in the RTFV. These serve as anchors for more temporary needs and ensure the TFV's core responsiveness in terms of its mandates and the management of relationships with numerous stakeholders, including donors.

(b) *General temporary assistance (GTA) positions* represent capacity needed for activities operating on the basis of a certain timespan, such as for the implementation of reparations awards (3-5 years). Each of these positions is dedicated to a specific activity or award. It is the intention of the TFV to continually monitor the need for such positions and to conduct a formal evaluation of need and appropriateness every two years of operation.

703. The TFV remains dedicated to continuously exploring synergies with the Registry and other organs of the Court in response to staffing needs.

**Budget resources**

**€4,027.8 thousand**

704. The requested amount has increased by €1,486.3 thousand (58.5 per cent).

705. The proposed increase relates predominantly to staff costs and is attributable to the organizational capacity of the TFV to meet its rapidly expanding and intensifying responsibilities during the implementation phase of reparations proceedings.

706. The TFV employs a modular, team-based approach to developing the operational capacity required to respond to evolving implementation practices. At field level, case-specific teams, operating under the supervision of the Programme Manager, consist of

the following positions: Associate Field Programme Officer(s), Field Assistant(s) and Monitoring and Evaluation Assistant(s). The capacity requirements of reparations teams depend on the complexity of Court-ordered awards, including whether or not new victims need to be identified and screened for eligibility. The deployment of reparations teams will be time-bound by the duration of implementation of the reparations awards.

707. At Headquarters level, case-specific legal capacity is deployed under the supervision of the Legal Adviser, assisted by the Legal Officer, ensuring TFV responsiveness during separate and concurrent reparations proceedings, as well as quality control and technical steering throughout the awards delivery process, via Associate Legal Officers assigned to two or more reparations proceedings.

708. Additional capacity at Headquarters level, reflecting the increasing scope and depth of the TFV's implementation practice, is needed in regard to administrative programme support and monitoring and evaluation.

709. The substantial growth and complexity of reparations orders and the expansion of the assistance mandate is inducing an exponential rise in the need for financial resources originating from voluntary contributions and donations. There is a rapidly widening gap between expected annual revenue and the TFV's resource needs. This trend requires a significant strengthening of the TFV's fundraising and visibility capacity, among both traditional public and private donors, as well as in regard to the development of innovative financing models for the TFV, such as the TFV Bonds initiative.

**Staff resources** **€3,144.9 thousand**

710. The amount requested for established posts has increased by €176.1 thousand (15.7 per cent) compared to the 2018 approved budget. The amount requested for GTA positions has increased by €1,092.5 thousand (145.2 per cent) compared to the 2018 approved budget. As outlined above, a significant increase is needed in order for the TFV to be able to both implement multiple reparations orders and expand assistance mandate programmes to other situation countries.

711. Under this proposal, the TFV comprises 13 established posts and 44 (including 18 unfunded) GTA positions (36.25 FTE). Established posts amount to €1,300.1 thousand. GTA will total €1,844.4 thousand.

*Established posts: Professional and General Service* *€1,300.1 thousand*

712. The TFV is managed by one Executive Director (D-1). Continued.

713. One *Legal Adviser (P-4)*. Continued. This position provides the TFV's Board and Secretariat with expert legal advice regarding the development and implementation of the TFV's assistance and reparations mandates. This includes high-level advice on the development of the TFV's legal strategy, management of the process of preparing legal filings, external representation of the TFV and functional steering of the legal dimension of implementing Court-ordered reparations awards.

714. Three *Programme Managers (P-4)*. Continued. These positions are based at the country offices in Kampala (Uganda), Bunia (DRC) and Abidjan (Côte d'Ivoire) (one each). These posts reflect the placement of responsibility and accountability for the design, implementation and management oversight of programmes and reparations awards. The Programme Managers report directly to the Executive Director.

715. One *Programme Manager (P-4)*, six months. New. This new position is required to (i) set up and manage the TFV's new programmes under the assistance mandate (CAR and Georgia); (ii) ensure cohesion, consistency and mutual learning among the TFV's assistance and reparations programmes across situation countries; and (iii) undertake representation and programme-related tasks vis-à-vis the Court and other stakeholders. Placing this position, with these functionalities, in The Hague is the most effective and efficient solution.

716. One *Monitoring and Evaluation Officer (P-3)*. Continued. This position is based in The Hague, plays a central role in programme coordination and reports to the Executive

Director or the Legal Adviser/functional deputy by delegation. The Monitoring and Evaluation Officer is responsible for steering and assuring quality control in regard to all programme monitoring, evaluation and reporting activities, as well as for managing technical and administrative support and processes for TFV programmes. The Monitoring and Evaluation Officer is also responsible for setting standards for monitoring and evaluation through the PMP.

717. One *Finance Officer (P-3)*. *Continued*. This position provides strengthened financial oversight, reporting, (internal) control and compliance within the TFV and in relation to implementing partners, as well as management and further development of the TFV's SAP Grants Management System and financial policies related to the TFV's mandates and activities.

718. One *Legal Officer (P-3)*, *nine months*. *New*. This proposed position is placed in The Hague to support the work of the Legal Adviser (P-4) in coordinating and managing legal staff relevant to reparations, with responsibility for ensuring the consistency of legal positions across cases and the compliance of implementation plans for reparations with the legal provisions of Court orders; setting up and coordinating one or more independent review boards related to victims' eligibility for reparations awards; advising on ongoing cases that may result in reparations awards, with a view to decisions on complementary funding; reporting to Trial Chambers; and assisting in preparing Court filings relevant to assistance mandate activities.

719. One *Administrative Assistant (GS-OL)*. *Continued*. The Administrative Assistant is needed to carry the administrative workload for the functioning of the TFV Board and Secretariat.

720. One *Programme Assistant (GS-OL)*. *Continued*. This position is to support the programme management team in The Hague, including for the administration of the development and implementation of assistance programmes and reparations awards.

721. One *Programme Assistant (GS-OL)*, *eight months*. *New*. This new position is needed urgently to support and strengthen the management and administration of programmes and awards under both mandates. The additional position is also required as a result of the expansion of the assistance mandate programme to other situation countries (foreseeably to an additional three countries in 2019) and to a rapidly increasing volume of activities in implementing reparations awards (*Lubanga, Katanga* and *Al Mahdi*). In particular, this position will provide assistance for complex procurement processes related to the identification and selection of the TFV's implementing partners. The incumbent will also provide assistance with recruitment processes. Current delays as a result of insufficient capacity are affecting the delivery of assistance and reparations to victims.

722. One *Finance Assistant (GS-OL)*, *eight months*. *New*. An increase in finance capacity is necessary to support the recruitment process, the implementation of assistance programmes and the financial preparation of and support for the implementation of individual and collective reparations awards throughout 2019. This position supports the Finance Officer (P-3) in administering financial activities and ensuring internal controls of TFV programmes. The need for financial support capacity is reflected by the fact that the number of implementing partners operating under the assistance mandate is to increase from 8 to 30 (in around five situation countries, resulting in five Assistance Programmes: the DRC, Uganda, Côte d'Ivoire, the CAR and Georgia). The number of finance-related activities linked to the reparations mandate is estimated to increase in 2019 owing to the significant estimated increase in the implementation of both individual and collective reparations awards.

*General temporary assistance*

€1,844.8 thousand

723. The amount requested for GTA positions has increased by €1,092.5 thousand (145.2 per cent) compared to the 2018 approved budget. As outlined above, this significant increase is needed for the TFV to be able to implement multiple reparations orders and expand assistance mandate programmes to other situation countries.

724. In 2018, the TFV comprised 10 GTA positions (9.24 FTE), which are proposed to continue into 2019.

725. In addition, the TFV is requesting 34 new GTA positions (27.0 FTE) for 2019. Of the newly proposed GTA positions, 16 (9.0 FTE) are requested as fully funded (9 Professional and 7 GS-OL), while 18 (18.0 FTE) are proposed as unfunded (7 Professional and 11 GS-OL) in 2019. To demonstrate the proposed strengthening of the TFV's capacity, the explanation of continued and newly proposed positions is organized by functional area.

726. *One Fundraising and Visibility Officer (P-3), 12 months. Continued. Multi-year.* Awareness-building 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 alongside a growing number of States Parties requires building on the availability of in-house expertise. Both awareness-raising and resource development are strategic functions of the TFV and require dedicated capacity, which the Fundraising and Visibility Officer will be able to provide.

727. *One Associate Executive Officer (P-2), 12 months. Continued. Multi-year.* This position is responsible for ensuring the smooth functioning of the executive office, which includes providing support and advice to the TFV's Executive Director and Board, as well as to the Legal Adviser, the Finance Officer and the Fundraising and Visibility Officer. The Associate Executive Officer engages in relationship management with external high-level TFV stakeholders and, along with the Fundraising and Visibility Officer, organizes events to improve the TFV's public visibility and increase both voluntary contributions and private donations.

728. *One Associate Programme Officer (P-2), 12 months. Continued. Multi-year.* This position is based in The Hague and supports the work of the Programme Manager, covering the TFV's assistance and reparations programmes. This position reports to the Monitoring and Evaluation Officer (P-3) and is responsible for providing support in the development, oversight and results-reporting of TFV programmes under the reparations and assistance mandates in a given situation country. In this key position within the TFV Secretariat, the position holder has direct working relationships with the Programme Managers and Associate Field Programme Officers, as well as with the Associate Executive Officer in The Hague. This position will have a functional reporting line to the Finance Officer in matters related to programme administration, including procurement processes, and will oversee administrative support functions at the Secretariat. This position supports the development of programmatic frameworks – assessments (assistance mandate) and draft implementation plans (reparations mandate) undertaken by the TFV field staff. Relevant outputs include preparatory research and engagement of experts as required. The position further facilitates the efficiency, effectiveness and transparency of the TFV's programmatic interventions; comprehensive, timely and correct reporting on programme results; and adequate reporting on those results to external stakeholders.

729. *Seven Associate Field Programme Officers (P-2), one at three months (Kenya redeployed to Uganda) and six at 12 months. Continued. Multi-year.* These proposed positions are to be based at country offices: two in the DRC, one in Uganda, one in Mali, one in the CAR, one in Côte d'Ivoire and one in Kenya (to be redeployed to Uganda). The continued Associate Field Programme Officers (P-2) are part of the long-term backbone of the TFV's field capacity, along with the Programme Managers (P-4). They help ensure continuity and consistency in regard to the implementation of assistance programmes and reparations awards.

#### *Programme management and field operations*

730. *One Programme Manager (P-4), nine months. New. Multi-year.* This proposed position is to be located in Mali. The implementation of reparations in the *Al Mahdi* case requires the TFV to operate voluminous, complex and judicially sensitive reparations programmes in a highly volatile security context, and to look at the possibility of expanding assistance programmes to Mali. Appropriate professional oversight will be needed on site to develop and oversee complex interventions in conflict-sensitive settings.

731. *Four Associate Field Programme Officers (P-2), three at six months (DRC) and one at three months (Georgia). New. Multi-year.* Three proposed positions are to be located in Bunia, DRC, given the increasing activities related to reparations. As ordered by the Trial

Chamber in *Lubanga*, the TFV is required to conduct the screening and identification of unknown victims who may be eligible to receive reparations. This process will require full-time dedicated field staff based in Bunia to work together with the LRVs, VPRS and the country office. Additional staff are required in Bunia, DRC, for the implementation of *Katanga* reparations awards in 2019, which will involve housing assistance, education assistance, income-generating activities and psychological rehabilitation. The additional proposed positions that are to support the implementation of reparations awards are case-bound and time-bound for the duration of implementation. The TFV is also requesting one Associate Field Programme Officer to be placed in Tbilisi, Georgia (three months) to support the launch and implementation of an assistance programme.

732. Three *Field Programme Assistants (G-5)*, two at nine months (*Mali and DRC*) and one at six months (*Côte d'Ivoire*). *New. Multi-year.* Owing to increasing activities in the current three reparations awards (*Lubanga, Katanga and Al Mahdi*) and the expansion of the assistance mandate programme to Côte d'Ivoire, the TFV is requesting additional capacities in the DRC, Côte d'Ivoire and Mali. One proposed position is to be located in the DRC (nine months) to support the implementation of reparations awards in *Lubanga* and *Katanga* and the new cycle of the assistance mandate programme. A second proposed position is to be located in Côte d'Ivoire (six months) to support the start of an assistance mandate programme in that country. A third proposed position is to be located in Mali (nine months) for the implementation of the *Al Mahdi* reparations awards. These additional capacities are needed to ensure essential field-based programme support functions and to support Programme Managers and Associate Field Programme Officers by collecting, recording and maintaining information on project activities, preparing status and progress reports, ensuring that implementing partners' quality controls are aligned with the TFV's rules and procedures, and providing administrative support to the TFV field team.

733. Three *Monitoring and Evaluation Assistants (G-5)*, six months. *New. Multi-year.* Three positions are proposed, two in the DRC and one in Mali. These positions are crucial to supporting data analysis and verification related to the monitoring, reporting and evaluation of the implementation of assistance programmes in the DRC and reparations awards (*Lubanga, Katanga and Al Mahdi*), including support for victim-beneficiary satisfaction surveys. Monitoring and Evaluation Assistants will liaise with the Monitoring and Evaluation Officer in The Hague to support the consistency and cohesion of the TFV's monitoring, reporting and evaluation practices, in accordance with the standards and protocols of the PMP.

#### *Fundraising and visibility*

734. One *Special Adviser on Innovative Financing (P-5)*, eight months. *New. Multi-year.* This position is needed to launch and manage the TFV Bonds initiative.

735. One *Associate Communications Officer (P-2)*, nine months. *New. Multi-year.* This position is needed to improve visibility and awareness of the TFV's mandates, strategies and achievements by supporting the development and implementation of TFV communications strategies. This is done through key messages in the public domain about the importance of making reparative justice a reality and the related role of the TFV's reparative function to achieve this. Under the supervision of the Fundraising and Visibility Officer, the Associate Communications Officer will develop and leverage active messaging strategies for the TFV leadership through various media, including social media and related platforms. The aim is to increase the effectiveness of TFV communications tools and assist in achieving the TFV's target of raising a minimum of €40 million in the period 2019-2022 by developing materials supporting the development of targeted fundraising strategies, donor reporting, reporting to States Parties, fundraising proposals to existing and new donors, fundraising and advocacy campaigns and related events. The TFV is exploring cooperation and synergy with the Registry for this capacity related to communications support staff at Headquarters and country offices.

736. One *Communications Assistant (GS-OL)*, five months. *New. Multi-year.* This proposed position is to be placed in The Hague to support the Associate Communications Officers. The Communications Assistant will serve as a liaison with the field-based programmes and Monitoring and Evaluation Assistants to support the consistency and cohesion of TFV's communications and outreach practice, as well as ensuring that

programme results are communicated to the public, in particular in support of the TFV's strategic goal of advocacy for victims in the global justice system.

#### *Legal*

737. Two *Associate Legal Officers (P-2), seven months. New. Multi-year.* In response to the TFV's rapidly expanding reparations practice, Associate Legal Officers are required to provide research, drafting and reporting capabilities throughout the reparations phase, and to maintain working-level relationships with parties and participants in the reparations proceedings and with relevant staff at the Court, including in the Judiciary and the Registry. The Associate Legal Officers' deployment will be case-related in regard to ongoing reparations proceedings and will include resource-intensive activities related to the TFV's administrative victim screening process, such as managing victim files and supporting the TFV Secretariat's decision-making on eligibility at first instance and administrative review. Further responsibilities will include the monitoring of cases in the trial phase, in order for the TFV to be properly informed and positioned at the outset of the reparations phase. The Associate Legal Officers are to support the work of the Legal Adviser and the Legal Officer.

#### *Unfunded*

738. Four *Associate Field Programme Officers (P-2), unfunded. New. Multi-year.* These proposed positions are unfunded. One will be in Uganda, one in Mali, one in the CAR and one in Côte d'Ivoire. Since the need for these positions has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

739. Two *Field Programme Assistants (G-5), unfunded. New. Multi-year.* These positions are proposed in 2019 but are unfunded. One will be in the CAR and one in Uganda. Since the need for these positions has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

740. Three *Monitoring and Evaluation Assistants (G-5), unfunded. New. Multi-year.* These positions are proposed in 2019 but are unfunded. One will be in the CAR, one in Uganda and one in Côte d'Ivoire. Since the need for these positions has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

741. One *Monitoring and Evaluation Assistant (GS-OL), unfunded. New. Multi-year.* This position is proposed in 2019 but is unfunded. The position will be located in The Hague. Since the need for this position has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

742. One *Associate Legal Officer (P-2), unfunded. New. Multi-year.* This position is proposed in 2019 but is unfunded. The position will be located in The Hague. Since the need for this position has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

743. Two *Associate Communications Officers (P-2), unfunded. New. Multi-year.* These positions are proposed in 2019 but are unfunded. Both positions will be located in The Hague. Since the need for these positions has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

744. One *Administrative Assistant (GS-OL), unfunded. New. Multi-year.* This position is proposed in 2019 but is unfunded. The position will be located in The Hague. Since the need for this position has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

745. One *Communications Assistant (GS-OL), unfunded. New. Multi-year.* This position is proposed in 2019 but is unfunded. The position will be located in The Hague. Since the

need for this position has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

746. Two *Programme Assistants (G-5), unfunded. New. Multi-year*. These positions are proposed in 2019 but are unfunded. Both positions will be located in DRC. Since the need for these positions has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

747. One *Programme Assistant (GS-OL), unfunded. New. Multi-year*. This position is proposed in 2019 but is unfunded. The position will be located in The Hague. Since the need for this position has not yet been confirmed by judicial decisions at the time of submission of the budget narrative, the TFV has opted to indicate its likely future need on an unfunded basis.

#### **Non-staff resources**

**€882.9 thousand**

748. Non-staff resources are required for travel, hospitality, contractual services, training, consultants, general operating expenses, and supplies and materials. The requested amount has increased by €17.7 thousand (32.7 per cent). This increase is required to accommodate the TFV's need for expanding operational capacity in relation to both the reparations and assistance mandates. Non-staff funds are recurrent.

#### *Travel*

*€483.5 thousand*

749. The requested amount has increased by €183.5 thousand (61.2 per cent) and will be required mainly in relation to the TFV's programme activities (reparations and assistance mandates), visibility/fundraising and Board-related initiatives. This amount will cover meetings and field trips of the TFV Board; meetings with donors and other external TFV stakeholders (Board members, Executive Director and other staff as needed); visibility and fundraising; design and engagement with implementing partners, authorities and other programme-related stakeholders; and the TFV annual staff meeting.

#### *Hospitality*

*€3.0 thousand*

750. The requested amount remains unchanged and is required for effective engagement with third parties in the context of the TFV's external relations management.

#### *Contractual services*

*€187.0 thousand*

751. The requested amount remains unchanged. Contractual services are needed for external printing in the field and at Headquarters, SAP Grants Management support including business support services, development of fundraising events and materials, rental of premises in the field, the External Auditor's fee, TFV Board meeting costs and external English-French translation.

#### *Training*

*€63.4 thousand*

752. The requested amount has increased by €31.2 thousand (96.9 per cent). This amount is required to cater for the training needs of existing and new staff in The Hague and in the country offices within the newly expanded TFV Secretariat structure.

#### *Consultants*

*€120.0 thousand*

753. The requested amount remains unchanged. Consultants are needed to assist with technical writing and progress reporting/proposal drafting. Consultants may also be used to promote the TFV's visibility and fundraising activities, and to provide expert advice on reparations.

#### *General operating expenses*

*€23.0 thousand*

754. The requested amount has increased by €3.0 thousand (15.0 per cent). This amount is required for workshops and meetings at country offices and for communications materials and mailing costs.

## Supplies and materials

€3.0 thousand

755. The requested amount remains unchanged. This amount is required for basic office supplies and other expendable office materials.

**Table 50: Major Programme VI: Proposed budget for 2019**

Major Programme VI Secretariat of the Trust Fund for Victims	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				992.8	88.7	8.9	1,081.5
General Service staff				131.2	87.4	66.6	218.6
<i>Subtotal staff</i>	<i>868.4</i>	<i>-</i>	<i>868.4</i>	<i>1,124.0</i>	<i>176.1</i>	<i>15.7</i>	<i>1,300.1</i>
General temporary assistance	260.5	-	260.5	752.3	1,092.5	145.2	1,844.8
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	(0.1)	-	(0.1)	-	-	-	-
<i>Subtotal other staff</i>	<i>260.4</i>	<i>-</i>	<i>260.4</i>	<i>752.3</i>	<i>1,092.5</i>	<i>145.2</i>	<i>1,844.8</i>
Travel	234.5	-	234.5	300.0	183.5	61.2	483.5
Hospitality	0.7	-	0.7	3.0	-	-	3.0
Contractual services	246.8	-	246.8	187.0	-	-	187.0
Training	2.9	-	2.9	32.2	31.2	96.9	63.4
Consultants	89.0	-	89.0	120.0	-	-	120.0
General operating expenses	1.0	-	1.0	20.0	3.0	15.0	23.0
Supplies and materials	0.5	-	0.5	3.0	-	-	3.0
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>575.5</i>	<i>-</i>	<i>575.5</i>	<i>665.2</i>	<i>217.7</i>	<i>32.7</i>	<i>882.9</i>
<b>Total</b>	<b>1,704.3</b>	<b>-</b>	<b>1,704.3</b>	<b>2,541.5</b>	<b>1,486.3</b>	<b>58.5</b>	<b>4,027.8</b>

**Table 51: Major Programme VI: Proposed staffing for 2019**

VI	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>														
Approved 2018	-	-	-	1	-	4	2	-	-	7	-	2	2	9
New	-	-	-	-	-	1	1	-	-	2	-	2	2	4
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>5</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>9</b>	<b>-</b>	<b>4</b>	<b>4</b>	<b>13</b>
<b>GTA Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	1.00	8.24	-	9.24	-	-	-	9.24
Continued	-	-	-	-	-	-	1.00	8.25	-	9.25	-	-	-	9.25
New	-	-	-	-	0.67	0.75	-	10.67	-	12.08	-	14.92	14.92	27.00
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.67</b>	<b>0.75</b>	<b>1.00</b>	<b>18.92</b>	<b>-</b>	<b>21.33</b>	<b>-</b>	<b>14.92</b>	<b>14.92</b>	<b>36.25</b>



## G. Major Programme VII-2: Permanent Premises Project – Host State Loan

### Introduction

756. In 2008, the Assembly of States Parties (“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>93</sup>

757. In response to requests from the Committee on Budget and Finance (“the Committee”) and the Assembly, in its approved budget for 2011, the International Criminal Court (“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.<sup>94</sup>

758. 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>95</sup>

759. 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>96</sup>

760. The impact over the coming years is shown in greater detail below.

**Table 52: Interest and loan repayment impact over the coming years (in euros)**

	2017	2018	2019	2020	2021
<b>Interest only</b>					
Interest payment	1,191,050 <sup>(*)</sup>	-	-	-	-
<b>Loan repayment</b>					
Capital and interest	1,796,256 <sup>(**)</sup>	3,585,127	3,585,127	3,585,127	3,585,127
<b>Total payments</b>	<b>2,987,306</b>	<b>3,585,127</b>	<b>3,585,127</b>	<b>3,585,127</b>	<b>3,585,127</b>

<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 the loan started on 1 July 2016. Half-year repayment corresponding to the period from 1 July to 31 December 2016, and full-year repayment thereafter.

761. Repayment of the loan started after surrender of the interim premises leases on 30 June 2016. Repayment of capital and interest for the period from 1 January to 31 December 2018 will be payable on or before 1 February 2019.

<sup>93</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>94</sup> *Official Records ... Ninth session ... 2010* (ICC/ASP/9/20), vol. II, part A, section G, para. 466.

<sup>95</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, Annex III.

<sup>96</sup> Loan agreement between the State of the Netherlands (Ministry of Foreign Affairs) and the International Criminal Court, dated 23 March 2009, para. 6.1.

**Table 53: Major Programme VII-2: Proposed budget for 2019**

Major Programme VII-2 Host State Loan	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	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	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	-	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-	-
<i>Host State Loan</i>	2,983.6	-	2,983.6	3,585.2	(0.1)	(0.0)	3,585.1
<b>Total including Host State Loan</b>	<b>2,983.6</b>	<b>-</b>	<b>2,983.6</b>	<b>3,585.2</b>	<b>(0.1)</b>	<b>(0.0)</b>	<b>3,585.1</b>

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

### Introduction

762. Major Programme VII-5, the Independent Oversight Mechanism (IOM), was established by the Assembly of States Parties (“the Assembly”) at its eighth session,<sup>97</sup> in accordance with article 112(4) of the Rome Statute, to provide independent, effective and meaningful oversight of the International Criminal Court (“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>98</sup> The IOM undertakes evaluation and inspection work at the direct request of the Assembly or 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.

**Budget resources** **€556.6 thousand**

763. The requested amount has increased by €22.1 thousand (4.1 per cent).

**Staff resources** **€482.0 thousand**

764. The requested amount has decreased by €3.4 thousand (0.7 per cent) owing to a reduction in transitional measures. At its twelfth session, the Assembly approved the IOM’s permanent staffing complement of three Professional-grade posts and one General Service-grade post.<sup>99</sup> The IOM expects to be fully staffed throughout 2019. No changes to the approved staffing complement are proposed.

*Established posts: Professional and General Service* *€482.0 thousand*

765. The IOM comprises the Head, Independent Oversight Mechanism (P-5), one Senior Evaluation Specialist (P-4), one Associate Investigator (P-2) and one Administrative Assistant (GS-OL). The Head of the IOM is expected to be recruited by the end of 2018.

**Non-staff resources** **€74.6 thousand**

766. Non-staff resources are required for travel, training, consultants, general operating expenses, and furniture and equipment. The requested amount has increased by €25.5 thousand (51.9 per cent). This is attributable to an increase in travel, training and consultants.

*Travel* *€12.1 thousand*

767. The requested amount has increased by €1.5 thousand (14.2 per cent). The requested funds will cover two field missions directly supporting investigation-related or Assembly-instructed oversight activities, or providing guidance or assistance to a Head of Organ or non-Assembly managed activity. These costs are recurrent.

*Training* *€15.5 thousand*

768. The requested amount has increased by €4.0 thousand (34.8 per cent) and is required to allow the IOM’s four staff members to participate in training to maintain their substantive skills, to ensure that they are conversant with international best practices in their areas of expertise and to assist in maintaining their relevant professional qualifications. The requested amount reflects full consideration of professional fee discounts, discounted or free training forums within the international community, and locally-based training opportunities. These costs are recurrent.

*Consultants* *€40.0 thousand*

769. The requested amount has increased by €20.0 thousand (100.0 per cent) and is required to provide support in cases where specific and additional expert skill sets are needed or to provide local assistance if necessary at country office locations. These costs are recurrent.

<sup>97</sup> *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.1.

<sup>98</sup> *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/Res.6, para. 1.

<sup>99</sup> *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/Res.1, section L.

*General operating expenses*

€2.0 thousand

770. The requested amount remains unchanged. The amount will cover the costs of supplies and materials to support office activities. The efficient use of already available Court facilities continues to allow a significant cut to be made in expected expenditure. These costs are recurrent.

*Furniture and equipment*

€5.0 thousand

771. The requested amount remains unchanged. The amount will cover the costs of maintaining and modernizing the IOM through the purchase of specialist oversight equipment to enable it to provide a more efficient and effective professional service. These costs are recurrent.

**Table 54: Major Programme VII-5: Proposed budget for 2019**

Major Programme VII-5 Independent Oversight Mechanism	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				412.5	(3.4)	(0.8)	409.1
General Service staff				72.9	-	-	72.9
<i>Subtotal staff</i>	425.5	-	425.5	485.4	(3.4)	(0.7)	482.0
General temporary assistance	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	-	-	-
Travel	27.7	-	27.7	10.6	1.5	14.2	12.1
Hospitality	-	-	-	-	-	-	-
Contractual services	2.1	-	2.1	-	-	-	-
Training	4.7	-	4.7	11.5	4.0	34.8	15.5
Consultants	-	-	-	20.0	20.0	100.0	40.0
General operating expenses	0.0	-	0.0	2.0	-	-	2.0
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	1.0	-	1.0	5.0	-	-	5.0
<i>Subtotal non-staff</i>	35.6	-	35.6	49.1	25.5	51.9	74.6
<b>Total</b>	<b>461.1</b>	<b>-</b>	<b>461.1</b>	<b>534.5</b>	<b>22.1</b>	<b>4.1</b>	<b>556.6</b>

**Table 55: Major Programme VII-5: Proposed staffing for 2019**

VII-5	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>														
Approved 2018	-	-	-	-	1	1	-	1	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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

772. The Office of Internal Audit (OIA) assists the International Criminal Court (“the Court”) in achieving its strategic and operational objectives by rigorously 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 most effective structures, policies and processes are in place, and whether agreed procedures are being adhered to. The OIA also provides advisory services at the request of the Court’s management.

773. In 2019, the OIA will perform the following activities:

- (a) Prepare audit plans (general audit plan for 2020, ICT audit plan for 2020-2022) on the basis of the Court’s strategic plans and an analysis of the risks that may affect the achievement of the Court’s objectives;
- (b) Perform at least six audits;
- (c) Review the status of implementation of recommendations, in consultation with the operational managers of the Court, and report on the progress made;
- (d) Prepare various reports for the Audit Committee and attend its meetings;
- (e) Provide advisory services when requested by Court managers; and
- (f) Implement and update the quality assurance and improvement programme.

**Budget resources** **€688.0 thousand**

774. The requested amount has decreased by €19.3 thousand (2.7 per cent).

**Staff resources** **€647.6 thousand**

775. The OIA comprises four established posts and one GTA position (1.0 FTE). The OIA is not requesting any additional established posts, but requires that the current GTA position be continued.

*Established posts: Professional and General Service* *€527.8 thousand*

776. One Director, Office of Internal Audit (D-1), is responsible for the administrative management of the OIA, the formulation of a risk-based audit plan, the supervision of the audit work of auditors and the maintenance of a quality assurance and improvement programme. The Director provides guarantees to the three Heads of Organs on the effectiveness and efficiency of governance, risk management and internal controls.

777. One Senior Auditor (P-4) and one Internal Auditor (P-3) perform audits, provide advisory services, review the implementation of recommendations and carry out additional tasks at the request of the Director.

778. One Internal Audit Assistant (GS-OL) contributes to audit performance, provides support to the Director for the management of the quality assurance and improvement programme and provides administrative support to the OIA (two-thirds of working time is dedicated to audit assistance).

*General temporary assistance* *€119.8 thousand*

779. One Auditor (*Information Technology*) (P-3), 12 months. Continued. The OIA currently has one Auditor (Information Technology) (P-3), who is an expert in information and communication technologies (ICT) and auditing. The incumbent prepares and updates the three-year audit plan for ICT activities and performs ICT audits and advisory services. The Auditor (Information Technology) also follows up on the implementation of ICT audit recommendations, which cannot effectively be done by the other auditors in established

posts on account of their lack of technical knowledge in this field. The Auditor also contributes to the audits performed by the other auditors when these engagements include ICT-related activities.

780. ICT audit expertise is required for the OIA to properly address all the risks involved in the organization of information systems. ICT, including information security, is increasingly part of the Court's operations and requires significant investments over several years. The associated risks have to be covered through the audit workplan.

#### **Non-staff resources**

**€40.4 thousand**

781. Non-staff resources are required for travel and training. The requested amount has decreased by €13.8 thousand (25.5 per cent). This is mainly attributable to non-recurrent costs related to consultancy to conduct a five-year external assessment of OIA, included in the 2018 programme budget.

#### *Travel*

*€12.7 thousand*

782. The requested amount has increased by €2.5 thousand (24.5 per cent). The resources are required to enable the OIA to perform audits in several country offices, in accordance with its 2019 workplan. These costs are recurrent.

#### *Training*

*€27.7 thousand*

783. The requested amount has increased by €3.7 thousand (15.4 per cent). Auditors are required to undertake regular training so as to maintain their professional competence. All five auditors of the OIA are certified in internal auditing or IT auditing. The Institute of Internal Auditors and the ISACA (Information Systems Audit and Control Association) require certified auditors to attend 40 hours of continuing professional education (CPE) each year to keep their certifications active. Training courses must be specifically related to the work of auditors and to their skills and experience. Currently, the Court does not offer training courses in the fields of governance, risk management, compliance, general auditing, IT auditing, internal control management or other areas of interest to OIA auditors. These costs are recurrent.

784. The cost of a course that provides 25 hours of CPE is approximately €5.0 thousand, depending on the location in Europe. The OIA has contemplated all of the options available to efficiently meet the requirement of 40 hours of CPE. In-house training courses at the Court, conferences, online training and courses given only in the Netherlands were considered. There are, however, limitations to these alternatives: e.g. courses are only offered in Dutch and deal with a limited range of topics. The Court's online training platform can be used only by the OIA team for non-audit related training courses.

**Table 56: Major Programme VII-6: Proposed budget for 2019**

Major Programme VII-6 Office of Internal Audit	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				458.6	(3.7)	(0.8)	454.9
General Service staff				72.9	-	-	72.9
<i>Subtotal staff</i>	<i>505.9</i>	<i>-</i>	<i>505.9</i>	<i>531.5</i>	<i>(3.7)</i>	<i>(0.7)</i>	<i>527.8</i>
General temporary assistance	93.0	-	93.0	121.6	(1.8)	(1.5)	119.8
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>93.0</i>	<i>-</i>	<i>93.0</i>	<i>121.6</i>	<i>(1.8)</i>	<i>(1.5)</i>	<i>119.8</i>
Travel	2.7	-	2.7	10.2	2.5	24.5	12.7
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-
Training	19.4	-	19.4	24.0	3.7	15.4	27.7
Consultants	-	-	-	20.0	(20.0)	(100.0)	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>22.1</i>	<i>-</i>	<i>22.1</i>	<i>54.2</i>	<i>(13.8)</i>	<i>(25.5)</i>	<i>40.4</i>
<b>Total</b>	<b>621.0</b>	<b>-</b>	<b>621.0</b>	<b>707.3</b>	<b>(19.3)</b>	<b>(2.7)</b>	<b>688.0</b>

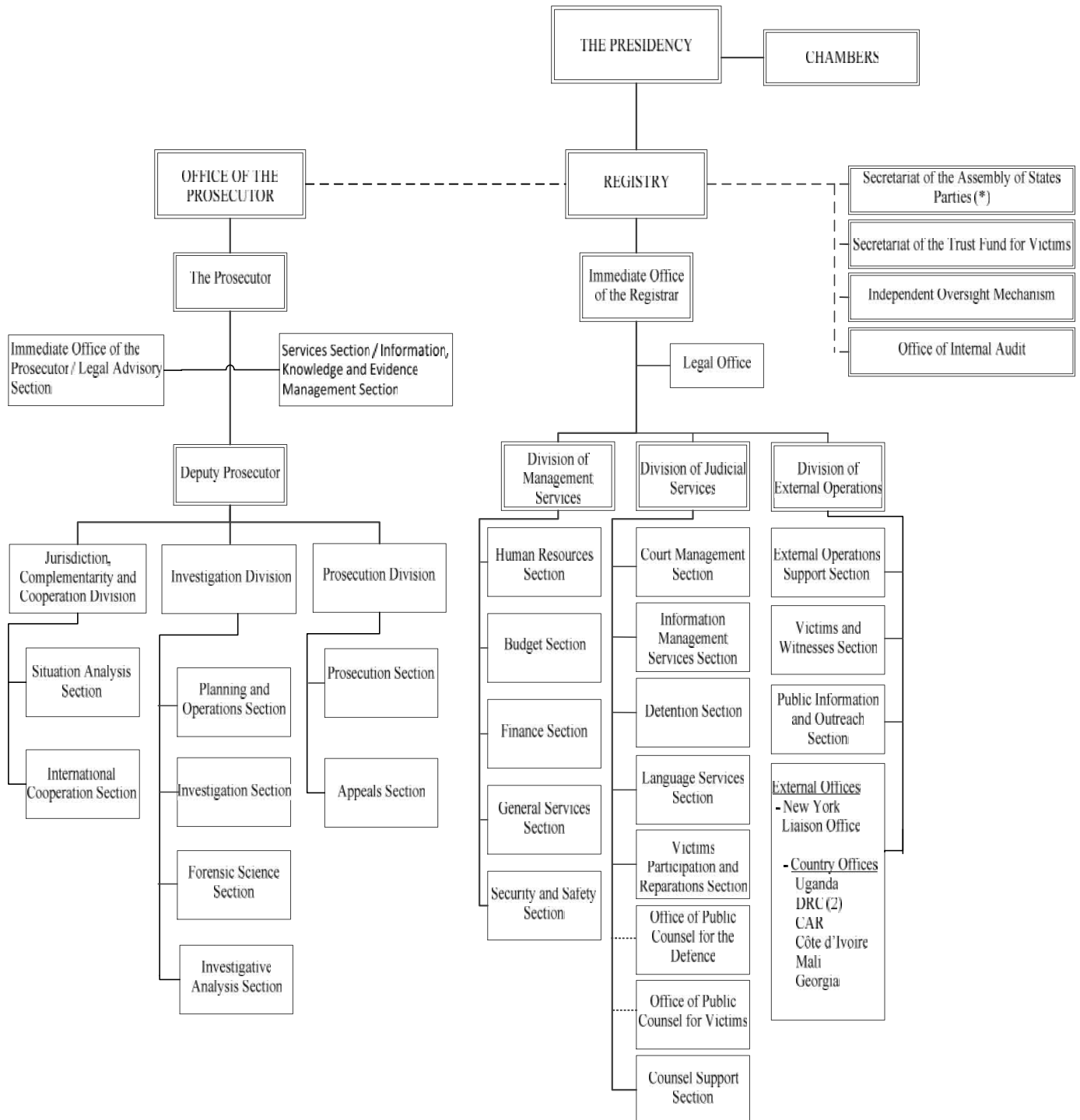
**Table 57: Major Programme VII-6: Proposed staffing for 2019**

VII-6	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>														
Approved 2018	-	-	-	1	-	1	1	-	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 Positions (FTE)</b>														
Approved 2018	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
Continued	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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>

# Annexes

## Annex I

### 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 II

### Assumptions and parameters for the 2019 Proposed Programme Budget

<i>Parameter</i>	<i>2019 Assumptions</i>	<i>Explanations</i>
1. Number of Court hearing days	324	Two courtrooms: <i>Gbagbo and Blé Goudé</i> (CIV): 124 days, <i>Ongwen</i> (Uganda): 160 days, and <i>Al Hassan</i> <sup>1</sup> (Mali II): 40 days.
2. Number of situations under investigation	11	Burundi, CAR I, CAR II, CIV, DRC, Darfur, Georgia, Kenya, Libya, Mali and Uganda.
3. Number of active investigations	8	Burundi, CAR II.a (Séléka), CAR II.b (anti-Balaka), CIV II, Darfur, Georgia and Libya (III and IV).
4. Unsealed warrants of arrest pending execution	16	CIV I <i>bis</i> (1); Darfur I (2), II, IV and V (2), III (1); DRC IV (1); Kenya Art. 70 (3); Libya I (1), Libya II (1); Libya III (2); Uganda (2).
5. Number of preliminary examinations	9	Colombia, Gabon, Guinea, Iraq/UK, Nigeria, Palestine, Philippines, Ukraine and Venezuela. <sup>2</sup>
6. Number of trial teams <sup>3</sup> (Chambers)	6	Trial Chamber I ( <i>Gbagbo and Blé Goudé</i> ), Trial Chamber VI Reparations ( <i>Ntaganda</i> ), Trial Chamber IX ( <i>Ongwen</i> ), Trial Chamber II Reparations ( <i>Lubanga and Katanga</i> ), Trial Chamber VIII Reparations ( <i>Al Mahdi</i> ); <i>Al Hassan</i> .
7. Number of trial teams (OTP)	3	CIV I ( <i>Gbagbo and Blé Goudé</i> ), Uganda ( <i>Ongwen</i> ), and Mali II ( <i>Al Hassan</i> ).
8. Number of Registry courtroom support teams	2	Two courtroom teams to ensure maximum use of courtroom capacity.
9. Number of defence teams financed by legal aid	10	Trial: <i>Ntaganda, L. Gbagbo, Blé Goudé, Ongwen, Al Hassan</i> ; Appeals: <i>Bemba et al., Kilolo, Mangenda</i> ; Reparations: <i>Katanga, Lubanga</i> .
10. Number of victims' representatives financed by legal aid	5	<i>Katanga, Lubanga, Al Mahdi, Ongwen and Al Hassan</i> .
11. Number of LRV teams within the OPCV	6	Trial: <i>Gbagbo and Blé Goudé</i> (1), <i>Ntaganda</i> (2), <i>Ongwen</i> (1); Reparations: <i>Lubanga</i> (1), <i>Katanga</i> (1).
12. Number of languages supported in courtroom	10	1-Arabic, 2-English, 3-French, 4-Swahili (Congolese), 5-Kinyarwanda, 6-Acholi, 7-Dioula, 8-Lingala, 9-Ateso and 10-Lango.
13. Number of case-related languages supported	29	1-English, 2-French, 3-Acholi, 4-Arabic, 5-Arabic (Sudanese), 6-Swahili (Congolese), 7-Kinyarwanda, 8-Lingala, 9-Dioula, 10-Bambara, 11-Ateso, 12-Alur, 13-Sango, 14-Zaghawa, 15-Tamasheq, 16-Georgian, 17-Russian, 18-Songhai, 19-Lendu, 20-Guéré, 21-Lango, 22-Ossetian, 23-Fulfulde, 24-Dari, 25-Pashto, 26-Kirundi, 27-Kihema, 28-Mòoré, 29-Toura.
14. Number of languages supported for correspondence with States Parties	8	English, French, Arabic, Spanish, Dutch, German, Portuguese, Georgian.
15. Number of final appeals	5 <sup>4</sup>	<i>Ntaganda</i> (Art. 74; Art. 76); <i>Gbagbo and Blé Goudé</i> (Art. 74; Art. 76); <i>Bemba et al.</i> (Art. 76).
16. Number of witnesses appearing for testimony	128	Average time: 2.5 days per witness.

<sup>1</sup> Without prejudice to the decision on the confirmation of charges.

<sup>2</sup> Nine situations that were under preliminary examination in 2018, without prejudice to situations in 2019.

<sup>3</sup> Trial teams are Chambers teams which may be assigned to handle preparations for upcoming trials, trial hearings, sentence hearings and reparations hearings.

<sup>4</sup> Number of final Trial Chambers decisions being appealed. A given decision may be appealed by more than one party, resulting in a heavier workload.

<i>Parameter</i>	<i>2019 Assumptions</i>	<i>Explanations</i>
17. Expected maximum duration of stay per witness	10	5 preparation and/or familiarization days + 2 hearing days + 3 days (weekends/possible breaks) = 10 days average per witness.
18. Number of victims applying for participation/reparations	7,500	CAR II.a (1,500), CAR II.b (1,500), CIV II (2,000), DRC (500), Mali II (1,000), Uganda (1,000).
19. Number of witnesses and victims under protection	90	Witnesses/victims and others at risk on account of testimony who are under VWS protection, including ICCPP and other forms of protection.
20. Number of persons under protection	450	The current numbers and assumptions indicate that around 90 witnesses/victims and 360 dependents could be under the protection and care of the VWS in 2019.
21. Number of suspects/accused appearing before the Court <sup>5</sup>	8	Al Hassan, Bemba, Kilolo, Mangenda, Ntaganda, L. Gbagbo, Blé Goudé, Ongwen.
22. Number of suspects, accused or convicted persons in detention	5	Ntaganda, L. Gbagbo, Blé Goudé, Ongwen, Al Hassan.
23. Number of cells required	6	Renting model is either 6 or 12 cells. For five detainees: one 6-cell block.
24. Number of country offices/presences	7	1 in the CAR (Bangui), 1 in Côte d'Ivoire (Abidjan), 2 in the DRC (Kinshasa and Bunia), 1 in Georgia (Tbilisi), 1 in Mali (Bamako), 1 in Uganda (Kampala).

<sup>5</sup> The term "accused" includes persons who have been acquitted or convicted at first instance and are awaiting a final judgment. This definition is used for the purposes of this document only. Persons appearing before the Court solely for reparations proceedings are outside the scope of this definition.

## Annex III

### List of potential developments which could impact the 2019 Proposed Programme Budget

1. Procedural developments leading to delays in ongoing proceedings, including:
  - (a) Delays in proceedings due to unexpected evidentiary obstacles (example: (temporary) unavailability of witnesses);
  - (b) Issues subject to interlocutory appeals before the Appeals Chamber: any interlocutory appeals (requiring suspensive effect) in cases at trial, delaying progress in proceedings on the merits; and
  - (c) Temporary abeyance of proceedings due to the unavailability of a judge or a party to the proceedings (or the latter's senior representative) owing to, *inter alia*, disqualification, withdrawal, serious illness or death.
2. Developments currently unforeseeable, including:
  - (a) Arrest or surrender to the Court of persons sought under a warrant of arrest;
  - (b) Opening by the Prosecutor of a *proprio motu* investigation in a new situation (after having sought and obtained leave to do so from the Pre-Trial Chamber);
  - (c) United Nations Security Council referral of a situation to the Court; and
  - (d) State Party referral.

**Annex IV<sup>1</sup>****Strategic Goals****Annex IV (a)****List of strategic goals of the International Criminal Court (2013-2018)**

<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 standardized 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 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, non-governmental organizations 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 for the fulfilment of 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 orders for 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 non-governmental 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 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 among 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 and make 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.	

<sup>1</sup> Pending finalization of the Court's strategic goals for 2019-2023, the current strategic plans for 2013-2018 have been used. Where applicable, information on expected results, performance indicators and targets has been updated to realign with the 2019 Proposed Programme Budget.

## Annex IV (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 into all areas of the Office's work and to implement its policies on 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 commensurate with the demands placed on the Office so that it can perform its functions with the required quality, effectiveness and efficiency;
  - (b) *Strategic goal 6*: contribute to strengthening cooperation and promoting general support for the mandate and activities of the Office;
  - (c) *Strategic goal 7*: adapt the Office's protection strategies to new security challenges; and
  - (d) *Strategic goal 8*: ensure 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 crimes falling within the jurisdiction of the Court:
  - (a) *Strategic goal 9*: work with partners to develop a coordinated investigative and prosecutorial strategy to close the impunity gap.

## Annex IV (c)

### Major Programme I: Judiciary

#### Expected results, performance indicators and targets for 2019

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Objectives 1-3</b> (POs 1.1.1, 1.1.2 and 2.6.3) 1. Provide effective Presidency planning and support for the efficient management of judicial proceedings	<ul style="list-style-type: none"> <li>Potential issues identified and effectively managed</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> </ul>
	<ul style="list-style-type: none"> <li>Quality of preparation and support for Presidency and Judges' meetings</li> </ul>	<ul style="list-style-type: none"> <li>Fully satisfactory</li> </ul>
	<ul style="list-style-type: none"> <li>Efficient management of applications/filings before the Presidency</li> </ul>	<ul style="list-style-type: none"> <li>All decisions issued within agreed timeline</li> </ul>
	<ul style="list-style-type: none"> <li>Timeliness and quality of advice to the President and Vice-Presidents on administrative and managerial issues</li> </ul>	<ul style="list-style-type: none"> <li>Fully satisfactory</li> </ul>
2. Conduct pre-trial, trial and appellate processes fairly and expeditiously, with full respect for the rights of the accused and due regard for the protection of victims and witnesses	<ul style="list-style-type: none"> <li>Timelines 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> </ul>	<ul style="list-style-type: none"> <li>Measurable improvement in comparison with earlier cases</li> </ul>
3. Advance the lessons-learned review of judicial processes, consulting stakeholders as appropriate, with emphasis on changes not requiring amendments to the Rules of Procedure and Evidence	<ul style="list-style-type: none"> <li>Continued harmonization of Judiciary practice</li> </ul>	<ul style="list-style-type: none"> <li>By end of 2019</li> </ul>
4. Implement and operate in line with appropriate performance indicators for judicial processes and relevant judicial support	<ul style="list-style-type: none"> <li>Continued collection of relevant data in key areas for performance indicator initiative concerning both Court-wide and Judiciary processes</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> </ul>
	<ul style="list-style-type: none"> <li>Use of performance indicators in Court-wide and Judiciary processes</li> </ul>	<ul style="list-style-type: none"> <li>Fully satisfactory</li> </ul>
<b>Objective 4</b> (POs 2.1.2 and 2.5.1) 1. Effective resource management including identification and implementation of possible further efficiency measures	<ul style="list-style-type: none"> <li>Improvements in timeliness of judicial proceedings through implementation of lessons-learned changes</li> </ul>	<ul style="list-style-type: none"> <li>Measurable improvements</li> </ul>
2. Efficient use of Chambers staff resources through central management and flexible deployment to meet changing case workload needs	<ul style="list-style-type: none"> <li>Effective central management of staff resources by Head of Chambers (P-5)</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> </ul>
<b>Objective 6</b> (PO 2.3.1) 1. Further improve management of staff performance	<ul style="list-style-type: none"> <li>Full MP I 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>
<b>Objective 7</b> (PO 3.1.1) 1. Transparent and effective communication and information exchange between Judiciary and Working Groups of the Assembly	<ul style="list-style-type: none"> <li>Number of HWG/SGG meetings attended by a Presidency/Court representative, as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Representation where appropriate</li> </ul>
	<ul style="list-style-type: none"> <li>Provision of requested reports and information in a timely and transparent manner</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> </ul>

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p><b>Objective 8</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. regarding the Court's efforts and commitment to provide high-quality justice in an expeditious manner</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> </ul>	<ul style="list-style-type: none"> <li>• 100+ meetings</li> </ul>
	<ul style="list-style-type: none"> <li>• Presidency participation in meetings of the Assembly, HWG, SGG and the Committee on Budget and Finance, diplomatic and NGO briefings, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Whenever required</li> </ul>
<p>2. Further accessions to/ratifications of the Rome Statute and the Agreement on Privileges and Immunities (APIC) and enhanced communication and cooperation of non-States Parties with the Court</p>	<ul style="list-style-type: none"> <li>• Coordinate efforts with other stakeholders to draw attention to the importance of universality and the APIC and encourage States that have not ratified the Rome Statute and APIC to do so</li> </ul>	<ul style="list-style-type: none"> <li>• 1 new accession to Rome Statute and 1 to APIC</li> </ul>
<p>3. Conclusion of further sentence enforcement agreements with States</p>	<ul style="list-style-type: none"> <li>• Sentence enforcement agreements concluded</li> </ul>	<ul style="list-style-type: none"> <li>• 1</li> </ul>

## Annex IV (d)

### Major Programme II: Office of the Prosecutor

#### A. Programme 2100: Expected results, performance indicators and targets 2019

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Judicial and Prosecutorial 1.2</b> OTP Strategic Goal 1 Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions.	<ul style="list-style-type: none"> <li>• Contributions to legal research and advice to the Office as required</li> <li>• Increased understanding and public awareness of the activities of the Office through public information</li> </ul>	Performance Indicator 7: Productivity of the Office  <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> <li>• ExCom frequency and decisions</li> </ul>	<ul style="list-style-type: none"> <li>• Provide legal research and advice as requested and in accordance with expressed needs</li> <li>• Conduct interviews; prepare opinion pieces, press releases, statements, etc.</li> </ul>
<b>Judicial and Prosecutorial 1.2</b> OTP Strategic Goal 2 Continue to integrate a gender perspective into all areas of the Office's work and to implement its policies on sexual and gender-based crimes (SGBC) and crimes against children.	<ul style="list-style-type: none"> <li>• Addressing SGBC more effectively</li> <li>• Addressing crimes involving children more effectively; adoption of a child-sensitive approach</li> <li>• Increased public awareness of SGBC and crimes involving children through public information</li> </ul>	Performance Indicator 4: Compliance with Key Office Policies and Standards  <ul style="list-style-type: none"> <li>• Milestones: implemented versus planned</li> </ul>	<ul style="list-style-type: none"> <li>• SGBC Implementation Plan finalized for implementation by teams</li> <li>• Policy on Children adopted</li> <li>• Draft Implementation Plan for Policy on Children</li> <li>• Develop guidelines on interpreter-mediated questioning of (traumatized) minors (participation in Consortium Study on Interpreter-mediated Questioning of Minors, in cooperation with KU Leuven, sponsored by the EC Directorate General for Justice)</li> </ul>
<b>Judicial and Prosecutorial 1.2</b> OTP Strategic Goal 3 Further improve the quality and efficiency of preliminary examinations, investigations and prosecutions.		Performance Indicator 7: Productivity of the Office  <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>• Provide legal research and advice as requested</li> <li>• Introduce automated quality and target monitoring reports for core and strategic activities: 95% of planned reports implemented</li> </ul>
<b>Cooperation and Support 3.2, 3.3</b> OTP Strategic Goal 6 Contribute to strengthening cooperation and promoting general support for the mandate and activities of the Office.	<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>	Performance Indicator 5: Quality of interaction with the Office  <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>• Explain, raise awareness of and build cooperation and support for the activities of the Office through missions undertaken by the Prosecutor and through public information</li> <li>• Communication to stakeholders implemented as planned</li> </ul>



<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p><b>Managerial Objectives 2.1, 2.2, 2.3 and 2.4</b></p> <p>OTP Strategic Goal 8</p> <p>Ensure professional, accountable, transparent and efficient management of the Office.</p>	<ul style="list-style-type: none"> <li>• Provision of legal advice and drafting with regard to individual administrative matters</li> <li>• Development of the Office's regulatory framework</li> <li>• Contribution to the 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 to finalize policies with respect to teleworking and other staff-related policies</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 to increase its effectiveness and efficiency and ensure enhanced quality assurance</li> </ul>	<p>Performance Indicator 14: Impact of improvement projects on effectiveness and operational and management excellence</p> <ul style="list-style-type: none"> <li>• Provision of legal advice and drafting with regard to individual administrative matters</li> <li>• Development of the Office's internal regulatory framework</li> <li>• Contributions 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> </ul>	<ul style="list-style-type: none"> <li>• Minimize litigation and ensure satisfactory outcomes whenever litigation is inevitable</li> <li>• Operations Manual reviewed and updates prepared as and when needed</li> <li>• Timely contributions provided</li> <li>• Satisfactory representation of Office views and interests</li> <li>• Implementation plan for policy on sexual and gender-based crimes adopted</li> <li>• Policy on crimes against children adopted</li> <li>• Project implemented, electronic system operational and Lessons Learnt incorporated into general Office practice</li> <li>• Framework for OTP assurance system defined and being implemented</li> </ul>
<p><b>Managerial Objectives 2.1, 2.4 and 2.6</b></p> <p>OTP Strategic Goal 8</p> <p>Ensure professional, accountable, transparent and efficient management of the Office.</p>	<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/process</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> <li>• Update programme risk register</li> </ul>	<p>Performance Indicator 7: 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>	<ul style="list-style-type: none"> <li>• 95% &lt; budget implementation rate &lt; 100%</li> <li>• CF implementation rate &gt; 70%</li> <li>• MOD processing (certification and posting of expenditures): operational expenditure reports – delayed settlement due to errors &lt; 5%</li> <li>• Certification of expenditures under travel claim reports: travel claim reports – delayed settlement due to incomplete information or missing certification of expenditure &lt; 5%</li> <li>• Implement recent change decisions relating to the Office's information management structures, work flows and processes</li> <li>• Implement organizational changes to units to ensure structures provide timely,</li> </ul>

Strategic Goal	Expected results	Performance indicators	Target 2019
			<p>efficient and consolidated information support services to the OTP</p> <ul style="list-style-type: none"> <li>• Create and implement a standardized and comprehensive internal project and programme review mechanism for information, evidence and knowledge management initiatives</li> <li>• Deploy e-learning courses for delivery of internal training: 95% of planned work completed</li> <li>• Develop specifications (project to be completed in coordination with Registry and Chambers) to implement/configure tools to provide charts and reports (business analytics)</li> <li>• Develop electronic questionnaire to assess client satisfaction and identify areas for process improvement</li> <li>• 100% of PAF completed on time</li> <li>• Conduct one risk assessment exercise to update the programme risk register developed in 2017</li> </ul>
<p><b>Managerial Objective 2.3</b> OTP Strategic Goal 3 Further improve the quality and efficiency of preliminary examinations, investigations and prosecutions.</p>	<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> <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 timely and accurate: <ul style="list-style-type: none"> <li>○ transcription of audio and video material in working, situation-related and cooperation languages as requested by OTP clients</li> <li>○ translation of OTP evidence and core Office documentation in working, situation-related and cooperation languages as requested by OTP clients</li> <li>○ interpretation of witness and insider interviews in working, situation-related and</li> </ul> </li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p> <p>Performance Indicator 14: Impact of improvement projects on effectiveness and operational and management excellence</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>• 95% or more of evidence registered within two days (non-electronic) or three days (electronic)</li> <li>• Disclosure errors &lt; 3%</li> <li>• Implement updates to OTP evidence review practices and systems for better utilization of developments and faster, higher-quality document review: 100% implementation of new systems</li> <li>• Language support provided per agreed schedule 98% of time</li> <li>• Conduct lessons learned and after-action review exercises following defined OTP milestone events. 95% of milestone events reviewed for lessons learned</li> </ul>

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
	<p>cooperation languages as requested by OTP clients</p> <ul style="list-style-type: none"> <li>○ support activities such as summarizing, redacting, language identification and editing of documents; subtitling audio and video material for the Office</li> <li>○ advice and support for projects within the Office requiring language expertise</li> </ul>		
<p><b>Managerial Objectives 2.3 and 2.6</b></p> <p>OTP Strategic Goal 5</p> <p>Achieve a basic size commensurate with the demands placed on the Office so that it can perform its functions with the required quality, effectiveness and efficiency.</p>	<ul style="list-style-type: none"> <li>● In the provision of interpretation, transcription and translation services, manage the entire recruitment, resourcing, planning, monitoring and production chain by building and maintaining effective relationships with individual providers and companies; implement effective deployment processes, remaining mindful of security and vetting issues, while monitoring performance and workload; train internal and external language personnel</li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p>	<ul style="list-style-type: none"> <li>● In cooperation with Procurement, build an updated Vendors List with internationally accredited language services providers</li> <li>● In cooperation with LSS, build a roster of candidates for interpretation, transcription and translation services</li> <li>● In cooperation with LSS, HRS, and RLO, propose a new SOP for recruitment of language staff to meet the need for secure, reliable and rapid finalization of recruitment processes in response to the Court's language requests</li> <li>● Investment in training: implement resources supporting learning on demand via standardized tools, processes and procedures</li> </ul>
<p><b>Managerial Objective 2.5</b></p> <p>OTP Strategic Goal 4</p> <p>Further adapt the Office's investigative and prosecutorial capabilities and network to the complex and evolving scientific and technological environment.</p>	<ul style="list-style-type: none"> <li>● Coordinate 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>	<p>Performance Indicator 14.1: Evaluation of Improvement Projects</p> <ul style="list-style-type: none"> <li>● Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>● Complete the Office's information, evidence and knowledge management strategic plan, including a forecast technological needs assessment</li> <li>● Implement a standardized and comprehensive project and programme review process for technological innovation initiatives</li> </ul>

## B. Programme 2200: Expected results, performance indicators and targets 2019

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</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>	<ul style="list-style-type: none"> <li>● Conduct 8-10 preliminary examinations</li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p>	<ul style="list-style-type: none"> <li>● Number of Preliminary Examinations: 8-10</li> </ul>

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p><b>Judicial and Prosecutorial Objectives 1.2, 1.3</b></p> <p>OTP Strategic Goal 3</p> <p>Further improve the quality and efficiency 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 programmes and experience-sharing exercises</li> <li>• Ensure coordination and rolling assessment of the quality of internal cooperation results and 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 and operational and management excellence</li> <li>• Rate of successful article 15 applications</li> <li>• Rate of processing 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> <ul style="list-style-type: none"> <li>• 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</li> <li>• Publication of one OTP report on PE activities before the Assembly; other public reports in support of key decisions</li> </ul> <p>Cooperation</p> <ul style="list-style-type: none"> <li>• 90% of relevant staff trained</li> <li>• 75% of the training program conducted</li> <li>• Improvement projects defined and assessment mechanism in place with regular review of quality ongoing</li> </ul>
<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 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 investigations drafted and implemented as planned</li> <li>• Expansion of network of operational focal points to 3 partners</li> <li>• Ensure relative stability or improvement of rate of response to requests for assistance, bearing in mind the relative variety/sensitivity of requests and the weight of external factors beyond OTP control</li> <li>• Ensure quality of judicial assistance requests to States and international organizations to enable effective investigations and prosecutions</li> <li>• Make available relevant cooperation lines to ensure the 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>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>• Annual cooperation and external relations plan drafted, circulated and approved, and steps defined for the relevant period implemented</li> <li>• 100% of cooperation plans drafted and implementation ongoing; steps planned for the reference period implemented</li> <li>• Network expanded to more than 3 partners</li> <li>• More than 75% of RFAs responded to</li> <li>• About 95% of requests drafted, reviewed and checked for quality</li> <li>• Support for diverse types of assistance requests implemented</li> <li>• Communication to stakeholders implemented as planned</li> </ul>
<p><b>Cooperation and Support Objectives 3.2, 3.3, 3.4, 3.6</b></p> <p>OTP Strategic Goal 9</p> <p>Work with partners to develop a coordinated investigative and prosecutorial strategy to</p>	<ul style="list-style-type: none"> <li>• As appropriate, factor Strategic Goal 9 into 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</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>	<ul style="list-style-type: none"> <li>• Implemented as appropriate in all investigations</li> <li>• General strategy developed and consultation sessions implemented</li> </ul>

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
further close the impunity gap.	<p>actors, and streamline and standardize processes and interactions with partners (States, international and regional organizations, NGOs)</p> <ul style="list-style-type: none"> <li>• Together with other divisions, contribute to the 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>• Answers to incoming requests for assistance provided</li> </ul>		<ul style="list-style-type: none"> <li>• Responses sent (positive or negative) to requests</li> </ul>

### C. Programme 2300: Expected results, performance indicators and targets 2019

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p><b>Judicial and Prosecutorial Objective 1.2</b> OTP Strategic Goal 1 Conduct impartial, independent, high-quality preliminary examinations, investigations and prosecutions.</p>	<ul style="list-style-type: none"> <li>• Conduct 8 investigations, provide investigative support to 3 trials and preserve 10 investigations pending an arrest</li> </ul>	<p>Performance Indicator 7: Productivity of the Office</p> <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>• Number of investigative activities: 8 + 3 + 10</li> <li>• 80% or more of investigative steps within ID control on track</li> </ul>
<p><b>Judicial and Prosecutorial Objective 1.2, 1.3</b> OTP Strategic Goal 2 Continue to integrate a gender perspective into all areas of the Office's work and to implement its policies on sexual and gender-based crimes (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>	<ul style="list-style-type: none"> <li>• 80% or more of measures foreseen in policies implemented across all active investigations</li> </ul>
<p><b>Judicial and Prosecutorial Objective 1.2</b> OTP Strategic Goal 3 Further improve the quality and efficiency 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>	<ul style="list-style-type: none"> <li>• 80% or more of relevant staff trained</li> </ul>
<p><b>Managerial Objective 2.5</b> OTP Strategic Goal 4 Further adapt the Office's investigative and prosecutorial capabilities and network to the complex and evolving scientific and technological environment.</p>	<ul style="list-style-type: none"> <li>• Scientific and technological projects to increase the Office's ability to securely and efficiently conduct its investigations implemented as planned (e.g. automated searches, internet archive)</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>	<ul style="list-style-type: none"> <li>• 80% or more implemented as planned</li> </ul>
<p><b>Managerial Objective 2.8</b> OTP Strategic Goal 7 Adapt the Office's protection strategies to new security challenges.</p>	<ul style="list-style-type: none"> <li>• All foreseeable risks properly managed</li> <li>• Yearly strategic security risk assessment and strategy updated for staff, witness and information security provided as planned</li> <li>• Project to improve information security with Registry implemented as planned</li> </ul>	<p>Performance Indicator 4.1 – IRA updated and checked</p>	<ul style="list-style-type: none"> <li>• All critical protection measures required to manage foreseeable risks implemented as planned</li> <li>• All main recommendations approved by ExCom</li> </ul>

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Managerial Objectives 2.1, 2.2, 2.3 and 2.4</b> OTP Strategic Goal 8 Ensure professional, accountable, transparent and efficient management of the Office.	<ul style="list-style-type: none"> <li>• Efficiency gain through process review identified and achieved</li> </ul>	Performance Indicator 6: yearly efficiency gains <ul style="list-style-type: none"> <li>• Total efficiency gains versus Total ID budget</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain efficiency gains achieved in 2018 and identify new areas for improvement</li> </ul>
<b>Cooperation and Support Objective 3.3</b> OTP Strategic Goal 9 Work with partners to develop a coordinated investigative and prosecutorial strategy to close the impunity gap.	<ul style="list-style-type: none"> <li>• Priority projects implemented as planned (e.g. increased exchange of information with WCU; increase in number of coordinated activities with relevant jurisdictions)</li> </ul>	Performance Indicator 14.1: Evaluation of Improvement Projects <ul style="list-style-type: none"> <li>• Milestones: planned versus actual</li> </ul>	<ul style="list-style-type: none"> <li>• 80% or more</li> </ul>

#### D. Programme 2400: Expected results, performance indicators and targets 2019

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</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 and seven final appeals, and to conduct pre-trial activities in eight 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	<ul style="list-style-type: none"> <li>• Activities: 3 trials, 7 final appeals and pre-trial support for 8 investigations. Participation in reparations proceedings as appropriate</li> </ul>
<b>Judicial and Prosecutorial Objectives 1.2, 1.3</b> OTP Strategic Goal 2 Continue to integrate a gender perspective into all areas of the Office's work and to implement its policies on sexual and gender-based crimes (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	<ul style="list-style-type: none"> <li>• 80% or more of measures foreseen in policies implemented across all prosecutorial activities</li> </ul>
<b>Judicial and Prosecutorial Objective 1.3</b> OTP Strategic Goal 3 Further improve the quality and efficiency of 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>	<ul style="list-style-type: none"> <li>• Charges confirmed versus Charges issued/granted/convicted 80%</li> <li>• Submissions accepted and requests granted versus number of requests &gt; 80%</li> <li>• 100% of evidence reviewed</li> <li>• 100% of cases reviewed by independent panel</li> <li>• Implement 80% of the training programme, including the fortnightly PD legal lectures</li> <li>• Improvement projects in priority areas: internal processes, management capabilities, technology, disclosure</li> <li>• Contribute to progress in ensuring expeditious proceedings where possible</li> <li>• Continue to develop legal skills and oral and written advocacy through training</li> </ul>

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p><b>Managerial Objective 2.5</b>            OTP Strategic Goal 4            Further adapt the Office's investigative and prosecutorial capabilities and network to the complex and evolving scientific and technological environment.</p>	<ul style="list-style-type: none"> <li>• Revise training programme for prosecutors defined in annual Training Plan, including additional advocacy skills sessions and training on the use of new technologies in the courtroom</li> <li>• Implement the selected improvement projects related to priority areas: internal processes, management capabilities, case design, case review process, technology, key competencies</li> </ul>	<p>Performance Indicator 14.1: Evaluation of Improvement Projects</p> <p>Performance Indicator 8.2: Implementation of annual training plan / number of training days per staff member per year</p>	<ul style="list-style-type: none"> <li>• 80% or more of training programme implemented as planned</li> <li>• Conduct training on new tools and strengthen the Division's capabilities in existing tools such as Trial Director and Ringtail</li> </ul>
<p><b>Managerial Objectives 2.1, 2.2, 2.3 and 2.4</b>            OTP Strategic Goal 8            Ensure professional, accountable, transparent and efficient management of the Office.</p>	<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>	<p>Performance Indicator 6: yearly efficiency gains</p> <ul style="list-style-type: none"> <li>• Total potential efficiency gains versus total PD budget</li> </ul>	<ul style="list-style-type: none"> <li>• Priority areas and potential for efficiency gains identified; potential gains identified</li> <li>• Contribute to Office- and Court-wide efficiency improvement initiatives</li> <li>• Continuously improve the level of management in the Division</li> <li>• Continue the risk management process</li> <li>• Actively contribute to the further development of performance indicators</li> <li>• Contribute to the lessons learned programme</li> <li>• Develop and implement actions to improve the working climate in the Division</li> <li>• Actively contribute to the review of information management and structure within the Office</li> <li>• Improve internal communications, with the implementation of a SharePoint site and regular dissemination of information</li> </ul>

## Annex IV (e)

### Major Programme III: Registry

#### A. Office of the Registrar

- 2.1.2 Manage resources effectively; identify and implement any further efficiency measures.
- 2.4.1 Further improve the management of staff performance.
- 2.6.3 Improve performance measurement and evaluation, including through performance indicators.
- 3.1.1 Further improve the effectiveness and efficiency of dialogue between the Court and the Assembly and its subsidiary bodies.

#### OTR: Expected results, performance indicators and targets 2019

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
Priority Objective 2.1.2		
<ul style="list-style-type: none"> <li>• Finalization of the new Court-wide and organ-specific Registry Strategic Plan</li> <li>• Implementation of Organizational Development (OD) plans across identified Registry Sections</li> </ul>	<ul style="list-style-type: none"> <li>• Development of the Registry Strategic Plan</li> <li>• OD plan implementation rate</li> </ul>	<ul style="list-style-type: none"> <li>• Registry Strategic Plan adopted</li> <li>• 95% or higher OD plan implementation rate</li> </ul>
Priority Objective 2.3.1		
<ul style="list-style-type: none"> <li>• Improved Court-wide human resources performance management system</li> </ul>	<ul style="list-style-type: none"> <li>• Performance management</li> <li>• compliance rate</li> </ul>	<ul style="list-style-type: none"> <li>• 100% compliance rate Registry-wide</li> </ul>
Priority Objective 2.6.3		
<ul style="list-style-type: none"> <li>• Integrated work planning with clear links to the Strategic Plan of the Court and to the Registry</li> </ul>	<ul style="list-style-type: none"> <li>• % of Registry sections monitoring and measuring performance according to the Strategic Plan</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
Priority Objective 3.1.1		
<ul style="list-style-type: none"> <li>• Efficient dialogue between the Court and the Assembly and its subsidiary bodies</li> </ul>	<ul style="list-style-type: none"> <li>• Satisfaction of relevant actors/bodies</li> </ul>	<ul style="list-style-type: none"> <li>• NA</li> </ul>

#### B. Division of Management Services (DMS)

- 2.3.1 Further improve the management of staff performance.
- 2.3.2 Further improve gender balance and geographical representation across different levels of the Court's structure.
- 2.4.1 Improve working environments.
- 2.4.2 Develop a strategic approach to staff development (including staff mobility).
- 2.5.3 Improve efficiency through technological developments.
- 2.6.1 Improve and streamline the budget process, including further dialogue with States Parties on the budget process and document.
- 2.6.2 Fully implement the Court's risk management framework.
- 2.7.1 Make best use of the new premises to provide for the business needs of the Court. Maximize design flexibility to allow for expansion and/or temporary modification with minimum disruption and cost.
- 2.8.3 Apply a risk management process to security and safety risks.



**DMS: Expected results, performance indicators and targets 2019**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
Priority Objective 2.3.1 <ul style="list-style-type: none"> <li>Improved Court-wide human resources performance management</li> </ul>	<ul style="list-style-type: none"> <li>Performance management compliance rate</li> </ul>	<ul style="list-style-type: none"> <li>More than 95% compliance Court-wide</li> </ul>
Priority Objective 2.3.2 <ul style="list-style-type: none"> <li>Increased representation of women in recruitment through gender-neutral vacancy announcements and increased inclusion in selection rounds</li> <li>Improved awareness of recruitment opportunities in under-represented countries</li> </ul>	<ul style="list-style-type: none"> <li>Gender balance across all established posts, excluding elected officials per organ</li> <li>Number of targeted recruitment outreach initiatives in under-represented countries</li> </ul>	<ul style="list-style-type: none"> <li>50/50 gender balance Court-wide</li> <li>2 targeted recruitment outreach initiatives</li> </ul>
Priority Objective 2.4.1 <ul style="list-style-type: none"> <li>Adoption of priority policies on key HR issues</li> </ul>	<ul style="list-style-type: none"> <li>Number of key policies promulgated</li> </ul>	<ul style="list-style-type: none"> <li>3 priority policies promulgated</li> </ul>
Priority Objective 2.4.2 <ul style="list-style-type: none"> <li>Efficient and transparent management of staff expectations with regard to career development</li> <li>Structured dialogue and coordination with the Staff Union on all staff welfare and related matters via a relationship agreement</li> </ul>	<ul style="list-style-type: none"> <li>Survey score</li> <li>Relationship agreement signed and number of coordination meetings on staff well-being</li> </ul>	<ul style="list-style-type: none"> <li>10% increase in staff satisfaction with mobility opportunities</li> <li>Agreement signed, ICC staff well-being model adopted and 3 welfare committee meetings held</li> </ul>
Priority Objective 2.5.3 <ul style="list-style-type: none"> <li>Improved SAP capability to deal with increased workloads related to business processes, especially in human resources and budget</li> <li>Operationalization of IPSAS-compliant policies</li> </ul>	<ul style="list-style-type: none"> <li>Number of business processes reviewed and improved through increased SAP capability</li> <li>Number of IPSAS-compliant financial process improvements</li> </ul>	<ul style="list-style-type: none"> <li>5 business processes streamlined and implemented</li> <li>3 IPSAS-compliant financial process improvements</li> </ul>
Priority Objective 2.6.1 <ul style="list-style-type: none"> <li>Improved and streamlined budget process</li> </ul>	<ul style="list-style-type: none"> <li>% increase in time available to analyse data: budget process improvements will decrease data processing time for staff</li> <li>% automation of budget data creation process</li> </ul>	<ul style="list-style-type: none"> <li>20% for 2 GS-OL</li> <li>100% automation of budget data creation process</li> </ul>
Priority Objective 2.6.2 <ul style="list-style-type: none"> <li>Full implementation of the risk management framework across the Court</li> </ul>	<ul style="list-style-type: none"> <li>Updated risk register</li> </ul>	<ul style="list-style-type: none"> <li>1 update per year</li> </ul>
Priority Objective 2.7.1 <ul style="list-style-type: none"> <li>Use premises flexibly within technical capacities</li> </ul>	<ul style="list-style-type: none"> <li>All new requests for office space fulfilled in a timely manner using the flexibility of closed versus open-plan office spaces</li> <li>Use of conference facilities to save costs of holding meetings off-premises</li> </ul>	<ul style="list-style-type: none"> <li>100% of office space requests fulfilled</li> <li>75% conference facility occupancy rate achieved</li> </ul>
Priority Objective 2.8.3 <ul style="list-style-type: none"> <li>Security risk assessment updated and required measures reviewed</li> </ul>	<ul style="list-style-type: none"> <li>Number of security risk methodologies (SRMs) completed</li> <li>% of required measures implemented</li> </ul>	<ul style="list-style-type: none"> <li>1 strategic SRM and 1 SRM for each Court location (Headquarters and country offices): total 8</li> <li>90% of required measures implemented</li> </ul>

## C. Division of Judicial Services (DJS)

- 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.
- 1.4.3 Engage and consult with the International Criminal Court Bar Association (ICCBA) as appropriate.
- 1.6.1 Ensure meaningful reparations and successful implementation of reparation orders, including the application of coherent principles for victim reparations.
- 1.6.2 Develop coordination mechanisms with the TFV and legal representatives of victims as appropriate for the implementation of judicial decisions in relation to reparations.
- 2.1.5 Improve the performance of judicial services; develop and refine appropriate performance indicators.
- 2.5.1 Review and update the eCourt system to increase the efficiency and productivity of eCourt processes.
- 2.5.2 Review the use of standard processes, methods and technologies.

### DJS: Expected results, performance indicators and targets 2019

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
Priority Objective 1.4.1 <ul style="list-style-type: none"> <li>• 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>• Number of defence teams on legal aid</li> <li>• Number of requests for review of legal aid decisions granted by Chambers</li> </ul>	<ul style="list-style-type: none"> <li>• Number of teams for indigent defendants &gt; 6</li> </ul>
Priority Objective 1.4.3 <ul style="list-style-type: none"> <li>• ICCBA engaged and consulted on counsel-related matters</li> </ul>	<ul style="list-style-type: none"> <li>• Number of CSS/ICCBA meetings</li> <li>• Number of CSS/ICCBA written consultations</li> </ul>	<ul style="list-style-type: none"> <li>• 6-12 CSS/ICCBA meetings</li> <li>• 3-6 CSS/ICCBA written consultations</li> </ul>
Priority Objective 1.6.1 <ul style="list-style-type: none"> <li>• Compliance with article 75(1) of the Statute through continued judicial clarification of principles relating to reparations</li> </ul>	<ul style="list-style-type: none"> <li>• Follow all reparations-related decisions and orders to the respective Chamber's satisfaction</li> <li>• Respond to all reparations-related decisions and orders within the allotted deadline</li> <li>• Respond effectively and adequately to all requests by the parties and participants in reparations proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• 100% Chambers satisfaction rate</li> <li>• 100% deadline compliance</li> <li>• 100% request satisfaction rate</li> </ul>
Priority Objective 1.6.2 <ul style="list-style-type: none"> <li>• Coordination and communication between the Court and the TFV with regard to the implementation of reparations</li> <li>• In the light of relevant judicial decisions, establish a framework for the Registry's support tasks on reparations, taking account of the separate roles and responsibilities of the TFV and Registry</li> </ul>	<ul style="list-style-type: none"> <li>• Respond effectively and adequately within capacity to all requests by the TFV</li> <li>• Effective communication structure with thematic focal points: initial response time per request within one working day</li> <li>• "Lessons Learnt" catalogue on expert assignments in reparations issues</li> <li>• Registry support task list on reparations pre-implementation and during implementation</li> </ul>	<ul style="list-style-type: none"> <li>• 100% response implementation rate</li> <li>• 100% effective communication compliance</li> <li>• Finalize "Lessons Learnt" catalogue on reparations expert assignments for use in 2019</li> <li>• Finalize Registry support task list for use in 2019</li> </ul>

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Priority Objective 2.1.5</b>		
<ul style="list-style-type: none"> <li>• Appropriate performance indicators for judicial processes and relevant judicial support developed, monitored and reported</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings delayed or cancelled due to CMS lack of service</li> <li>• Translation: number of translations delivered in the context of specific judicial proceedings such as reparations, issues on appeal and important milestones in a given case (decision on confirmation of charges, judgment, sentencing decision, etc.)</li> <li>• Interpretation: number of interpreted hearings; number of interpreter days for judicial proceedings; number of freelance interpreters recruited for judicial proceedings</li> <li>• Field and operational interpretation: number of field and operational interpretation assignments linked to judicial proceedings; number of (situation) languages provided; number of field interpreters accredited with a view to servicing judicial proceedings</li> <li>• Client survey</li> </ul>	<ul style="list-style-type: none"> <li>• Support provided for 100% of scheduled hearings</li> <li>• 100% satisfaction rate</li> <li>• No delay to judicial proceedings due to language services provision</li> </ul>
<b>Priority Objective 2.5.1</b>		
<ul style="list-style-type: none"> <li>• Increase efficiency and productivity of eCourt processes via eCourt system update</li> </ul>	<ul style="list-style-type: none"> <li>• CMS: automated integration of three applications for updating access groups to stop triplication of same task</li> <li>• CMS: systematic automated verification of OCR for filings upon submission</li> </ul>	<ul style="list-style-type: none"> <li>• CMS: 70% reduction in time required to update access management groups in ECOS application</li> </ul>
<b>Priority Objective 2.5.2</b>		
<ul style="list-style-type: none"> <li>• Prevent, and mitigate risks related to, unauthorized data disclosure</li> <li>• Improve all Court processes to make them more suitable, efficient, secure and transparent</li> </ul>	<ul style="list-style-type: none"> <li>• CMS: secure timely processing of all filings while preventing oversights by implementing application enhancements to alert staff of the risk of an overdue notification</li> <li>• % decrease in victim application processing time</li> <li>• Resource needs reduced by digitizing victim applications</li> <li>• Application forms following uniform standard</li> <li>• % Court staff who have completed mandatory information security training</li> <li>• Rate of implementation of available software updates</li> <li>• Response times to reported information security incidents</li> <li>• Rate of implementation of lessons learned from incidents</li> <li>• % of courtroom availability</li> <li>• % of system availability for applications and infrastructure that support Court activities</li> <li>• % of planned projects that have been delivered by IMSS to support Court efficiencies</li> </ul>	<ul style="list-style-type: none"> <li>• No filing oversights</li> <li>• 20% decrease in victim application processing time by the end of 2019</li> <li>• 15% reduction in resource needs by the end of 2019</li> <li>• Standard application forms for participation and reparations at beginning of 2019</li> <li>• 95% of Court staff having completed mandatory training</li> <li>• 100% implementation of software updates</li> <li>• Information Security response times within 2 hours</li> <li>• 100% of lessons learned from incidents</li> <li>• 99.2% courtroom availability</li> <li>• 99.2% system availability</li> <li>• 90% of planned projects delivered</li> </ul>

## **D. Division of External Operations (DEO)**

- 1.7.1 Conduct effective outreach to and communication with victims and affected communities in accordance with the Court's relevant strategic documents.
- 1.7.2 Assess the Court's effectiveness and impact in collaboration with external stakeholders.
- 2.1.2 Manage resources effectively; identify and implement any further efficiency measures. Focus on field activities with a view to promoting better coordination and enhancing the impact of the Court's work in situation countries.
- 2.8.3 Apply a risk management process to security and safety risks.

- 3.3.1 Engage in constructive discussions with States to overcome obstacles and promote best practices such as adopting national procedures for cooperation, designating national focal points and consulting promptly with the Court to resolve any matter that has impeded or prevented the execution of requests.
- 3.3.2 Organize seminars on cooperation in different regions to enable dialogue between key representatives of States and the Court.
- 3.4.3 Increase external and internal levels of cooperation in relation to witness protection.
- 3.5.1 Coordinate efforts with other stakeholders such as States, international and regional organizations, NGOs and other key partners working actively on universality.

### DEO: Expected results, performance indicators and targets 2019

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p>Priority Objective 1.7.1</p> <ul style="list-style-type: none"> <li>Increased understanding of the Court's mandate and proceedings among victims and affected communities</li> <li>Increased ability of local populations to follow judicial developments</li> </ul>	<ul style="list-style-type: none"> <li>Number of tailor-made radio and television outreach programmes produced and distributed</li> <li>Increase in percentage of questions showing that the understanding of participants in outreach sessions has become more concrete than in 2017</li> <li>Increase in the Court's media presence in situation countries</li> <li>Structured interviews with stakeholders working with victims and affected communities in situation countries</li> <li>Increase in number of outreach activities organized in situation countries with field presences</li> <li>Increase in number of participants in outreach activities in situation countries</li> <li>Estimated population reached through radio and television (in all situation countries)</li> </ul>	<ul style="list-style-type: none"> <li>60 programmes</li> <li>Increase in number of interviews and media events in the situation countries</li> <li>Increased level of satisfaction of stakeholders in situation countries</li> <li>10% increase in number of outreach activities</li> <li>10% increase in number of participants</li> <li>35 million people reached</li> </ul>
<p>Priority Objective 1.7.2</p> <ul style="list-style-type: none"> <li>Targeted approach to outreach based on consultation with external and internal stakeholders and the Lessons Learnt exercise</li> <li>Appropriate performance indicators established to measure the Court's outreach and impact</li> </ul>	<ul style="list-style-type: none"> <li>New projects resulting from consultation with external and internal stakeholders</li> <li>Level of awareness and satisfaction of local partners according to surveys monitoring perceptions of the Court</li> <li>Stakeholder comments: comments from external and internal stakeholders</li> <li>Lessons-learned process for situation countries with field presences</li> <li>Individual indicators set up for outreach objectives in consultation with relevant internal and external stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Consultation with stakeholders resulting in new projects implemented in the field</li> <li>Interviews with representative samples of target groups</li> <li>Interviews with stakeholders</li> <li>Regular internal consultation with outreach officers in situation countries and sharing of lessons learned through outreach staff at HQ</li> <li>Indicators established</li> </ul>
<p>Priority Objective 2.1.2</p> <ul style="list-style-type: none"> <li>Full operationalization of country offices</li> <li>Full implementation of updated mission planning processes, exit strategy, field capacity model and standardized template for setting up new country offices</li> </ul>	<ul style="list-style-type: none"> <li>Field staffing: number of approved versus filled posts</li> <li>% of integration and application of mission-planning software capabilities</li> <li>Drafting and implementation of the protocol on the set-up, functioning and closure of country offices</li> </ul>	<ul style="list-style-type: none"> <li>90% of approved posts filled</li> <li>100% integration</li> <li>Established and approved formal AI(s), SOPs and/or protocols</li> </ul>

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p>Priority Objective 2.5</p> <ul style="list-style-type: none"> <li>• Enhance the Court’s online presence and corporate image, including a new website and strategic framework for the use of social networks and an improved visual identity</li> </ul>	<ul style="list-style-type: none"> <li>• Twitter: <ul style="list-style-type: none"> <li>– number of followers</li> <li>– number of impressions/views of the Court</li> <li>– number of retweets/shares</li> </ul> </li> <li>• Facebook: <ul style="list-style-type: none"> <li>– number of page likes</li> <li>– analysis focusing on shareability</li> </ul> </li> <li>• Instagram: <ul style="list-style-type: none"> <li>– number of story likes and shares</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Twitter <ul style="list-style-type: none"> <li>– 330K followers / page likes (15% increase by December 2019)</li> <li>– 26K impressions (4K increase to be achieved by December 2019)</li> <li>– 35K retweets (2K increase)</li> <li>– 10K likes (2K increase)</li> </ul> </li> <li>• Facebook: <ul style="list-style-type: none"> <li>– 120K page likes (25% increase by December 2019)</li> </ul> </li> <li>- Instagram <ul style="list-style-type: none"> <li>– Creating 300 posts and analysing follower response</li> <li>– 120K page likes (by December 2019)</li> </ul> </li> </ul>
<p>Priority Objective 2.8.2</p> <ul style="list-style-type: none"> <li>• Implementation of systematic security risk management process for all of the Court’s activities in the field</li> </ul>	<ul style="list-style-type: none"> <li>• % implementation of systematic security risk management process for all of the Court’s activities in the field</li> </ul>	<ul style="list-style-type: none"> <li>• 100% implementation of systematic security risk management process for all of the Court’s activities in the field</li> </ul>
<p>Priority Objective 2.8.3</p> <ul style="list-style-type: none"> <li>• Completion of UN Minimum Operating Security Standards (MOSS) self-assessment for all country offices and update of Court-specific SRA</li> </ul>	<ul style="list-style-type: none"> <li>• % of UN MOSS self-assessments carried out for country offices</li> <li>• % implementation of field training</li> </ul>	<ul style="list-style-type: none"> <li>• At least one UN MOSS self-assessment carried out for each country office once a year</li> <li>• 80% compliance with UN MOSS in situation countries where the Court has country offices</li> <li>• At least 80% implementation of field training</li> </ul>
<p>Priority Objective 3.2.1</p> <ul style="list-style-type: none"> <li>• New York Liaison Office: 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</li> </ul>	<ul style="list-style-type: none"> <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> <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 in and present at seminars and workshops on Court-related subjects</li> <li>• NY Liaison Office to 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</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> <li>• 3-5</li> <li>• All visits</li> <li>• Biweekly and ad hoc reports as needed</li> <li>• 5-8 reports/resolutions</li> <li>• 5 seminars/workshops</li> <li>• 10-15 meetings</li> </ul>

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<p>Priority Objective 3.3.1</p> <ul style="list-style-type: none"> <li>Enhanced communication channels with key States and regional bodies for more efficient and effective cooperation</li> </ul>	<ul style="list-style-type: none"> <li>% increase in effective interactions with key States Parties leading to concrete results</li> <li>% increase in action plans, events and seminars and % increase in interactions aimed at enhancing cooperation with regional organizations</li> </ul>	<ul style="list-style-type: none"> <li>Monitor tracking system in place</li> <li>15% increase in effective interactions with key States Parties leading to concrete results</li> <li>15% increase in action plans, events and seminars and 10% increase in interactions aimed at enhancing cooperation with regional organizations</li> <li>Full implementation of cooperation-related activities under the European Community grant</li> </ul>
<p>Priority Objective 3.3.2</p> <ul style="list-style-type: none"> <li>Increased level of general support and cooperation from States</li> </ul>	<ul style="list-style-type: none"> <li>% of activities involving States resulting in concrete pledges and/or expressions of interest to assist the Court</li> <li>% increase in regular targeted démarches</li> </ul>	<ul style="list-style-type: none"> <li>15% increase in successful activities involving States</li> <li>10% increase in State pledges and/or positive expressions of interest to assist the Court</li> <li>10% increase in démarches leading to positive engagements</li> </ul>
<p>Priority Objective 3.4.3</p> <ul style="list-style-type: none"> <li>Strengthened support to and protection of witnesses</li> </ul>	<ul style="list-style-type: none"> <li>80% of ICCPP referrals to be managed by resettlement within three years (through improved case-management processes)</li> <li>Three new witness relocation agreements per year</li> </ul>	<ul style="list-style-type: none"> <li>100% compliance with scheduling of the calling party and the respective Chamber</li> <li>100% preparation of victims and witnesses for transport to the Court or video link; management of appearance and safe return following testimony</li> </ul>
<p>Priority Objective 3.5.1</p> <ul style="list-style-type: none"> <li>Further accessions to / ratifications of the Rome Statute and enhanced communication and cooperation of non-States Parties with the Court</li> <li>Increased clarity and awareness of the Court's functions and mandate among non-States Parties</li> </ul>	<ul style="list-style-type: none"> <li>% increase in activities and actions with key stakeholders designed to foster understanding and appetite for ratification and/or accession</li> <li>% increase in regular involvement of non-States Parties in events, activities and seminars designed to promote the Court, and démarches aimed at fostering understanding by non-States Parties</li> </ul>	<ul style="list-style-type: none"> <li>15% increase in interactions with non-States Parties and/or stakeholders who can assist and facilitate these interactions</li> <li>10% increase in non-State Parties participating in events</li> <li>10% increase in direct bilateral démarches and identification of new opportunities for engagement aimed at fostering understanding by non-States Parties</li> </ul>

## Annex IV (f)

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

#### Expected results, performance indicators and targets 2019

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Objective 1</b> Conference held as planned	<ul style="list-style-type: none"> <li>• Meetings run smoothly and end on time, and reports are 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>1</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 extranets of the Assembly, Bureau, Committee on Budget and Finance, and Audit Committee are used frequently</li> </ul>	n/a

<sup>1</sup>As of 2009, official documents for the Assembly are issued in four official languages only: Arabic, English, French and Spanish.

**Annex IV (g)****Major Programme VII-5: Independent Oversight Mechanism****Expected results, performance indicators and targets 2019**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Objective 1</b> Contribute to effective Court oversight through the timely and professional investigation of reports of non-compliance with Court regulations.	<ul style="list-style-type: none"> <li>Percentage of reports responded to within 20 working days</li> </ul>	95%
<b>Objective 2</b> Assist the Assembly and Heads of Organs in ensuring the efficiency and effectiveness of Court operations by completing the requested inspections and evaluations.	<ul style="list-style-type: none"> <li>Percentage of agreed oversight activities completed on schedule</li> </ul>	95%

**Annex IV (h)****Major Programme VII-6: Office of Internal Audit****Expected results, performance indicators and targets 2019**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2019</i>
<b>Objective 1</b> Contribute to achieving the 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 work.	Number of audits performed against the validated audit workplan	A minimum of 5 audits



**Annex V****Staffing information****Annex V (a)****Proposed Court staffing in 2019 by major programme**

<i>Total Court</i>	<i>USG</i>	<i>SG</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Total P-Staff and above</i>	<i>GS-PL</i>	<i>GS-OL</i>	<i>Total GS-Staff</i>	<i>Total Staff</i>
Major Programme I	-	-	-	-	3	3	21	12	-	39	1	11	12	51
Major Programme II	1	1	-	3	20	36	81	85	26	253	1	79	80	333
Major Programme III	-	1	-	3	23	44	83	93	5	252	15	318	333	585
Major Programme IV	-	-	-	1	1	1	1	1	-	5	2	3	5	10
Major Programme VI	-	-	-	1	-	5	3	-	-	9	-	4	4	13
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>-</b>	<b>9</b>	<b>48</b>	<b>91</b>	<b>190</b>	<b>192</b>	<b>31</b>	<b>564</b>	<b>19</b>	<b>417</b>	<b>436</b>	<b>1,000</b>

**Annex V (b)****List of reclassifications 2019**

<i>Level</i>	<i>Functional Title</i>				
<i>Number of Posts</i>	<i>Current</i>	<i>New/Requested</i>	<i>Organ/Section</i>	<i>From</i>	<i>To</i>
1	P-4	P-5	OTP/IOP	Chef de Cabinet	Chef de Cabinet
1	P-4	P-5	OTP/JCCD	International Cooperation Adviser	Senior Legal Adviser
8	P-1	P-2	OTP/PD	Assistant Trial Lawyer	Associate Trial Lawyer
<b>Total OTP Reclassifications:</b>		<b>10</b>			
1	P-3	P-4	Registry/OD-DMS	Administrative Officer	Administrative Officer and Risk Management Coordinator
<b>Total Registry Reclassifications:</b>		<b>1</b>			
<b>Total Reclassifications:</b>		<b>11</b>			

**Annex V (c)****List of conversions 2019 (GTA to established posts)**

<i>Number of Posts</i>	<i>Level</i>	<i>From 2018</i>	<i>To 2019</i>	<i>Programme / Section</i>	<i>Functional Title</i>
1	P-2	GTA	Established posts	Services Section	Associate Administration Officer
1	P-3	GTA	Established posts	JCCD	International Cooperation Adviser
3	P-3	GTA	Established posts	Investigation Division	Analyst
5	P-3	GTA	Established posts	Investigation Division	Associate Investigator
2	P-4	GTA	Established posts	Prosecution Division	Trial Lawyer
1	P-1	GTA	Established posts	Prosecution Division	Case Manager
<b>Total OTP Conversions:</b>		<b>13</b>			
<b>Total Conversions:</b>		<b>13</b>			

## Annex V (d)

## Changes to the staffing table

<i>Number of Posts</i>	<i>Level</i>	<i>Functional Title</i>	<i>From 2018 Approved Budget</i>	<i>To 2019 Proposed Budget</i>
1	P-5	Head, New York Liaison Office	MP I: Judiciary New York Liaison Office	MP III: Registry New York Liaison Office
1	GS-OL	Administrative Assistant	MP I: Judiciary New York Liaison Office	MP III: Registry New York Liaison Office
<b>Total Judiciary to Registry Redeployments: 2</b>				
1	P-4	Knowledge-Base Manager	Services Section	IKEMS
1	P-3	Head, Information and Evidence Unit	Services Section	IKEMS
2	P-2	Information Officer (Evidence and Analysis Systems)	Services Section	IKEMS
1	P-2	Associate Information and Evidence Officer	Services Section	IKEMS
1	P-1	Assistant Information Officer	Services Section	IKEMS
3	P-1	Database Coordinator	Services Section	IKEMS
4	GS-OL	Evidence Assistant	Services Section	IKEMS
3	GS-OL	Information Storage Assistant	Services Section	IKEMS
1	GS-OL	Information Management Assistant	Services Section	IKEMS
1	GS-OL	Disclosure/Search Assistant	Services Section	IKEMS
1	GS-OL	Senior Evidence Assistant	Services Section	IKEMS
1	P-2	Data Processing Manager	Investigation Division	IKEMS
7	GS-OL	Data Processing Assistant	Investigation Division	IKEMS
4	GS-OL	Information Management Assistant	Investigation Division	IKEMS
<b>Total OTP Redeployments: 31</b>				
1	P-3	Field Officer	Uganda field office	Mali country office
1	P-3	Field Officer	Uganda field office	Georgia country office
1	GS-OL	Senior Finance Assistant	DRC field office	Finance Section
1	GS-OL	Senior Driver	DRC field office	Uganda country office
<b>Total Registry Redeployments: 4</b>				

## Annex VI

### Salaries and entitlements for 2019 (thousands of euros)

#### Annex VI (a)

#### Judges' salary and entitlements for 2019 (thousands of euros)

<i>Presidency:</i>	<i>Costs</i>
Special allowance President and Vice-Presidents	28.0
<i>Subtotal Presidency</i>	<i>28.0</i>
<b>Chambers: 20 Judges</b>	<b>Costs</b>
Standard salary costs - 18 full-time Judges	3,240.0
Judges' pensions* - 18 full-time Judges	1,562.4
Standard salary costs - 2 Judges continuing in office to complete proceedings (15 months)	225.0
Judges' pensions* - 2 Judges continuing in office to complete proceedings (15 months)	12.0
<i>Subtotal Chambers</i>	<i>5,039.4</i>
Accruals for annual leave	126.0
Accruals for relocation	225.0
Estimates of home leave and education grant expenses	205.2
Service-incurred injury insurance - Court requirement	38.5
<i>Subtotal Additional Requirements</i>	<i>594.7</i>
<b>Total Judges' salary and entitlements for 2019</b>	<b>5,662.1</b>
Revision of the Judges' remuneration (subject to States Parties' determination)**	580.9
<b>Total revised Judges' salary and entitlements for 2019</b>	<b>6,243.0</b>

\* Estimate based on notional assumptions about the terms of the performance agreement which will commence on 1 January 2019. This estimate will need to be updated once details of the agreement are available.

\*\* This amount, which is consistent with the revised amounts included in the 2017 and 2018 proposed programme budgets, would align the judges' salaries with those of the judges of the International Court of Justice and other international courts and tribunals.

## Annex VI (b)

### Standard salary costs for 2019 - Professional and General Service staff at Headquarters (thousands of euros)

<i>Post level</i>	<i>Net salary</i>	<i>Common staff costs</i>	<i>Representation allowance</i>	<i>Total</i>
	(1)	(2)	(3)	(1)+(2)+(3)=(4)
USG	168.5	70.4	4	242.9
ASG	154.5	64.6	3	222.1
D-1	134.6	56.3		190.8
P-5	117.2	49.0		166.2
P-4	101.8	42.6		144.3
P-3	84.5	35.3		119.8
P-2	69.5	29.1		98.6
P-1	69.5	29.1		98.6
GS-PL	62.6	26.2		88.8
GS-OL	51.4	21.5		72.9

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: 8 per cent  
 (c) Existing Professional and General Service posts in MP III, IV and VI: 10 per cent  
 (d) Existing Professional and General Service posts in MPs VII-5 and VII-6: 0 per cent

<i>Post level</i>	<i>Delayed recruitment factors</i>			
	(0%)	(5%)	(8%)	(10%)
USG	242.9	230.8	223.5	218.6
ASG	222.1	211.0	204.3	199.9
D-1	190.8	181.3	175.5	171.7
P-5	166.2	157.9	152.9	149.6
P-4	144.3	137.1	132.8	129.9
P-3	119.8	113.8	110.2	107.8
P-2	98.6	93.7	90.7	88.7
P-1	98.6	93.7	90.7	88.7
GS-PL	88.8	84.4	81.7	79.9
GS-OL	72.9	69.3	67.1	65.6

## Annex VII

### Proposed 2019 budget for the African Union Liaison Office (AULO)

1. In line with part IX of resolution ICC-ASP/9/Res.4 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 2019. Should the African Union agree to the request of the International Criminal Court (“the Court”) to open a Liaison Office in Addis Ababa, the Court will notify the Committee on Budget and Finance of the need to access the Contingency Fund for up to the amount in the Court’s proposed budget for 2019 of €378,900 in order to proceed with the establishment of the said Liaison Office.

1320 African Union Liaison Office	2017 Expenditures (thousands of euros)			2018 Approved Budget	Resource Changes		Proposed 2019 Budget (thousands of euros)
	Total	Cont. Fund	Total incl. CF		Amount	%	
<i>Judges</i>							
Professional staff							171.7
General Service staff							65.6
<i>Subtotal staff</i>							244.8
General temporary assistance	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	-	-	-
Travel	-	-	-	-	-	-	15.2
Hospitality	-	-	-	-	-	-	1.0
Contractual services	-	-	-	-	-	-	15.6
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
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>378.9</b>

## Annex VIII

### 2019 estimated income statements

#### Least-Developed Countries Trust Fund (euros)

<b>Estimated income 2019</b>	
Donor contributions	25,000
<i>Subtotal income</i>	25,000
<b>Estimated expenditure 2019</b>	
Travel	21,100
Administration costs	3,900
<i>Subtotal expenditure</i>	25,000
<b>Net income 2019</b>	<b>0</b>

<sup>1</sup> Official Records ... Ninth Session ... 2010 (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.4.

## Annex IX

### Information Technology and Information Management at the International Criminal Court: Five-Year Strategy (2017-2021)

1. In February 2017, the Information Management Governance Board (IMGB) endorsed the Five-Year IT/IM Strategy of the International Criminal Court (“the Court”), which was subsequently validated by the Coordination Council (CoCo) on April 2017. The focus of the Court’s five-year strategy is on improving the efficiency, transparency, sustainability and security of the Court’s systems, which has been designated a Court-wide strategic priority. This annex provides an overview of total investment for the 2017-2021 period, estimates for the annual Information Management Services Section (IMSS) forecast of operating costs to support the systems during and post strategy, and details of the breakdown of resources for strategic projects in 2019.

2. The Court-wide investment for staff and non-staff costs was presented at the thirtieth session of the Committee on Budget and Finance (“the Committee”) in April 2018. The table below contains actual figures from 2017, the approved budget for 2018, the proposed budget for projects in 2019 and the forecasts for 2020 and 2021. The forecasts will continue to be updated each year and reported to the Committee, with a detailed explanation of actual expenditure and revised forecasts for future years.

**Table 1: Total investment for the five-year Court-wide strategy 2017-2021 (thousands of euros)**

<i>Cost Centre</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>Total for Duration of Strategy</i>
<b>Staff costs</b>						
MP III: Registry						
DMS	-	100.0	100.0	100.0	100.0	400.0
DJS	-	146.5	146.5	146.5	146.5	586.0
<i>Total staff costs</i>	-	<i>246.5</i>	<i>246.5</i>	<i>246.5</i>	<i>246.5</i>	<i>986.0</i>
Staff costs delta from previous year	-	+246.5	-	-	-	-
<b>Non-staff costs</b>						
MP II: OTP	-	135.0	180.0	180.0	180.0	675.0
MP III: Registry						
DJS	664.0	600.0	1,592.0	1,626.0	1,763.0	6,245.0
DMS	-	224.9	150.0	20.0	370.0	764.9
Total MP III: Registry		824.9	1,742.0	1,646.0	1,950.0	
<i>Total non-staff costs</i>	<i>664.0</i>	<i>959.9</i>	<i>1,922.0</i>	<i>1,826.0</i>	<i>2,313.0</i>	<i>7,684.9</i>
Non-staff costs delta from previous year	-	+295.9	+962.1	-96.0	+487.0	-
<b>Total Court-wide investment</b>	<b>664.0</b>	<b>1,206.4</b>	<b>2,168.5</b>	<b>2,072.5</b>	<b>2,559.5</b>	<b>8,670.9</b>
<b>Total delta from previous year</b>	-	<b>+542.4</b>	<b>+962.1</b>	<b>-96.0</b>	<b>+487.0</b>	-

3. At the Committee’s thirtieth session, the Court also presented the overall impact of executing the strategy on IMSS operating costs. The figure below illustrates the forecast trends for the Court-wide strategic investment (bottom line), the annual IMSS baseline operational budget for staff and non-staff (middle line) referred to as “lights-on”, and finally, the forecast total of the IMSS budget (top line), which comprises the baseline operating costs plus the strategic investments included in the IMSS budget. When this data

was provided at the Committee's thirtieth session, the total forecast budget, as illustrated by the green line, was estimated at €1,273.0 thousand. The IMSS proposed budget for 2019, as detailed in Programme 3300 – Division of Judicial Services, is €1,123.8 thousand, which is just under the forecast communicated in April 2018. IMSS will continue to monitor and report on the forecast for annual lights-on, budget and strategic investment.

**Figure 1: IMSS budget, IT lights on and Court-wide strategy investment**



4. The total Court-wide investment for strategic projects in 2019 is €2,168.5 thousand with €46.5 thousand and €1,922.0 thousand in staff and non-staff costs, respectively. The investments are distributed among the Office of the Prosecutor (OTP) (€180.0 thousand) and in the Registry under the Division of Management Services (DMS) (€250.0 thousand) and the Division of Judicial Services (€1,738.5 thousand), which includes the Court Management Section (CMS) (€146.5 thousand) and IMSS (€1,592.0 thousand). The table below breaks down staff and non-staff costs for each stream of the strategy per cost centre.

**Table 2: Summary of Court-wide 2019 strategic projects funding (thousands of euros)**

2019 Funding for Strategy	MP III: Registry			Total Stream
	MP II: OTP	DMS	DJS	
<b>Staff</b>				
Judicial	-	-	146.5	146.5
Administrative	-	100.0	-	100.0
<b>Total staff</b>	<b>-</b>	<b>100.0</b>	<b>146.5</b>	<b>246.5</b>
<b>Non-staff</b>				
Prosecutorial	180.0	-	295.0	475.0
Judicial	-	-	1,060.0	1,060.0
Administrative	-	150.0	-	150.0
Information Management	-	-	-	-
Information Security	-	-	187.0	187.0
Optimizing IT	-	-	50.0	50.0
<b>Total non-staff</b>	<b>180.0</b>	<b>150.0</b>	<b>1,592.0</b>	<b>1,922.0</b>
<b>Total</b>	<b>180.0</b>	<b>250.0</b>	<b>1,738.5</b>	<b>2,168.5</b>

5. While the IMSS budget comprises €1,592.0 of the requested €1,922.0 in non-staff costs for investments in strategic projects across Judicial, Information Security and Optimizing IT, the non-staff costs of €295.0 and €180.0 for the OTP projects are covered

by IMSS and the OTP, respectively. Administrative projects are funded solely by DMS and have staff and non-staff components. CMS has an ongoing requirement for staff costs in order to continue the GTA position of eCourt Project Manager for the Judicial Workflow Platform. Information Management projects in 2019 will utilize existing staff resources and, hence, no further investment is required.

6. The following table presents the individual strategic projects for each stream in 2019 that require an investment in staff and non-staff resources. While there are additional IMSS projects in Information Management and Optimizing IT, they are not discussed here as they will be executed using existing staff resources and do not require additional investments. However, pursuant to the Committee's recommendation, the report on the detailed strategy plan to be submitted at its thirty-first session will include all projects in the five-year strategy, regardless of whether funding is required.

7. The Information Security stream now has a total of six projects for 2019, contrary to what was reported at the Committee's thirtieth session. The revision reflects updated priorities to address the continually changing threat profile of the Court and to take advantage of evolving technologies. This shift in priorities is accommodated within the forecast funding previously presented to the Committee and endorsed by the IMGB during the preparation of the 2019 budget.

**Table 3: 2019 Strategic Project Investments (thousands of euros)**

Stream	Initiative	MP II: OTP		MP III: Registry				Total
				DMS		DJS		
		Staff	Non-staff	Staff	Non-staff	Staff	Non-staff	
Prosecutorial	Integrate Fact Analysis Database (FAD) – iBase with other investigative tools		45.0				55.0	100.0
	Forensic Tool Improvement Project – implementation phase: anonymous browsing (WASP), forensic capture (SCREEN) and OSINT		110.0				95.0	205.0
	Forensic Evidence Vault Implementation		25.0				145.0	170.0
	<b>Subtotal</b>		<b>180.0</b>				<b>295.0</b>	<b>475.0</b>
Judicial	Judicial Workflow Platform - Unified Information Repository						570.0	716.5
	Judicial Workflow Platform - Evidence and Case Record Gateway					146.5	402.0	402.0
	Judicial Workflow Platform - Litigation Platform						88.0	88.0
	<b>Subtotal</b>					<b>146.5</b>	<b>1,060.0</b>	<b>1,206.0</b>
Administration	Roll out web-based user interface (Fiori) to various approval scenarios				20.0			120.0
	Attendance Administration and Monitoring for Security Section			100.0	50.0			50.0
	Digital Personnel Files				80.0			80.0
	<b>Subtotal</b>			<b>100.0</b>	<b>150.0</b>			<b>250.0</b>
Security	Cloud Access Security to improve security of data storage						67.0	67.0
	Risk Management Framework specialized contractors						5.0	5.0
	Extend Threat Intelligence Platform (deferred from 2018)						40.0	40.0
	Penetration Testing						20.0	20.0
	Information Security Incident Response Training for IMSS						15.0	15.0
	Data Loss Prevention						40.0	40.0
<b>Subtotal</b>						<b>187.0</b>	<b>187.0</b>	
Optimizing IT	Virtual Infrastructure Renewal						50.0	50.0
	<b>Subtotal</b>						<b>50.0</b>	
<b>Total</b>			<b>180.0</b>	<b>100.0</b>	<b>150.0</b>	<b>146.5</b>	<b>1,592.0</b>	



## Annex X

### Proposed capital investments (2019-2022)

1. As requested by the Committee on Budget and Finance (“the Committee”), the International Criminal Court (“the Court”) has identified its capital investment costs and presented them to the Assembly of States Parties (“the Assembly”) to ensure a better understanding of their Court-wide implications and to avoid any surprises when a clearly identifiable amount falls due.<sup>1</sup> The table below provides an overview of these costs for the 2019-2022 period. In line with past practice, the amounts required for capital investment under the Court’s 2019 Proposed Programme Budget have been organized by priority and reduced to a minimum.

**Table 1: Four-Year Capital Investment Plan (2019-2022)**

<i>Capital investment</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Vehicles	335,000	420,500	420,250	465,000
Investments related to the Court’s Five-Year IT/IM Strategy	50,000	500,000	50,000	
<b>Total capital investment</b>	<b>385,000</b>	<b>920,500</b>	<b>470,250</b>	<b>465,000</b>

#### A. Vehicles

2. The costs indicated in the table above are based on the replacement plan for vehicles in the field for the 2019-2022 period. Vehicles distributed and transferred among country offices depending on operational needs range in age from 8 to 16 years old.

#### B. Investments related to the Court’s Five-Year IT/IM Strategy

3. According to industry standards, storage and virtual infrastructure components have a lifespan of three to five years and need to be replaced within that period. As stated in the Court’s Five-Year IT/IM Strategy, a capital investment amount of €100.0 thousand split between years 2019 and 2021 is required to renew the Court’s virtual infrastructure. A larger investment of €500.0 thousand is required for SAN (Storage Area Network) storage replacement in the data centre to maintain the Court’s storage capacity.

<sup>1</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.II, para. 22.

## Annex XI

### Savings and efficiencies achieved in 2018 and estimates for 2019

In accordance with the requests tabled by the Assembly of States Parties and the Committee on Budget and Finance, this annex provides detailed information on savings, efficiencies, non-recurrent costs and additional cost reductions. For the background on this initiative please refer to the relevant sections of the requests on Savings and Efficiencies.<sup>1</sup>

#### A. Savings

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Savings</i>	<i>2019 Impact to Baseline</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
ID02: In the Investigation Division, commencing in 2018 (security permitting), Europe-based witnesses travel to HQ as opposed to having 2 investigators and 1 interpreter travel to the location of the witness.	Funds required for Travel reduced resulting in a saving of €85,320 in 2018 and a reduction of €85,320 (based on 18 interviews) in 2019.	85.3	85.3	-
ID03: In the Investigation Division, commencing in 2018 (security permitting), investigative capacity has been created in the field.	Funds required for Travel reduced resulting in a saving of €12,804 in 2018 and a reduction of €215,196 in 2019.	112.8	215.2	-
DMS01: In 2018, the Office of the Director (SAP Team) reviewed and renegotiated SAP licences across all ERP applications.	Increase of yearly SAP licences maintenance cost by €17,000 avoided and brought down to an increase of €15,000 only by consolidating licences for the use of new and existing SAP software.	-	-	102.0
DMS23: In 2018, the Office of the Director (Occupational Health Unit - OHU) terminated the Field Paramedical Support contract with an external service provider and the annual cost of the service is being used to recruit one in-house GS-PL Senior Nurse and one GS-OL Field Paramedic.	The difference between the yearly cost of the external contract and the cost of internal resources represents a saving of €2,200. In addition to savings the increased internal capacity of OHU is used to cope with increased activities.	-	22.2	-
DMS11: Each year, the General Services Section reviews all applicable facilities management contracts and renegotiates during procurement processes.	In 2018 the garbage removal contract was renegotiated: Funds required for GOE reduced resulting in a saving of €7,000 in 2018 and a reduction of €7,000 in 2019.	7.0	7.0	-
DMS12: In 2019, the General Services Section will move to a new maintenance contractor reducing the need for one GTA Handyman (GS-OL).	Saving and decrease in 2019 GTA of €72,900.	-	72.9	-
DMS18: For 2018, the General Services Section has reviewed the process for managing freight. Several shipments where possible will be consolidated into one.	Funds required for GOE reduced resulting in a saving of €15,000 in 2018 and a reduction of €15,000 in 2019.	15.0	15.0	-

<sup>1</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), ICC-ASP/15/Res.1, para. L.1.- L.2.; ICC-ASP/16/10, paras. 38-51 and Annex X.; ICC-ASP/16/Res.1/Advance version, part K.2.; ICC-ASP/17/5, para. 17.

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Savings</i>	<i>2019 Impact to Baseline</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
DMS20: In 2018, following the increasing digitalization of data and despite increasing activities, the General Services Section has reduced the estimated demand for paper.	Funds required for Supplies and Materials reduced resulting in a saving of €10,000 in 2018 and a reduction of €10,000 in 2019.	10.0	10.0	-
DMS24: The General Services Section continuously seeks to improve energy use at Headquarters and this results in constant adjustments and recalibration of the Court's building technology. In 2017, the Court reduced its electrical consumption.	Funds required for GOE reduced resulting in a saving of €4,000 in 2018 and a reduction of €4,000 in 2019.	94.0	94.0	-
DMS21: In 2018, the Safety and Security Section reviewed the vetting process and eliminated a number of steps that reduced the level of required outsourced services.	Funds required for 2019 vetting-related Contractual Services reduced resulting in a saving of €2,500.	22.5	22.5	-
DJS03: In 2017, the Information Management Services Section decommissioned ISDN lines as backup for the voice services at the HQ.	Funds required for GOE reduced resulting in a saving of €25,000 in 2018 and a reduction of €25,000 in 2019.	25.0	25.0	-
DJS04: In 2017, the Information Management Services Section decommissioned redundant network equipment in country offices.	Funds required for GOE reduced resulting in a saving of €14,000 in 2018 and a reduction of €14,000 in 2019.	14.0	14.0	-
DJS05: In 2017, the Information Management Services Section replaced the existing two-factor authentication system with a more economical one.	Funds required for GOE reduced resulting in a saving of €12,000 in 2018 and a reduction of €12,000 in 2019.	12.0	12.0	-
DJS06: Historically the Court has used two satellite telecommunications providers in the field. In 2017, a decision was made to use a single provider.	Funds required for GOE reduced resulting in a saving of €10,000 in 2018 and a reduction of €10,000 in 2019.	10.0	10.0	-
DJS08: In 2018, the Information Management Services Section renegotiated the agreement for the landline phone communications at HQ.	Funds required for GOE reduced resulting in a saving of €30,000 in 2018 and a reduction of €30,000 in 2019.	30.0	30.0	-
DJS17: In 2018, the Office of Public Counsel for Victims commenced the use of video link in Bunia, DRC, to meet victims in the Katanga reparations proceedings.	Funds required for Travel reduced resulting in a saving of €3,000 in 2018 and a reduction of €3,000 (based on 18 interviews) in 2019.	3.0	3.0	-
DEO04: In 2017, the Victims and Witnesses Section reviewed the contract structure established with vendors who assist with witness protection initial response systems. The new contracts no longer contain monthly retainers but focus on payments aligned with work delivered.	The new contract structure reduces the overall costs associated with initial response systems. In 2019, the estimated saving to GOE is €2,000.	52.0	52.0	-

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Savings</i>	<i>2019 Impact to Baseline</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
DEO06: In 2018, the Public Information and Outreach Section, in conjunction with the Information Management Services Section, is scheduled to complete the Digital Recording System (DRS) project. This system stores archives of the proceedings for public purposes more efficiently and reduces cost by removing the need to buy additional server storage.	When this project is completed, an annual saving of €30,000 will be realized and will avoid a cost increase in 2019. The 2018 Furniture and Equipment was already reduced in anticipation of this project's completion.	-	-	30.0
DEO10: In 2019, the DRC Country Office is required to provide SSAFE training to its staff. Until recently, staff were required to travel to HQ for this training. However, negotiations with the UNDSS now provides that DRC staff can attend this training in the DRC.	Increase in Travel costs avoided for 2019 resulting in a saving of €30,000.	-	-	30.0
DEO11: In 2018, the DRC Field Office commenced online English training. This eliminated the need for DRC staff members to attend class-based courses where the costs were comparatively higher and staff were not always able to attend on account of workload and operational priorities. Flexibility offered by the online training sessions in terms of time management is highly appreciated by staff members.	Flexible training delivery schedule has increased participation rates: close to 100% attendance. Given that training is online, time is saved commuting from the country office to the training venue. The overall cost of online training is lower than that provided by DRC-based institutes.	6.8	6.8	-
DEO12: In 2019, the Côte d'Ivoire Country Office will implement a new strategy of carpooling to minimize mileage and better coordinate the use of vehicles.	Funds required for maintenance of and fuel for vehicles, calculated at €15,000 on average, are expected to be reduced by 10%.	-	1.5	-
DEO13: In 2019, the Côte d'Ivoire Country Office will implement a change in process for coordinating joint in-country missions for Outreach, VPR, OPCV and TFV, and this will provide economies of scale in relation to fuel and vehicle maintenance costs.	Overall number of missions is expected to be halved, resulting in a saving of €1,250 in fuel and vehicle maintenance costs.	-	11.3	-
DEO14: In 2018, the Côte d'Ivoire Field Office, in cooperation with the UNDP, improved its capacity to gain favourable procurement terms, conditions and rates.	10% reduction in procurement activities. Funds required for Contractual Services reduced resulting in a saving of €5,000 in 2018 and a reduction of €5,000 in 2019.	5.0	5.0	-
DEO15: In 2018, the Mali Field Office increased its use of videoconference facilities.	Funds required for Travel reduced resulting in a saving of €4,810 in 2018 and a reduction of €4,810 in 2019.	4.8	4.8	-
DEO16: In 2018, the Mali Field Office altered its service provider for the procurement of goods and services.	Funds required for Contractual Services reduced resulting in a saving of €4,950 in 2018 and a reduction of €4,950 in 2019.	5.0	5.0	-

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Savings</i>	<i>2019 Impact to Baseline</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
STFV03: In 2018 and 2019, the Annual STFV Board Meeting (May) will be taking place on the Court's premises (HQ) rather than at a hotel in The Hague.	Funds required for booking a meeting room in a hotel in The Hague are calculated at €1,000 per meeting.	2.0	2.0	-
		<b>516.2</b>	<b>726.5</b>	<b>162.0</b>

## B. Efficiencies

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Efficiencies</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
Presidency04: New York Liaison Office to be redeployed to Sub-programme 3800 (Division of External Operations) within the Registry, and managed alongside the country offices.	In the light of the Division's central role in The Hague of ensuring that logistical and administrative issues concerning the presence of the Court outside The Hague are addressed effectively and efficiently, the redeployment of the Office will facilitate positive synergy among the organs and ensure a consolidated and consistent strategy throughout all country offices of the Court. (The impact of this efficiency will be calculated at a later date.)	-	-
SS01: In the Services Section, commencing in 2017 and continuing through 2019, a new procedure was developed to copy files to USB drives, eliminating the need to burn information to compact disks.	Time taken to copy files has been reduced by 1 day per year (P-1). Issues related to poor quality have been reduced.	4.3	4.3
SS02: In the Services Section, commencing in 2018, a checklist for reviewing travel claims was developed and added to the travel claim process. This improved the accuracy and quality of information provided by stakeholders during the process.	Time taken to process travel claims within the OTP has been reduced by 12.2 days per year (P-2/P-3).	4.9	4.9
SS03: In the Services Section, commencing in 2018, additional functionality was added to the Financial Planning and Control (FPC) Portal-Online Request System automating resource request processes.	Time taken to process requests has been reduced by 34.7 day per year (GS-OL) and 13.9 days per year (P-2/P-3). Quality of information flow between stakeholders improved.	14.8	14.8
SS04: In the Services Section, commencing in 2018, indexing functionality was added to the FPC Portal-Online Request System for the annual procurement plan and annual training plan processes. Each item within the system can now easily be tracked throughout the system.	Time taken to process requests has been reduced by 10.9 days per year (GS-OL). Quality of information flow between stakeholders improved.	2.8	2.8
SS05: In the Services Section, commencing in 2018, the process for printing PRF numbers was automated through the FPC Portal-Online Request	Time taken to reconcile operation reports has been reduced by 24 days per year (GS-OL).	6.4	6.4

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Efficiencies</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
System.			
JCCD01: In 2018, SharePoint-based automated workflows have been developed to coordinate invitations for external speaking engagements (pilot running currently).	Time taken to coordinate invitations has been reduced by 1 hour per week (GS-OL and P-3).	2.5	2.5
JCCD02: In 2018, a database for incoming and outgoing cooperation requests for assistance was developed. The new database improves information quality and transparency across Integrated Teams and improves the follow-up process for pending requests.	Time taken to enter data and produce reports has been reduced by 3.3 days per year (GS-OL). Improved teamwork and collaboration between Integrated Team members and other applicable stakeholders.	6.8	6.8
DMS02: In 2018, the Office of the Director (SAP Team) and Budget Section implemented the mandatory upgrade of the SAP funds management system to the SAP Budget Control System (BCS).	Time taken to administer appropriations, allotments and transfers has been reduced by 20 days per year (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €5,225.	5.2	5.2
DMS03: In 2018, the Office of the Director (SAP Team) and Budget Section automated the budget planning process by implementing SAP software, Business Planning and Consolidation (BPC).	Time taken to administer the budget planning process by the Budget Section has been reduced by 10 days per year (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €2,613.	2.6	2.6
DMS04: In 2018, the Office of the Director (SAP Team) and Budget Section developed a user-friendly SAP-Business Objects Budget Dashboard.	Budget implementation information is now more accessible and more clearly presented. Time taken to administer reporting-related queries from end users has been reduced by 10 days per year (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €2,613.	2.6	2.6
DMS05: In 2018, the Office of the Director (SAP Team) automated SAP support requests through existing software used by the IMSS.	Time taken to generate, track and close SAP service requests has been reduced by 10 days per year (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €2,613.	2.6	2.6
DMS06: In 2018, the Office of the Director (SAP Team) and the Finance Section automated aspects of IPSAS reporting. This improved the process for reconciling budget results and accounting results and removed the need to manually combine data from 2 different sources within SAP's financial and budget modules.	Time taken to generate reports for auditing has been reduced by 10 days per year (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €2,613.	2.6	2.6
DMS07: In 2018, the Office of the Director (SAP Team) and the Finance Section automated DSA deductions in the SAP travel module.	Time taken to generate DSA deductions has been reduced by 10 days per year (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €2,613. Improved accuracy of calculations.	2.6	2.6
DMS08: In 2018, the Budget Section reduced time spent on generating the Court's monthly expenditure report by creating an automated interface between the report and SAP data.	Time taken to produce the report has been reduced by 3 days per month (GS-OL) resulting in a 2019 efficiency allowing the Court to avoid a cost increase of €9,400. Error rate between the report and SAP data reduced to zero.	9.4	9.4

<i>Description</i>	<i>Achieved Output</i>	<i>2018 Efficiencies</i>	<i>2019 Costs Avoided (Baseline Maintained)</i>
DMS10: In 2018 the Finance Section, in line with the External Auditor's recommendation, implemented the automation of IPSAS-compliant financial statements in SAP, providing a full and transparent audit trail from financial statements to the underlying data, integrating internal control inherent in the system, and reducing manual work required to prepare financial statements.	Time taken to administer this process for 2 staff (P-3 and GS-OL) has been reduced by a total of 5 days each per year.	3.5	3.5
DJS01: In 2017, the Court Management Section added new functionality to the eCourt Operating System (ECOS) to automate the distribution of documents to participants in proceedings. This also eliminated the need to enter various information into three different databases that have since been decommissioned.	Time taken to administer this process by 6 staff (GS-OL) has been reduced by 29 hours per month.	6.1	6.1
DJS02: In 2017, the Court Management Section added new functionality to the ECOS to automate the administration of access, security controls and notification of Court documents.	Time taken to administer this process by 6 staff (GS-OL) has been reduced by 29 hours per month.	6.1	6.1
DJS12: In 2018, the Victims Participation and Reparations Section implemented a new mobile victim application form and process (tablet-based), replacing the previous paper-based process.	Removing the paper-based elements of the process increases security and data processing speed at HQ and increases the Court's capacity to report on key statistics. Time taken to process application forms reduced by 10 hours (GS-OL) per week.	16.7	16.7
DJS13: In 2018, the Victims Participation and Reparations Section is upgrading the Victims Application Management System (VAMS) from a Windows-based to a web-based platform: this will result in better accessibility for field staff and easier information extraction for relevant stakeholders (Chamber, Legal Representatives, OPCV, and STFV).	Time taken to manage victim applications reduced by 5 hours (GS-OL) per week.	2.1	8.4
DJS14: In 2018, the Victims Participation and Reparations Section has developed a new online application form for victim representations and applications for participation in the proceedings/reparations on the Court's website.	Removing the paper-based elements of the process and the need for a VPR officer or intermediary to travel reduces processing time and allows the Court to increase the overall amount of VPR data received within the timelines issued by Chambers. Time taken to manage victim applications reduced by 20 days (P-2) per year.	7.0	7.0
STFV02: In 2018, a new Management Information System (MIS) is being developed to allow easy access for Implementing Partners (IPs) to record their results/outputs and to also allow the STFV to review and monitor the implementation of projects.	Funds required for the development of MIS will be covered by voluntary contributions and not by the regular budget.	-	126.0
		<b>111.6</b>	<b>243.9</b>

### C. Non-recurrent costs

<i>Description</i>	<i>Achieved Output</i>	<i>2019 Impact to Baseline</i>
Presidency01: By careful and efficient coordination and because it is his home country, a security officer who was accompanying the President provided him with the necessary logistical support, meaning that the External Relations Adviser (P-3) was not needed in Abuja.	Travel cost and Daily Subsistence Allowance of one External Relations Adviser for a trip from The Hague to Abuja.	3.9
Presidency02: By careful and efficient coordination, the New York Liaison Office provided the necessary logistical support to the President, meaning that the External Relations Adviser (P-3) was not needed in New York.	Travel cost and Daily Subsistence Allowance of one External Relations Adviser for a trip from The Hague to New York.	5.8
Presidency03: Induction of newly-elected Judges in 2018.	Non-recurrent cost: €19,700 reduction in 2019 Travel.	49.7
Chambers01: Costs of appointment of newly-elected judges.	Non-recurrent cost: €10,000 reduction in 2019 Judges' Costs.	310.0
DMS09: For 2019 the Finance Section is not required to pay for UN System Finance and Budget network membership fees. This is required every other year.	Non-recurrent cost: €15,100 reduction in 2019 Contractual Services. This cost will appear again in the 2020 budget.	15.1
DEO07: In 2018, the Public Information and Outreach Section's technical training will differ compared to 2019. Technical training being run this year and not required in 2019 includes media engagement and media crisis training.	Non-recurrent cost: in 2018 resulting in a €3,200 reduction in 2019 Training.	3.2
OIA1: In 2018, the OIA hired a consultant to conduct the five-yearly external assessment of OIA in accordance with the standards of the Institute of Internal Auditors.	Non-recurrent cost: €20,000 reduction in 2019 Consultants.	20.0
		<b>407.7</b>

### D. Additional cost reductions

<i>Description</i>	<i>Achieved Output</i>	<i>2019 Impact to Baseline</i>
DMS13: For 2019, the General Services Section has reduced the estimated workload for transportation due to reduced service requests by clients.	Funds required for 2019 overtime for drivers reduced resulting in an additional cost reduction of €20,000.	20.0
DMS14: For 2019, the General Services Section has reduced the estimated demand for office moves and postage.	Funds required for 2019 contractual services reduced resulting in an additional cost reduction of €6,000.	6.0
DMS15: For 2019, the General Services Section has reduced the estimated demand for drinking water and expected cost for the supply of electricity.	Funds required for 2019 GOE reduced resulting in an additional cost reduction of €1,000.	11.0
DMS16: For 2019, the General Services Section has reduced the estimated demand for transportation, allowing Court's drivers to provide most of the coverage thereby reducing the need for outsourced services.	Funds required for 2019 GOE reduced resulting in an additional cost reduction of €7,000.	7.0
DMS17: For 2019, the General Services Section has reduced the estimated demand for courier services.	Funds required for 2019 GOE reduced resulting in an additional cost reduction of €20,000.	20.0



<i>Description</i>	<i>Achieved Output</i>	<i>2019 Impact to Baseline</i>
DMS19: For 2019, the General Services Section has reduced the estimated demand for robes.	Funds required for 2019 Supplies and Materials reduced resulting in an additional cost reduction of €10,000.	10.0
DMS22: In 2019, while 2 courtrooms and the same number of Security Officers are required, the estimated number of court hearing days has been reduced from 400 to 324. As a result, the schedule for security support has been optimized.	Funds required for 2019 overtime and night differential reduced resulting in an additional cost reduction of €44,500.	44.5
DJS07: In 2017, the Information Management Services Section mobile communication costs for Uganda Field Office was reduced due to a decrease in the estimated number of missions.	Funds required for 2019 GOE reduced resulting in an additional cost reduction of €30,000.	30.0
DJS10: In 2018, the Language Services Section has adjusted funds required for language interpreters at hearings and in the field to cater for changing workloads in specific situations.	Funds required for 2019 GTA reduced resulting in an additional cost reduction for field interpreters and interpreters at hearings of €85,800.	185.8
DJS11: In 2018, the Language Services Section decreased the estimated demand for travel associated with field interpretation based on the estimate for 2019 court hearing days.	Funds required for 2019 Travel reduced resulting in an additional cost reduction of €5,300.	5.3
DJS15: For 2019, the Office of Public Counsel for Victims has reduced the estimated demand for client travel due to a number of OPCV clients re-settling in countries where travel costs are less expensive.	Funds required for 2019 Travel reduced resulting in an additional cost reduction of €7,000.	7.0
DJS18: The Counsel Support Section reduced the estimated 2019 demand for counsel for victims.	Funds required for 2019 counsel for victims reduced resulting in an additional cost reduction of €63,700.	63.7
DEO01: In 2018, the External Operations Support Section completed mandatory expert training for current staff. In the absence of turnover and the need for refresher training / recertification, training funds for these courses will not be required.	Funds required for 2019 Training reduced resulting in an additional cost reduction of €6,600.	6.6
DEO03: In 2018, the Victims and Witnesses Section reduced the estimated number of 2019 witnesses.	Funds required for 2019 TAM reduced resulting in an additional cost reduction of €109,400.	109.4
DEO05: For 2019, the Victims and Witnesses Section has decreased its GOE and this is mainly attributable to the post ReVision structure, OTP referral estimates, improved working practices in case management, enhanced focus on expenditure and increased cooperation from core partner States.	Funds required for 2019 GOE reduced resulting in an additional cost reduction of €1,717,400.	1,717.4
		<b>2,243.7</b>

## Annex XII

## ICC Five-Year Time-Series Assumptions and Parameters 2015-2019

Parameter	2015			2016			2017			2018		2019	
	Ap-pvd	Ac-tual	Description	Ap-pvd	Ac-tual	Description	Ap-pvd	Ac-tual	Description	Ap-pvd	Description	Pro-posed	Description
1 Number of hearing days	200	110	Following the withdrawal of Prosecution charges in the <i>Kenyatta</i> case, trial hearings did not continue in 2015 as originally assumed. Specific case developments in the <i>Ruto and Sang</i> case also led to a substantially reduced requirement for courtroom time.	465	276	Before the approval of the 2016 Proposed Programme Budget, the number of trials planned was reduced from 3 to 2 (owing to the Trial Chamber's decision in the <i>Ruto and Sang</i> case), which resulted in a decrease from the original number of planned Court hearings of 465 to 310.	440	298	Case: <i>Gbagbo/Blé Goudé</i> (103), <i>Ntaganda</i> (77), <i>Ongwen</i> (113), <i>Bemba et al.</i> (1), <i>Katanga</i> (1), <i>Al Bashir</i> (1), <i>Al Mahdi</i> (1), <i>Lubanga</i> (1).	400	2 courtrooms. CIV: 160 days; Uganda: 160 days; DRC: 80 days, for the end of Defence case.	324	2 courtrooms. <i>Gbagbo and Blé Goudé</i> (CIV): 124 days; <i>Ongwen</i> (Uganda): 160 days; <i>Al Hassan</i> <sup>1</sup> (Mali II): 40 days.
2 Number of situations under investigation	8	8	No new situation countries were added during the year 2015, although deliberations concerning Georgia were ongoing.	8	9	Georgia was added as a new situation country in 2016.	11	11	CAR (I and II), Cote d'Ivoire, Darfur, Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali, Uganda and Comoros.	10	1-CAR I, 2-CAR II, 3-CIV, 4-DRC, 5-GEO, 7-KEN, 6-LBY, 8-MLI, 9-SUD and 10-UGA.	11	Burundi, CAR I, CAR II, CIV, DRC, Darfur, Georgia, Kenya, Libya, Mali and Uganda.
3 Number of active investigations	4(+2) <sup>2</sup>	4.5	OTP, despite being understaffed during the entire year in 2015, managed to undertake investigative activities in CAR, CIV, DRC and Mali, in addition to providing support to several Trial Teams.	5	6	A new investigation in Georgia was added. 2016 budget resources were equivalent to 4.5 teams, although they were deployed in 6 situations. Georgia was covered by the Contingency Fund.	6	6	CAR II.a (Séléka); CAR II.b (anti-Balaka); Libya III; CIV II; Georgia; Darfur.	6	CAR II.a (Séléka); CAR II.b (anti-Balaka); CIV II, Georgia; Libya III; Mali.	8	Burundi, CAR II.a (Séléka), CAR II.b (anti-Balaka), CIV II, Darfur, Georgia and Libya (III and IV).
4 Number of article 70 investigations	2	2	Kenya and CAR	-	-	N/A	-	-	N/A	-	N/A	N/A	N/A
5 Number of investigations pending arrest <sup>3</sup>	9	9	The office maintained contact with witnesses and ensured preservation of evidence in a number of cases "in hibernation".	9	9	Libya I; Libya II; Dar I, II&IV; Dar III (Banda); CIV I bis (SG); Mali I (Aguelok); DRC IV (Mudacumura); Kenya article 70; Uganda (Kony).	13	14 <sup>4</sup>	Libya I (1); Libya II (1); Libya IV (1); Dar I (2); Dar II & IV (2); Dar III (1); CIV Ibis (SG) (1); DRC III & IV (1); Kenya article 70 (3); Uganda (1).	14	Libya I (1); Libya II (1); Libya IV (1); Darfur I, II & IV (4); <sup>5</sup> Darfur III (1); CIV I bis (1); DRC III & IV (1); Kenya article 70 (3); Uganda (1).	16	CIV I bis (1); Darfur I (2), II, IV and V (2) and III (1); DRC IV (1); Kenya article 70 (3); Libya I (1), Libya II (1); Libya III (2); Uganda (2).
6 Number of preliminary examinations	-	-	N/A	9	10	3 new preliminary examinations were added: Burundi, Comoros and Gabon. The	10	10	Afghanistan, Burundi, Colombia, Gabon, Guinea, UK/Iraq, Nigeria, Palestine,	8-10	1-Afghanistan, 2-Colombia, 3-Gabon, 4-Guinea, 5-Iraq/UK,	9	Colombia, Gabon, Guinea, Iraq/UK, Nigeria, Palestine,

<sup>1</sup> Without prejudice to the decision on the confirmation of charges.

<sup>2</sup> Indicators in parenthesis relate to the opening of a second investigation in the Central African Republic (CAR) communicated by the Court as part of its proposed supplementary budget for 2015 (ICC-ASP/13/10Add.1).

<sup>3</sup> This parameter was called "Number of hibernated investigations" in 2015 and 2016.

<sup>4</sup> The increase from 13 to 15 is attributable to Libya I: Saif Al-Islam Gaddafi and Abdullah Al-Senussi (the latter warrant remains outstanding although the case has been ruled inadmissible); Libya II: Al-Tuhamy Mohamed Khaled; Libya IV: Mahmoud Mustafa Busayf Al-Werfalli.

<sup>5</sup> Joinder of Darfur I and Darfur II & IV.

Parameter	2015			2016			2017			2018		2019	
	Ap-pvd	Ac-tual	Description	Ap-pvd	Ac-tual	Description	Ap-pvd	Ac-tual	Description	Ap-pvd	Description	Prop-osed	Description
						examination in Honduras was closed. Georgia was moved to the next phase as a new active investigation.			Comoros and Ukraine.		6-Nigeria, 7-Palestine, 8-Ukraine and 9 and 10 TBD.		Philippines Ukraine and Venezuela. <sup>6</sup>
7 Number of Trial Teams <sup>7</sup> (Chambers)	5	6	During the year, Trial Teams were required to support 6 cases at trial: <i>Bemba, Ruto and Sang, Kenyatta</i> (small team to consider an issue remanded by the Appeals Chamber), <i>Ntaganda, Gbagbo and Blé Goudé</i> and <i>Bemba et al.</i> (article 70). In addition, several Chambers staff provided part-time team support to the Trial Chamber responsible for considering reparations in the <i>Lubanga</i> and <i>Katanga</i> cases.	6	9	Trial Chamber I ( <i>Gbagbo and Blé Goudé</i> ); Trial Chamber II Reparations ( <i>Lubanga, Katanga and Ngudjolo</i> ); Trial Chamber III ( <i>Bemba</i> ); Trial Chamber V(A) ( <i>Ruto and Sang</i> ); Trial Chamber VI ( <i>Ntaganda</i> ); Trial Chamber VII ( <i>Bemba et al.</i> ); Trial Chamber V(B) ( <i>Kenyatta</i> ); Trial Chamber VIII ( <i>Al Mahdi</i> ); Trial Chamber IX ( <i>Ongwen</i> ).	3	3	Trial Chamber I ( <i>Gbagbo and Blé Goudé</i> ); Trial Chamber VI ( <i>Ntaganda</i> ); Trial Chamber IX ( <i>Ongwen</i> ); Trial Chamber VII ( <i>Bemba et al.</i> ); Trial Chamber II Reparations ( <i>Lubanga and Katanga</i> ); Trial Chamber III Reparations ( <i>Bemba</i> ); Trial Chamber VIII Reparations ( <i>Al Mahdi</i> ).	5	Trial Chamber I ( <i>Gbagbo and Blé Goudé</i> ); Trial Chamber VI ( <i>Ntaganda</i> ); Trial Chamber IX ( <i>Ongwen</i> ); Trial Chamber II Reparations ( <i>Lubanga</i> ); Trial Chamber III Reparations ( <i>Bemba</i> ).	6	Trial Chamber I ( <i>Gbagbo and Blé Goudé</i> ); Trial Chamber VI Reparations ( <i>Ntaganda</i> ); Trial Chamber IX ( <i>Ongwen</i> ); Trial Chamber II Reparations ( <i>Lubanga and Katanga</i> ); Trial Chamber VIII Reparations ( <i>Al Mahdi</i> ); <i>Al Hassan</i> . <sup>1</sup>
8 Number of trial teams (OTP)	5	5		5	6	In 2016, 2 additional Trial Teams were needed to continue to support in the main trial in CAR ( <i>Bemba</i> ) and to cater for the new trial in Mali ( <i>Al Mahdi</i> ). The resources originally allocated to the Trial Team for Kenya were redeployed to other cases.	3	3	CIV ( <i>Gbagbo and Blé Goudé</i> ); DRC ( <i>Ntaganda</i> ); Uganda ( <i>Ongwen</i> ).	3	DRC ( <i>Ntaganda</i> ); CIV ( <i>Gbagbo and Blé Goudé</i> ); Uganda ( <i>Ongwen</i> ).	3	CIV I ( <i>Gbagbo and Blé Goudé</i> ); Uganda ( <i>Ongwen</i> ); Mali II ( <i>Al Hassan</i> ). <sup>1</sup>
9 Number of Registry courtroom support teams	1 team	1 team		2 teams	2 teams		2 teams	2 teams	2 full courtroom teams to ensure maximum use of courtroom capacity with minimal increases in required resources.	2 teams	2 full courtroom teams to ensure maximum use of courtroom capacity with minimal increases in required resources.	2	2 full courtroom teams to ensure maximum use of courtroom capacity.
10 Number of LRV teams within the OPCV							7		Trial: <i>Gbagbo and Blé Goudé</i> (1), <i>Ntaganda</i> (2) and <i>Ongwen</i> (1); Reparations: <i>Bemba</i> (1), <i>Lubanga</i> (1) and <i>Katanga</i> (1).	7	Trial: <i>Gbagbo and Blé Goudé</i> (1), <i>Ntaganda</i> (2) and <i>Ongwen</i> (1); Reparations: <i>Bemba</i> (1), <i>Lubanga</i> (1) and <i>Katanga</i> (1).	6	Trial: <i>Gbagbo and Blé Goudé</i> (1), <i>Ntaganda</i> (2), <i>Ongwen</i> (1), <i>Lubanga</i> (1) and <i>Katanga</i> (1).

<sup>6</sup> Nine situations that were under preliminary examination in 2018, without prejudice to situations in 2019.

<sup>7</sup> Trial Teams are Chambers teams which may be involved with preparation for upcoming trials; trial hearings; sentence hearings; and reparation hearings.

Parameter	2015			2016			2017			2018		2019	
	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Description	Proposed	Description
11 Number of languages supported in courtroom	6	10	Dioula and Bambara interpretation was postponed to 2016, negating any impact on the budget. Alur and Zaghawa were also not requested.	9	10	In 2016, 3 additional languages were supported in the courtroom: Arabic, Liberian English and Sango. There was no request for Swahili (Standard) or Bambara.	10	10	1-English, 2-French, 3-Congolese Swahili, 4-Kinyarwanda, 5-Acholi, 6-Dioula, 7-Malinke, 8-Lingala, 9-Arabic and 10-Kilendu.	9	1-English, 2-French, 3-Swahili (Congolese), 4-Kinyarwanda, 5-Acholi, 6-Dioula, 7-Lingala, 8-Ateso and 9-Lango.	10	1-Arabic, 2-English, 3-French, 4-Swahili (Congolese), 5-Kinyarwanda, 6-Acholi, 7-Dioula, 8-Lingala, 9-Ateso and 10-Lango.
12 Number of case-related languages supported	13	14	In Translation, there was no budget impact. For Arabic, Acholi, Kinyarwanda, Swahili and Lingala, translations were done in-house. For Georgian and Russian, the number of pages was relatively small. Field and Operational Interpretation had a continued requirement for Zaghawa/Arabic operational interpretation in support of the SUD case: €7,530. The Kinyarwanda operational interpretation requirement of €82,951 significantly exceeded the forecast amount.	21	24	In 2016, 11 additional case-related languages were supported in relation to proceedings: Arabic, French, English, Guéré, Lendu, Georgian, Russian, Turkish, German, Spanish and Dutch. There was no request for Swahili (Standard), Fur, Kalenjin, Kikuyu, Lango, Luganda, Luo or Ngit.	22	26	1-Tamasheq, 2-Zaghawa, 3-Swahili (Standard), 4-Swahili (Congolese), 5-Kinyarwanda, 6-Acholi, 7-Dioula, 8-Bambara, 9-Lingala, 10-Alur, 11-Arabic (Standard), 12-Arabic (Sudanese), 13-Ateso, 14-Guéré, 15-Fulfulde, 16-Lendu, 17-Lango, 18-Luo, 19-Sango, 20-Russian, 21-Georgian, 22-South-Ossetian, 23-Songhay, 24-Dari, 25-Pashto and 26-Kirundi.	29	1-English, 2-French, 3-Acholi, 4-Arabic (Sudanese), 6-Swahili (Congolese), 7-Kinyarwanda, 8-Lingala, 9-Dioula, 10-Bambara, 11-Ateso, 12-Alur, 13-Sango, 14-Zaghawa, 15-Tamasheq, 16-Georgian, 17-Russian, 18-Songhai, 19-Lendu, 20-Guéré, 21-Lango, 22-Ossetian, 23-Fulfulde, 24-Dari, 25-Pashto, 26-Kirundi, 27-Kihema, 28-Mooré and 29-Toura.	29	1-English, 2-French, 3-Acholi, 4-Arabic (Sudanese), 6-Swahili (Congolese), 7-Kinyarwanda, 8-Lingala, 9-Dioula, 10-Bambara, 11-Ateso, 12-Alur, 13-Sango, 14-Zaghawa, 15-Tamasheq, 16-Georgian, 17-Russian, 18-Songhai, 19-Lendu, 20-Guéré, 21-Lango, 22-Ossetian, 23-Fulfulde, 24-Dari, 25-Pashto, 26-Kirundi, 27-Kihema, 28-Mooré and 29-Toura.
13 Number of languages supported for correspondence with States Parties	21	2	There was no budget impact. There was a mistake in "Actual 2015 as at 31 July 2015". 25 languages are effectively covered to date for judicial cooperation. However, 2 languages were used in translation in 2015 for correspondence with State Parties in the context of judicial cooperation, namely Portuguese (at 31 July) and German (at 31 December).	25	6	While LSS planned for the maximum number of judicial cooperation languages in 2016 based on historical data, the actual languages used for correspondence with States Parties were the following: French, English, Spanish, Dutch, Arabic, Portuguese and German.	10	6	1-French, 2-English, 3-Arabic, 4-Portuguese, 5-German and 6-Spanish.	8	1-English, 2-French, 3-Arabic, 4-Spanish, 5-Dutch, 6-German, 7-Portuguese and 8-Georgian.	8	1-English, 2-French, 3-Arabic, 4-Spanish, 5-Dutch, 6-German, 7-Portuguese and 8-Georgian.

Parameter	2015			2016			2017			2018		2019	
	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Description	Proposed	Description
14 Number of final appeals	1	2	<i>Ngudjolo</i> and <i>Katanga</i> – both finished.	1	1	The appeal proceedings in <i>Bemba</i> with respect to conviction and sentence began in 2016 and will continue in 2017.	2 <sup>8</sup>	6 <sup>9</sup>	<i>Bemba et al.</i> (article 70) – conviction and sentence; <i>Bemba</i> (main case) – conviction and sentence; <i>Katanga</i> – reparations; <i>Al Mahdi</i> – reparations.	9 <sup>10</sup>	<i>Bemba</i> (main case) – conviction and sentence; <i>Bemba et al.</i> (article 70) – conviction and sentence; <i>Ntaganda</i> (conceivable); <i>Katanga</i> – reparations; <i>Al Mahdi</i> – reparations; <i>Lubanga</i> – reparations; potentially 1 more reparations appeal.	5 <sup>11</sup>	<i>Ntaganda</i> (article 74 and article 76); <i>Gbagbo and Blé Goudé</i> (article 74 and article 76); <i>Bemba</i> (article 70 and article 76)
15 Number of witnesses appearing for testimony	43 (+80) <sup>2</sup>	37	Assumptions were based on 4 trials continuing or starting in 2015 ( <i>Ntaganda</i> , <i>Ruto and Sang</i> , <i>Gbagbo and Blé Goudé</i> and <i>Bemba et al.</i> ). However, in 2015, only 2 trials started: <i>Ntaganda</i> and <i>Bemba et al.</i>	100	97	88-OTP; 7-Defence; 2-Chambers.	81	134	134 witnesses for 3 trials: <i>Ntaganda</i> (29); CIV: <i>Gbagbo and Blé Goudé</i> (52); <i>Ongwen</i> (53).	132	Average time: 3 days per witness.	128	Average time: 2.5 days per witness.
16 Expected maximum duration of stay per witness	15	42	Maximum duration 42 days.	15	30	On average, the duration of testimony in 2016 did not exceed 15 days. However, the actual maximum duration of stay per witness under the care of the VWS for appearance purposes in 2016 was 30 days in the <i>Ntaganda</i> case, owing to lengthy preparation by the Prosecution.	15	15	5 prep. days + 5 hearing days + 3 familiarization days + 2 days (1 weekend) = 15 average per witness.	14	8 preparation and/or familiarization days + 3 hearing days + 3 days (weekends/possible breaks) = 14 average per witness.	10	5 preparation and/or familiarization days + 2 hearing days + 3 days (weekends/possible breaks) = 10 average per witness.
17 Number of victims applying for participation/reparation	2,800	3,391	Application forms for participation in proceedings and/or for reparations (or registration forms for participation) were received in relation to the following situations and	3,500	4,845	In 2016, a substantial number of applications for participation in the proceedings were unexpectedly received in relation to the Cote d'Ivoire situation, leading to a higher number of	7,100	4,109	<i>Ntaganda</i> : 7; CAR II.a (Séléka): 0; CAR II.b (anti-Balaka): 0; <i>Gbagbo and Blé Goudé</i> : 53; CIV II: 1,702; Mali: 183; Georgia: 1; <i>Lubanga</i>	7,400	<i>Ntaganda</i> (2,100); CAR II.a (1,200); CAR II.b (1,100); CIV II (3,000).	7,500	CAR II.a (1,500); CAR II.b (1,500); CIV II (2,000); DRC (500); Mali II (1,000); Uganda (1,000).

<sup>8</sup> Number of final Trial Chamber decisions being appealed.

<sup>9</sup> Number of final Trial Chamber decisions being appealed. In all, 16 appeals have been filed by the parties in respect of the following decisions: *Bemba* main case (Accused appealing conviction; accused and Prosecutor appealing sentence); *Bemba et al.* article 70 case (five Accused appealing conviction; three Accused and Prosecutor appealing sentence); *Katanga* (Accused, OPCV and LRV appealing reparations decision); *Al Mahdi* (LRV appealing reparations decision).

<sup>10</sup> Number of final Trial Chamber decisions being appealed. In all, 18 appeals have been filed by the parties in respect of the following decisions: *Bemba* main case (Accused appealing conviction; Accused and Prosecutor appealing sentence; one appeal against reparations decision); *Bemba et al.* article 70 case (five Accused appealing conviction; three accused and Prosecutor appealing sentence); *Ntaganda* (conceivably one appeal); *Katanga* (Accused, OPCV and LRV appealing reparations decision); *Al Mahdi* (LRV appealing reparations decision).

<sup>11</sup> Number of final Trial Chamber decisions being appealed. A given decision may be appealed by more than one party, resulting in a higher workload.

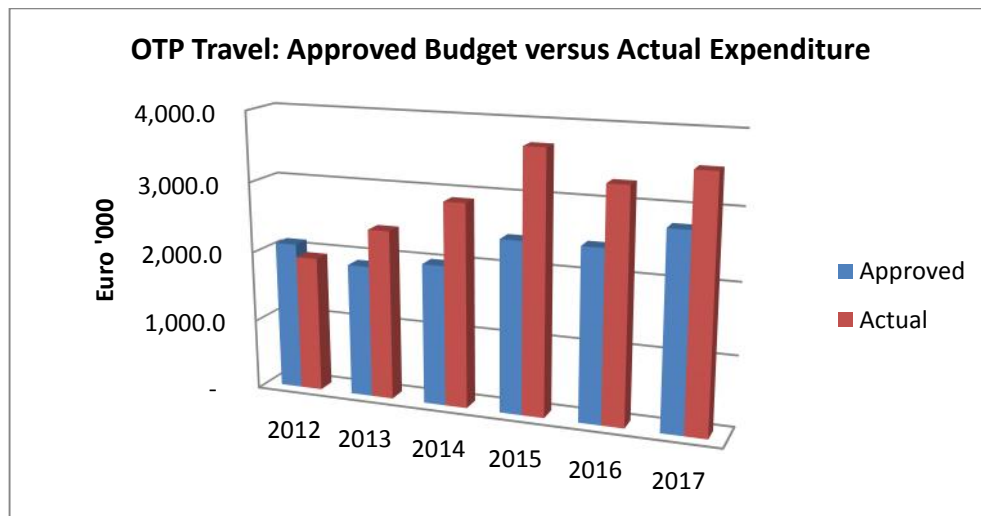
Parameter	2015			2016			2017			2018		2019		
	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Description	Proposed	Description	
			cases: DRC ( <i>Katanga/Ntaganda</i> : 455), Cote d'Ivoire ( <i>Gbagbo/Blé Goudé</i> : 257), Kenya ( <i>Ruto</i> : 226), Mali (19), Uganda ( <i>Ongwen</i> : 2,040), Comoros-Greece-Cambodia (261) and Georgia (133).			applications than initially anticipated.			(reparations): 323; <i>Mudacumura</i> : 0; DRC: 1; LBY: 1; AFG: 1,831 (representation forms); NSRA: 7.					
18	Number of witnesses and victims under protection	-	-	N/A	-	-	N/A	110	86	This is the numbers of persons under VWS protection, including ICCPP participants, assisted moves, temporary protection measures and persons under assessment; included are 50 internationally relocated witnesses in the care of a third party and under monitoring by ICC VWS.	100	Witnesses/victims under VWS protection include: ICCPP, assisted move assessment and other forms of protection.	90	Witnesses/victims and others at risk on account of testimony who are under VWS protection, including ICCPP and other forms of protection.
19	Number of persons under protection	110 (+20) <sup>2</sup>	115	Number of persons under protection slightly higher than expected.	660	428	The total number of persons (witnesses/victims and dependents) under protection, as well as the OTP's <u>expected new cases</u> , led the Registry to expect that protection would be afforded to 660 individuals. Owing to the lower number of cases referred by the OTP than projected, and as a result of efficiencies developed to finalize protection solutions for persons having had protection for a significant period of time, that number – encompassing witnesses, victims and their family members – was reduced to 428.	575	518	This figure encompasses main recipients of protection measures and their dependants. Currently, 518 (86 witnesses and 432 dependents) are under protection and care of the VWS in 22 countries.	500	On the basis of current figures and assumptions, around 500 (100 witnesses/victims and 400 dependents) could be under the protection and care of VWS in 2018.	450	Current figures and assumptions indicate that around 90 witnesses/victims and 360 dependents could be under the protection and care of VWS in 2019.
20	Number of suspects/accused appearing before the Court ( <i>The term "accused" includes persons who have been acquitted or convicted at</i>	12	15	Lubanga; Katanga; Kenyatta; Ruto; Sang; Ongwen; Ntaganda; Bemba; L. Gbagbo; Blé Goudé; Al Mahdi; Kilolo; Arido; Mangenda; Babala.	11	12	Ruto; Sang; Ongwen; Ntaganda; Bemba; L. Gbagbo; Blé Goudé; Al Mahdi; Kilolo; Arido; Mangenda; Babala.	9	9	Bemba; Kilolo; Arido; Mangenda; Babala; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen.	9	Bemba; Kilolo; Arido; Mangenda; Babala; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen.	8	Al Hassan; <sup>1</sup> Bemba; Kilolo; Mangenda; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen.

Parameter	2015			2016			2017			2018		2019	
	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Actual	Description	Ap-pvd	Description	Proposed	Description
<i>first instance and are awaiting final judgment</i> ) <sup>12</sup>													
21 Number of suspects, accused or convicted persons in detention	7	8	Lubanga; Katanga; Bemba; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Mahdi.	7	6	Bemba; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Mahdi.	6	6	Bemba; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Mahdi.	6	Bemba; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Mahdi.	5	Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Hassan.
22 Number of cells required	12	12		6	6	In addition to the 6 required cells, a detained witness (P-435) was held in the Detention Centre for 28 days in October 2016, and the Court was required to rent additional cells to meet this unforeseen need.	6	6	Cells come in blocks of 6.	6	Renting model: either 6 or 12 cells. For 5 detainees: one 6-cell model.	6	Renting model is either 6 or 12 cells. For 5 detainees: one 6-cell model.
23 Number of defence teams financed by legal aid	5	17	Pre-trial: Ongwen and Al Mahdi; Trial: Sang, Gbagbo, Blé Goudé, Bemba (pending judgment), Ntaganda, Bemba (article 70), Kilolo, Babala, Mangenda and Arido; Appeals: none; Reparations: Lubanga and Katanga. Reduced activity: Gaddafi, Simone Gbagbo and Banda.	15	14	Following the Trial Chamber's decision in the <i>Ruto and Sang</i> case, the Defence team for Sang left in June 2016, reducing the total to 14. The teams remaining through the end of 2016 were: Ntaganda, Bemba (article 5 and article 70), Kilolo, Mangenda, Babala, Arido, L. Gbagbo, Blé Goudé, Lubanga, Katanga, Banda, Ongwen and Al Mahdi.	14	14	Ntaganda; Bemba (2 teams); Kilolo; Babala; Mangenda; Arido; Ongwen; L. Gbagbo; Blé Goudé; Banda (reduced activity); Lubanga; Katanga; Al Mahdi.	12	Trial: Ntaganda, L. Gbagbo, Blé Goudé and Ongwen; Appeals: Bemba (article 5 and article 70), Kilolo, Mangenda, Babala and Arido; Reparations: Bemba (article 5), Lubanga and Katanga.	10	Pre-Trial: Al Hassan (if declared indigent); Trial: Ntaganda, L. Gbagbo, Blé Goudé and Ongwen; Appeals: Bemba (article 70), Kilolo and Mangenda; Reparations: Katanga and Lubanga.
24 Number of victims' representatives financed by legal aid	7	8	<i>Banda, Bemba</i> (2 teams), <i>Ruto and Sang, Katanga</i> , 2 <i>Lubanga</i> victim's teams, Uganda	7	8	<i>Lubanga, Katanga, Bemba, Sang, Banda, Al Mahdi</i> (Trial and Reparations), <i>Ongwen</i>	6	6	1 in <i>Bemba</i> ; 2 in <i>Lubanga</i> ; 1 in <i>Katanga</i> ; 1 in <i>Ongwen</i> ; 1 in <i>Al Mahdi</i> .	5	<i>Lubanga, Katanga, Bemba, Al Mahdi</i> and <i>Ongwen</i> .	5	<i>Katanga, Lubanga, Al Mahdi, Ongwen</i> and <i>Al Hassan</i> . <sup>1</sup>
25 Number of country offices/presences	7	7	FOS's budget for 2015 reflected the need to re-establish a field presence in the CAR (Bangui) as well as maintain ongoing presences in Kinshasa, Bunia, Kampala, Nairobi and Abidjan. It also called for the establishment of a small field office in Mali, owing to increased investigative activities there. Overall, the field offices had to support an appreciable increase in field-based staff and activities, in particular from OTP	7	7	In 2016, the operations of the Court were facilitated by 6 field offices in the DRC, CIV, CAR, Mali, Kenya and Uganda, and 1 field presence in Bunia.	8	7	2 in DRC (Kinshasa and Bunia); 1 in Uganda (Kampala); 1 in CAR (Bangui); 1 in CIV (Abidjan); 1 in Mali (Bamako); 1 in Georgia (Tbilisi).	7	2 in DRC (Kinshasa and Bunia); 1 in Uganda (Kampala); 1 in CAR (Bangui); 1 in CIV (Abidjan); 1 in Mali (Bamako); 1 in Georgia (Tbilisi).	7	1 in CAR (Bangui); 1 in CIV (Abidjan); 2 in DRC (Kinshasa and Bunia); 1 in Georgia (Tbilisi); 1 in Mali (Bamako); 1 in Uganda (Kampala).

<sup>12</sup> This definition is used for the purpose of this document only. Persons appearing before the Court solely for reparations proceedings are outside the scope of this definition.

### Annex XIII

## OTP Travel: Approved Budget versus Actual Expenditure





## Annex XIV<sup>1</sup>

### Addendum to the Proposed Programme Budget for 2019 of the International Criminal Court

#### I. Introduction

1. In accordance with the practice of the International Criminal Court (“the Court”), the 2019 budget assumptions were developed and agreed upon by the organs of the Court based on judicial and prosecutorial work plans for the following year, insofar as these can be accurately estimated as at the end of July 2018.

2. The Court’s proposed programme budget for 2019 was submitted on 20 July 2018. On the same day, Pre-Trial Chamber I decided to postpone the commencement of the confirmation of charges hearing in the *Al Hassan* case from 24 September 2018 to 6 May 2019. This decision resulted in a change of the 2019 Proposed Programme Budget assumptions and a reduction in the level of resources requested for judicial support activities.

3. In accordance with regulations 3.5bis of the Court’s Financial Regulations and Rules,<sup>2</sup> the Court hereby submits an addendum to the proposed programme budget to the Committee on Budget and Finance, setting out the budgetary consequences of this new development and the appropriate budgetary requirements, which amount to a total reduction of €257,500.

#### II. Assumptions

4. As a result of the postponement of the confirmation of charges hearing, the 2019 budget assumptions have changed: the Court will continue to be engaged in hearings for 3 cases: a) 2 in trial phase: *Ongwen* and *Laurent Gbagbo and Charles Blé Goudé*; and b) 1 in pre-trial phase: *Al Hassan*. In the latter case, a decision on confirmation of charges is expected to be issued within 60 days (i.e. early July 2019), following the confirmation of charges hearing in May 2019. As a result and without prejudice to the decision on confirmation of charges, the *Al Hassan* trial is now likely to commence only in 2020. This will result in 10, rather than 40 court hearing days during pre-trial preparations in 2019. Consequently, the following related 2019 Proposed Programme Budget parameters have been changed (see appendix for details).

(a) The projected number of hearing days for *Al Hassan* has been reduced from 40 to 10 days which are needed to cater for confirmation of charges hearing and status conferences. As a result, “Parameter 1: number of court hearing days” has been reduced from 324 to 294 days.

(b) The expected number of witnesses projected for *Al Hassan* in 2019 has been reduced from 25 to 0. Consequently, “Parameter 16: number of witnesses appearing for testimony” has been reduced from 128 to 103.

#### III. Financial implications

5. This addendum to the budget has been prepared taking into account the resources already included for the pre-trial phase of the *Al Hassan* case in the proposed programme budget for 2019. It accounts for the best possible estimates of those financial implications that are currently foreseeable. Any additional resource requirements would be subject to a notification to the Contingency Fund.

<sup>1</sup> Previously issued as ICC-ASP/17/10/Add.1.

<sup>2</sup> See Financial Regulations and Rules of the International Criminal Court.

6. The current budgetary requirements resulting from the developments amount to a total decrease of €257.5 thousand for the Registry.

7. As indicated in the table below, the reductions relate to other staff costs, travel and counsel for defence expenses.

**Table 1. Addendum to the proposed programme budget (thousands of euro)**

<i>Item</i>	<i>Major Programme III</i>
General temporary assistance	(60.0)
Temporary assistance for meetings	(90.0)
<i>Subtotal Other staff</i>	<i>(150.0)</i>
Travel	(62.3)
Counsel for Defence	(45.2)
<i>Subtotal Non-staff</i>	<i>(107.5)</i>
<b>Total</b>	<b>(257.5)</b>

#### IV. Description of resources

8. Following an analysis of the 2019 Proposed Programme Budget for Judiciary, the postponement of the confirmation of charges hearing will have no budgetary impact on its proposed estimates. As the Judiciary had planned to absorb all costs related to the *Al Hassan* trial, no additional resources were requested. Pre-trial activities anticipated in 2018 will now be shifted to the first half of 2019 and the rest of the *Al Hassan* timeline adjusted accordingly.

9. The Office of the Prosecutor (OTP) expects no impact on its current proposed budget as a result of the postponement of the confirmation of charges hearing. As the case is entering the Pre-Trial phase, the Mali team will focus on the prosecutorial aspects of the case. The postponement has no impact on the size of the team assigned to the case as envisaged in the 2019 Proposed Programme Budget.

10. As the organ responsible for the non-judicial aspects of the administration and servicing of the Court, the Registry's budget is driven by the level of support required. The reduction in the level of service required for the *Al Hassan* case leads to a reduction of Registry resources needs, in particular for interpretation, legal counsel fees and protection of witnesses' activities. These reductions in other staff and non-staff resources are described below.

##### A. Major Programme III - Registry

###### 1. Other staff resources (€150.0) thousand

11. In order to provide language support services in Arabic, the Language Services Section (LSS) had planned to recruit 3 Court Interpreters (P3) for two months each for the *Al Hassan* proceedings. This additional resource amounting to €60.0 thousand is no longer required.

12. In addition, LSS had also planned to make use of Temporary Assistance for Meetings resources (Africa-based Bambara freelance interpreters) along with the French and English interpreters. These resources will also not be required anymore for the 2019 Proposed Programme Budget (€90.0 thousand).

## 2. Non-staff resources (€107.5) thousand

*Travel* (€62.3) thousand

13. Several requirements had been identified in terms of travel resources, in particular for the planned escort of 25 expected witnesses to the seat of the Court (€54.7 thousand), for staff support to video-link testimonies during the trial (€4.3 thousand) and for other staff in-country missions, such as for the Legal Office, in relation to Rule 68 of the Rules of Procedures and Evidence regarding the certification of recorded testimony (€3.3 thousand).

*Counsel for Defence* (€45.2) thousand

14. An amount of €45.2 thousand was required by the Counsel Support Section to cover the legal fees and monthly expenses of the defence team of Mr. Al Hassan during the Pre-trial phase, in accordance with the Legal aid Policy<sup>3</sup>. It has to be noted that no Legal Aid for Victims has been estimated pending the judicial decision on the assignment of the case.

**Table 2. Major Programme III: Proposed budget for 2019**

Programme III Registry	2018	2019	Reductions due to assumptions change	Revised resource Changes		Revised Estimates
	Approved Budget	Proposed Budget		Amount	%	
Professional staff	27,834.8	27,825.6	-	(9.2)	(0.0)	27,825.6
General service staff	18,631.1	18,812.1	-	181.0	1.0	18,812.1
<i>Subtotal staff</i>	<i>46,465.9</i>	<i>46,637.7</i>	<i>-</i>	<i>171.8</i>	<i>0.4</i>	<i>46,637.7</i>
General temporary assistance	3,287.5	3,654.7	(60.0)	307.2	9.3	3,594.7
Temporary assistance for meetings	1,162.7	901.6	(90.0)	(351.1)	(30.2)	811.6
Overtime	322.8	261.3	-	(61.5)	(19.1)	261.3
<i>Subtotal other staff</i>	<i>4,773.0</i>	<i>4,817.6</i>	<i>(150.0)</i>	<i>(105.4)</i>	<i>(2.2)</i>	<i>4,667.6</i>
Travel	2,016.5	2,082.8	(62.3)	4.0	0.2	2,020.5
Hospitality	4.0	5.0	-	1.0	25.0	5.0
Contractual services	2,286.8	2,707.7	-	420.9	18.4	2,707.7
Training	623.2	610.0	-	(13.2)	(2.1)	610.0
Consultants	395.4	467.5	-	72.1	18.2	467.5
Counsel for defence	3,383.0	3,533.0	(45.2)	104.8	3.1	3,487.8
Counsel for victims	1,165.0	1,101.3	-	(63.7)	(5.5)	1,101.3
General operating expenses	13,853.6	12,385.9	-	(1,467.7)	(10.6)	12,385.9
Supplies and materials	895.3	1,067.8	-	172.5	19.3	1,067.8
Furniture and equipment	1,280.8	1,710.0	-	429.2	33.5	1,710.0
<i>Subtotal non-staff</i>	<i>25,903.6</i>	<i>25,671.0</i>	<i>(107.5)</i>	<i>(340.1)</i>	<i>(1.3)</i>	<i>25,563.5</i>
<b>Total</b>	<b>77,142.5</b>	<b>77,126.3</b>	<b>(257.5)</b>	<b>(273.7)</b>	<b>(0.4)</b>	<b>76,868.8</b>

<sup>3</sup> See Registry's single policy document on the Court's legal aid system (ICC-ASP/12/3).

**Table 3: Programme 3100: Proposed budget for 2019**

<b>3100 Office of the Registrar</b>	2018 <i>Approved Budget</i>	2019 <i>Proposed Budget</i>	<i>Reductions due to assumptions change</i>	<i>Revised resource Changes</i>		<i>Revised Estimates</i>
				<i>Amount</i>	<i>%</i>	
Professional staff	1,492.5	1,475.3	-	(17.2)	(1.2)	1,475.3
General service staff	145.5	145.5	-	-	-	145.5
<i>Subtotal staff</i>	<i>1,638.0</i>	<i>1,620.8</i>	<i>-</i>	<i>(17.2)</i>	<i>(1.1)</i>	<i>1,620.8</i>
General temporary assistance	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-
Overtime	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	58.2	50.9	(3.3)	(10.6)	(18.2)	47.6
Hospitality	4.0	4.0	-	-	-	4.0
Contractual services	-	-	-	-	-	-
Training	21.4	8.0	-	(13.4)	(62.6)	8.0
Consultants	5.0	40.0	-	35.0	700.0	40.0
General operating expenses	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>88.6</i>	<i>102.9</i>	<i>(3.3)</i>	<i>11.0</i>	<i>12.4</i>	<i>99.6</i>
<b>Total</b>	<b>1,726.6</b>	<b>1,723.7</b>	<b>(3.3)</b>	<b>(6.2)</b>	<b>(0.4)</b>	<b>1,720.4</b>

**Table 4: Programme 3300: Proposed budget for 2019**

<b>3300 Division of Judiciary Services</b>	2018 <i>Approved Budget</i>	2019 <i>Proposed Budget</i>	<i>Reductions due to assumptions change</i>	<i>Revised resource Changes</i>		<i>Revised Estimates</i>
				<i>Amount</i>	<i>%</i>	
Professional staff	12,091.2	11,932.9	-	(158.3)	(1.3)	11,932.9
General service staff	5,079.8	5,047.0	-	(32.8)	(0.6)	5,047.0
<i>Subtotal staff</i>	<i>17,171.0</i>	<i>16,979.9</i>	<i>-</i>	<i>(191.1)</i>	<i>(1.1)</i>	<i>16,979.9</i>
General temporary assistance	1,800.8	1,494.1	(60.0)	(366.7)	(20.4)	1,434.1
Temporary assistance for meetings	826.9	795.2	(90.0)	(121.7)	(14.7)	705.2
Overtime	15.0	15.0	-	-	-	15.0
<i>Subtotal other staff</i>	<i>2,642.7</i>	<i>2,304.3</i>	<i>(150.0)</i>	<i>(488.4)</i>	<i>(18.5)</i>	<i>2,154.3</i>
Travel	397.7	369.8	(4.3)	(32.2)	(8.1)	365.5
Hospitality	-	-	-	-	-	-
Contractual services	440.4	1,022.7	-	582.3	132.2	1,022.7
Training	91.1	91.5	-	0.4	0.4	91.5
Consultants	378.4	385.5	-	7.1	1.9	385.5
Counsel for defence	3,383.0	3,533.0	(45.2)	104.8	3.1	3,487.8
Counsel for victims	1,165.0	1,101.3	-	(63.7)	(5.5)	1,101.3
General operating expenses	5,989.7	6,124.9	-	135.2	2.3	6,124.9
Supplies and materials	266.4	353.5	-	87.1	32.7	353.5
Furniture and equipment	905.0	1,306.0	-	401.0	44.3	1,306.0
<i>Subtotal non-staff</i>	<i>13,016.7</i>	<i>14,288.2</i>	<i>(49.5)</i>	<i>1,222.0</i>	<i>9.4</i>	<i>14,238.7</i>
<b>Total</b>	<b>32,830.4</b>	<b>33,572.4</b>	<b>(199.5)</b>	<b>542.5</b>	<b>1.7</b>	<b>33,372.9</b>

Table 5: Programme 3800: Proposed budget for 2019

3800 Division of External Operations	2018	2019	Reductions due to assumptions change	Revised resource Changes		Revised Estimates
	Approved Budget	Proposed Budget		Amount	%	
Professional staff	10,424.6	10,529.3	-	104.7	1.0	10,529.3
General service staff	4,177.0	4,294.0	-	117.0	2.8	4,294.0
<i>Subtotal staff</i>	<i>14,601.6</i>	<i>14,823.3</i>	-	<i>221.7</i>	<i>1.5</i>	<i>14,823.3</i>
General temporary assistance	954.0	1,535.4	-	581.4	60.9	1,535.4
Temporary assistance for meetings	315.8	106.4	-	(209.4)	(66.3)	106.4
Overtime	-	3.0	-	3.0	-	3.0
<i>Subtotal other staff</i>	<i>1,269.8</i>	<i>1,644.8</i>	-	<i>375.0</i>	<i>29.5</i>	<i>1,644.8</i>
Travel	1,390.5	1,469.9	(54.7)	24.7	1.8	1,415.2
Hospitality	-	1.0	-	1.0	-	1.0
Contractual services	1,202.9	1,169.3	-	(33.6)	(2.8)	1,169.3
Training	148.0	147.2	-	(0.8)	(0.5)	147.2
Consultants	-	-	-	-	-	-
General operating expenses	4,604.0	3,189.6	-	(1,414.4)	(30.7)	3,189.6
Supplies and materials	324.1	422.6	-	98.5	30.4	422.6
Furniture and equipment	9.8	25.5	-	15.7	160.2	25.5
<i>Subtotal non-staff</i>	<i>7,679.3</i>	<i>6,425.1</i>	<i>(54.7)</i>	<i>(1,308.9)</i>	<i>(17.0)</i>	<i>6,370.4</i>
<b>Total</b>	<b>23,550.7</b>	<b>22,893.2</b>	<b>(54.7)</b>	<b>(712.2)</b>	<b>(3.0)</b>	<b>22,838.5</b>

## Appendix

### Changed assumptions and parameters for the 2019 proposed programme budget

---

<i>Parameter</i>	<i>2019 Assumptions</i>	<i>Explanations</i>
1. Number of Court hearing days	294	Two courtrooms: <i>Gbagbo and Blé Goudé</i> (CIV): 124 days, <i>Ongwen</i> (Uganda): 160 days, and <i>Al Hassan</i> <sup>1</sup> (Mali II): 10 days.
16. Number of witnesses appearing for testimony	103	Average time: 2.5 days per witness.

---

---

<sup>1</sup> Without prejudice to the decision on the confirmation of charges.

## Part B

### Reports of the Committee on Budget and Finance

#### 1. Report of the Committee on Budget and Finance on the work of its thirtieth session, April 2018\*

##### *Table of contents*

Executive Summary .....	217
I. Introduction.....	219
A. Opening of the session.....	219
B. Election of officers .....	219
C. Adoption of the agenda and organization of work.....	219
D. Participation of observers .....	221
II. Consideration of issues on the agenda of the Committee at its thirtieth session.....	221
A. Budgetary governance .....	221
1. Conduct of a workshop.....	221
2. Documentation received from the Court .....	222
3. Template for five-year time series.....	222
B. Working methods of the Committee on Budget and Finance .....	222
1. Rules of Procedure of the Committee.....	222
C. Other financial and budgetary matters .....	223
1. Status of contributions.....	223
2. States in arrears .....	224
3. Liquidity shortfall.....	224
4. Programme performance of the 2017 budget .....	226
(a) General observations.....	226
(b) Unliquidated purchase orders.....	227
(c) Contingency Fund .....	227
(d) Working Capital Fund.....	228
5. Programme performance of the 2018 budget first quarter.....	228
D. Institutional reform and administrative matters.....	229
1. Court-wide Five-Year IT/IM Strategy planning and implementation updates.....	229
2. Clarification on the relationship between the Court-wide five-year IT/IM Strategy and the capital replacement plan.....	231
E. Policy on capital replacements .....	231
1. Capital replacement plan and options for their funding .....	231
F. Human resource management.....	232
1. Court-wide review of the policy on reclassifications .....	232
2. Geographical distribution .....	233

Previously issued as ICC-ASP/17/5.

3.	Gender balance .....	233
4.	Flexible deployment of staff.....	234
5.	Standard Operating Procedure for the opening, operating and closure of field offices .....	234
6.	Junior Professional Officer Programme .....	235
G.	Amendments to the legal aid system .....	235
H.	Administrative and operational costs of reparations.....	236
I.	Trust Fund for Victims .....	237
1.	Progress report by the STFV on the filling of vacant positions.....	237
2.	Efforts to increase the visibility of the TFV and its fund-raising capacity.....	238
J.	Other matters .....	238
1.	Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties.....	238
2.	Amendments to the Financial Regulations and Rules concerning seizure of assets .....	239
3.	Other voluntary contributions to the Court.....	240
4.	Potential and associated costs in relation to cases before the ILO-Administrative Tribunal .....	240
5.	Secretariat of the Assembly of States Parties .....	241
6.	Future sessions of the Committee.....	241
Annex I:	Status of contributions as at 31 March 2018.....	242
Annex II:	Human resources tables .....	244
Annex III:	Legal aid for defence and victims (2013-2017).....	260
Annex IV:	Field Office and Field-Based Presence: Generic Staffing Overview.....	261
Annex V:	Amendments to the Rules of Procedure of the Committee on Budget and Finance.....	262
Annex VI:	Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties.....	269
Annex VII:	Amendments to the Financial Regulations and Rules concerning seizure of assets .....	271
Annex VIII:	Voluntary contributions as at 31 December 2017.....	272
Annex IX:	List of documents .....	273



## Executive Summary

1. At its thirtieth session, which was held from 16-20 April 2018 in The Hague, the Committee on Budget and Finance considered various substantive issues, *inter alia*, working methods of the Committee, a budget workshop with the Court, comprehensive IT/IM Strategy Plan, policy on replacement of capital investments and options for the funding of long-term maintenance, human resources management, the fund-raising capacity of the Trust Fund for Victims, legal aid, review of all potential and associated costs in relation to cases before the ILO-Administrative Tribunal and other matters.
2. The Committee had started in the past sessions reviewing its internal processes and procedures to ensure appropriate compliance with the evolution of international best practices standards and set up an internal working group in this regard. The Committee agreed on amendments to its Rules of Procedure, as set out in Annex V, with a view to ensuring conformity with the decisions previously taken by the Assembly.<sup>1</sup>
3. The Workshop on savings and efficiencies, documents received from the Court, and a template for time series, organized by the Court upon initiative of the Committee, represented an opportunity for the Committee to reflect on its working practices and its interaction with the Court. The Committee shares the willingness of the Court officials to ensure openness and transparency. The Committee noted with appreciation the clarifications on the definitions of savings, efficiencies, non-recurrent costs and additional cost reductions and recommended an amended annex on savings and efficiencies to be included in future proposed programme budgets.
4. The Committee noted with appreciation the progress made in relation to the maturity of the Court's Five-year IT/IM strategy. The Committee took note that the total projected costs of the Five-year strategy (2017-2021) would amount to €8.7 million for the whole period of the strategy. The Committee noted that the Court presented only the IT/IM systems running costs related to the Information Management Services Section and requested obtaining clarity on the total Court-wide costs. The Committee underlined that in order to proceed with the Five-year IT/IM Strategy and, in particular, to apply a framework of multi-year financing, some key aspects of the internal control were still missing.
5. As regards the policy on replacement of capital investments and options for the funding of long-term maintenance, the Committee awaits the response to the Assembly's request that the Court present via the Committee and ahead of the seventeenth session of the Assembly, a report on different options for funding long-term maintenance and replacement based on the experience of other international organizations.
6. Bearing in mind that staff is the Court's most valuable asset, the Committee focused on improvements in relation to the management of human resources and a supportive environment in order to enhance productivity and efficiency. As regards the Court-wide review of the policy on reclassifications, the Committee stressed on the principles of fairness and transparency in the decision-making process and requested a re-submission of the draft Administrative Instruction presented by the Court. Reclassifications of posts cannot be used as a promotion tool or as a consequence of increased workloads, stressing that all managers are accountable for the proper allocation of work based on the job description related to the approved grades.
7. Concerning the reform of the legal aid system, the Committee requested that the Court provide additional information, in particular in relation to the financial implications and the financial bottom-line, to enable the Committee to accurately assess the financial impact and cost-efficiency of the proposed reform. Given the need for additional information, including on the status of this document and the process forward envisaged by the Court officials, the Committee strongly doubted whether the proposal would be complete by the time of the seventeenth session of the Assembly and recommended that the Court present a complete proposal whenever it is ready.

---

<sup>1</sup> *Official records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth session, New York, 12 -21 December 2011 (ICC-ASP/10/20), vol. II, part B.2, para. 122, and Official Records of the Assembly ... Fourteenth session ... 2015 (ICC-ASP/14/20), vol. II, part B.3, annex IV.*

8. The Committee wished to emphasize that the number of ILOAT cases is subject to change depending on judgments rendered, cases settled and new cases filed. The Committee noted that in the unaudited 2017 financial statements there were a total number of 23 cases pending before the ILOAT, whereby for 19 cases a provision of €2.4 million was recorded. The Committee observed that currently the Court has 18 cases pending before the ILOAT with a total estimated financial impact of €2.29 million. The Committee further noted that 29 new cases are pending before the Court (26 cases before the internal Appeals Board and three cases were under review with the Registrar) with total claims amounting to €7.8 million.

9. The Committee expressed its concern about the litigations both in terms of their financial impact and their impact on staff. The Committee encouraged the Court to avail itself of mediation mechanisms and to revise its human resources management approach in order to avoid future litigations to the extent possible.

## I. Introduction

### A. Opening of the session

1. The thirtieth session of the Committee on Budget and Finance (“the Committee”) comprised ten meetings, which was held at the seat of the International Criminal Court (“the Court”) in The Hague from 16-20 April 2018.
2. The thirtieth session of the Committee was convened in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its 11<sup>th</sup> meeting on 14 December 2017 during its sixteenth session.<sup>2</sup>
3. The President of the Court, Judge Chile Eboe-Osuji, delivered the welcoming remarks at the opening of the session.

### B. Election of officers

4. At the thirtieth session, the Committee re-elected Mr. Hitoshi Kozaki (Japan) as Chairperson of the Committee in accordance with Rule 10 of its Rules of Procedure. The Committee also elected Mr. François Marie Didier Zoundi (Burkina Faso) as Vice-Chairperson in accordance with Rule 10 of the Committee’s Rules of Procedure and following the practice of geographical rotation.
5. The Committee appointed Ms. Helen Warren (United Kingdom) as Rapporteur in accordance with Rule 13 of the Rules of Procedure.
6. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee. The Executive Secretary and his team assisted in the substantive and administrative conference servicing with complementary support from the Secretariat of the Assembly of States Parties, as appropriate.

### C. Adoption of the agenda and organization of work

7. At its first meeting, the Committee adopted the following agenda:
  1. Opening of the session
    - (a) Welcoming remarks by the President of the Court
    - (b) Election of officers
    - (c) Adoption of the agenda and organization of work
    - (d) Participation of observers
  2. Working methods of the Committee on Budget and Finance
    - (a) Rules of Procedure of the Committee
  3. Budgetary governance
    - (a) Workshop on savings and efficiencies, the budget document and a template for time series
  4. Other financial and budgetary matters
    - (a) Status of contributions and States in arrears
    - (b) Programme performance of the 2017 budget, and 2018 budget first quarter
    - (c) Update on unliquidated purchase orders
  5. Institutional reform and administrative matters
    - (a) Comprehensive and fully developed IT/IM Strategy Plan
    - (b) Clarification on the relationship between the court-wide Five-year IT/IM Strategy and the capital replacement plan

<sup>2</sup> *Official records of the Assembly ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. I.

6. Policy on replacement of capital investments and options for the funding of long-term maintenance
7. Human resources
  - (a) Human resources management annual report
  - (b) Staff that are not nationals from States Parties to the Rome Statute
  - (c) Court-wide review on the policy on reclassifications
  - (d) Geographical distribution and gender balance
  - (e) Flexible deployment of staff
  - (f) Standard Operating Procedure for opening, operating and closure of field offices
8. Legal aid
  - (a) Annual report on legal aid for the year 2017, including developments with regard to legal aid in the cases of *Gaddafi* and *Banda*
  - (b) Amendments to the legal aid system
  - (c) Legal aid during the reparation stage
9. Reparations
  - (a) Administrative and operational costs resulting from the implementation of reparations
10. Trust Fund for Victims
11. Progress report by the STFV on the filling of vacant position and the efforts to increase the visibility of the TFCV and its fund-raising capacity
12. Other matters
  - (a) Proposal for the amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties
  - (b) Other voluntary contributions to the Court
  - (c) Review of all potential and associated costs in relation to cases before the ILO-Administrative Tribunal.<sup>3</sup>

8. The Executive Secretary to the Committee on Budget and Finance, in consultation with the Chairperson, prepared a work programme for the thirtieth session of the Committee.

9. The Committee extended its appreciation to the outgoing members, Mr. Hugh Adsett (Canada) and Mr. Rivomanantsoa Orlando Robimanana (Madagascar).

10. The following members attended the thirtieth session of the Committee:

- (a) Carolina María Fernández Opazo (Mexico);
- (b) Fawzi A. Gharaibeh (Jordan);
- (c) Hitoshi Kozaki (Japan);
- (d) Urmet Lee (Estonia);
- (e) Mónica Sánchez Izquierdo (Ecuador);
- (f) Gerd Saupe (Germany);
- (g) Elena Sopková (Slovakia);
- (h) Richard Veneau (France);
- (i) Helen Warren (United Kingdom); and
- (j) François Marie Didier Zoundi (Burkina Faso).

<sup>3</sup> CBF/30/1.

## **D. Participation of observers**

11. Representatives from the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry were invited to address the Committee and to participate in the session, as well as in the workshop on savings and efficiencies, the budget document and a template for time series. In addition, the Committee invited representatives from the Staff Union Council to address it. The Committee wished to thank the Court officials and the Staff Union Council for their interaction and input in the discussion.

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

### **A. Budgetary governance**

#### **1. Conduct of a workshop**

12. The Committee has made various observations and recommendations in recent years with a view to strengthening the budgetary process and documentation in order to ensure clarity, coherence and transparency of information.

13. The Court, on its part, has strengthened its own budget process through a closer coordination within the Coordination Council under the “One-Court principle,” and has responded to the Committee’s recommendations to improve its budget presentation.

14. During its thirtieth session, the Committee organized a workshop with the Court to exchange views, prior to the presentation of the 2019 proposed programme budget. Members of the Committee and the Court representatives appreciated a frank exchange of views, which the Committee found useful in deepening mutual understanding about the ongoing efforts.

15. In September 2017, the Committee suggested a Court-wide annual efficiency target, rather than a detailed list of efficiencies, and recommended that the Court report to the Committee and the Assembly on the achievement of this target within the 2019 proposed programme budget. Subsequently, the Assembly at its sixteenth session decided to request the Court to set court-wide annual efficiency targets and to present an annex to the 2019 programme budget on the achievements of those efficiency targets, as well as detailed information on savings, efficiencies, non-recurrent cost reductions and additional cost reductions achieved in 2018 and estimations for 2019, by making a distinction between these categories and their effect on the baseline.

16. In September 2017, the Committee recommended a further clarification on definitions of i) efficiencies; ii) savings; iii) non-recurrent cost reductions; and iv) additional cost reductions.

17. The Court, while committed to fulfil the Assembly’s request to present such information, suggested placing the focus on developing and implementing strategies that create a culture and working processes that motivate and enable all staff to continuously identify efficiencies and savings, instead of only relying on efficiencies targets. The Committee took note of the Court’s suggestions, including the definitions of savings, efficiencies, non-recurrent costs and additional cost reductions along with the suggestion made about amending the annex to the proposed programme budget on savings and efficiencies. The Committee looked forward to further strengthening of the budget presentation and process in light of the experience to be gained in the process of the preparation and consideration of the 2019 proposed programme budget.

## 2. Documentation received from the Court

18. 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>4</sup> in particular:

(a) All documents should be accurate and available 45 days before the Committee session begins; and

(b) Both English and French versions must respect this deadline.

## 3. Template for five-year time series

19. At its twenty-eighth session, the Committee recommended that the budget include five-year time series showing trends of relevant budgetary assumptions in order to improve the ability of the Court and States Parties to analyse budget trends.<sup>5</sup> At its twenty-ninth session, the Committee observed that budget assumptions were again mostly shown as “snapshots” with only occasional references to earlier periods. As the design of a suitable template may require some input from the Committee, the Court was invited to propose a draft template with five-year time-series for consideration by the Committee.<sup>6</sup>

20. The Court presented a template with five-year time-series of key indicators for budget assumptions, which, along with the Court-wide high level priorities agreed on by the Coordination Council, form the basis for the resources proposed by the Court in its annual budgets. With its 24 indicators, the template essentially comprises all the indicators traditionally used for the annual budget presentation. It also provides a comparison of these indicators following approval of the proposed programme budget and the actuals achieved at the end of the budget cycle for the given year.

21. The Court observed that the comparison of figures /indicators within the template does not always fairly reflect the resources required to support certain activities. To illustrate this, the Court provides three case studies where actual resource needs varied, while the mere numbers of supported activities were unchanged (support for defence teams and investigations).

**22. The Committee welcomed the draft template for five-year time series, and was of the opinion that experience would show, whether further refinements may eventually be expedient. The Committee recommended that the time-series template and any other Court-wide tools<sup>7</sup> be used in future budget proposals to facilitate context setting and evaluation of future resource requirements.**

## B. Working methods of the Committee on Budget and Finance

### 1. Rules of Procedure of the Committee

23. At its twenty-sixth session, the Committee had considered reviewing its internal processes and procedures to ensure compliance with the evolution of international best practices standards and set up an internal working group in this regard.<sup>8</sup>

24. On 8 March 2018, upon request of the Committee, the Executive Secretary to the Committee on Budget and Finance submitted a document entitled “Draft Amendments to the Rules of Procedure of the Committee on Budget and Finance” and an “Explanatory Note” for the Committee’s consideration.

**25. After having considered the documents submitted by its Executive Secretary, the Committee agreed on the proposed amendments to the Rules of Procedure of the Committee on Budget and Finance, as detailed in annex V to this report, and recommended that the Assembly approve them.**

<sup>4</sup> *Official records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 23-28.

<sup>5</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 18.

<sup>6</sup> *Ibid.*, part B.2, para.11.

<sup>7</sup> For example the “dashboard” used by OTP, if it is usable Court-wide.

<sup>8</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, paras. 14 and 15.

## C. Other financial and budgetary matters

### 1. Status of contributions

26. The Committee reviewed the status of contributions as at 31 March 2018<sup>9</sup> (annex I):

- (a) the assessed contribution for the approved budget for 2018 of €143.85 million;<sup>10</sup> and
- (b) contributions corresponding to Major Programme VII-2 host State loan amounting to €3,585.2 thousand for the permanent premises.

27. The Committee noted that, as at 31 March 2018, regular contributions of €33.91 million (58.3 per cent) were outstanding for the 2018 approved budget (excluding host State loan) of €143.85 million. At the same date, the outstanding contributions for the replenishment of the Contingency Fund (CF) were €5,286. The Committee observed that only 38 out of the 123 States Parties had fully paid their contributions at the end of March 2018.

28. The outstanding/unpaid contributions from previous years (excluding the host State loan) stood at €1.05 million as at 31 December 2017. Subsequently, they stood at €24.12 million at 31 March 2018 (see annex I).

29. States Parties that did not opt to make a one-time payment<sup>11</sup> were required to cover the interest payments due on the loan from the host State. The outstanding contributions for the host State loan, as at 31 March 2018, stood at €2.08 million.

30. The Committee noted with great concern that, a grand total of €10.18 million contributions were outstanding as at 31 March 2018, including the contributions for the host State loan, which represents 75 per cent of the 2018 approved budget, compared to the 54 per cent of approved budget in 2017. The Committee recalled that it was imperative for States Parties to provide their contributions on time. Failure to do so may result in cash flow shortage needed for the Court's core activities and operations.

31. During the thirtieth session and upon the request of the Committee, the Court provided a trend analysis in relation to outstanding contributions for the past ten years as shown in Table 1 and 2 below:

**Table 1: Trend analysis in relation to outstanding contributions for the past ten years (in thousands of euros)**

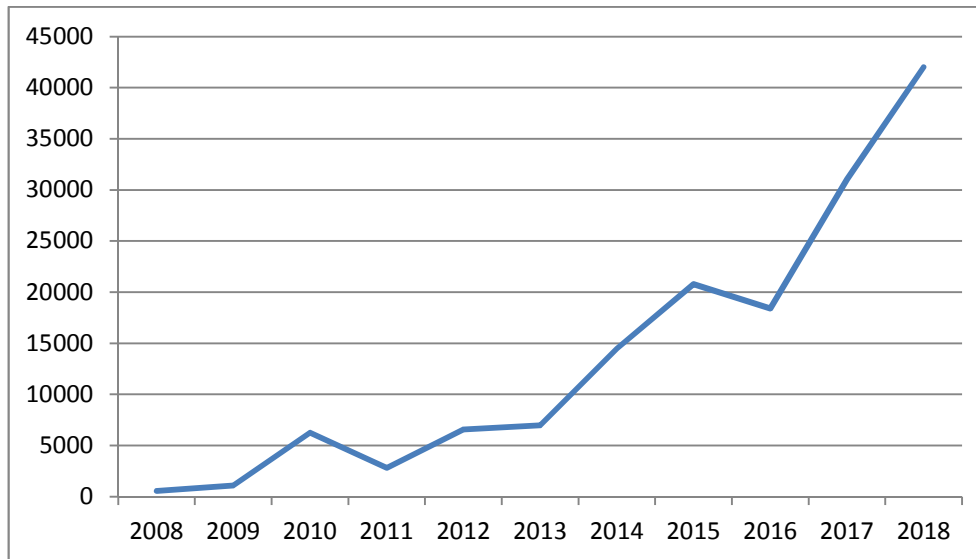
<i>Year</i>	<i>Programme budget</i>	<i>Outstanding contributions at the end of the period</i>	<i>Outstanding contributions (in per cent)</i>
2008	90,382.1	557.5	0.62%
2009	101,229.9	1,093.0	1.08%
2010	103,623.3	6,254.9	6.04%
2011	103,607.9	2,791.6	2.69%
2012	108,800.0	6,569.3	6.04%
2013	115,120.3	6,980.2	6.06%
2014	121,656.2	14,489.3	11.91%
2015	130,665.0	20,785.7	15.91%
2016	139,590.6	18,405.0	13.18%
2017	144,587.3	31,047.9	21.47%
2018*	147,431.5	42,000.0	28.49%

\* Forecast

<sup>9</sup> After the conclusion of the session, the Committee received an update on the status of contributions as at 30 April 2018, whereby 15 States Parties had made payments of a total of €29.6 million; 11 out of the 15 States Parties have no outstanding balance.

<sup>10</sup> ICC-ASP/16/Res.1, section A, para 3.

<sup>11</sup> 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 and are exempted from the obligation to repay the loan and the interest.

**Table 2: Outstanding contributions over the past ten years (in thousands of euros)**

32. The Committee observed that the Court regularly, i.e. on a quarterly basis, sends official reminders and communicates through various diplomatic channels with States Parties that have outstanding contributions. **Given the legal obligations of States Parties to pay their contributions and of the Court to pay instalments for the host State loan, the Committee urged all States Parties to make their payments on time, in accordance with Regulation 5.6 of the Financial Regulations and Rules (“FRR”) in order to ensure that the Court has sufficient funds throughout the year.**

33. **The Committee requested the Court to continue reminding States Parties that had not paid their contributions in full of their obligation. Furthermore, the Committee recommended that the Bureau, through the President of the Assembly, the Coordinator of the New York Working Group and Court officials, engage in a dialogue with States Parties that have outstanding contributions and take up this issue in their bilateral and multilateral meetings.**

## 2. States in arrears

34. 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.”

35. The Committee observed that, as at 31 March 2018, 13 States Parties were in arrears and would therefore not be able to vote in accordance with article 112, paragraph 8 of the Rome Statute. The Committee noted that the Secretariat sent notifications on 19 March 2018 to all States in arrears informing on the minimum payment required to avoid application of article 112, paragraph 8 of the Rome Statute, and of the procedure for requesting an exemption from the loss of voting rights. **The Committee strongly recommended that such requests for exemption be only granted following the payment of the minimum amounts identified and after presenting payment plans for the remaining balance.**

36. **The Committee requested that the Secretariat again notify States Parties in arrears later in the year, highlighting their obligation to contribute to the budget. The Committee urged all States Parties in arrears to settle their accounts with the Court as soon as possible.**

## 3. Liquidity shortfall

37. The Committee was informed about the high risk of a temporary liquidity shortfall that the Court is likely to face, as the late payment of contributions could lead to an unsustainable liquidity scenario by end of 2018.



38. The Court has projected the 2018 cash flow based on following assumptions:

(a) States Parties will pay their contributions in 2018 following the same payment pattern of outstanding contributions as in 2017; and

(b) The 2018 budget will be fully spent, considering the absorption of additional expenditures related to the situation in Burundi and, pending its judicial authorisation in relation to a new additional situation.

39. If the above-mentioned assumptions materialize, the total amount of outstanding contributions at the end of 2018 is expected to reach €42 million. The Working Capital Fund (WCF) is held by the Court to cover any liquidity shortfall, however even after the full amount of the WCF has been used, the cash shortfall is expected to be approximately €16.9 million in December 2018. According to the Court's cash flow projections, liquidity issues are likely to arise in November 2018 (€5.1 million) and continue until January/February 2019, assuming that the payment trend of previous years also continues for the 2019 contributions.

40. The WCF currently cannot be relied upon to fully cover the significant forecasted annual shortfalls. It is replenished by annual surpluses, if any, and therefore without timely payment of contributions, arrears and outstanding contributions an alternative solution is required.

41. As in prior years, in order to mitigate the risk that the Court might be unable to discharge its obligations and deal with the expected shortfall, the Court's suggested that it be exceptionally authorized to use the CF and to supplement it by opening a credit line with a bank.

42. The Committee was informed by the Court that the cost to open the credit line at the end of 2016 amounted to €747 and believed that, in light of the limited cost, this risk mitigating measure deserved being taken into consideration. The Committee wished to emphasize in this context that the opening of the credit line is a tool to mitigate the operational and reputational risks for the Court and does not *per se* imply that external resources would actually be used.

43. The Committee noted that the Assembly at its sixteenth session did not authorize the Court to temporarily utilize the CF and/or establish external funding (credit line) to address its temporary liquidity shortfall in 2018, and that there is currently no mechanism in place to address this situation, which may result in a situation, where the Court may not be able to discharge its essential obligations (e.g. pay salaries to staff and invoices to suppliers).

44. The Committee emphasized that if States Parties with material amounts in arrears are able to reverse their payment patterns and make contributions in 2018, the cash shortfall at year-end would be either reduced or completely reversed.

**45. In light of the significant risk of a liquidity shortfall for the operations and reputation of the Court, the Committee recommended that:**

**(a) the Court closely monitor its cash-flow projections and strengthen its efforts in different directions to avoid a liquidity shortfall at year-end;**

**(b) the Assembly, at its seventeenth session, consider establishing a mechanism, to deal with liquidity issues, such as through the exceptional and temporary use of the CF and/or the establishment of external funding upon recommendation of the Committee, as a risk mitigating measure; and**

**(c) for the case that a liquidity shortfall arise before the session of the Assembly in December, the Bureau, in discharge of the responsibilities of the Assembly and upon recommendation of the Committee, consider all possible options to deal with the situation.**

#### 4. Programme performance of the 2017 budget

##### (a) General observations

46. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2017.”<sup>12</sup> Based on preliminary and unaudited figures, the overall implementation rate of the regular budget was 99.6 per cent or a total of €43.98 million against an approved budget of €44.59 million.<sup>13</sup>

47. The overall actual implementation rate of the two CF notifications submitted to the Committee had been 96.3 per cent, or a total of €1.48 million, against the total notified amounts of €1.53 million. The Committee noted that the Court had partly absorbed the expenditures for unforeseen situations and developments within its regular budget.

48. The Committee noted that in 2017 the Court’s total actual expenditure including CF was €45.45 million by making use of the entirety of the approved 2017 budget (€44.59) and €867 thousand from the CF.

49. The Committee noted the overspend on staff costs by €3.78 million, which is attributed to the achievement of a lower vacancy rate and the ILO provision of €2.02 million, which increased the implementation rate in staff costs.

**50. The Committee noted the significant under-implementation in GTA in the amount of €3.49 million and, requested that the level of resources in the 2019 proposed programme budget be carefully assessed and that adequate justifications be provided.**

51. The Committee noted that 118 short-term contracts were submitted in 2017 with an average duration of four and a half months. The Committee acknowledged the advantages of this short-time modality, which ensures business continuity during absence of staff and allows for staff mobility and the flexible use of resources during workload peaks. In this context, the Committee wished to emphasize that the Court needs to carefully assess the possible use and deployment of existing staff before requesting new short-term contracts. The Committee noted that since the introduction of the STA modality, the use of GTA-funded positions had significantly decreased to approximately half of the 2015 budget and resolved to continue monitoring the transparency of the use of human resources.

52. The Committee noted that, after a reduction to €5.34 million in 2016, actual travel expenditures had again increased in 2017 to 5.86 million (after a reduction of €27,000 for the travel to the session of the Assembly in New York, including travel for Major Programme IV-the Secretariat). The Committee observed in this regard a significant overspend in the Investigation Division within the OTP by 155 per cent, or €783 thousand. **The Committee recommended that the Court seek to manage its resource prudently and efficiently within the respective approved envelope for each budget line. The Committee recommended that the Court continue exploring possibilities for efficient travel planning and other measures to contain the travel costs within the approved envelope and resolved to continue closely monitoring the situation within the 2019 proposed programme budget.**

53. The Committee compared the figures for legal aid with previous years (see Annex III) and noted that the implementation rate for 2017, following access to the CF, amounted to 136 per cent (approved budget of €4.53 million against total expenditures of €6.18 million).

54. More specifically, after resort to the CF, legal aid expenditures for the defence amounted to a total of €4.84 million (an overspend of 137.1 per cent), whereas the legal aid expenditures for victims amounted to a total of €1.34 million (an overspend of 133.8 per cent).<sup>14</sup>

55. Upon request by the Committee, the Court explained that for *Ntaganda* there had been actual expenditures of €933 thousand in 2017, while only €622 thousand had been budgeted for, mainly due to the supplementary resource requirement in connection with the

<sup>12</sup> ICC-ASP/17/2.

<sup>13</sup> *Ibid.*, page 95.

<sup>14</sup> *Ibid.*, page 50, table 9.

alleged article 70 infraction. For *Ongwen*, additional resources in the amount of roughly €100 thousand were allocated to the team in view of the dimension of the case and the need of investigative activities. Concerning *Bemba* and four others accused (Article 70), the resource requirements were significantly higher than expected, namely by more than €600 thousand,<sup>15</sup> mainly as a result of the 12-months appeal instead of the three months budgeted for and the payment of the full defence team for the accused in connection with Article 70. The Committee further noted the payment of legal aid fees for reparations in the *Al-Mahdi* case, which had not been included in the 2017 approved budget.

56. The Committee wished to emphasize that the extension of different phases of judicial proceedings had direct significant effect on the resource requirements.

57. The Committee noted the under-spending in general operating expenses by €3.13 million resulting mainly from fewer victim and witness protection activities and from significantly fewer referrals by OTP during the year. Such savings were redeployed to finance acquisitions of IT related equipment, such as new software, renewal of licenses and subscriptions leading to an overspend of 164.7 per cent, or €0.84 million, in the budget line item “furniture and equipment”.<sup>16</sup>

58. The Committee recalled that, while the transfer of funds can be necessary to provide for appropriate managerial flexibility, it can create a risk, in particular, if the forecast data are uncertain, the nature of an expenditure approved by the Assembly is changed, or an expenditure that was not fully justified is nonetheless carried out because an underspend in another budget line item allows for the transfer of funds. **Therefore, the Committee encouraged the Court to ensure greatest possible accuracy in the budget forecasting so that funds are only transferred, when flexibility in budgeting requires it and in no case to circumvent resolutions of the Assembly or recommendations of the Committee, and to keep the Committee informed on all transfers ensuring greatest transparency.**

(b) *Unliquidated purchase orders*

59. The Court provided in its performance report<sup>17</sup> an update on the remaining balance of unliquidated purchase orders<sup>18</sup> that stood at €7.2 million at the end of 2016, out of which a total of €5.5 million were utilized in 2017. The Committee noted that the difference (€1.7 million) was recorded as savings from the prior period and included in the calculation of the 2016 final cash deficit in accordance with Rule 4.6 of the FRR. The Committee welcomed the reduction of unliquidated purchase orders from €7.2 by end of 2016 to €4.5 million by end of 2017, and resolved to continue monitoring the situation.

(c) *Contingency Fund*

60. In 2017, the Court was confronted with a number of unforeseen developments and submitted the following two CF notifications:

(a) Notification of 11 September 2017 for €1,305,600 for the following cases:

(i) to grant full legal aid for four defence teams (*Kilolo*, *Mangenda*, *Babala* and *Arido*) and provisional full legal aid for the fifth defence team (*Bemba*) during the appeals phase in the cases of *Bemba et al.* (situation in the CAR);

(ii) to provide legal aid for both defence and victims teams during the reparation phase for *Al Mahdi* (situation in Mali);

(iii) to provide legal aid for the Legal Representatives representing Victims during the trial phase for *Ongwen* (situation in Uganda); and

(iv) to provide additional resources granted during the trial phase for *The Prosecutor v. Bosco Ntaganda* in the situation in the DRC; and in the case of *Dominic Ongwen* (situation in Uganda); and

<sup>15</sup> CBF30/37S01.

<sup>16</sup> ICC-ASP/17/2, page 42, table 3.

<sup>17</sup> *Ibid.*, annex VIII, table 2.

<sup>18</sup> Unliquidated purchase orders represent commitments made for previous financial years, which had not yet been spent.

(b) Notification of 11 September 2017 for €226,900 following a Trial Chamber’s decision to appoint experts on reparations in the case of *Bemba* in the situation in the Central African Republic.

**Table 3: Summary of notifications to access the Contingency Fund in 2017**

<i>Date</i>	<i>Justification</i>	<i>Amount requested</i>
11/09/2017	Unforeseen costs in Legal Aid:	
	(a) Jean-Pierre Bemba Gombo et al.	€52,000
	(b) Al Mahdi	€52,600
	(c) Dominic Ongwen	€196,500
	(d) Bosco Ntaganda	€204,500
	<i>Sub-total</i>	€1,305,600
11/09/2017	Unforeseen costs on reparations in the case of <i>The Prosecutor v. Jean-Pierre Bemba Gombo in CAR</i> .	€226,900
	<i>Sub-total</i>	€226,900
	<b>Total</b>	<b>€1,532,500</b>

61. The Committee noted that the overall use of resources for unforeseen situations amounted to €1.48 million, compared to the total notified amount of €1.53 million and that these resource requirements were partly absorbed within the regular approved budget.

62. At its sixteenth session in December 2017, the Assembly had resolved that the CF was to be maintained at the notional level of €7 million for 2018, and requested the Bureau to keep this threshold under review in light of further experience on the functioning of the CF.<sup>19</sup> On 31 December 2017, the level of the CF stood at a level of €3.76 million. The Committee was concerned that this level could be insufficient to cover further contingencies.

(d) *Working Capital Fund*

63. The Committee noted that, the WCF<sup>20</sup> was fully utilized to address liquidity issues at the end of 2017.<sup>21</sup> The Assembly at its sixteenth session in December 2017, based on the recommendation of the Committee, decided that the WCF for 2018 shall be established in the amount of €1.6 million and decided that the Court was allowed to only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the WCF.<sup>22</sup>

64. The Committee again stressed the importance of full and timely payment of contributions in order to avoid that the Court incurs additional expenses resulting from delayed payments.

**5. Programme performance of the 2018 budget first quarter**

65. The Committee had before it the “Report on budget performance of the International Criminal Court as at 31 March 2018.”<sup>23</sup> The Committee noted that the implementation rate, as at 31 March 2018, was at 31.1 per cent, or €45.86 million, against the 2018 approved budget of €147.43 million, and agreed to continue monitoring the situation at its thirty-first session in September 2018.

<sup>19</sup> ICC-ASP/16/Res.1, section D.

<sup>20</sup> The purpose of the WCF, pursuant to Rule 6.2 of the FRR, is to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.

<sup>21</sup> ICC-ASP/17/2, annex XI.

<sup>22</sup> ICC-ASP/16/Res.1, section B.

<sup>23</sup> CBF/30/16.

66. The Committee further noted a letter by the Registrar to its Chairperson pursuant to Regulation 6.7 of the FRR, informing about the possible resort to the CF in 2018 to meet unforeseen and unavoidable costs in relation to operations for which there are no provisions in the approved programme budget for 2018. In addition, the Committee was informed that the Court is in the process of finalizing a CF notification concerning the OTP investigation in the situation in the Republic of Burundi, following authorization by Pre-Trial Chamber III on 9 November 2017.

67. The Committee was informed about the extension of the mandate of two judges. Subsequently, the Committee noted the submission of a CF notification in the amount of €16.8 thousand with regard to the mandate extension until 8 June 2018.

68. Two other judges' mandates have been extended until December 2018 without a CF notification and the financial consequences of potential extensions after year end 2018 had not yet been outlined.

69. The Committee recalled that the 2018 budget made a provision for 18 judges, as set out in article 36 paragraph 1 of the Rome Statute. The Committee was informed that the Presidency had decided to delay the date of calling to service of all six newly elected judges to 11 June 2018 and achieved further savings by delaying staff recruitments of the Major Programme I (Judiciary), and thus was able to cover for the salary of all new judges and the extended ones within the resources approved by the Assembly for Major Programme I. The Committee will continue closely monitoring the cost implications, including within the framework of the 2019 proposed programme budget.

70. The Committee noted an overspend of €82,800 for contractual services in sub-programme 3110 (Immediate Office of the Registrar), out of which €9,500 resulted from the appointment of an external expert to express a legal opinion on the ILOAT judgments. Furthermore, the Committee noted that the provision for this consultant's services was not approved within the 2018 budget and that the expert was selected on a direct basis.

## **D. Institutional reform and administrative matters**

### **1. Court-wide Five-year IT/IM Strategy planning and implementation updates**

71. The Court-wide Five-year IT/IM strategy has been an agenda item of the Committee since spring 2017. Although the Court has started to implement the plan from 2017, the Committee has had several concerns<sup>24</sup> about the maturity of the Strategy and so far, the funding of the Strategy implementation is not secured for the entire period and scope of the activities. Based on the Court's 2017/2018 progress report about the Five-year IT/IM strategy,<sup>25</sup> the reply to a query of the Committee and the presentation of the Court officials during the session, the Committee took note of the progress that the Court has made. Regarding the development of the comprehensive plan for the Five-year IT/IM strategy, as requested by the Committee at its twenty-ninth session,<sup>26</sup> the Court assured that a Business Case for the Judicial Workflow Platform - a key project within the Five-year IT/IM strategy - would be presented in advance of Committee's thirty-first session.

72. As requested by the Committee,<sup>27</sup> the Court clarified that the time-frame for the five-year IT/IM strategy is 2017 – 2021. The Committee took note that the total projected costs of the Strategy confirmed by the Court will be €8,670.9 thousand for the whole period of the Strategy, of which in 2017 €664 thousand was spent and in 2018 €1,206.4 thousand is budgeted for the Strategy implementation. The remaining €6,800 thousand would be subject to approval in the context of the Court's 2019-2021 proposed programme budgets. Table 4 below gives an overview of the cost estimates of the Strategy over the years divided between sections and cost types. The Committee took also note of the more detailed e.g. project level cost projections, which will be considered as a benchmark for further reporting about the Strategy implementation.

<sup>24</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, paras. 27-31 and 84, and *ibid.*, vol. II, part B.2, para. 87.

<sup>25</sup> CBF/30/11.

<sup>26</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 87.

<sup>27</sup> *Ibid.*, para. 82.

**Table 4: 2017-2021 Court-wide IT Strategy investments (in thousands of euros)<sup>28</sup>**

		2017	2018	2019	2020	2021	Total for duration of Strategy
<b>Non-staff costs</b>	IMSS	664	600	1,592	1,626	1,763	6,245
	DMS	0	224.9	150	20	370	764.9
	OTP	0	135	180	180	180	675
<b>Total non-staff costs</b>		<b>664</b>	<b>959.9</b>	<b>1,922</b>	<b>1,826</b>	<b>2,313</b>	<b>7,684.9</b>
<b>Staff costs</b>	DMS	0	100	100	100	100	400
	CMS	0	146.5	146.5	146.5	146.5	586
<b>Total staff costs</b>		<b>0</b>	<b>246.5</b>	<b>246.5</b>	<b>246.5</b>	<b>246.5</b>	<b>986</b>
<b>Total Court-wide investment</b>		<b>664</b>	<b>1,206.4</b>	<b>2,168.5</b>	<b>2,072.5</b>	<b>2,559.5</b>	<b>8,670.9</b>

73. Committee took note of the Courts projection of the total IT costs needed to keep Court's existing IT/IM systems up and running e.g. 'lights-on' costs. The projections over the period of 2017 - 2022 are presented in table 5 below. Unfortunately, the Court presented only the IT/IM systems running costs that are related to IMSS which means that although the remaining of the Court's sections spend only marginally compared to IMSS the complete picture of total Court wide "lights-on" costs is still missing. **For making prudent financial decisions about the IT costs, the Committee requested the Court to provide the Committee at its thirty-first session with total Court wide overview of the IT 'lights-on' cost figures from 2017 – 2022.**

**Table 5: Trend of IMSS 'lights-on' annual budget (in thousands of euros)<sup>29</sup>**

	2017	2018	2019	2020	2021	2022
<b>IMSS 'lights-on'</b>	8,851	9,337	9,583	9,605	9,615	9,839
<b>Difference compared to previous year</b>		+486	+246	+22	+10	+224

74. Noting that successful implementation of complex IT/IM projects may require planning arrangements that go beyond the annual budget cycle, the Committee believed that there was a need for both the Court and States Parties to better predict such budgetary requirements through multi-year plans. However, in this regard, the Committee wished to underline that to move further with the Five-year IT/IM strategy and, in particular, to apply a framework of multi-year financing, some key aspects of the internal control for the strategy implementation are still missing, including but not limited to: (i) responsibilities and the reporting arrangements during the Strategy implementation; (ii) risk assessment for determining the points of project termination within each project of the Strategy; (iii) contingency plan for managing either cost or time over-runs; and (iv) a clear financial plan of the Strategy.

75. The Committee further believed that it is vital that all relevant financial information regarding the Five-year IT/IM strategy would be aggregated into one document to avoid confusion about the validity of information, both within the Strategy management team and *vis-à-vis* external oversight bodies, like the Assembly, the Committee, the Audit Committee as well as internal and external auditors. **Reiterating its recommendation from the twenty-ninth session,<sup>30</sup> the Committee recommended that the Court provide a comprehensive plan for the Court Five-year IT/IM strategy prior to Committee's thirty-first session.**

<sup>28</sup> CBF/30/11, page 8, table 4.

<sup>29</sup> *Ibid.*, page 7, figure 1.

<sup>30</sup> *Ibid.*, paras. 87 and 93.

76. The Committee was also presented with a list of IT projects<sup>31</sup> that were revised by the Information Management Governance Board after adoption of the 2018 programme budget by the Assembly. During the meeting, Court officials stated that the Court's IT systems are secure, all necessary precautions to stay ahead of the curve regarding updating IT security have been taken and Court's IT security can be considered to be among the best within other UN organisations. No budgetary concerns were raised regarding the Court's IT security.

## 2. Clarification on the relationship between the Court-wide Five-year IT/IM strategy and the capital replacement plan

77. The Court provided clarifications on the relationship between the Court-wide Five-year IT/IM strategy and the Capital Replacement Plan, as requested by the Committee at its twenty-ninth session.<sup>32</sup> The Court emphasized that there is no overlap between the IT/IM investments within the Five-year IT/IM strategy and the capital replacement plan for the building. The building capital replacement plan includes the IMSS forecast of €150 thousand for replacement of end-of-life courtroom infrastructure, such as cameras, workstations, microphones and screens in 2021. The lifespan for the permanent premises network is estimated at ten years, requiring capital replacement in 2025.

## E. Policy on capital replacements

### 1. Capital replacement plan and options for their funding

78. At its twenty-eighth session, the Committee requested the Court to develop clear and transparent medium-term and long-term cost projections and funding plans for capital replacements and recommended that the Court include all relevant information on the replacement of capital investments, such as investments plans, actual investments and replacement of assets in due course of time, in a separate annex to the proposed programme budget.<sup>33</sup>

79. In September 2017, the Court presented its first medium-term plan for capital replacements at the premises, developing a five-year forecast until 2022, with an estimated cost of €2.2 million.<sup>34</sup> Capital replacements are investments in building components that have a significant cost. Unlike the costs of (preventive and corrective) maintenance, capital replacements are not included in the yearly budget proposal.

80. The Committee considered the "Report of the Court on the development of medium-term and long-term cost projections for capital replacements and the inclusion of performance indicators in the new maintenance contract."<sup>35</sup> The Court has updated the forecast to include 2023 with costs rising by €0.7 million to a level of €2.9 million. The updated plan comprises the replacement of building components which, the Court argues, have reached the end of their lifespan and which are necessary to preserve the building's value and reliable operability. It includes replacements of building-related hardware and audio-visual technology for courtrooms and the conference cluster which are separate from the Five-year IT/IM strategy. The five-year plan is underpinned by internal technical expertise and by up-to-date information on the actual performance.

81. Referring to the Committee's earlier requests,<sup>36</sup> the Court confirmed that it will seek a second opinion from the incoming new main contractor, who will deliver all maintenance services together with the necessary capital replacements under the supervision of the Court's in-house Facility Management Unit. Furthermore, the Court also confirmed that the selection of the new contractor is still underway and that the terms of reference and performance indicators under the new maintenance contract will be provided to the Committee upon conclusion of the contract, which is expected to be signed at the beginning of September 2018.

<sup>31</sup> *Ibid.*, page 5, table 3.

<sup>32</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 90.

<sup>33</sup> *Ibid.*, part B.1, para. 84.

<sup>34</sup> CBF/29/2.

<sup>35</sup> CBF/30/3.

<sup>36</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, paras. 228 et seq.

82. The Court explained that the original target date (March 2018) had been too short to enable international competition in the procurement process and best value for money. In the meantime, the existing contract with the main contractor for the premises *Courtys* had been extended to August 2018.

83. **The Committee recommended that - as suggested previously<sup>37</sup> and confirmed by the Assembly<sup>38</sup> - the second opinion of the incoming contractor should address, *inter alia*, the following factors: (a) urgency of replacements, by taking into account actual usage; (b) value for money, in particular, whether alternative product brands offer better value for money in terms of reliability, durability, ease of repair, etc.; (c) pricing assumptions with surveys of most recent market trends; (d) opportunities from (joint) procurement; and (e) lessons learned, for instance, from other than The Hague-based institutions and looked forward to a progress update on the outstanding aspects at its thirty-first session.**

84. The Committee also awaits the response to the Assembly's request that the Court present via the Committee and ahead of the Assembly's seventeenth session, a report on different options for funding long-term maintenance and replacement based on the experience of other international organizations.<sup>39</sup>

## **F. Human resource management**

### **1. Court-wide review of the policy on reclassifications**

85. At its twenty-ninth session in September 2017, the Committee recommended that the Assembly not approve any reclassifications of posts, until there had been a Court-wide review of the policy on reclassifications.

86. The Committee considered the "Report of the Court on Human Resources Management"<sup>40</sup> and was presented with the draft of the Administrative Instruction (AI) on the classification and reclassification of posts. The Committee recalled that reclassifications of post cannot be used as a promotion or performance management tool or as a consequence of increased workloads, and that all Heads of Organs, Directors of Division, Chief of Sections and equivalents, are accountable for the proper allocation of work according to approved post grades, and thus should avoid pre-empting the final decision of a request for reclassification.

87. **After analysing the draft AI, the Committee recommended that the Court submit a new draft at its thirty-first session, and that in order to ensure the fairness and transparency of the process, as well as the decision making, the draft should include the following:**

**(a) the undertaking of functions and responsibilities of an existing vacant post are not grounds for reclassification;**

**(b) the Classification Advisory Board should include staff representation, such as the Staff Union;**

**(c) the role of the Committee in the process is clearly stated, taking into account that it is the independent advisory body of the Assembly for these matters, while the Assembly has the final decision on approval of such matters; and**

**(d) timely and fully documented submission of reclassification requests to the Committee prior to its first meeting each year.**

88. The Committee decided to carefully review all requests for reclassification in the context of the 2019 proposed programme budget, in light of the proposed changes to the AI.

<sup>37</sup> *Ibid.*, para. 235.

<sup>38</sup> ICC-ASP/16/Res.1, section G, para. 3.

<sup>39</sup> *Ibid.*, para. 4.

<sup>40</sup> ICC-ASP/17/6.



## 2. Geographical distribution

89. At its twenty-eighth session, the Committee recommended that the Court continue its efforts towards further improving the situation with respect to geographical distribution and gender balance and to report back on the specific measures taken, including awareness-raising campaigns.<sup>41</sup>

90. The Court reported that it had 888 filled established fixed-term posts and 139 in fixed-term GTA funded positions at the end of 2017. The Court further stated that there had been a 10 per cent increase in staff at the professional level from under-represented countries and countries in imbalance.

91. The Committee noted that 59 per cent of the workforce belongs to 27 States Parties countries; and 76 countries were either underrepresented (21) or not at all represented (55).

92. **In the past, the Committee observed that there is a significant number of staff that are nationals of States that are not States Parties to the Rome Statute.<sup>42</sup> The Committee noted that there had been a slight increase (1.1 per cent) in the workforce of nationals of non-States Parties from 2016 to 2017. Reiterating its previous recommendation,<sup>43</sup> the Committee recommended that the Court address the issue of the significant number of staff that are nationals of States that are not States Parties to the Rome Statute in conjunction with the existing imbalance in geographical representation.**

93. **The Committee recommended that the Court continue its efforts to attract candidates especially from under-represented and non-represented countries and report back to the Committee at its thirty-second session within its annual report on human resource management.**

94. **The Court's human resources management report did not show any tangible results in redressing the issue of persisting geographical imbalances. The Committee recommended that the Court continue its efforts to alleviate this situation.**

## 3. Gender balance

95. The Court provided an update on geographical distribution and gender balance within its human resources management report.

96. The Court reported an improvement of three percentage points in the number of female staff in established posts at the professional level in 2017 from 46 per cent in 2016 to 49 per cent in 2017.

97. The Committee noted that staff was almost evenly distributed between male staff throughout the Court level (51 per cent) and female staff (49 per cent). The Committee further noted that the percentage of female staff in the Judiciary and OTP far exceeded that of males, comprising 63 per cent and 53 per cent, respectively; while the Registry lagged behind at 41 per cent. **The Committee recommended that the Court, particularly the Registry, continue its efforts to narrow the gender gap and to provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.**

98. The gender gap at the higher professional levels persisted in 2017. Specifically, male staff at the P-5 through P-3 levels significantly surpassed those of the female staff; whereas female staff outnumbered male staff at the lower levels (P-2 and P-1). **The Committee recommended that the Court continue its efforts to redress this situation and to provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.**

99. In 2017, the Committee observed a decline in female staff at the P-5 level from 35 per cent to 32 per cent, while female staff increased by two per cent at the P-4 and at the P-3 level, respectively. **The Committee recommended that the Court exert additional efforts toward**

<sup>41</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 102.

<sup>42</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.1, para. 98.

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

**attracting female staff at the P-5 level and provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.**

#### **4. Flexible deployment of staff**

100. Bearing in mind that staff costs account for more than 70 per cent of the Court's total budget, and around 90 per cent in OTP, the Committee decided to focus in future sessions on the opportunities for flexible deployment of staff capacity to areas of urgent needs.

101. The Court provided an update on the flexible deployment of staff within its human resources management report.<sup>44</sup> The Court reported that it is a strategic priority to have an agile workforce, which can be flexibly assigned to cover operational needs.

102. The Committee concurred with the Court that the aim of mobility is twofold, namely to allow the Court to redirect resources when there is an operational need, on the one hand, and to support staff in their professional development through building capacity, on the other. The Committee also acknowledged the Court's point that, when it comes to assigning staff flexibly, human resources management will benefit from the ability to redesign teams and reallocate work assignments in a manner which optimally uses resources.

103. In 2017, the Court developed a "Mobility Framework" which outlines the various mobility options whereby staff can be reassigned temporarily to work on projects, for temporary job rotation within job families and for cross-training purposes. For the time being, this mobility framework relates to temporary reassignments. One of the mobility modalities is the temporary assignment of staff following the advertisement of short-term appointments. For fixed-term positions, assignments continue to be subject to competitive recruitment. The Court's Mobility Framework is expected to be promulgated in the first half of 2018. The Court expects that the mobility framework will then be further developed over the coming years, as the effect of the different modalities and their implementation are tested and assessed in practice with a view to achieving a good balance between staff and organizational needs.

**104. The Committee recommended that the Court submit its mobility framework and explore using its training budget with a view to expanding its internal mobility arrangements, where appropriate, and provide an update within the annual report on human resource management at its thirty-second session.**

105. In addition, the Committee believed that there is also an opportunity to strategically align skills with medium-term and long-term requirements. While being informed that the Court is not a signatory of the "Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries", the Committee noted that in 2017, the Court made some staff exchange arrangements with UN partner organizations under a mutual agreement.<sup>45</sup>

**106. The Committee recommended that the Court continue exploring possibilities for staff exchange arrangements within the United Nations Common System, and provide an update within the annual report on human resource management at its thirty-second session.**

**107. The Committee further recommended that the Court - before requesting new posts - continuously assess whether in-house resources can be used, and that starting with the 2019 proposed programme budget any requests for new posts should be backed up by a more explicit justification of why recourse to existing resources may not be practicable.**

#### **5. Standard Operating Procedure for the opening, operating and closure of field offices**

108. At its twenty-eighth session, the Committee took note of the Court's field office closure strategy and recommended that the Court develop standard operating procedures for the full cycle (the opening, operating and closure) of field offices, taking into account past experience and lessons learnt, as well as their full budgetary impact.<sup>46</sup>

<sup>44</sup> ICC-ASP/17/6, paras. 63-68.

<sup>45</sup> *Ibid.*, paras 124-125.

<sup>46</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 123.

109. The Committee took note of the “Report of the Court on Standard Operating Procedures for the Full Cycle (Opening, Operation and Closure) of Field Offices and their Full Budgetary Impact.”<sup>47</sup> While noting that this report did not elaborate on the financial impact, the Committee welcomed the “Protocol on the Set-up, Management and Closure/Downsizing of Registry Field Offices or Field-Based Presence.”<sup>48</sup> The generic staffing overview of the “field based presence” and “field offices”, as reported in this protocol, is included in annex IV of this report.

## 6. Junior Professional Officer Programme

110. In relation to the Junior Professional Officer Programme (JPO), the Court informed the Committee that it had signed MOUs with the Governments of Japan, the Republic of Korea and Switzerland.

**111. The Committee took note of the progress made on the JPO programme, which is still on trial base, as well as the internship and visiting professional programmes. It requested the Court, in continuing with these programmes, to bear in mind their potential impact on geographical representation and gender balance. It also noted the Court’s efforts to generate interest among developed countries to support developing countries. Furthermore, it recommended that the Court update the Committee at its thirty-second session on the facts and figures, any lessons learned and possible ways forward within its annual report on human resource management.**

## G. Amendments to the legal aid system

112. The Committee noted the Court’s “Report on the progress of the development of proposals for adjustments to the legal aid remuneration system as of 2019”.<sup>49</sup> The report responds to earlier requests by the Committee and the Assembly.

113. In September 2017, the Committee recommended that the forthcoming new system be more respectful of the budgetary limits approved by the Assembly. It also recommended that the Court make every effort to present a reform that aims at limiting the administrative burden without compromising accountability and that can be achieved within existing resources taking into account the required number of legal aid teams, and the judicial proceedings phase of each case.<sup>50</sup> Mindful of the recommendation, the Assembly requested the Court “to continue its review of the legal aid system and present proposals for adjustments of the legal aid remuneration policies for its consideration through the Committee at its upcoming session in December 2018.”<sup>51</sup>

114. The report provides: (i) an overview of the current system; (ii) a summary of the Expert’s assessment the Court had commissioned; (iii) feedback received during the extensive consultation of external stakeholders, and (iv) the Court’s proposals thereon. These proposals cover the following areas: (a) core legal team for the defence, (b) core legal team for victims, (c) investigation budget for the defence, (d) field budget for liaising with victims, (e) the allocation of additional resources over and above the core team, and as well as (f) the administration of the legal aid system.

115. The proposed modifications, the Court explains, are based on two goals:

(a) The first is to ensure that the Court upholds its obligation to ensure fair trial rights for suspects and accused, as well as effective victim participation. The Court therefore proposes a number of measures aimed at improving resource allocation for legal teams receiving legal aid, including through an increase in fees and team resources. These increases, the Court claims, would be partly offset by other modifications in the system, for example by moving from the current lump-sum payment system to an hourly payment system for phases of the proceedings in which team members are not all expected to work full-time.

<sup>47</sup> CBF/30/4.

<sup>48</sup> CBF/30/4.1.

<sup>49</sup> ICC-ASP/17/4.

<sup>50</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1.

<sup>51</sup> ICC-ASP/16/Res.6, annex I, para. 8.

(b) The second goal is to improve the overall administration of legal aid either by reducing unnecessary bureaucracy or by implementing more rigorous financial controls to payment only for services actually delivered.

116. The Committee also noted the comments of the President of the Court regarding the status of this document and the reform, and questioned whether the proposed timeline for implementing the reform as early as December 2018 was feasible.

117. Legal aid has become a major budget item with expenditures ranging from €4.3 to €6.3 million per year, with a total amount of expenditures of more than €25 million over the last five years.<sup>52</sup> However, the report includes little information on specific financial implications. Based on the available information it is difficult to even estimate the impact of either individual adjustments or the reform package as a whole. To enable the Committee to accurately assess the financial impact and cost-efficient options, the Committee requested that any further approach on this issue from the Court at least includes the following:

- (a) an update on the ongoing review of the reform in the Court;
- (b) scenarios depicting possible budget impacts of both the (a) individual adjustments to the remuneration and (b) the entire reform package;
- (c) unit cost comparisons of each of the team members (both current and proposed defence and victims teams) which would help understand the nature of the Court's proposal;
- (d) possible and anticipated savings in the administration of the legal aid scheme through the proposed reduction of bureaucracy and extent to which an increase in the allocation of resources to teams could be offset by a decrease in administrative resources;
- (e) budget impact of the new system compared to the previous reform in 2011;
- (f) assumptions underlying the Court's expectation that the budgetary ceiling would be met in 2019, taking into account the required number of legal aid teams, and the judicial proceedings phase of each case;
- (g) prospects for staying within the budgetary ceiling over the medium-term and options for additional savings;
- (h) update on the possibilities for income tax exemption and general temporary assistance contracts for trial assistants, case managers and field assistants by weighing the advantages and disadvantages in this regard and any budgetary implications;<sup>53</sup>
- (i) potential of the "legal aid calculator"<sup>54</sup> for projecting and comparing costs; and
- (j) quantify the net impact on administrative burdens and provide assurance that the appropriate levels of accountability are present within any new process.

118. **The Committee reiterated that it had previously recommended that the Court provide detailed information at its thirty-first session in September 2018. However, the Committee strongly doubted whether the reform could realistically be considered by the Assembly at its seventeenth session, particularly given the amount of additional information required. Therefore the Committee recommended that the Court only provide this information when it is ready and complete.**

## H. Administrative and operational costs of reparations

119. The Committee considered the "Joint report of the Court and the Trust Fund for Victims on foreseeable administrative and operational cost implications of reparations."<sup>55</sup> The report addressed: i) the different stages of the reparations phase of the proceedings and the main activities/stakeholders per stage; ii) relevant developments with regard to reparations in 2017, in particular in the *Lubanga*, *Katanga*, *Bemba* and *Al Mahdi*

<sup>52</sup> See annex III.

<sup>53</sup> ICC-ASP/17/4, para. 29.

<sup>54</sup> *Ibid.*

<sup>55</sup> CBF/30/8.

proceedings; iii) challenges ahead with a particular focus on the implementation of reparations.

120. The Committee observed that none of the cases in the reparations phase before the Court have been fully completed. In all cases, where a reparation order has been issued (*Lubanga, Katanga and Al Mahdi*), the latter is still under appeal making it difficult to obtain insights and details on the resources required throughout the different stages of the reparations phase proceedings to date.

121. The Committee considered the situation, where convicted persons do not have the financial resources or assets at their disposition to pay for reparation awards to victims. The Committee noted that while the TFV cannot be compelled to pay the reparations awards, Chambers have been ordering the TFV, based on the relevant provisions of Rome Statute,<sup>56</sup> to prepare draft implementation plans, and encouraging the TFV to complement, to the extent possible, the payment of reparations awards from its voluntary contributions and donations.

122. Furthermore, the Committee was informed that the TFV Board of Directors decided in December 2017 to deduct the administrative cost for implementation of reparation from the reparation award, bearing in mind that victims' rights to obtain reparations shall not be diminished by the administrative cost of implementation. Consequently, the STFV believed that administrative cost incurred by implementing partner are recoverable from the regular budget.<sup>57</sup>

123. The Committee reiterated its earlier assessment that the issues of reparations had a potentially significant impact on the reputation and operations of the Court. The Committee also reaffirmed its belief that the final pattern of reparations will depend on decisions by Chambers and stressed the need for all stakeholders to be aware of the administrative and operational costs resulting from the implementation of reparations orders. **Noting that the financing of administrative costs resulting from the implementation of reparations for the STFV and its implementing partners required additional consideration, the Committee recommended that the STFV provide detailed information on this issue at its thirty-first session.**

## I. Trust Fund for Victims

### 1. Progress report by the STFV on the filling of vacant positions

124. The Committee considered the "Report of the Trust Fund for Victims on foreseeable workload in relation to its organizational structure"<sup>58</sup> which contained the progress made in filling vacant positions, the efforts to increase the visibility of the TFV and its fundraising capacity and the impact on the implementation of Court-ordered reparations awards.

125. The Committee acknowledged the demanding workload of the STFV. It also noted, however, that, over recent years, the STFV has significantly underspent its approved budget (Major Programme VI) with budget implementation rates as low as 90 per cent or less, dropping to 78.4 per cent in 2017, due in good part to the fact that approved posts were left vacant.

**126. The Committee noted with concern that an important number of posts remained vacant, including the position of a Fundraising and Visibility Officer (P-3) and called upon the STFV to ensure proper planning in order to finish the ongoing recruitment process in order to complete their organizational structure and present to the Committee a progress report at its thirty-first session.**

**127. Furthermore, the Committee recalled its assessment that the issue of reparation had a potentially significant impact on the reputation and operations of the Court, and thus recommended all Organs of the Court to continue work with the STFV, such as the administrative support provided by the Registry services.**

<sup>56</sup> Article 75, para. 2 in combination with article 79.

<sup>57</sup> *Ibid.*, para. 37.

<sup>58</sup> CBF/30/13.

## 2. Efforts to increase the visibility of the TFV and its fund-raising capacity

128. In September 2017, the Committee noted the crucial importance of voluntary donations for the TFV's assistance mandate and requested an update.<sup>59</sup>

129. Upon request, the Executive Director of the STFV explained that the TFV is still faced with legal obstacles in accessing major philanthropic markets in the United States and elsewhere. He said the difficulty arises because, as a subsidiary organ of the Assembly, the TFV has no separate legal identity from the Court. Therefore, the TFV cannot automatically offer the prospect of tax deductibility to private donors. However, in 2014 / 2015, the STFV commissioned research by US law firms to look for ways to overcome these hurdles. These suggested two options to work around the problem, both of which the TFV considered to be viable.<sup>60</sup>

130. In the context of a downturn in voluntary contributions from 2015 onwards, the STFV has prioritized its efforts to mobilise contributions from States Parties. Given the focus on public donors the STFV has not further explored private fundraising options. More recently, the STFV has calculated it needs no less than €40 million over the next four years to fund assistance and reparation programmes.<sup>61</sup> The Committee believed that it would therefore be prudent to develop viable opportunities for complementary private donations as a second mainstay now. This would be fully in line with the current TFV Strategic Plan. Lessons might be learned from the practice of other donor-dependent organisations.

131. A more in-depth analysis of the legal, fiscal and administrative issues will be required. Effective procedures and safeguards for vetting donations should be put in place. The Court's legal expertise is likely to be critical.

**132. To move ahead more expeditiously in facilitating access to private donations, the Committee recommended that the STFV and the Court jointly establish a working group tasked to identify viable options, weigh their advantages and downsides, and work out a specific proposal for decision. The Committee requested to receive the Terms of Reference for such a group, including suggested deadlines for deliverable results, at its thirty-first session in September 2018.**

## J. Other matters

### 1. Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties

133. At its sixteenth session, the Assembly requested the Court to propose amendments to the FRR with regard to the financial obligations of States Parties withdrawing from the Rome Statute for consideration by the Committee and adoption by the Assembly, as appropriate, at its seventeenth session.<sup>62</sup>

134. In its report entitled "Changes to the Financial Regulations and Rules relating to contributions of States Parties withdrawing from the Rome Statute,"<sup>63</sup> the Court presented a proposal for amendments of the FRR in relation to the financial obligations of withdrawing States Parties.

135. The proposed amendments provide that State Parties shall not be discharged, by reason of their withdrawal from the Rome Statute, from any financial obligations, including but not limited to, States Parties contributions to the total cost of permanent premises, which have accrued while they had been a State Party to the Rome Statute, and that States Parties that withdraw from the Rome Statute shall be required to make proportional payments of the assessed annual contributions related to the year in which the withdrawal takes effect. In addition, the proposal provides that new States Parties shall be required to

<sup>59</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 126.

<sup>60</sup> Either the establishment of a „Friends of the TFV“ foundation or the engagement of a Fiscal Sponsor as a proxy recipient of tax deductible donations. For details see *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, paras. 125-130.

<sup>61</sup> CBF/30/13, para. 34.

<sup>62</sup> ICC-ASP/16/Res.1, section P.

<sup>63</sup> CBF/30/7.

make a contribution to the total cost of the permanent premises at the time of their ratification, acceptance, approval of or accession to the Rome Statute.

136. The Committee agreed with the proposal as it considered it to be in line with Article 127 of the Rome Statute and aligned with the Assembly's decision at its fourteenth session to assess new States Parties against the total cost of the permanent premises. **The Committee recommended that the Assembly approve the revised text of the FRR concerning the financial obligations of withdrawing States Parties, as included in annex VI of this report.**

137. Concerning the installments for the host State loan, the Committee recalled that according to the Rome Statute the obligation to pay the full amount of the loan does not cease upon the withdrawal of a State Party. However, the Committee noted that there is no mechanism to coercively collect the due amount. **Recognizing this risk and its potential consequences, the Committee recommended that the Court propose as soon as possible a financial solution that is legally binding and enforceable with a view to avoiding similar situations in the future and report thereon to the Committee at its thirty-first session in September 2018.**

## 2. Amendments to the Financial Regulations and Rules concerning seizure of assets

138. The Committee considered the "Report of the Court on handling seized funds received by the Court,"<sup>64</sup> which addressed the requirements for handling seized funds received by the Court in connection with judicial proceedings.

139. In its report, the Court stressed that these funds should be administered in accordance with the FRR. However, the current FRR do not specifically address this issue. Therefore, the Court proposed amendments to the FRR<sup>65</sup> which will provide a clear legal basis for the Registrar to establish a special account<sup>66</sup> to safeguard these funds and to segregate them from the Court's General Fund (without classifying them as miscellaneous income).

140. **Being in agreement that a separate account would be a suitable option to administer funds in the Court's temporary custody, pending a final determination of their use, the Committee recommended that the proposed amendment to the FRR, as contained in annex VII, be approved by the Assembly.**

141. Furthermore the Court explained that funds may be used for (i) the payment of a fine - under Article 5<sup>67</sup> or Article 70<sup>68</sup> proceedings; (ii) the execution of a forfeiture order;<sup>69</sup> (iii) the execution of a reparation order;<sup>70</sup> or (iv) the recovery by the Court (or reimbursement by the accused) of legal assistance paid by the Court.<sup>71</sup>

142. When it comes to legal aid advances from the budget financed by States Parties, such amounts when recovered should in general be returned to States Parties. However, the decision rests with the Assembly. Under the amended FRR, the Assembly would need to decide on a case-by-case basis, as it did in the *Bemba* case.<sup>72</sup> In this context, the Committee would like to recall its recommendation made at its twenty-third session:

<sup>64</sup> CBF/30/2.

<sup>65</sup> See annex VII.

<sup>66</sup> In line with rule 6.5 of the current FRR, special funds (and trust funds) may be established only, if funded wholly by voluntary contributions.

<sup>67</sup> Article 5 Rome Statute - Crimes within the jurisdiction of the Court.

<sup>68</sup> Article 70 Rome Statute - Offences against the administration of justice.

<sup>69</sup> Article 77(2)(b) of the Rome Statute and Rule 147 of the Rules of Procedure and Evidence.

<sup>70</sup> Articles 75 and 79(2) of the Rome Statute.

<sup>71</sup> Where (i) a Chamber decides that funds have been advanced by the Court and the accused has a debt towards the Court and should repay it, or (ii) a Chamber or the Presidency issues an order of contribution to recover the cost of providing counsel when, following the Registry's financial investigation into a matter of legal assistance, the accused is found not indigent (rule 21(5) of the Rules of Procedure and Evidence and regulation 85(4) of the Regulations of the Court.

<sup>72</sup> At its thirteenth session in 2014, the Assembly decided that (i) the funds from Bemba for the reimbursement of defence costs amounting to €2,068,000 be treated as miscellaneous income to be returned to States Parties and (ii) approved that the assessments of States Parties be adjusted for 2015 based on the funds arising from this miscellaneous income, instead of following the procedure established by the FRR.

“In order to avoid an *ad hoc* or case-by-case basis approach in the future cases, the Committee recommended that the Court establish a procedure to deal with the issues of reimbursing any debt arising from the advance of legal aid and the financing of legal aid when the Court receives assets from defendants during its judicial procedure, taking into account the existing regulations and rules of the Court, any legal and judicial considerations that might be relevant, and lessons learned from the Bemba case.”<sup>73</sup>

**143. Reiterating the above-mentioned recommendation, the Committee recommended that the Court submit a policy proposal, at its thirty-second session in spring 2019, dealing with the issues of reimbursing any debt arising from the advance of legal aid and the financing of legal aid when the Court receives assets from defendants during its judicial procedure.**

### 3. Other voluntary contributions to the Court

144. The Committee noted that voluntary contributions are recorded within the scope of the Trust Funds and Special Accounts, as outlined by the Court in replies to queries of the Committee. The various types of voluntary contributions, including those made to the TFV or the premises, vary over the years. For example, in 2015, the total amount of such contributions was nearly €1 million, while in 2016, it dropped to €1.1 million; and in 2017 increased to nearly €5 million.<sup>74</sup>

**145. The Committee recommended that all details regarding voluntary contributions be contained in the annual performance report in order to ensure full transparency of resources.**

146. Furthermore, the Committee was of the view that should there be a voluntary contribution that offsets activities within the regular budget, the Court should show a clear account.

### 4. Potential and associated costs in relation to cases before the ILO-Administrative Tribunal

147. The Committee took note of the six judgments delivered on 24 January 2018 by the International Labour Organization Administrative Tribunal (ILOAT) for administrative dispute resolution between the Court and its staff. The judgements declared the ReVision Principles as “unlawful”. The financial impact of the judgments was recorded in the 2017 financial statements, which are currently under auditing.

148. The Committee also noted that, at the time of its session, 18 pending cases are being examined by ILOAT (seven of which are related to ReVision). The cost estimates by the Registry in this regard amounted to €2.29 million during the session (roughly €2 million as financial compensation to the litigators and €204 thousand as ILOAT fees). The Committee noted that a provision of €2.4 million has been recorded in the 2017 Financial Statements in relation to the above-mentioned six judgements delivered on 24 January 2018 and the pending cases before the ILOAT.<sup>75</sup>

149. In addition, following the delivery of the six judgments in January 2018, 29 new cases related to ReVision were filed before the Court’s internal Appeals Board. The Committee took note that, according to the total financial compensation sought by the appellants in 24 cases out of 29 amounts to €7,784,763.

150. The Committee noted with concern that a total of 16 judgments, of which seven were related to ReVision, were rendered in the last 24 months, resulting in a financial impact for the Court of €2.63 million (€2.51 as compensation to the litigators and €120 thousand as ILOAT fees). This amount could increase by costs related to further settlements currently considered by the ILOAT.

<sup>73</sup> *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.2, para. 144.

<sup>74</sup> For detailed information see Annex VIII.

<sup>75</sup> As of 18 April 2018, the Court’s estimate of the 18 pending cases before ILOAT amounted to €2,296,104 (provision of €1,766,104 and contingent liabilities of €530,000).



151. The Committee expressed its concern about the continued and rising number of litigation cases both in terms of financial and staff impact. The Committee recommended that the Court seek external conciliation mechanisms to resolve, as appropriate, disputes in a non-contentious manner.

152. Furthermore, the Committee recommended that the Court revise its approach in the field of human resource management in order to avoid, to the extent possible, litigations in the future, and to minimize their impact on staff as well as the cost implications.

153. The Committee also urged the Court's legal services to accurately assess the litigation risks related to administrative processes (such as ReVision) and to update the Committee on the steps taken to avoid any litigations in the future at its thirty-second session within the annual report on human resource management.

## 5. Secretariat of the Assembly of States Parties

154. It came to the attention of the Committee that the “*ReVision Report: Secretariat of the Assembly of States Parties*,<sup>76</sup>” was distributed for information to the Assembly in December 2017. It is not clear on whose mandate the report was prepared. The Secretariat of the Assembly of States Parties provides support to the Assembly and the Committee, and therefore any mandate for revision should come from the Assembly. As the report concerns the administrative and budgetary functions of the Committee, an independent subsidiary body of the Assembly, members would expect to be consulted on any revision, however they were not.

## 6. Future sessions of the Committee

155. The thirty-first session of the Committee will take place from 3-14 September 2018 in The Hague, in accordance with the decision taken by the Assembly at its sixteenth session in December 2017.

---

<sup>76</sup> ICC-ASP/16/INF.3.

## Annex I

## Status of contributions as at 31 March 2018

State Party	Prior Years			Year 2018						Outstanding Contributions Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions				
Afghanistan	-	-	-	14,385	706	15,091	14,385	706	15,091	-	15,091	Overdue	01/06/2017
Albania	-	-	-	19,563	-	19,563	19,563	-	19,563	-	19,563	Overdue	09/02/2017
Andorra	-	-	-	14,672	-	14,672	14,672	-	14,672	-	14,672	Overdue	07/03/2017
Antigua and Barbuda	11,688	-	11,688	4,891	186	5,077	4,891	186	5,077	-	16,765	Ineligible to vote	01/10/2016
Argentina	600,000	-	600,000	2,185,464	-	2,185,464	2,185,464	-	2,185,464	-	2,785,464	In arrears	23/02/2018
Australia	-	-	-	5,725,819	-	5,725,819	-	-	-	-	-	Fully settled	24/01/2018
Austria	-	-	-	1,763,992	113,387	1,877,379	-	-	-	-	-	Fully settled	30/01/2018
Bangladesh	-	-	-	14,385	893	15,278	14,385	893	15,278	-	15,278	Overdue	09/02/2017
Barbados	-	-	-	17,118	-	17,118	17,118	-	17,118	-	17,118	Overdue	11/01/2018
Belgium	-	-	-	2,168,346	141,803	2,310,149	-	-	-	-	-	Fully settled	23/03/2018
Belize	115	-	115	2,445	143	2,588	2,445	143	2,588	-	2,703	In arrears	26/06/2017
Benin	-	-	-	7,336	430	7,766	7,336	430	7,766	-	7,766	Overdue	05/10/2017
Bolivia (Plurinational State of)	-	-	-	29,345	-	29,345	29,345	-	29,345	-	29,345	Overdue	10/07/2017
Bosnia and Herzegovina	-	-	-	31,790	-	31,790	31,790	-	31,790	-	31,790	Overdue	23/02/2017
Botswana	-	-	-	34,235	2,269	36,504	-	-	-	-	-	Fully settled	05/02/2018
Brazil	16,193,717	346,652	16,540,369	9,366,580	416,882	9,783,462	9,366,580	416,882	9,783,462	-	26,323,831	In arrears	29/12/2016
Bulgaria	-	-	-	110,186	6,679	116,865	-	-	-	-	-	Fully settled	22/01/2018
Burkina Faso	8,939	-	8,939	9,782	165	9,947	9,782	165	9,947	-	18,886	In arrears	09/08/2017
Cabo Verde	1,277	-	1,277	2,445	143	2,588	2,445	143	2,588	-	3,865	In arrears	02/08/2017
Cambodia	-	-	-	9,782	441	10,223	9,782	441	10,223	-	10,223	Overdue	24/05/2017
Canada	-	-	-	7,156,663	-	7,156,663	-	-	-	-	-	Fully settled	14/02/2018
Central African Republic	5,524	200	5,724	2,445	143	2,588	2,445	143	2,588	-	8,312	Ineligible to vote	09/12/2014
Chad	24,343	215	24,558	12,227	154	12,381	12,227	154	12,381	-	36,939	Ineligible to vote	13/01/2015
Chile	-	-	-	977,582	-	977,582	977,582	-	977,582	-	977,582	Overdue	09/06/2017
Colombia	701,415	-	701,415	788,855	-	788,855	788,855	-	788,855	-	1,490,270	In arrears	26/03/2018
Comoros	19,139	228	19,367	2,445	143	2,588	2,445	143	2,588	46	22,001	Ineligible to vote	no payments
Congo	61,264	1,126	62,390	14,672	706	15,378	14,672	706	15,378	73	77,841	Ineligible to vote	01/06/2011
Cook Islands	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	31/01/2018
Costa Rica	-	-	-	115,221	-	115,221	-	-	-	-	-	Fully settled	27/02/2018
Côte d'Ivoire	-	-	-	22,008	1,563	23,571	22,008	1,563	23,571	-	23,571	Overdue	10/04/2017
Croatia	-	-	-	242,526	17,901	260,427	-	-	-	-	-	Fully settled	10/01/2018
Cyprus	-	-	-	105,295	-	105,295	-	-	-	-	-	Fully settled	15/02/2018
Czechia	-	-	-	842,798	-	842,798	-	-	-	-	-	Fully settled	20/02/2018
Democratic Republic of the Congo	-	-	-	14,385	32	14,417	14,385	32	14,417	-	14,417	Overdue	08/11/2017
Denmark	-	-	-	1,430,843	-	1,430,843	-	-	-	-	-	Fully settled	10/01/2018
Djibouti	4,010	119	4,129	2,445	143	2,588	2,445	143	2,588	-	6,717	In arrears	29/11/2017
Dominica	10,419	228	10,647	2,445	143	2,588	2,445	143	2,588	8	13,243	Ineligible to vote	31/12/2015
Dominican Republic	251,561	8,929	260,490	112,632	6,392	119,024	112,632	6,392	119,024	-	379,514	Ineligible to vote	14/11/2017
Ecuador	-	-	-	164,129	-	164,129	164,129	-	164,129	-	164,129	Overdue	07/06/2017
El Salvador	-	-	-	34,235	-	34,235	34,235	-	34,235	-	34,235	In arrears	11/12/2017
Estonia	-	-	-	93,069	-	93,069	-	-	-	-	-	Fully settled	29/01/2018
Fiji	-	-	-	7,336	430	7,766	7,336	428	7,764	-	7,764	Overdue	23/01/2017
Finland	-	-	-	1,117,257	-	1,117,257	-	-	-	-	-	Fully settled	15/01/2018
France	-	-	-	11,904,900	794,694	12,699,594	11,904,900	794,694	12,699,594	-	12,699,594	Overdue	31/01/2017
Gabon	41,064	1,491	42,555	41,715	1,793	43,508	41,715	1,793	43,508	-	86,063	In arrears	03/10/2016
Gambia	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	19/12/2017
Georgia	-	-	-	19,563	-	19,563	-	-	-	-	-	Fully settled	26/01/2018
Germany	-	-	-	15,653,545	-	15,653,545	-	-	-	-	-	Fully settled	30/01/2018
Ghana	4,525	-	4,525	39,270	1,986	41,256	39,270	1,986	41,256	-	45,781	In arrears	25/09/2017
Greece	-	-	-	1,153,938	-	1,153,938	1,153,938	-	1,153,938	-	1,153,938	Overdue	04/10/2017
Grenada	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	01/12/2017
Guatemala	-	-	-	68,615	3,836	72,451	68,615	29	68,644	-	68,644	Overdue	23/11/2016
Guinea	19,278	228	19,506	4,891	143	5,034	4,891	143	5,034	84	24,624	Ineligible to vote	20/04/2015
Guyana	144	-	144	4,891	143	5,034	4,891	143	5,034	-	5,178	In arrears	09/03/2017
Honduras	-	-	-	19,563	1,136	20,699	19,563	37	19,600	-	19,600	Overdue	27/03/2018
Hungary	-	-	-	394,428	5,589	400,017	-	-	-	-	-	Fully settled	26/01/2018
Iceland	-	-	-	56,388	-	56,388	-	-	-	-	-	Fully settled	23/01/2018
Ireland	-	-	-	820,789	-	820,789	-	-	-	-	-	Fully settled	02/02/2018
Italy	-	-	-	9,182,888	-	9,182,888	9,182,888	-	9,182,888	-	9,182,888	Overdue	15/03/2017
Japan	-	-	-	23,716,731	1,538,944	25,255,675	20,396,097	-	20,396,097	-	20,396,097	Overdue	02/02/2018

State Party	Prior Years			Year 2018						Outstanding Contributions Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of Latest Payment
	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Assessed Regular Contributions	Assessed Host State Loan Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions				
Jordan	-	-	-	49,052	-	49,052	49,052	-	49,052	-	49,052	Overdue	23/02/2017
Kenya	-	-	-	44,161	1,850	46,011	44,161	1,850	46,011	-	46,011	Overdue	14/02/2017
Latvia	-	-	-	122,557	-	122,557	-	-	-	-	-	Fully settled	03/01/2018
Lesotho	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	20/10/2017
Liberia	2,552	119	2,671	2,445	143	2,588	2,445	143	2,588	-	5,259	In arrears	30/05/2016
Liechtenstein	-	-	-	17,118	-	17,118	17,118	-	17,118	-	17,118	Overdue	23/01/2017
Lithuania	-	-	-	176,357	-	176,357	-	-	-	-	-	Fully settled	28/12/2017
Luxembourg	-	-	-	156,792	-	156,792	-	-	-	-	-	Fully settled	17/01/2018
Madagascar	200	-	200	7,336	430	7,766	7,336	430	7,766	-	7,966	In arrears	15/11/2017
Malawi	-	-	-	4,891	287	5,178	4,891	287	5,178	-	5,178	Overdue	30/11/2017
Maldives	9,596	200	9,796	4,891	143	5,034	4,891	143	5,034	-	14,830	Ineligible to vote	11/01/2016
Mali	-	-	-	7,336	574	7,910	7,336	574	7,910	-	7,910	Overdue	15/09/2017
Malta	-	-	-	39,270	-	39,270	-	-	-	-	-	Fully settled	05/03/2018
Marshall Islands	5,763	200	5,963	2,445	143	2,588	2,445	143	2,588	-	8,551	Ineligible to vote	04/03/2015
Mauritius	-	-	-	29,345	-	29,345	-	-	-	-	-	Fully settled	19/01/2018
Mexico	-	-	-	3,515,902	-	3,515,902	3,515,902	-	3,515,902	-	3,515,902	Overdue	19/01/2018
Mongolia	-	-	-	12,227	-	12,227	12,227	-	12,227	-	12,227	Overdue	29/06/2017
Montenegro	-	-	-	9,782	-	9,782	-	-	-	-	-	Fully settled	22/01/2018
Namibia	-	-	-	24,454	-	24,454	-	-	-	-	-	Fully settled	28/03/2018
Nauru	-	-	-	2,445	143	2,588	2,445	92	2,537	-	2,537	Overdue	14/06/2017
Netherlands	-	-	-	3,630,979	-	3,630,979	-	-	-	-	-	Fully settled	21/02/2018
New Zealand	-	-	-	656,660	35,952	692,612	-	-	-	-	-	Fully settled	25/01/2018
Niger	31,327	457	31,784	4,891	287	5,178	4,891	287	5,178	92	37,054	Ineligible to vote	23/11/2009
Nigeria	34,169	-	34,169	512,095	12,785	524,880	512,095	12,785	524,880	-	559,049	In arrears	21/03/2018
Norway	-	-	-	2,080,167	120,916	2,201,083	-	-	-	-	-	Fully settled	07/02/2018
Panama	5,473	-	5,473	83,287	749	84,036	83,287	749	84,036	-	89,509	In arrears	25/10/2017
Paraguay	29,756	-	29,756	34,235	1,423	35,658	34,235	1,423	35,658	-	65,414	In arrears	12/07/2017
Peru	-	-	-	333,149	16,621	349,770	330,452	-	330,452	-	330,452	Overdue	28/11/2017
Philippines	-	-	-	404,209	-	404,209	404,209	-	404,209	-	404,209	Overdue	30/03/2017
Poland	-	-	-	2,060,460	-	2,060,460	-	-	-	-	-	Fully settled	28/12/2017
Portugal	-	-	-	960,465	-	960,465	960,465	-	960,465	-	960,465	Overdue	20/04/2017
Republic of Korea	-	-	-	4,995,653	230,628	5,226,281	4,995,653	230,628	5,226,281	-	5,226,281	Overdue	24/07/2017
Republic of Moldova	-	-	-	9,782	-	9,782	9,782	-	9,782	-	9,782	Overdue	24/05/2017
Romania	-	-	-	450,815	-	450,815	50,815	-	50,815	-	50,815	Overdue	26/03/2018
Saint Kitts and Nevis	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	29/01/2018
Saint Lucia	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	26/05/2017
Saint Vincent and the Grenadines	252	-	252	2,445	143	2,588	2,445	143	2,588	-	2,840	In arrears	10/11/2017
Samoa	-	-	-	2,445	-	2,445	-	-	-	-	-	Fully settled	20/02/2018
San Marino	-	-	-	7,336	-	7,336	7,336	-	7,336	-	7,336	Overdue	07/03/2017
Senegal	326	-	326	12,227	850	13,077	12,227	850	13,077	-	13,403	In arrears	12/05/2017
Serbia	-	-	-	78,396	-	78,396	78,396	-	78,396	-	78,396	Overdue	17/02/2017
Seychelles	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	09/02/2018
Sierra Leone	-	-	-	2,445	143	2,588	916	-	916	-	916	Overdue	11/11/2015
Slovakia	-	-	-	391,982	-	391,982	-	-	-	-	-	Fully settled	19/02/2018
Slovenia	-	-	-	205,845	-	205,845	-	-	-	-	-	Fully settled	17/01/2018
South Africa	-	-	-	891,850	-	891,850	-	-	-	-	-	Fully settled	28/02/2018
Spain	-	-	-	5,985,606	-	5,985,606	5,985,606	-	5,985,606	-	5,985,606	Overdue	18/04/2017
State of Palestine	-	-	-	17,118	706	17,824	17,118	149	17,267	-	17,267	Overdue	06/02/2018
Suriname	-	-	-	14,672	441	15,113	14,672	441	15,113	-	15,113	Overdue	24/04/2017
Sweden	-	-	-	2,342,256	-	2,342,256	-	-	-	-	-	Fully settled	22/03/2018
Switzerland	-	-	-	2,793,072	-	2,793,072	-	-	-	-	-	Fully settled	20/02/2018
Tajikistan	-	-	-	9,782	430	10,212	9,782	430	10,212	-	10,212	Overdue	22/12/2017
The former Yugoslav Republic of Macedonia	-	-	-	17,118	1,136	18,254	17,118	1,136	18,254	-	18,254	Overdue	27/12/2017
Timor-Leste	33	-	33	7,336	-	7,336	7,336	-	7,336	-	7,369	In arrears	14/03/2018
Trinidad and Tobago	-	-	-	83,287	-	83,287	83,287	-	83,287	-	83,287	Overdue	16/02/2017
Tunisia	-	-	-	68,615	5,112	73,727	68,615	5,112	73,727	-	73,727	Overdue	22/11/2017
Uganda	-	-	-	14,385	850	15,235	14,385	850	15,235	-	15,235	Overdue	18/09/2017
United Kingdom	-	-	-	10,934,653	-	10,934,653	8,200,990	-	8,200,990	-	8,200,990	Overdue	29/01/2018
United Republic of Tanzania	1,012	-	1,012	14,385	893	15,278	14,385	893	15,278	-	16,290	In arrears	05/07/2017
Uruguay	2,449	-	2,449	193,618	-	193,618	193,618	-	193,618	-	196,067	In arrears	28/09/2017
Vanuatu	28	-	28	2,445	143	2,588	2,445	143	2,588	-	2,616	In arrears	10/01/2018
Venezuela (Bolivarian Republic of)	6,065,958	141,944	6,207,902	1,399,053	89,087	1,488,140	1,399,053	89,087	1,488,140	4,983	7,701,025	Ineligible to vote	04/09/2012
Zambia	27,819	1,185	29,004	14,385	850	15,235	14,385	850	15,235	-	44,239	Ineligible to vote	29/06/2015
<i>Rounding differences</i>				1,021	-16	1,005							
<b>Total</b>	<b>24,175,135</b>	<b>503,521</b>	<b>24,678,656</b>	<b>143,846,735</b>	<b>3,584,984</b>	<b>147,431,719</b>	<b>83,914,620</b>	<b>1,578,851</b>	<b>85,493,471</b>	<b>5,286</b>	<b>110,177,413</b>		

## Annex II

### Human resources tables

#### Geographical Representation of ICC Professional Staff

Status as at 31 March 2018

Total number of professionals: 455 (excluding elected officials and 43 language staff)

Total number of nationalities: 93

#### Distribution per region

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>African</b>	Algeria	1
	Benin	1
	Botswana	1
	Burkina Faso	1
	Cameroon	7
	Congo	1
	Congo, Democratic Republic of the	4
	Cote d'Ivoire	2
	Egypt	5
	Ethiopia	2
	Gambia	3
	Ghana	3
	Guinea	1
	Kenya	4
	Lesotho	1
	Malawi	1
	Mali	3
	Mauritania	1
	Mauritius	1
	Niger	2
	Nigeria	4
	Rwanda	2
	Senegal	4
	Sierra Leone	3
	South Africa	8
	Togo	1
	Uganda	5
	United Republic of Tanzania	2
	Zambia	1
	Zimbabwe	1
<i>African Total</i>		<i>76</i>
<b>Asian</b>	Afghanistan	1
	China	3
	Cyprus	1
	India	2
	Indonesia	1
	Iran (Islamic Republic of)	3
	Japan	6
	Jordan	1
	Lebanon	1
	Mongolia	1
Pakistan	1	

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
	Palestine	2
	Philippines	3
	Republic of Korea	1
	Singapore	1
	Sri Lanka	1
	Uzbekistan	1
	Viet Nam	1
<i>Asian Total</i>		<i>31</i>
<b>Eastern European</b>	Albania	2
	Belarus	2
	Bosnia and Herzegovina	4
	Croatia	5
	Estonia	1
	Georgia	5
	Poland	5
	Republic of Moldova	3
	Romania	7
	Russian Federation	2
	Serbia	3
	Slovenia	3
	Ukraine	2
<i>Eastern European Total</i>		<i>44</i>
<b>GRULAC</b>	Argentina	5
	Brazil	2
	Chile	1
	Colombia	6
	Costa Rica	1
	Ecuador	2
	Guatemala	1
	Jamaica	2
	Mexico	5
	Peru	3
	Trinidad and Tobago	2
	Venezuela	2
<i>GRULAC Total</i>		<i>32</i>
<b>WEOG</b>	Australia	16
	Belgium	17
	Canada	19
	Denmark	2
	Finland	6
	France	60
	Germany	14
	Greece	3
	Ireland	12
	Israel	2
	Italy	19
	Malta	1
	Netherlands	21
	New Zealand	4
	Portugal	6
	Spain	16
	Sweden	3
	Switzerland	2
	United Kingdom	33
	United States of America	16
<i>WEOG Total</i>		<i>272</i>

## Geographical Representation

### ICC Professional Staff

Status as at 31 March 2018

#### Number of Staff per post, per region\* (excluding elected officials and 43 language staff)

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
D-1	African	Lesotho	1
		<i>African Total</i>	<i>1</i>
	Asian	Japan	1
		<i>Asian Total</i>	<i>1</i>
	GRULAC	Argentina	1
		Ecuador	1
	<i>GRULAC Total</i>		<i>2</i>
	WEOG	Belgium	2
		France	1
		Italy	1
		Netherlands	1
<i>WEOG Total</i>		<i>5</i>	
<b>D-1 Total</b>			<b>9</b>
P-5	African	Congo, Democratic Republic of the	1
		Ghana	1
		Kenya	1
		Mali	2
		Senegal	1
		South Africa	2
	<i>African Total</i>		<i>8</i>
	Asian	Jordan	1
	<i>Asian Total</i>		<i>1</i>
	Eastern European	Estonia	1
		Georgia	1
		Serbia	2
	<i>Eastern European Total</i>		<i>4</i>
	GRULAC	Jamaica	1
	<i>GRULAC Total</i>		<i>1</i>
	WEOG	Australia	3
		Canada	3
		Denmark	1
		Finland	1
		France	6
		Germany	1
		Ireland	1
		Italy	2
		Netherlands	1
		Portugal	1
		Spain	4
		United Kingdom	4
	United States of America	1	
	<i>WEOG Total</i>		<i>29</i>
<b>P-5 Total</b>			<b>43</b>
P-4	African	Burkina Faso	1
		Cote d'Ivoire	1

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Nigeria	2
		Senegal	1
		Sierra Leone	1
		South Africa	3
		Uganda	1
		United Republic of Tanzania	1
	<i>African Total</i>		<i>11</i>
	Asian	Iran (Islamic Republic of)	3
		Japan	2
		Lebanon	1
		Philippines	1
	<i>Asian Total</i>		<i>7</i>
	Eastern European	Croatia	1
		Georgia	1
		Romania	2
		Serbia	1
		Ukraine	1
	<i>Eastern European Total</i>		<i>6</i>
	GRULAC	Colombia	1
		Ecuador	1
		Mexico	1
		Trinidad and Tobago	2
	<i>GRULAC Total</i>		<i>5</i>
	WEOG	Belgium	2
		Canada	1
		Denmark	1
		Finland	3
		France	7
		Germany	4
		Ireland	1
		Italy	3
		Netherlands	1
		New Zealand	1
		Portugal	1
		Spain	2
		Sweden	1
		United Kingdom	8
		United States of America	3
	<i>WEOG Total</i>		<i>39</i>
<b>P-4 Total</b>			<b>68</b>
P-3	African	Algeria	1
		Benin	1
		Botswana	1
		Cameroon	1
		Congo	1
		Congo, Democratic Republic of the	1
		Cote d'Ivoire	1
		Egypt	2
		Gambia	2
		Ghana	1
		Kenya	2

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Mali	1
		Mauritania	1
		Mauritius	1
		Niger	1
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	2
		Togo	1
		Uganda	1
		United Republic of Tanzania	1
		Zimbabwe	1
	<i>African Total</i>		28
	Asian	China	1
		India	1
		Japan	1
		Mongolia	1
		Palestine	1
		Philippines	2
		Republic of Korea	1
		Sri Lanka	1
	<i>Asian Total</i>		9
	Eastern European	Albania	1
		Bosnia and Herzegovina	1
		Croatia	2
		Georgia	1
		Poland	1
		Republic of Moldova	1
		Romania	1
		Slovenia	1
	<i>Eastern European Total</i>		9
	GRULAC	Argentina	2
		Brazil	2
		Chile	1
		Colombia	4
		Costa Rica	1
		Guatemala	1
		Jamaica	1
		Mexico	1
		Peru	1
		Venezuela	1
	<i>GRULAC Total</i>		15
	WEOG	Australia	7
		Belgium	6
		Canada	5
		Finland	1
		France	15
		Germany	4
		Greece	2
		Ireland	4



<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Italy	3
		Netherlands	8
		New Zealand	3
		Portugal	3
		Spain	4
		Sweden	1
		Switzerland	1
		United Kingdom	13
		United States of America	6
		<i>WEOG Total</i>	<i>86</i>
<b>P-3 Total</b>			<b>147</b>
P-2	African	Cameroon	5
		Congo, Democratic Republic of the	2
		Egypt	3
		Ethiopia	1
		Ghana	1
		Kenya	1
		Malawi	1
		Niger	1
		Nigeria	1
		Rwanda	1
		Senegal	1
		Sierra Leone	1
		South Africa	1
		Uganda	1
		Zambia	1
		<i>African Total</i>	<i>22</i>
	Asian	Afghanistan	1
		China	1
		Cyprus	1
		Indonesia	1
		Japan	2
		Pakistan	1
		Uzbekistan	1
		<i>Asian Total</i>	<i>8</i>
	Eastern European	Belarus	2
		Bosnia and Herzegovina	2
		Croatia	1
		Georgia	2
		Poland	3
		Romania	3
		Russian Federation	2
		Slovenia	2
		<i>Eastern European Total</i>	<i>17</i>
	GRULAC	Argentina	2
		Colombia	1
		Mexico	3
		Peru	2
		Venezuela	1
		<i>GRULAC Total</i>	<i>9</i>
	WEOG	Australia	5

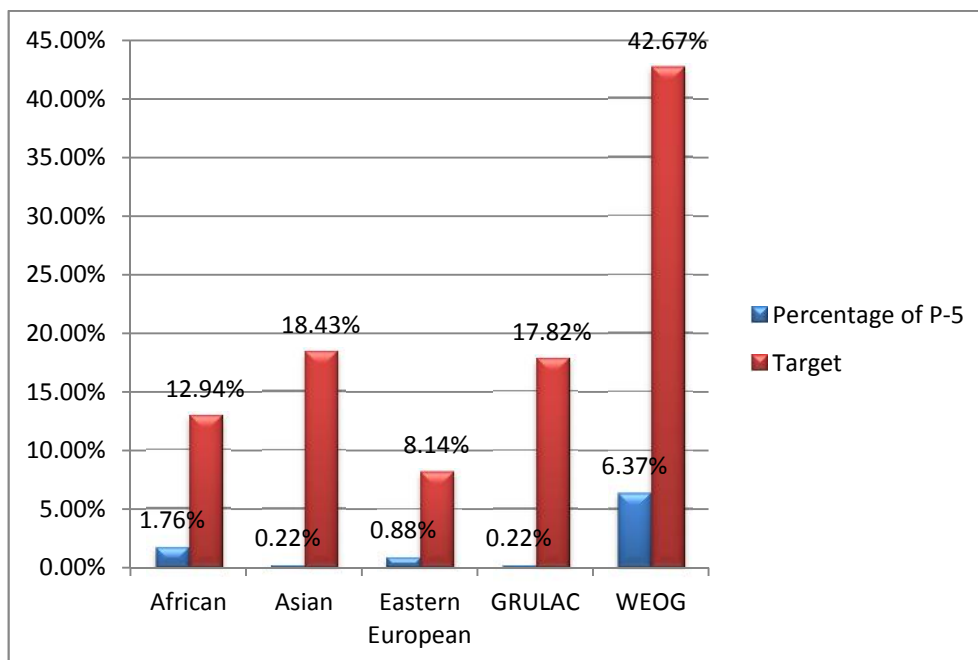
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
		Belgium	6
		Canada	8
		Finland	1
		France	27
		Germany	5
		Ireland	4
		Israel	2
		Italy	8
		Netherlands	9
		Portugal	1
		Spain	5
		Sweden	1
		Switzerland	1
		United Kingdom	7
		United States of America	6
		<i>WEOG Total</i>	<i>96</i>
<b>P-2 Total</b>			<b>152</b>
P-1	African	Cameroon	1
		Ethiopia	1
		Gambia	1
		Guinea	1
		Uganda	2
		<i>African Total</i>	<i>6</i>
	Asian	China	1
		India	1
		Palestine	1
		Singapore	1
		Viet Nam	1
		<i>Asian Total</i>	<i>5</i>
	Eastern European	Albania	1
		Bosnia and Herzegovina	1
		Croatia	1
		Poland	1
		Republic of Moldova	2
		Romania	1
		Ukraine	1
		<i>Eastern European Total</i>	<i>8</i>
	WEOG	Australia	1
		Belgium	1
		Canada	2
		France	4
		Greece	1
		Ireland	2
		Italy	2
		Malta	1
		Netherlands	1
		Spain	1
		United Kingdom	1
		<i>WEOG Total</i>	<i>17</i>
<b>P-1 Total</b>			<b>36</b>
<b>Grand Total</b>			<b>455</b>

## Percentage of staff per post, per region

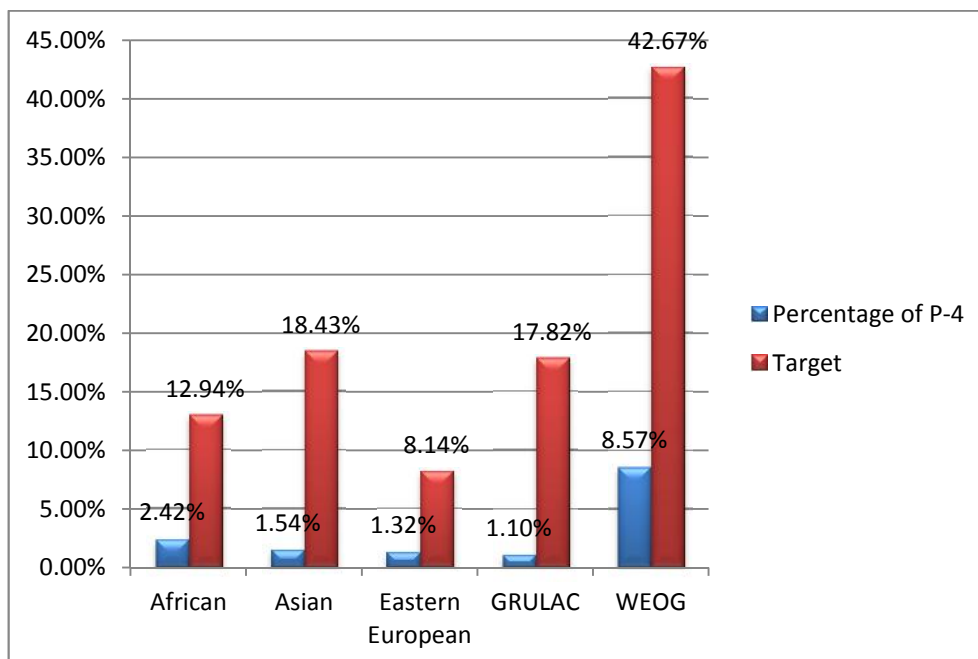
### Percentage – D1 posts

Due to the limited number of only 9 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

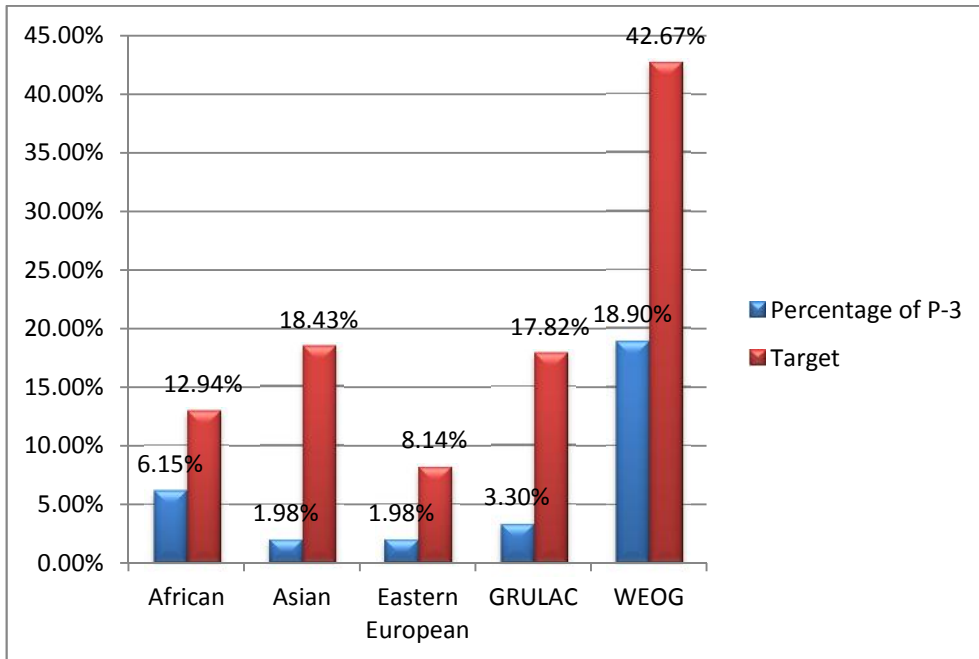
### Percentage - P5 posts



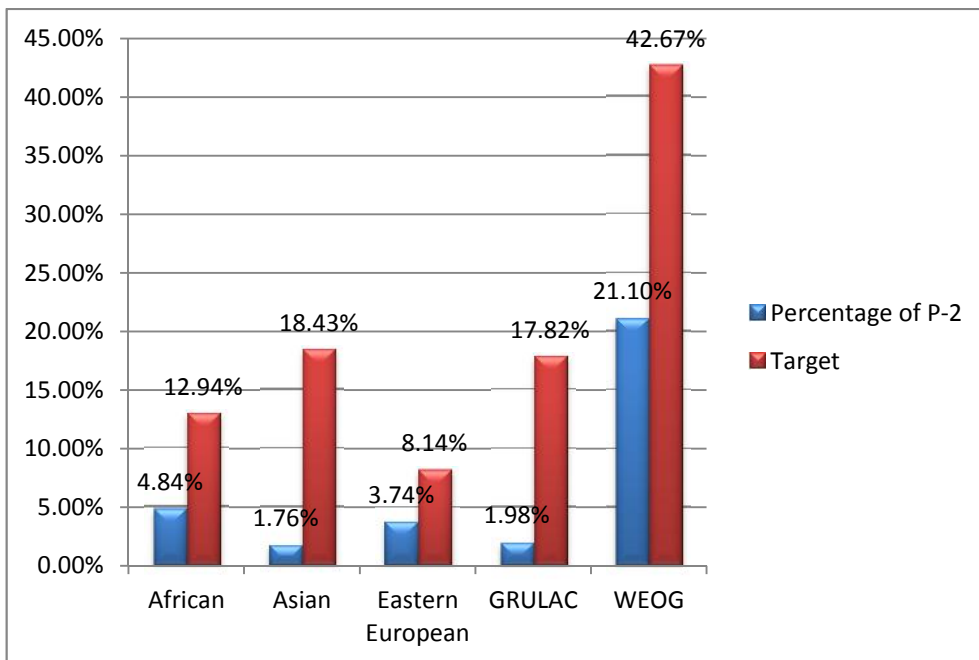
### Percentage - P4 posts



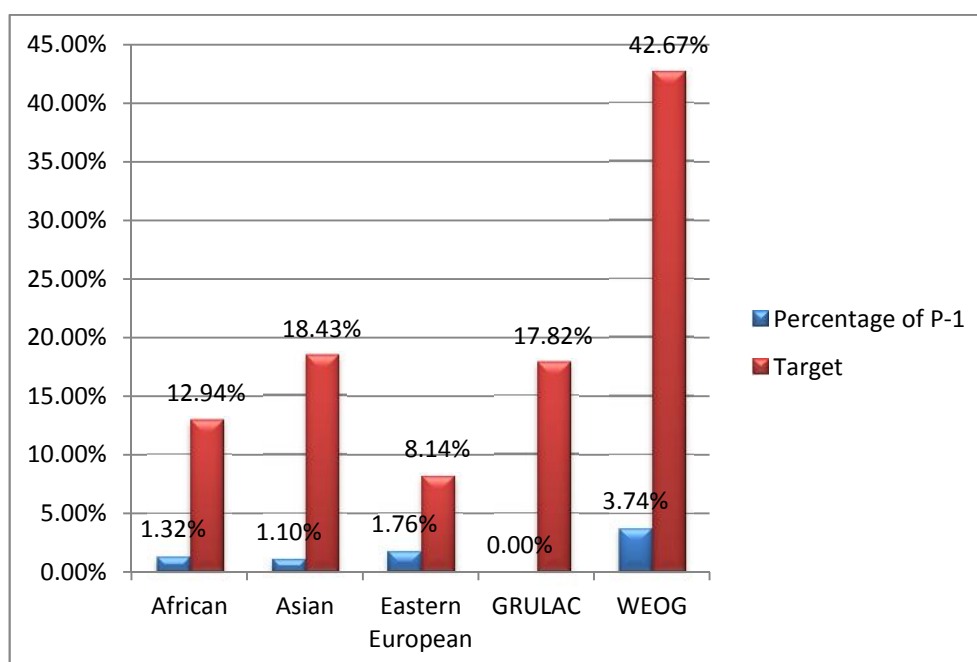
**Percentage - P3 posts**



**Percentage - P2 posts**



## Percentage - P1 posts



## Desirable Range by Country as at 31 March 2018

Region	Country	Assessment 2018	Desirable Range		Actual rep.	Category	Under/Over
			Lower	Upper			
African	Algeria	0.00000%	0	0	0	1 Non Ratified	+1
	Benin	0.00510%	1	2	2	1 In balance	
	Botswana	0.02380%	1	2	2	1 In balance	
	Burkina Faso	0.00680%	2	2	2	1 Under Represented	-1
	Cameroon	0.00000%	0	0	0	7 Non Ratified	+7
	Cape Verde	0.00170%	1	2	2	0 Non Represented	-1
	Central African Republic	0.00170%	1	2	2	0 Non Represented	-1
	Chad	0.00850%	1	2	2	0 Non Represented	-1
	Comoros	0.00170%	1	2	2	0 Non Represented	-1
	Congo	0.01020%	1	2	2	1 In balance	
	Côte d'Ivoire	0.01530%	2	2	2	2 In balance	
	Democratic Republic of the Congo	0.01000%	2	3	2	4 Over Represented	+1
	Djibouti	0.00170%	1	2	2	0 Non Represented	-1
	Egypt	0.00000%	0	0	0	5 Non Ratified	+5
	Ethiopia	0.00000%	0	0	0	2 Non Ratified	+2
	Gabon	0.02900%	1	2	2	0 Non Represented	-1
	Gambia	0.00170%	1	2	2	3 Over Represented	+1
	Ghana	0.02730%	2	2	2	3 Over Represented	+1
	Guinea	0.00340%	1	2	2	1 In balance	
	Kenya	0.03070%	2	2	2	4 Over Represented	+2
	Lesotho	0.00170%	1	2	2	1 In balance	
	Liberia	0.00170%	1	2	2	0 Non Represented	-1
	Madagascar	0.00510%	2	2	2	0 Non Represented	-2
	Malawi	0.00340%	2	2	2	1 Under Represented	-1
	Mali	0.00510%	2	2	2	3 Over Represented	+1
	Mauritania	0.00000%	0	0	0	1 Non Ratified	+1
Mauritius	0.02040%	1	2	2	1 In balance		
Namibia	0.01700%	1	2	2	0 Non Represented	-1	
Niger	0.00340%	2	2	2	2 In balance		
Nigeria	0.35600%	4	5	4	4 In balance		
Rwanda	0.00000%	0	0	0	2 Non Ratified	+2	
Senegal	0.00850%	2	2	2	4 Over Represented	+2	

Region	Country	Assessment 2018	Desirable Range		Actual Target	Actual rep.	Category	Under/ Over
			Lower	Upper				
	Seychelles	0.00170%	1	2	2	0	Non Represented	-1
	Sierra Leone	0.00170%	1	2	2	3	Over Represented	+1
	South Africa	0.62000%	3	4	4	8	Over Represented	+4
	Togo	0.00000%	0	0	0	1	Non Ratified	+1
	Tunisia	0.04770%	2	2	2	0	Non Represented	-2
	Uganda	0.01000%	2	2	2	5	Over Represented	+3
	United Republic of Tanzania	0.01000%	2	2	2	2	In balance	
	Zambia	0.01000%	2	2	2	1	Under Represented	-1
	Zimbabwe	0.00000%	0	0	0	1	Non Ratified	+1
Asian	Afghanistan	0.01000%	2	2	2	1	Under Represented	-1
	Bangladesh	0.01000%	3	4	3	0	Non Represented	-3
	Cambodia	0.00680%	2	2	2	0	Non Represented	-2
	China	0.00000%	0	0	0	3	Non Ratified	+3
	Cook Islands	0.00170%	1	2	2	0	Non Represented	-1
	Cyprus	0.07320%	2	2	2	1	Under Represented	-1
	Fiji	0.00510%	1	2	2	0	Non Represented	-1
	India	0.00000%	0	0	0	2	Non Ratified	+2
	Indonesia	0.00000%	0	0	0	1	Non Ratified	+1
	Iran (Islamic Republic of)	0.00000%	0	0	0	3	Non Ratified	+3
	Japan	16.48750%	40	54	47	6	Under Represented	-34
	Jordan	0.03410%	1	2	2	1	In balance	
	Lebanon	0.00000%	0	0	0	1	Non Ratified	+1
	Maldives	0.00340%	1	2	2	0	Non Represented	-1
	Marshall Islands	0.00170%	1	2	2	0	Non Represented	-1
	Mongolia	0.00850%	1	2	2	1	In balance	
	Nauru	0.00170%	1	2	2	0	Non Represented	-1
	Pakistan	0.00000%	0	0	0	1	Non Ratified	+1
	Palestine	0.01190%	1	2	2	2	In balance	
	Philippines	0.28100%	3	4	3	3	In balance	
	Republic of Korea	3.47290%	10	13	11	1	Under Represented	-9
	Samoa	0.00170%	1	2	2	0	Non Represented	-1
	Singapore	0.00000%	0	0	0	1	Non Ratified	+1
	Sri Lanka	0.00000%	0	0	0	1	Non Ratified	+1
	Tajikistan	0.00680%	1	2	2	0	Non Represented	-1
	Timor-Leste	0.00510%	1	2	2	0	Non Represented	-1
	Uzbekistan	0.00000%	0	0	0	1	Non Ratified	+1
	Vanuatu	0.00170%	1	2	2	0	Non Represented	-1
	Viet Nam	0.00000%	0	0	0	1	Non Ratified	+1
Eastern European	Albania	0.01360%	1	2	2	2	In balance	
	Belarus	0.00000%	0	0	0	2	Non Ratified	+2
	Bosnia and Herzegovina	0.02210%	1	2	2	4	Over Represented	+2
	Bulgaria	0.07660%	2	2	2	0	Non Represented	-2
	Croatia	0.16860%	2	2	2	5	Over Represented	+3
	Czech Republic	0.58590%	3	4	3	0	Non Represented	-3
	Estonia	0.06470%	2	2	2	1	Under Represented	-1
	Georgia	0.01360%	1	2	2	5	Over Represented	+3
	Hungary	0.27420%	2	3	2	0	Non Represented	-2
	Latvia	0.08520%	2	2	2	0	Non Represented	-2
	Lithuania	0.12260%	2	2	2	0	Non Represented	-2
	Montenegro	0.00680%	1	2	2	0	Non Represented	-1
	Poland	1.43240%	5	7	6	5	In balance	
	Republic of Moldova	0.00680%	1	2	2	3	Over Represented	+1
	Romania	0.31340%	2	3	3	7	Over Represented	+4
	Russian Federation	0.00000%	0	0	0	2	Non Ratified	+2
	Serbia	0.05450%	2	2	2	3	Over Represented	+1
	Slovakia	0.27250%	2	3	2	0	Non Represented	-2
	Slovenia	0.14310%	2	2	2	3	Over Represented	+1
	The Former Yugoslav Rep. of Macedonia	0.01190%	1	2	2	0	Non Represented	-1

Region	Country	Assessment 2018	Desirable Range		Target	Actual rep.	Category	Under/ Over
			Lower	Upper				
GRULAC	Ukraine	0.00000%	0	0	0	2	Non Ratified	+2
	Antigua and Barbuda	0.00340%	1	2	2	0	Non Represented	-1
	Argentina	1.51930%	5	7	6	5	In balance	
	Barbados	0.01190%	1	2	2	0	Non Represented	-1
	Belize	0.00170%	1	2	2	0	Non Represented	-1
	Bolivia	0.02040%	1	2	2	0	Non Represented	-1
	Brazil	6.51150%	18	24	21	2	Under Represented	-16
	Chile	0.67960%	3	4	4	1	Under Represented	-2
	Colombia	0.54840%	3	4	4	6	Over Represented	+2
	Costa Rica	0.08010%	2	2	2	1	Under Represented	-1
	Dominica	0.00170%	1	2	2	0	Non Represented	-1
	Dominican Republic	0.07830%	2	2	2	0	Non Represented	-2
	Ecuador	0.11410%	2	2	2	2	In balance	
	El Salvador	0.02380%	1	2	2	0	Non Represented	-1
	Grenada	0.00170%	1	2	2	0	Non Represented	-1
	Guatemala	0.04770%	2	2	2	1	Under Represented	-1
	Guyana	0.00340%	1	2	2	0	Non Represented	-1
	Honduras	0.01360%	1	2	2	0	Non Represented	-1
	Jamaica	0.00000%	0	0	0	2	Non Ratified	+2
	Mexico	2.44420%	8	11	9	5	Under Represented	-3
	Panama	0.05790%	2	2	2	0	Non Represented	-2
Paraguay	0.02380%	1	2	2	0	Non Represented	-1	
Peru	0.23160%	2	3	3	3	In balance		
Saint Kitts and Nevis	0.00170%	1	2	2	0	Non Represented	-1	
Saint Lucia	0.00170%	1	2	2	0	Non Represented	-1	
Saint Vincent and the Grenadines	0.00170%	1	2	2	0	Non Represented	-1	
Suriname	0.01020%	1	2	2	0	Non Represented	-1	
Trinidad and Tobago	0.05790%	1	2	2	2	In balance		
Uruguay	0.13460%	2	2	2	0	Non Represented	-2	
Venezuela	0.97260%	4	5	5	2	Under Represented	-2	
WEOG	Andorra	0.01020%	1	2	2	0	Non Represented	-1
	Australia	3.98050%	11	14	13	16	Over Represented	+2
	Austria	1.22630%	4	6	5	0	Non Represented	-4
	Belgium	1.50740%	5	7	6	17	Over Represented	+10
	Canada	4.97520%	13	18	15	19	Over Represented	+1
	Denmark	0.99470%	4	5	4	2	Under Represented	-2
	Finland	0.77670%	3	4	4	6	Over Represented	+2
	France	8.27610%	21	28	25	60	Over Represented	+32
	Germany	10.88210%	27	37	32	14	Under Represented	-13
	Greece	0.80220%	3	4	4	3	In balance	
	Iceland	0.03920%	1	2	2	0	Non Represented	-1
	Ireland	0.57060%	3	4	3	12	Over Represented	+8
	Israel	0.00000%	0	0	0	2	Non Ratified	+2
	Italy	6.38380%	16	22	19	19	In balance	
	Liechtenstein	0.01190%	1	2	2	0	Non Represented	-1
	Luxembourg	0.10900%	2	2	2	0	Non Represented	-2
	Malta	0.02730%	1	2	2	1	In balance	
	Netherlands	2.52420%	7	10	9	21	Over Represented	+11
	New Zealand	0.45650%	2	3	3	4	Over Represented	+1
	Norway	1.44610%	5	6	6	0	Non Represented	-5
	Portugal	0.66770%	3	4	3	6	Over Represented	+2
San Marino	0.00510%	1	2	2	0	Non Represented	-1	
Spain	4.16110%	11	15	13	16	Over Represented	+1	
Sweden	1.62830%	5	7	6	3	Under Represented	-2	
Switzerland	1.94170%	6	8	7	2	Under Represented	-4	
United Kingdom	7.60160%	19	26	23	33	Over Represented	+7	
United States of America	0.00000%	0	0	0	16	Non Ratified	+16	
<b>Total</b>		<b>100.00%</b>				<b>455</b>		

## International Criminal Court - Staff count - Actual

As at 31 March 2018, the actual situation regarding the Court's staff count is as follows:

<b>Staff count</b>	
Established posts	888 <sup>1</sup>
Approved GTA	137
Short Term Appointments	73
Junior Professional Programme (JPOs)	5
Interns	100
Visiting professionals	18
Individual Contractors and Consultants	75
Elected officials / Judges	21
<b>Total</b>	<b>1317</b>

## International Criminal Court - Staff count - Projected

Based on the approved budget of 2018 and taking into account averages for interns, visiting professionals, individual contractors and consultants as per 2017, the Court's headcount at the end of 2018 could be expected to be as follows:

<b>Staff count</b>	
Established posts <sup>2</sup>	969
Approved GTA <sup>3</sup>	165
Short-Term Appointments	72
Interns	111
Visiting professionals	17
Individual Contractors and Consultants	78
Elected officials / Judges	21
<b>Total</b>	<b>1433</b>

<sup>1</sup> Figures include as Filled the post of Staff Council Representative in the Registry.

<sup>2</sup> Vacancy rate not taken into account in the projection.

<sup>3</sup> *Ibid.*



## Vacant Posts - ICC Established Posts

Status as at 31/03/2018

<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-3	Special Assistant to the President	1	Posts vacated due to internal move. Pending streamlining of operations.	
MP II	Office of the Prosecutor	Legal Advisory Section	P-2	Associate Legal Adviser	1	Pending streamlining of operations.	
		Services Section	P-4	Knowledge-Base Manager	1	Posts vacated due to resignation. Post expected to be filled in Q4.	
		Jurisdiction, Complementarity and Cooperation Division	GS-OL	Legal Assistant	1	Pending streamlining of operations.	
		Investigation Division	GS-OL	Field Operations Assistant (DRC and UGA)	2	Pending streamlining of operations.	
		Prosecution Division	P-1	Assistant Trial Lawyer	1	Post vacated due to resignation. Post to be filled in Q3.	
MP III	Registry	Division of Management Services					
		Human Resources Section	P-4	Head, HR Organisational Development Unit	1	Post vacated due to resignation. Post expected to be filled in Q4.	
		General Services Section	GS-OL	Supply Coordinator	1	Post expected to be filled in Q4.	
	GS-OL		Correspondence and Freight Clerk	1	Post expected to be filled in Q4.		
	Division of External Operations	Victims and Witnesses Section	P-3	Planning Officer	1	Post expected to be filled in Q3.	
			GS-OL	Senior Case Management Assistant	1	Post expected to be filled in Q3.	
			GS-PL	Analyst Assistant	1	Post vacated due to resignation. Post expected to be filled in Q3.	
			GS-OL	Field Case Management Assistant (DRC)	3	Operations under review.	
			External Operations and Support Section	GS-OL	Analyst Assistant	1	Post expected to be filled in Q2
			Public Information and Outreach Section	GS-OL	Online Communications Assistant	1	Post expected to be filled in Q4.
			Field Office - Uganda	GS-OL	Senior Driver	1	Post expected to be filled in Q4.
	GS-OL	Driver		1	Post expected to be filled in Q4.		
	P-3	Field Officer (Outreach/VPR)		1	Post expected to be filled in Q3.		

<i>MP</i>	<i>Programme</i>	<i>Sub-Programme</i>	<i>Post Level</i>	<i>Post Title</i>	<i>Total</i>	<i>Comments</i>
		Field Office - DRC	GS-OL	Field Assistant	1	Post expected to be filled in Q4.
		Field Office - Georgia	P-3	Field Security Officer	1	Post expected to be filled in Q4.
			GS-OL	Field Assistant	1	Post expected to be filled in Q3.
MP VI	Secretariat of the TFV	Secretariat of the Trust Fund for Victims	P-4	Programme Manager (CIV)	1	Post expected to be filled in Q3.
<b>Grand Total</b>					<b>25</b>	

56 posts are: under recruitment/recruitment completed (52) or advertised (4) as of 31 March 2018.

### Staffing: Approved versus filled posts (excluding Elected Officials)

Status as at 31 March 2018

<i>Major Programme</i> <i>[1]</i>	<i>Approved</i> <i>[2]</i>	<i>Filled</i> <i>[3]</i>	<i>Recruitment completed<sup>1</sup></i> <i>[4]</i>	<i>Under recruitment</i> <i>[5]</i>	<i>Advertised not under recruitment</i> <i>[6]</i>	<i>Vacant not advertised</i> <i>[7]</i>	<i>% of established posts vacant</i> <i>[(2-3)/2]x100</i>	<i>Vacancy Rate (% of established posts)</i> <i>[(AVG(3)-2)/2]x100</i>
<b>Judiciary</b>								
Major Programme I	53	51	0	1	0	1	3.77%	3.77%
<b>Office of the Prosecutor</b>								
Major Programme II	317	299	0	11	1	6	5.68%	5.68%
<b>Registry<sup>2</sup></b>								
Major Programme III	572	516	9	27	3	17	9.79%	9.62%
<b>Secretariat of the ASP</b>								
Major Programme IV	10	10	0	0	0	0	0.00%	0.00%
<b>Secretariat of the TFV</b>								
Major Programme VI	9	5	1	2	0	1	44.44%	55.56%
<b>Independent Oversight Mechanism</b>								
Major Programme VII.5	4	3	0	1	0	0	25.00%	25.00%
<b>Office of Internal Audit</b>								
Major Programme VII.6	4	4	0	0	0	0	0.00%	0.00%
<b>Total ICC</b>	<b>969</b>	<b>888</b>	<b>10</b>	<b>42</b>	<b>4</b>	<b>25</b>	<b>8.36%</b>	<b>8.26%</b>
<b>Target recruitment</b>			<b>81</b>					
<b>Under recruitment / Recruitment completed</b>			<b>52</b>					
<b>Percentage of target</b>			<b>64.2%</b>					

<sup>1</sup> Recruitment completed:

Indicates that the selected candidate has accepted the offer.

Recruitment process has been finalised and the post is blocked until the arrival of the incumbent.

<sup>2</sup> In MP-III, figures include as Filled the post of Staff Council representative.

## Geographical Representation of ICC GTA Professional Staff

Status as at 31 March 2018

Total number of professionals: 92

Total number of nationalities: 40

### Distribution per region

<i>Region</i>	<i>Nationality</i>	<i>Total</i>
<b>African</b>	Cameroon	1
	Congo, Democratic Republic of the	3
	Rwanda	2
	Senegal	1
	South Africa	2
	Sudan	1
	Uganda	6
<i>African Total</i>		<i>16</i>
<b>Asian</b>	India	1
	Indonesia	1
	Japan	2
	Lebanon	1
	Singapore	1
	Uzbekistan	1
<i>Asian Total</i>		<i>7</i>
<b>Eastern European</b>	Bosnia and Herzegovina	1
	Georgia	2
	Hungary	1
	Poland	1
	Romania	2
	Serbia	2
<i>Eastern European Total</i>		<i>9</i>
<b>GRULAC</b>	Argentina	1
	Colombia	2
	Peru	1
	Venezuela	2
<i>GRULAC Total</i>		<i>6</i>
<b>WEOG</b>	Australia	1
	Austria	2
	Belgium	3
	Canada	11
	France	5
	Germany	3
	Greece	1
	Iceland	1
	Ireland	3
	Italy	1
	Netherlands	5
	New Zealand	2
	Portugal	1
	Spain	1
	Switzerland	2
	United Kingdom	7
	United States of America	5
<i>WEOG Total</i>		<i>54</i>

## Annex III

Legal aid for defence and victims (2013-2017)<sup>1</sup>

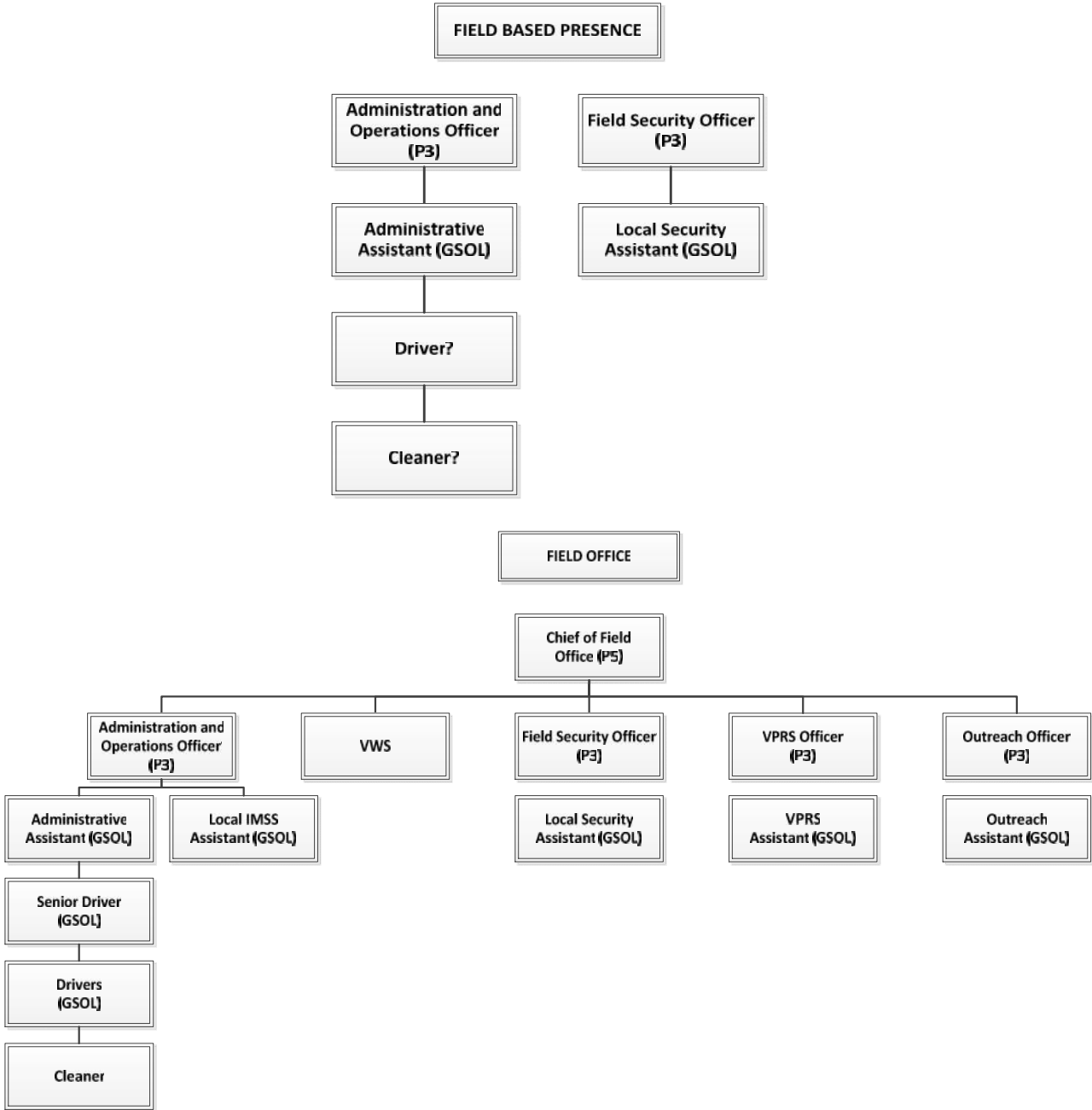
	<i>Approved Budget 2013 incl. CF</i>	<i>Expendi-Implemen- tures 2013 rate 2013 incl. CF incl. CF</i>		<i>Approved Budget 2014</i>	<i>Expendi-Implemen- tures 2014 rate 2014 incl. CF incl. CF</i>		<i>Approved Budget 2015</i>	<i>Expendi-Implemen- tures 2015 rate 2015 incl. CF incl. CF</i>		<i>Approved Budget 2016</i>	<i>Expendi-Implemen- tures 2016 rate 2016 incl. CF incl. CF</i>		<i>Approved Budget 2017</i>	<i>Expendi-Implemen- tures 2017 rate 2017 incl. CF incl. CF</i>	
Legal aid for defence	2,358,400.00	3,021,528.00	128.1%	2,616,400.00	2,805,610.00	107.2%	2,155,600.00	2,786,737.00	129.3%	4,339,900.00	4,770,823.00	109.9%	3,328,200.00	3,628,583.00	109.0%
Ad-hoc counsel	250,000.00	118,000.00	47.2%	250,000.00	154,132.00	61.7%	200,000.00	244,642.00	122.3%	181,500.00	179,179.00	98.7%	200,000.00	284,678.00	142.3%
<i>Subtotal legal aid for defence</i>	<i>3,533,325.00</i>	<i>3,633,096.00</i>	<i>102.8%</i>	<i>3,541,900.00</i>	<i>3,578,156.00</i>	<i>101.0%</i>	<i>3,906,700.00</i>	<i>4,878,669.00</i>	<i>124.9%</i>	<i>4,521,400.00</i>	<i>4,950,002.00</i>	<i>109.5%</i>	<i>4,454,400.00</i>	<i>4,838,482.00</i>	<i>108.6%</i>
<i>Subtotal legal aid for victims</i>	<i>3,518,600.00</i>	<i>1,756,865.00</i>	<i>49.9%</i>	<i>3,027,400.00</i>	<i>1,745,744.00</i>	<i>57.7%</i>	<i>1,862,100.00</i>	<i>1,233,556.00</i>	<i>66.2%</i>	<i>1,963,200.00</i>	<i>1,344,596.00</i>	<i>68.5%</i>	<i>1,428,060.00</i>	<i>1,341,410.00</i>	<i>93.9%</i>
<b>Total legal aid incl. CF</b>	<b>7,051,925.00</b>	<b>5,389,961.00</b>	<b>76.4%</b>	<b>6,569,300.00</b>	<b>5,323,900.00</b>	<b>81.0%</b>	<b>5,768,800.00</b>	<b>6,112,225.00</b>	<b>106.0%</b>	<b>6,484,600.00</b>	<b>6,294,598.00</b>	<b>97.1%</b>	<b>5,882,460.00</b>	<b>6,179,892.00</b>	<b>105.1%</b>

<sup>1</sup> The expenditure figure for 2017 is subject to certification by the External Auditors.

Annex IV

Field Office and Field-Based Presence: Generic Staffing Overview<sup>1</sup>

A “Field Office” team is understood to be a fully-fledged Field Office (“FO”) with support staff; whereas a (Registry) “Field-Based Presence”<sup>2</sup> is more limited in its support, with reduced staff when the security situation or investigative needs are estimated not to require a complete Field Office.<sup>3</sup>



<sup>1</sup> CBF/30/4.  
<sup>2</sup> OTP may opt at the initiation of an investigation for their own field based presence to facilitate the commencement of their investigative activities.  
<sup>3</sup> Reference is hereby made to section 1.5 of the Annex entitled “Understanding the OTP Basic Size Model and the Relationship with the Registry in the Set-up, Functioning and Closure of Field Offices”. Consideration may be given to outsourcing of cleaning services depending on the operational environment and contractual conditions of the existing lease or services in place.

**Annex V****Amendments to the Rules of Procedure of the Committee on Budget and Finance**

I.	Sessions.....	263
	Rule 1    Frequency of sessions .....	263
	Rule 2    Place of sessions .....	263
	Rule 3    Convening of sessions.....	263
	Rule 4    Notification of members .....	263
II.	Agenda.....	263
	Rule 5    Drawing up of the provisional agenda .....	263
	Rule 6    Communication of the provisional agenda.....	264
	Rule 7    Adoption of the agenda .....	264
III.	Functions of the Committee.....	264
	Rule 8    Functions.....	264
	Rule 9    Incompatible activities and confidentiality .....	264
IV.	Members of the Committee.....	265
	Rule 10   Election and term of the Chairperson and the Vice-Chairperson.....	265
	Rule 11   Acting Chairperson .....	265
	Rule 12   General powers of the Chairperson.....	265
	Rule 13   Powers of the Acting Chairperson .....	265
	Rule 14   Rapporteur.....	265
	Rule 15   Replacement of the Chairperson or the Vice-Chairperson.....	265
V.	Executive Secretariat .....	266
	Rule 16   Duties of the Executive Secretariat .....	266
	Rule 17   Duties of the Executive Secretary .....	266
VI.	Conduct of business .....	266
	Rule 18   Conduct of business .....	266
VII.	Decision-making.....	266
	Rule 19   Voting rights .....	266
	Rule 20   Decision-making .....	266
	Rule 21   Meaning of the phrase “members present and voting” .....	267
	Rule 22   Conduct of voting.....	267
	Rule 23   Elections.....	267
	Rule 24   Conduct of elections.....	267
VIII.	Languages .....	267
	Rule 25   Languages of the Committee .....	267
	Rule 26   Interpretation.....	267
	Rule 27   Other languages .....	267
	Rule 28   Languages and translations .....	268
IX.	Meetings.....	268
	Rule 29   Meetings.....	268
X.	Review of the Rules .....	268
	Rule 30   Review of the Rules .....	268

## **I. Sessions**

### **Rule 1**

#### **Frequency of sessions**

The Committee on Budget and Finance (hereafter referred to as “the Committee”) shall meet when required and at least twice a year.<sup>1</sup>

### **Rule 2**

#### **Place of sessions**

In general, the Committee shall meet at the seat of the Court. Sessions of the Committee may be held at another place, if the Committee and/or the Assembly of States Parties (hereafter referred to as “the Assembly”) so decides.

### **Rule 3**

#### **Convening of sessions**

1. Sessions of the Committee shall be convened at the request of:
  - (a) The Assembly;
  - (b) The majority of the members of the Committee; or
  - (c) The Chairperson of the Committee.
2. Before the Chairperson decides to organize a session of the Committee, he/she shall consult the members of the Committee, including on the date and duration of the session.
3. Any session of the Committee called pursuant to a request of the Assembly shall be convened as soon as possible but no later than sixty days from the date of the request, unless the Assembly decides otherwise.

### **Rule 4**

#### **Notification of members**

On behalf of the Chairperson, the Executive Secretary to the Committee on Budget and Finance (hereafter referred to as “the Executive Secretary”) shall notify the members of the Committee as early as possible of the date and duration of each session.

## **II. Agenda**

### **Rule 5**

#### **Drawing up of the provisional agenda**

The provisional agenda for each session of the Committee shall be drawn up by the Executive Secretary in consultation with the Chairperson of the Committee, whenever possible, and shall include:

- (a) All items proposed by the Assembly;
- (b) All items proposed by the Committee members;
- (c) All items proposed by the Chairperson; and
- (d) All items proposed by the Court.

---

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-7 February 2003* (ICC-ASP/1/3/Add.1), ICC-ASP/1/Res.4, annex, para. 4.

**Rule 6**  
**Communication of the provisional agenda**

The provisional agenda for each session of the Committee shall be communicated to the members of the Committee and the Court as early as possible in advance of the session, but at least twenty-one days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Committee, the Court and to the States Parties of the Assembly sufficiently in advance of the session.

**Rule 7**  
**Adoption of the agenda**

1. At the beginning of each session, the Committee shall adopt its agenda for the session, on the basis of the provisional agenda.
2. The Committee may, if necessary, amend the agenda, provided that no item referred to it by the Assembly be deleted or modified.

**III. Functions of the Committee****Rule 8**  
**Functions**

The Committee is an independent subsidiary body of the Assembly.<sup>2</sup> The elected Committee shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly. In particular, the Committee shall review the proposed programme budget of the Court and shall make the relevant recommendations to the Assembly. The Committee shall also consider reports of the Audit Committee<sup>3</sup> and the External Auditors concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments which it may deem appropriate.

**Rule 9**  
**Incompatible activities and confidentiality**

1. Members of the Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Committee.
2. Members of the Committee shall not be eligible to assume any other functions at the International Criminal Court during their term.
3. Members of the Committee shall inform the Chairperson about any potential conflict of interest they might have or that may arise. Members finding themselves in such a situation shall not participate in the consideration of matters to which the conflict relates, and shall not vote on such matters. If the Chairperson has any conflict of interest, the Committee members should be informed and the Vice-Chairperson will chair the consideration of the matter.

---

<sup>2</sup> ICC-ASP/1/Res.4.

<sup>3</sup> At its fourteenth session, the Assembly approved the re-establishment of the Audit Committee. *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 140-145 and annex IV.



## **IV. Members of the Committee**

### **Rule 10**

#### **Election and term of the Chairperson and the Vice-Chairperson**

1. Each year at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson and Vice-Chairperson shall be elected for a term ending on the day before the first session in the following calendar year and shall be eligible for re-election twice.

### **Rule 11**

#### **Acting Chairperson**

1. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place and exercise his/her functions.
2. If the Chairperson ceases to hold office pursuant to rule 15, the Vice-Chairperson shall take his/her place and exercise his/her functions until the election of a new Chairperson.

### **Rule 12**

#### **General powers of the Chairperson**

1. The Chairperson, in the exercise of his/her functions, remains under the authority of the Committee.
2. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson may declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.
3. The Chairperson shall represent the Committee at relevant meetings to support the work of the Committee or may delegate another member to do so. The Chairperson shall report to all members on any such meetings.

### **Rule 13**

#### **Powers of the Acting Chairperson**

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

### **Rule 14**

#### **Rapporteur**

The Committee may appoint one of its members as Rapporteur at each session.

### **Rule 15**

#### **Replacement of the Chairperson or the Vice-Chairperson**

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

## **V. Executive Secretariat**

### **Rule 16**

#### **Duties of the Executive Secretariat**

1. The Committee is assisted by an Executive Secretary.<sup>4</sup>
2. The Executive Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of, and provided to, the Committee, interpret statements made at meetings, prepare and circulate, when it is so decided, records of the session, have custody and proper preservation of the archive of the Committee and, generally, perform all other work that the Committee may require. The Executive Secretariat will fulfil such duties by coordinating between the Committee members and the respective units of the Court.

### **Rule 17**

#### **Duties of the Executive Secretary**

1. The Executive Secretary shall act in his/her capacity in all meetings of the Committee. He/she may designate a member of the Executive Secretariat to act as his/her representative. He/she shall perform such other functions assigned to him/her by the Committee.
2. The Executive Secretary shall provide and direct the staff required by the Committee, taking into account, to the greatest extent possible, the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.
3. The Executive Secretary shall keep the members of the Committee informed of any questions that may be brought before it for consideration.
4. The Executive Secretary shall provide to the Committee, at its request, information and reports on questions specified by the Committee.

## **VI. Conduct of business**

### **Rule 18**

#### **Conduct of business**

As far as conduct of business is concerned and without prejudice to these rules, the proceedings of the Committee shall be governed by general practice as reflected in the Rules of Procedure of the Assembly.

## **VII. Decision-making**

### **Rule 19**

#### **Voting rights**

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

### **Rule 20**

#### **Decision-making**

1. As a general rule, decision-making in the Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.
2. If, a vote is equally divided, the proposal or motion shall be regarded as rejected.

---

<sup>4</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 122.

**Rule 21****Meaning of the phrase “members present and voting”**

For the purposes of these rules, the phrase “members present and voting” means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

**Rule 22****Conduct of voting**

Without prejudice to these rules, the Committee shall apply *mutatis mutandis* the rules relating to the conduct of voting in the Rules of Procedure of the Assembly.

**Rule 23****Elections**

1. All elections shall be held by secret ballot.
2. The Executive Secretary shall contact each Committee member, no later than six weeks before the start of the first session of the year, inviting them to nominate themselves or other Committee members for the position of the Chairperson and/or Vice-Chairperson of the Committee within a period of two weeks. The Executive Secretary shall then inform the nominated candidates for confirmation and shall make the list of candidates available to members of the Committee, at least one week before the session.
3. The Executive Secretary shall carry out a secret ballot at the beginning of the following session. Elections will continue by secret ballot until agreement is reached.

**Rule 24****Conduct of elections**

Without prejudice to these rules, the Committee shall apply *mutatis mutandis* the rules relating to elections in the Rules of Procedure of the Assembly.

**VIII. Languages****Rule 25****Languages of the Committee**

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Committee. The Committee can decide which language(s) to use among these six languages as working languages.

**Rule 26****Interpretation**

Statements made in any of the six languages of the Committee may be interpreted into the other five languages.

**Rule 27****Other languages**

Any member may make a statement in a language other than the languages of the Committee. In this case, he/she shall himself/herself provide for interpretation into one of the languages of the Committee. Interpretation into the other languages of the Committee may be based on the interpretation given in the first such language.

**Rule 28**  
**Languages and translations**

All recommendations and other documents of the Committee shall be published in the languages of the Committee which are also the official languages of at least one State Party to the Rome Statute, unless otherwise decided by the Chairperson of the Committee.<sup>5</sup>

**IX. Meetings**

**Rule 29**  
**Meetings**

1. The meetings of the Committee shall be held in closed session, unless the Committee decides otherwise.
2. The Committee may decide to issue a communiqué through the Executive Secretary.

**X. Review of the Rules**

**Rule 30**  
**Review of the Rules**

The Rules of Procedure will be considered by the Committee and amended, as appropriate.

---

<sup>5</sup> ICC-ASP/7/Res.7.

## Annex VI

### **Amendments to the Financial Regulations and Rules concerning the financial obligations of withdrawing States Parties**

#### **Regulation 5: Provision of funds**

5.1 The funds of the Court shall include:

- (a) Assessed contributions made by States Parties in accordance with article 115, subparagraph (a), of the Rome Statute;
- (b) Funds provided by the United Nations in accordance with article 115, subparagraph (b), of the Rome Statute;
- (c) Voluntary contributions by Governments, international organizations, individuals, corporations and other entities, in accordance with article 116 of the Rome Statute;
- (d) Such other funds to which the Court may become entitled or may receive.

5.2 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.4, shall be financed by contributions from States Parties in accordance with an agreed scale of assessment, as provided for in article 117 of the Rome Statute. This scale shall be based on the scale adopted by the United Nations for its regular budget, and adjusted in accordance with the principles on which that scale is based, in order to take into account the differences in membership between the United Nations and the Court. The scale shall be adopted by the Assembly of States Parties. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.3 The appropriations provided for in regulation 4.2 shall be financed from the assessed contributions from States Parties in accordance with regulation 5.2 up to a limit to be decided upon by the Assembly of States Parties in each budget resolution. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.4 The contributions of States Parties shall be assessed for a financial period on the basis of the appropriations approved by the Assembly of States Parties for that financial period. Adjustments to the assessments of States Parties shall be made in respect of:

- (a) Any balance of the appropriations surrendered under regulation 4.7;
- (b) Contributions resulting from the assessment of new States Parties under the provisions of regulation 5.10;
- (c) Reassessed contributions of withdrawing States Parties under the provisions of regulation 5.12;
- (d) Miscellaneous income.

5.5<sup>1</sup> After the Assembly of States Parties has reviewed and adopted the budget and determined the amount of the Working Capital Fund or the Contingency Fund if the Assembly of States Parties has determined in accordance with regulation 6.6 that the Fund shall be financed from assessed contributions, the Registrar shall:

- (a) Transmit the relevant documents to the States Parties;
- (b) Inform the States Parties of their commitments in respect of annual assessed contributions and advances to the Working Capital Fund or the Contingency Fund;
- (c) Request them to remit their contributions and advances.

<sup>1</sup> As amended by ICC-ASP/4/Res. 10.

**Rule 105.1****Time frame for application of regulation**

**5.5 The Registrar shall comply with regulation 5.5 within thirty days of the decision by the Assembly of States Parties approving the budget and the level of the Working Capital Fund.**

5.6 Assessed contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Registrar referred to in regulation 5.5 or as of the first day of the calendar year to which they relate, whichever is the later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.

5.7<sup>2</sup> Contributions and advances to the Working Capital Fund and, as appropriate, to the Contingency Fund, shall be assessed and paid in the currency of the statutory headquarters of the Court. The contributions and advances to the Working Capital Fund and, as appropriate, to the Contingency Fund, may also be paid in any other currency that is freely convertible into the currency of the statutory headquarters of the Court. Any currency exchange cost will be borne by the State Party which decided to pay in a currency other than the currency of the statutory headquarters of the Court.

**Rule 105.2****Applicable rate of exchange for contributions**

**The equivalent in euros of contributions paid in other currencies is calculated at the most favourable rate of exchange available to the Court on the date of payment.**

5.8<sup>3</sup> Payments made by a State Party shall be credited first to the Working Capital Fund, then to the contributions due to the General Fund, and then to the Contingency Fund, in the order in which the State Party was assessed.

5.9 The Registrar shall submit to each meeting of the Assembly of States Parties a report on the collection of contributions and advances to the Working Capital Fund.

5.10 New States Parties shall be required to make contributions for the year in which they become States Parties and to provide their proportion of the total advances to the Working Capital Fund at rates to be determined by the Assembly of States Parties.

New States Parties shall be required to make a contribution to the total cost of the permanent premises at the time of their ratification, acceptance, approval of or accession to the Rome Statute.

5.11 A State Party shall not be discharged, by reason of its withdrawal from the Rome Statute, from any financial obligations, including, but not limited to, that State Party's contribution to the total costs of the permanent premises and any other multi-year financial obligations which have accrued while it was a Party to the Rome Statute.

5.12 States Parties that withdraw from the Rome Statute shall be required to make proportional payments of the assessed annual contributions related to the year in which the withdrawal takes effect. The State Party's final financial status will be determined on the basis of its share in:

- (a) a cash surplus in the budget, if any;
- (b) the Working Capital Fund; and
- (c) the Contingency Fund.

<sup>2</sup> As amended by resolution ICC-ASP/4/Res.10.

<sup>3</sup> As amended by resolution ICC-ASP/3/Res.4, annex.

## Annex VII

### Amendments to the Financial Regulations and Rules concerning seizure of assets

#### Regulation 6 Funds

6.5 Trust funds and special accounts funded wholly by voluntary contributions, or by funds received by the Court in connection with judicial proceedings, including upon seizure further to cooperation requests from the Court, may be established and closed by the Registrar and shall be reported to the Presidency and, through the Committee on Budget and Finance, to the Assembly of States Parties.

Reserve accounts and special accounts funded wholly or in part by assessed contributions may be established by the Assembly of States Parties.

The purposes and limits of each trust fund, reserve and special account shall be clearly defined by the appropriate authority. Unless otherwise decided by the Assembly of States Parties, such funds and accounts shall be administered in accordance with these Regulations.

#### Regulation 7 Other income

7.1 All other income except:

- (a) Assessed contributions made by States Parties to the budget;
- (b) Funds provided by the United Nations in accordance with article 115, subparagraph (b), of the Rome Statute;
- (c) Voluntary contributions in accordance with article 116 of the Rome Statute and regulation 7.3, made by States Parties, other States, international organizations, individuals, corporations and other entities;
- (d) Funds received by the Court in connection with judicial proceedings, including upon seizure further to cooperation requests from the Court;
- (e) Direct refunds of expenditures made during the financial period, shall be classed as miscellaneous income, for the purpose of regulation 4.6 and 6.1, for credit to the General Fund.

## Annex VIII

## Voluntary contributions as at 31 December 2017

## Voluntary contributions breakdown by donor and trust fund as at 31 December 2017 (in euros)

<i>Trust Fund</i>	<i>Donors</i>	<i>Contributions received in 2017</i>	<i>Revenue recorded in 2017*</i>
Building Legal Expertise and Fostering Cooperation, 2016-2017	European Commission	-	479,605
	Netherlands	-	12,740
	Organisation internationale de la Francophonie	16,000	13,740
<i>Sub-total</i>		<i>16,000</i>	<i>506,085</i>
Building Legal Expertise and Fostering Cooperation, 2017-2018	European Commission	850,000	477,710
	Netherlands	12,740	12,740
	Organisation internationale de la Francophonie	51,484	60,000
<i>Sub-total</i>		<i>914,224</i>	<i>550,450</i>
Lessons Learned Project, 2017-2018	Open Society Foundation	95,856	16,775
<i>Sub-total</i>		<i>95,856</i>	<i>16,775</i>
Development of Interns and Visiting Professionals, 2016-2018	Republic of Korea	38,594	38,594
<i>Sub-total</i>		<i>38,594</i>	<i>38,594</i>
Access to Justice / Justice and Law Enforcement Capacity Building, 2017-2018	Denmark	123,019	58,735
<i>Sub-total</i>		<i>123,019</i>	<i>58,735</i>
Special Fund for Relocations	Australia	199,770	199,770
	Belgium	-	96,000
	Luxembourg	50,000	35,000
<i>Sub-total</i>		<i>249,770</i>	<i>330,770</i>
Family Visit for Indigent Detainees	Netherlands	-	20,000
	Individual / Marie O'Leary	300	300
<i>Sub-total</i>		<i>300</i>	<i>20,300</i>
Junior Professional Officer programme	Japan	260,748	105,065
	Republic of Korea	105,943	-
	Switzerland	117,759	-
<i>Sub-total</i>		<i>484,450</i>	<i>105,065</i>
Least Developed Countries	Finland	25,000	25,000
	Ireland	10,000	10,000
<i>Sub-total</i>		<i>35,000</i>	<i>35,000</i>
<b>Total voluntary contributions</b>		<b>1,957,213</b>	<b>1,661,774</b>

\* Revenue is recorded on accrual basis in accordance with IPSAS standards.



## Annex IX

### List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>CBF document symbol has been converted to</i>
CBF/30/1	Provisional agenda for the thirtieth session	
CBF/30/1/Add.1	Annotated agenda for the thirtieth session	
CBF/30/2	Report of the Court on handling seized funds received by the Court	
CBF/30/3	Report of the Court on the development of medium-term and long-term cost projections for capital replacements and the inclusion of performance indicators in the new maintenance contract	
CBF/30/4	Report of the Court on Standard Operating Procedures for the Full Cycle (Opening, Operation and Closure) of Field Offices and their Full Budgetary Impact	
CBF/30/6	Report on the performance of the Court's legal aid system in 2017	ICC-ASP/17/3
CBF/30/7	Changes to the Financial Regulations and Rules relating to contributions of States Parties withdrawing from the Rome Statute	
CBF/30/8	Joint Report of the Court and the Trust Fund for Victims on foreseeable administrative and operational cost implications of reparations	
CBF/30/9	Report of the Court on Human Resources Management	ICC-ASP/17/6
CBF/30/10	Report of the Court on a Five-Year Time-Series of Key Budget Indicators	
CBF/30/11	Report on the Court's Five-Year IT/IM Strategy - 2017/2018 Progress: Year 1 and Year 2 (ongoing)	
CBF/30/12/Rev.1	Report on the progress of the development of proposals for adjustments to the legal aid remuneration system as of 2019	ICC-ASP/17/4
CBF/30/13	Report of the Trust Fund for Victims on foreseeable workload in relation to its organizational structure	
CBF/30/14	Report on activities and programme performance of the International Criminal Court for the year 2017	ICC-ASP/17/2
CBF/30/15	Report of the Trust Fund for Victims on Voluntary Contributions	
CBF/30/16	Report on budget performance of the International Criminal Court as at 31 March 2018	
AC/7/5	Interim Report of the Audit Committee on the work of its seventh session	

## 2. Report of the Committee on Budget and Finance on the work of its thirty-first session, September 2018\*

### *Table of contents*

Executive Summary .....	277
I. Introduction .....	280
A. Opening of the thirty-first session .....	280
B. Adoption of the agenda and organization of work .....	280
C. Participation of observers .....	281
II. Consideration of the 2019 proposed programme budget .....	282
A. Budgetary issues across major programmes .....	282
1. General observations and macro-analysis of the 2019 proposed programme budget .....	282
2. High-level strategic budget priorities and assumptions .....	283
3. Overview of approved increases over the period 2013-2018 .....	283
4. Staff costs Court-wide and per Major Programme .....	285
5. Budget adjustments recommended by the Committee .....	285
6. Information contained in the Annexes to the 2019 proposed programme budget .....	285
7. Court-wide review of the policy on reclassifications .....	286
B. Major Programme I: Judiciary .....	287
1. General observations and analysis .....	287
2. Staff Costs .....	287
(a) Salaries and entitlements of judges in 2019 .....	287
(b) Revision of judges' salaries .....	288
(c) General Temporary Assistance .....	288
3. Non-staff costs .....	289
(a) Travel costs .....	289
(b) Training .....	289
(c) Hospitality .....	289
4. Recommended budget for Major Programme I .....	289
C. Major Programme II: Office of the Prosecutor .....	290
1. General observation and analysis .....	290
2. Staff costs .....	290
(a) Establishment of posts .....	290
(b) Conversion of GTA positions to established posts .....	291
(c) Newly requested GTA .....	291
(d) Consideration of positions requested .....	291
(e) Requests for reclassification .....	292
3. Non-staff costs .....	292
4. Recommended budget for Major Programme II .....	293
D. Major Programme III: Registry .....	293
1. General observation and analysis .....	293
2. Staff costs .....	294
(a) New resource requirements under established posts .....	294

Previously issued as ICC-ASP/17/15 and Corr.1.

	(b)	New resource requirements under GTA .....	294
	(c)	Continuing need for GTA .....	295
	(d)	Requests for reclassification .....	295
3.		Five-Year Information Technology and Information Management Strategy .....	295
	(a)	The Court's Five-Year IT/IM Strategy and the Business Case for the Judicial Workflow Platform .....	295
	(b)	Multi-year budgeting of the Five-Year IT/IM Strategy .....	296
	(c)	Total Court-wide overview of the IT "lights-on" costs figures form 2017- 2022 .....	297
	(d)	Recommended ICT budget for 2019 .....	297
4.		Victims and Witnesses Section .....	297
5.		Legal aid .....	298
6.		Recommended budget for Major Programme III .....	298
E.		Major Programme IV: Secretariat of the Assembly of States Parties .....	298
	1.	General observations and analysis .....	298
	2.	Staff costs .....	299
	3.	Non-staff costs .....	299
	4.	Recommended budget for Major Programme IV .....	299
F.		Major Programme V: Premises .....	299
	1.	General observations and analysis .....	299
	2.	Recommended budget for Major Programme V .....	299
G.		Major Programme VI: Secretariat of the Trust Fund for Victims .....	299
	1.	General observations and analysis .....	299
	(a)	Requested budget for 2019 and implementation rate in 2018 .....	299
	(b)	Reparations mandate .....	300
	(c)	Assistance mandate .....	300
	(d)	Recruitments in the Secretariat of the Trust Fund for Victims .....	300
	2.	Staff costs .....	300
	(a)	Established posts .....	300
	(b)	General Temporary Assistance .....	301
	3.	Non-staff costs .....	301
	(a)	Travel .....	301
	(b)	Training .....	302
	4.	Recommended budget for Major Programme VI .....	302
	5.	Administrative costs of implementing partners related to reparations .....	302
	6.	Voluntary contributions and fund-raising from private donors .....	303
	7.	Funding Initiative for the Trust Fund for Victims (TFV Bonds) .....	303
	(a)	Features of the Bond issue .....	303
	(b)	Bond issuance and management .....	304
	(c)	Costs .....	304
	(d)	Observations of the Committee .....	304
H.		Major Programme VII-2: Permanent Premises - Host State Loan .....	305
	1.	General observations and analysis .....	305
	2.	Recommended budget for Major Programme VII-2 .....	305
I.		Major Programme VII-5: Independent Oversight Mechanism .....	305
	1.	General observations and analysis .....	305

2.	Recommended budget for Major Programme VII-5 .....	306
J.	Major Programme VII-6: Office of Internal Audit.....	306
1.	General observations and analysis .....	306
2.	Recommended budget for MP VII-6.....	306
III.	Other financial and budgetary matters.....	306
A.	Status of contributions to the regular budget, the Contingency Fund and the host State loan .....	306
B.	States in arrears .....	308
C.	Securing payment for the host State loan .....	308
D.	Precautionary reserves and cash flow .....	309
1.	Working Capital Fund.....	309
2.	Contingency Fund.....	309
3.	Liquidity shortfall .....	310
E.	Budget performance in 2018 .....	311
1.	Budget performance in the first half of 2018.....	311
2.	Courtroom usage and hearing days in 2018.....	311
3.	Contingency Fund notifications in 2018.....	311
F.	Report of the Court on cost ratios .....	312
IV.	Institutional reform and administrative matters.....	312
A.	Human resource matters.....	312
1.	Staff Rules related to the education grant, special education grant and related benefits.....	312
B.	Reform of the legal aid system.....	313
C.	Audit matters .....	313
1.	Annual report by the Audit Committee.....	313
2.	External audit matters and reports of the External Auditor.....	314
(a)	Financial Statements of the Court.....	314
(b)	Financial Statements of the Trust Fund .....	314
(c)	Performance audit report on Human Resources Management .....	315
3.	Selection of External Auditor .....	315
D.	Financial investigations as well as the seizure and freezing of assets.....	315
E.	Costs for the premises of the Court.....	316
1.	Funding of long-term capital replacements.....	316
2.	Observations of the Committee.....	317
V.	Other matters .....	318
A.	Cases before the ILO-Administrative Tribunal and Appeals Board .....	318
1.	Litigations before the ILO-Administrative Tribunal.....	318
2.	Cases before the internal Appeals Board .....	319
3.	Provisions related to ILOAT cases and cases before the internal Appeals Board.....	319
4.	Recommendations by the Committee on contentious and non-contentious disputes.....	319
B.	Future sessions of the Committee .....	319
Annex I:	List of documents .....	
Annex II:	Status of contributions as at 31 August 2018.....	321
Annex III:	Legal aid expenditures for defence and victims including the CF (2005-2017).....	323
Annex IV:	Budgetary implications of the Committee's recommendations.....	324
Annex V:	Requests to access the Contingency Fund (as at 1 September 2018).....	324
Annex VI:	Annual Report of the Audit Committee for 2018.....	339

## *Executive Summary*

1. During its thirty-first session, which was held from 3-14 September 2018 in The Hague, the Committee on Budget and Finance considered the Proposed Programme Budget for 2019 of the International Criminal Court, including workload dynamics and their impact on resource requirements, as well as other matters, such as the liquidity shortfall; arrears; the Court-wide Five-Year IT/IM Strategy; savings and efficiencies; activities and initiatives of the Trust Fund for Victims, human resources matters and on-going litigations.
2. One of the most pressing issues considered by the Committee was the liquidity shortfall. The Committee has commented on this issue in previous reports but was particularly concerned about the impact as early as December 2018, if the payment patterns for contributions by States Parties are not reversed. The Committee believed this provided grounds for the Assembly to decide on authorizing the Court to temporarily utilize the Contingency Fund and/or establish external funding to address its temporary liquidity shortfall. Based on a realistic outlook for 2019, the Committee was of the view that the liquidity problem would be serious at year-end putting the Court in a financial situation that will call for solutions that go beyond just securing financing.
3. The Committee noted that the proposed increase in the budget for 2019 was the lowest in recent years and welcomed the Court's efforts to identify savings and efficiencies, non-recurrent costs and other costs reduction of over €3 million, thereby absorbing potential increases. The Committee believed that such a budget level includes a sufficiently flexible base, if complemented by prudent and sound financial management, and with strict prioritisation of activities.
4. In line with the One-Court principle, the Committee compared the budget requested by each major programme against the workload presented, as well as the Court-wide impact across the organs. Noting that the Court would continue to face unforeseen developments, the Committee recommended that the Court adopt flexible policies and manage its human resources in a manner that would allow adequate reaction to unforeseen developments by redeploying resources based on workload requirements.
5. The Committee observed that redeployment of certain budget items between major programmes, in addition to non-recurrent costs have resulted in an overall increase or decrease of the total proposed budget for 2019 for certain major programmes, as in the case of Major Programme I (Judiciary), Major Programme III (Registry), Major Programme IV (Secretariat of the Assembly of States Parties), and Major Programme V (Premises).
6. The Committee noted that while the Judiciary and the Registry reduced their budget, the Office of the Prosecutor requested higher staff resources. The Committee further noted that such higher staff costs and the creation of established posts would ultimately lead to a higher budget threshold, which would make the Court less flexible to adjust to changing workloads. The Committee therefore took a conservative approach to new staff resources, resulting in a reduction of the requested increases. Therefore, the Committee - while looking at each and every staff resource request on its own merit - decided to support only the fully justified and absolutely necessary requests for staff.
7. Without prejudice to the independence of the OTP, the Committee observed a significant increase in the OTP's budget in recent years compared to other major programmes. This trend might be explained by the fact that the OTP continues to carry out numerous activities, while ongoing investigations do not proceed to the trial stage. Thus, the number of active trials, which generates costs in other major programmes, remains stable.
8. The Committee believed that the Twentieth Anniversary of the Court in 2018 marks an important moment, on the one hand, for States Parties to renew support for the Court and to strengthen cooperation, particularly in relation to the challenges that the Court is facing with regard to enforcement (16 arrests warrants are pending), the freezing of assets, payment of contributions and other forms of cooperation. On the other hand, the Court is expected to take stock of its achievements, evaluate its strategies and identify areas of improvement.

9. The Committee was informed by the OTP that the Strategic Plan for 2019-2021 is about to be finalized. While bearing in mind the independence of the OTP, the Committee believed that the OTP should undertake a full evaluation against the aims and objectives set out in the previous 2016-2018 Strategic Plan. In addition, the upcoming Strategic Plan should take into account lessons learned, by considering both efficiencies and the possibility to redeploy the existing resources. The Committee also looked forward to seeing how exit strategies would be included in the Plan to support case prioritisation and ensure a high benchmark for success.

10. The Committee received an update on litigations before the International Labour Organisation Administrative Tribunal. In order to improve staff morale and to mitigate the risk of litigations, the Committee welcomed the current efforts and looked forward to seeing tangible progress on the establishment of a mediation mechanism.

11. The Committee welcomed the update on the Court-wide five-Year IT/IM Strategy 2017-2021 with a total cost of €8.7 million. The Committee noted the progress made with the project design and management arrangements, including risk control, which would allow the Court to initiate the Judicial Work Flow Platform as the main project of the Strategy in 2019. The Committee took note of the ‘lights on’ costs of more than €1 million per year. After having fully evaluated the proposal, the Committee recommended limits to the annual resources dedicated to the implementation of the Strategy. The Committee expected further savings and efficiencies from the implementation of the Strategy, in terms of increased staff productivity and looked forward to seeing such enhancements reflected in the 2020 proposed programme budget.

12. The Committee observed several significant developments regarding the Trust Fund for Victims, such as in the field of reparative justice. Bearing in mind the maximum benefit to victims when implementing reparations, the Committee expected the TFV to take all necessary measures to ensure value for money and efficiency in the implementation of reparations. The Committee took note of the TFV’s approach to charge in the future the administrative costs of implementing partners for reparations against its donor-funded “other resources”. However, the Committee underlined that the relevant costs ought to be clearly defined, transparently accounted for and monitored.

13. With a view to improving the fundraising performance of the TFV, the Committee urged the TFV and the Court to make the established working group operational as soon as possible, by submitting the terms of reference and by identifying private-donor models.

14. As for the fundraising initiative by the TFV through issuing “TFV Bonds” in the amount of €1 billion with a maturity of 20 years, the Committee was of the opinion that such a project would have unforeseeable implications transcending the TFV and which could affect the Court, not only in legal and budgetary terms but also in terms of reputation. The Committee doubted that the bond initiative is effectively tailored to the current and long-term needs of the TFV, and questioned whether it should be part of its immediate priorities.

15. The Committee took note of the Court’s proposed options for funding long-term capital replacements (i.e. the replacement of major system components) for its premises in The Hague. It endorsed the proposal that the Court periodically present a five-year expenditure estimate along with an outlook on long-term plans. However, under the current circumstances, it did not support the establishment of a fund. Any replacement needs arising in the foreseeable future should, whenever feasible, be financed within the scope of the regular budget process.

16. After thorough considerations of all requested increases, the Committee recommended that the Assembly approve a budget of €144.7 million, or a 0.6 per cent increase, compared to the 2018 approved budget, excluding the instalments for the host State loan. The respective recommended resources for each major programmes are as follows and detailed in Annex IV:

- (a) Major Programme I (Judiciary): €2.1 million (decrease of 4.8 per cent);
- (b) Major Programme II (Office of the Prosecutor): €46.8 million (increase of 1.8 per cent);

- 
- (c) Major Programme III (Registry): €76.7 million (decrease of 0.6 per cent);
  - (d) Major Programme IV (Secretariat of the Assembly of States Parties): €2.8 million (increase of 4.5 per cent);
  - (e) Major Programme V (Premises): €1.8 million (increase of 20.1 per cent);
  - (f) Major Programme VI (Secretariat of the Trust Fund for Victims): €3.3 million (increase of 29.1 per cent);
  - (g) Major Programme VII-5 (Independent Oversight Mechanism): €31.1 thousand (decrease of 0.6 per cent); and
  - (h) Major Programme VII-6 (Office of Internal Audit): €85.6 thousand (decrease of 3.1 per cent).

## I. Introduction

### A. Opening of the thirty-first session

1. The thirty-first session of the Committee on Budget and Finance (“the Committee”), comprising 20 meetings, was held from 3-14 September 2018 in The Hague, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its sixteenth session.<sup>1</sup>
2. The President of the International Criminal Court (“the Court”), Judge Chile Eboe-Osuji, delivered the welcoming remarks at the opening of the session.
3. The Committee appointed Mr. Urmet Lee (Estonia) as Rapporteur in accordance with Rule 13 of its Rules of Procedure.
4. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and staff of the Executive Secretariat of the Committee assisted in providing the necessary substantive and logistical support to the Committee.
5. The following members attended the thirty-first session of the Committee:
  - (a) Carolina María Fernández Opazo (Mexico);
  - (b) Fawzi A. Gharaibeh (Jordan);
  - (c) Hitoshi Kozaki (Japan);
  - (d) Urmet Lee (Estonia);
  - (e) Mónica Sánchez (Ecuador);
  - (f) Gerd Saupe (Germany);
  - (g) Margaret Wambui Ngugi Shava (Kenya);
  - (h) Elena Sopková (Slovakia);
  - (i) Helen Louise Warren (United Kingdom); and
  - (j) François Marie Didier Zoundi (Burkina Faso).

### B. Adoption of the agenda and organization of work

6. At its first meeting, the Committee adopted the following agenda for the thirty-first session:
  1. Opening of the session
    - (a) Welcoming remarks of the President of the Court
    - (b) Adoption of the agenda and organization of work
    - (c) Participation of observers
  2. 2019 proposed programme budget
    - (a) Consideration of the 2019 proposed programme budget
    - (b) Annexes of the 2019 proposed programme budget including synergies and savings
  3. Other financial and budgetary matters:
    - (a) Status of contributions
    - (b) States in arrears
    - (c) Options for securing payment of withdrawing States Parties’ contributions to the loan granted by the host State
    - (d) Report on Budget performance of the Court as at 30 June 2018
    - (e) Precautionary reserves
    - (f) Liquidity issue
    - (g) Report of the Court on cost ratios

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixteenth session, The Hague, 4-14 December 2017* (ICC-ASP/16/20), vol. I, part I, section B, para. 54.



4. Institutional reform and administrative matters
  - (a) IT/IM Strategy
    - (i) Report of the Court on its Five-Year IT/IM Strategy
    - (ii) Total Court-wide overview of the IT ‘lights-on’ cost figures from 2017-2022
    - (iii) Business Case for the Judicial Workflow Platform
  - (b) Report of the Registry on financial investigations and the seizure and freezing of assets
  - (c) Report on solutions for the funding of long-term capital replacements at Headquarters
5. Human resources
  - (a) Court-wide review of the policy on reclassifications
  - (b) Report on amended Staff Rules related to the education grant, special education grant and related benefits
6. Trust Fund for Victims
  - (a) Projects and activities of the Board of Directors of the TFV (1 July 2017 to 30 June 2018)
  - (b) Terms of reference and deadlines for deliverable results of the Joint Working Group for Access to Private Donations
  - (c) Report on recruitment at the TFV in 2018
  - (d) Report of the TFV on the administrative costs incurred by TFV partners associated with the implementation of Court-ordered reparations awards
7. Legal aid
8. Audit matters
  - (a) Annual report by the Audit Committee for 2018
  - (b) Consideration of the audit reports of the External Auditor
    - (i) Financial Statements of the Court;
    - (ii) Financial Statements of the TFV; and
    - (iii) Performance audit on Human Resources Management
9. Other matters
  - (a) Judicial developments and their budgetary implications
  - (b) Litigations before the ILO Administrative Tribunal.<sup>2</sup>

### C. Participation of observers

7. In accordance with the Rules of Procedure of the Assembly,<sup>3</sup> the principals of the Court and representatives of the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry were invited to participate in the meetings of the Committee. In addition, the facilitator for the budget, Ambassador Jens-Otto Horslund (Denmark); the focal point on budget management oversight, Ambassador Eduardo Rodríguez (Bolivia); and the Chair of the Working Group on the review of judges’ remuneration, Ambassador Fernando Bucheli (Ecuador) updated the Committee. Furthermore, the Chair of the Board of the Trust Fund for Victims (“the TFV”), Mr. Motoo Noguchi, addressed the Committee. The Committee also had an exchange with the President of the Court Staff Union Council. The Committee accepted the request by the Coalition for the International Criminal Court (“the Court”) to make a statement. The Committee expressed its appreciation to all observers who participated in its thirty-first session.

<sup>2</sup> CBF/31/1/Rev.1.

<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.

## II. Consideration of the 2019 proposed programme budget

### A. Budgetary issues across major programmes

8. In accordance with Rule 9 of its Rules of Procedure, the Committee shall review the proposed programme budget of the Court and make the relevant recommendations to the Assembly. The Committee considered and scrutinized the “Proposed programme budget for 2019 of the International Criminal Court<sup>4</sup>” as well as, an Addendum<sup>5</sup> that was submitted on 7 September 2018 in accordance with regulations 3.5*bis* of the Financial Regulations and Rules (“FRR”).

9. Since the adoption of the Rome Statute in 1998, the Court has matured as an organisation developing its remit and increasing operational activities. The Committee believed the 2018 baseline budget includes sufficient flexibility, if complemented by prudent and sound financial management, the setting of clear objectives and strict prioritisation of activities.

#### 1. General observations and macro-analysis of the 2019 proposed programme budget

10. The Committee considered the 2019 proposed programme budget and its Addendum analysing the resource requests for each major programme. The Committee conducted its examination of the requested budget resources on the basis of the general principle of budgetary integrity.

11. The Committee recalled that for the 2018 budget year the Assembly had approved appropriations totalling €147.43 million at its sixteenth session.<sup>6</sup> These were reduced by the instalments for the host State loan of €3.59 million, which was payable only by those States that have opted not to make a “one time” payment.<sup>7</sup> Therefore, the 2018 budget approved by the Assembly, excluding interest and the principal repayment (instalments) for the host State loan, was €143.85 million.<sup>8</sup>

12. As a result of the postponement of the confirmation of charges hearing in the *Al Hassan* case, the budget assumptions had changed,<sup>9</sup> whereby, the Registrar had presented an Addendum to the proposed budget leading to a decrease of requested resources for Major Programme III (Registry) by €257,500. The revised proposed budget, when taking into account the Addendum, amounts to €147.29 million, which represents an increase of €3.44 million (2.4 per cent) over the 2018 approved budget of €143.85 million, excluding the instalments for the host State loan. The total amount requested, after adding the instalments for the host State loan, would be €150.88 million.

13. The main increase in absolute numbers was requested by the OTP, namely €2.11 million (4.6 per cent increase), followed by the Secretariat of the Trust Fund for Victims (“the STFV”) with a requested increase of €1.49 million (58.5 per cent). The requested increase for the remaining major programmes is below €0.5 million and can be broken down as follows: requested increase of €301.5 thousand (20.1 per cent) for Premises, €153.4 thousand (5.6 per cent) for the Secretariat of the Assembly; and €22.1 thousand (4.1 per cent) for the Independent Oversight Mechanism (“the IOM”).

14. The Judiciary presented a decrease in the amount of €334.2 thousand (-2.6 per cent), the Registry a decrease of €273.7 thousand (-0.4 per cent) and the Office of Internal Audit (“the OIA”) a decrease of €19.3 thousand (-2.7 per cent). In addition, the amount of €3,585.1 thousand (or ± 0 per cent) is required for the interest and capital repayments under the host State loan.

<sup>4</sup> ICC-ASP/17/10.

<sup>5</sup> ICC-ASP/17/10/Add.1.

<sup>6</sup> ICC-ASP/16/Res.1.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> The *Al Hassan* trial is likely to commence only in 2020, which will result in 10, instead of the originally budgeted 40 hearing days during pre-trial preparation in 2019. No witnesses are expected to appear before the Court in 2019.

15. The Committee observed that redeployment of certain budget items between major programmes, in addition to non-recurrent costs have resulted in an overall increase or decrease of the total proposed budget for 2019 for certain major programmes as the case in Major Programme I (Judiciary), Major Programme III (Registry), Major Programme IV (Secretariat of the Assembly of States Parties), and Major Programme V (Premises).<sup>10</sup>

## 2. High-level strategic budget priorities and assumptions

16. The Committee took note of the Court's high-level strategic budget priorities and main cost drivers for 2019, namely:

- (a) run and support judicial proceedings, including in three trials;
- (b) conduct and support eight active investigations, including via field activities;
- (c) implement reparations awards in three cases; and
- (d) invest in key Court-wide informational management projects and security capabilities.<sup>11</sup>

17. As regards the overall workload and the Court's assumptions and parameters for 2019, the situation is presented by the Court as follows:

- (a) nine preliminary examinations;
- (b) 11 situations;
- (c) eight active investigations;
- (d) three trials; and
- (e) five final appeals.<sup>12</sup>

## 3. Overview of approved increases over the period 2013-2018

18. The Committee welcomed the time-series included in the 2019 proposed programme budget that enable the Committee to put the figures into perspective. For example, the Committee compared the yearly increases in approved budgets of the Judiciary, the OTP, the Registry and the STFV from 2013 to 2018, in particular, the Committee observed a significant increase in the budget of the OTP by 62.7 per cent in the recent years compared to other major programmes as illustrated in Table 1 below, for example the Registry's increase was 19.6 per cent only representing one third of the OTP increase, and Judiciary increase by 18.8 per cent.

19. This trend of increase for the OTP might be explained by the fact that this Organ carries out numerous preliminary examinations and investigations that do not proceed to trial stage. During the period 2013-2018, the number of active trials remains stable (3-5 trials per year, without the Article 70 cases), and during this period two persons were convicted and sentenced.<sup>13</sup>

<sup>10</sup> Transfer of the New York Liaison Office from MP I to MP III in the amount of €414.2 thousand. See Section B. Transfer of the External Audit Services fees in the amount of €67 thousand from MP III to MP IV. See Section E. Transfer of maintenance costs in the amount of €250 thousand for the Court's premises from MP III to MP V. See Section F.

<sup>11</sup> Please refer for details to ICC-ASP/17/10, section on High-level Court-wide strategic budget priorities and main cost drivers for 2019.

<sup>12</sup> ICC-ASP 17/10, annex II.

<sup>13</sup> *Katanga and Al-Mahdi*.

**Table 1: Yearly increases in approved programme budgets 2013-2018 (thousands of euros)**

<i>Major Programme</i>		<i>Approved Budget 2013</i>	<i>Approved Budget 2014</i>	<i>Approved Budget 2015</i>	<i>Approved Budget 2016</i>	<i>Approved Budget 2017</i>	<i>Approved Budget 2018</i>	<i>2013-2018 increase</i>
MP I: Judiciary	Total	10,697.9	10,045.8	12,034.2	12,430.6	12,536.0	12,712.0	2,014.1
	Variance	413.9	-652.1	1,988.4	396.4	105.4	176	
	Variance in %	4.0%	-6.1%	19.8%	3.3%	0.8%	1.4%	18.8%
	Actual Expenditure	9,874.5	10,529.8	11,023.8	12,702.8	12,232.3	12,242.7*	2,368.2
	Implementation Rate in %	92.3%	104.8%	91.6%	102.2%	97.6%	96.3%	Aver. 97.5%
MP II: Office of the Prosecutor	Total	28,265.7	33,220.0	39,612.6	43,233.7	44,974.2	45,991.8	17,726.1
	Variance	542.0	4,954.3	6,392.6	3,621.1	1,740.5	1,017.6	
	Variance in %	2.0%	17.5%	19.2%	9.1%	4.0%	2.3%	62.7%
	Actual Expenditure	28,924.9	32,723.7	40,581.2	41,960.3	44,432	45,555*	16,630.1
	Implementation Rate in %	102.3%	98.5%	102.4%	97.1%	98.8%	99.1%	Aver. 99.7%
MP III: Registry	Total	64,520.9	66,293.1	65,025.9	72,759.2	76,632.6	77,142.5	12,621.6
	Variance	-520.8	1,772.2	-1,267.2	7,733.3	3,873.4	509.9	
	Variance in %	-0.8%	2.7%	-1.9%	11.9%	5.3%	0.7%	19.6%
	Actual Expenditure	64,203	65,738	67,988.3	73,278.6	78,811.5	76,256.1*	12,053.1
	Implementation Rate in %	99.5%	99.2%	104.6%	100.7%	102.8%	98.9%	Aver. 101%
MP VI: Secretariat of the Trust Fund for Victims	Total	1,580.0	1,585.8	1,815.7	1,884.5	2,174.5	2,541.5	961.5
	Variance	129.4	5.8	229.9	68.8	290.0	367	
	Variance in %	8.9%	0.4%	14.5%	3.8%	15.4%	16.9%	60.9%
	Actual Expenditure	1,432	1,425.7	1,542.9	1,640.7	1,704.3	2,152.9*	720.9
	Implementation Rate in %	90.6%	89.9%	85%	87.1%	78.4%	84.7%	Aver. 86%

\* Expenditures for 2018 are forecast expenditures as at 30 June 2018.

20. The Committee further scrutinized the resources requested by OTP for 2019 per active investigation comparing them to 2018 as shown in Table 2 below.

**Table 2: Budget allocation per active investigation in Major Programme II (in thousands of euros)**

	<i>Situation</i>	<i>2019 estimated budget allocation</i>	<i>2018 budget allocation</i>
1	Burundi (*)	2,231.24	1,550.90
2	Central African Republic II (a)	3,276.65	2,901.60
3	Central African Republic II (b)	2,130.15	3,460.40
4	Côte d'Ivoire II	3,272.64	3,260.20
5	Georgia	2,843.94	3,918.40
6	Darfur	1,302.93	1,379.80
7	Libya (III and IV)	2,091.76	1,907.70

(\*) 2018: estimated funds requested through Contingency Fund notification.

#### 4. Staff costs Court-wide and per Major Programme

21. The Committee further analysed the requested net increases in staff costs for 2019 by comparing them to the 2018 approved level, after taking into account the deductions derived from the revised UN Common System Package, as shown in Table 3 below. The Committee noted that the Court requested for 2019 a net increase in staff costs of €3.8 million, compared to the 2018 approved budget.

**Table 3: Staff costs Court-wide and per Major Programme (in thousands of euros)**

<i>Staff costs</i>	<i>Court</i>	<i>Judiciary</i>	<i>OTP</i>	<i>Registry</i>	<i>SASP</i>	<i>STFV</i>	<i>OIA</i>	<i>IOM</i>
Budget approved in 2018	<b>104,203.6</b>	6,881.3	41,343.4	51,238.9	1,725.2	1,876.3	653.1	485.4
Deduction due to new UN CS	<b>1,494.6</b>	75.4	489.2	714.9	21.8	184.4	5.5	3.4
Budget proposed for 2019	<b>106,507.4</b>	6,513.9	42,608.1	51,305.3	1,805.6	3,144.9	647.6	482
Net increase for staff 2018/2019	<b>3,798.4</b>	-292	1,753.9	781.3	102.2	1,453.0	0	0

22. As part of its macro-analysis, the Committee also considered the forecast expenditure for 2018 and the average implementation rates for all major programmes analysing the proposed increases in light of such information. As for financial performance, the forecast expenditure for 2018 was estimated at €43.21 million, which represented 97.1 per cent of the 2018 approved budget of €43.85 million including interest payments and capital repayments on the premises of €3.59 million.<sup>14</sup> The Committee noted that, when comparing this with the resources requested in the 2019 proposed programme budget of €50.88 million including the host State loan, resource increase would be €7.66 million (or 5.34 per cent).

#### 5. Budget adjustments recommended by the Committee

23. After reviewing the 2019 proposed programme budget and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of €2,590.7 thousand from a total proposed programme budget of €147,291.4 thousand without the host State loan. This represents a €854.4 thousand<sup>15</sup> (0.6 per cent<sup>16</sup>) increase compared to the 2018 approved budget. The total assessment of contributions for 2019 (without instalments for the host State loan) would be €144,700.7 thousand.

#### 6. Information contained in the Annexes to the 2019 proposed programme budget

24. Concerning savings and efficiencies achieved in 2018 and estimates for 2019, the Committee stressed that there is a methodological base in place for accounting savings, efficiencies, non-recurrent costs, and additional cost reductions. The information provided in Annex XI gives a detailed breakdown of each item. The aggregate presentation of such data as presented in Tables 2, 3 and 4 of the proposed programme budget for 2019<sup>17</sup> could be improved to help the readers to clearly distinguish savings, non-recurrent costs and additional cost reductions, which will impact the previous year's budget baseline, from efficiencies that constitute avoided "cost increases".

25. Based on information in the 2019 proposed programme budget and additional explanations given to the Committee upon inquiry, the total reduction to the 2018 approved budget baseline amount to €3.38 million. When considering also the Contingency Fund (CF) notifications for 2018 in a total of €2.63 million, the fiscal room created from savings, non-recurrent costs and additional costs reductions that the Court is able to redeploy amounts to approximately €0.75 million in 2019.

<sup>14</sup> ICC-ASP/17/11, Table 2, Budget performance as at 30 June 2018 by Major Programme (including forecast expenditures).

<sup>15</sup> €854.4 thousand = 2019 adjusted proposed budget without instalments for the host State loan of €144,700.7 thousand minus 2018 approved budget without instalments for the host State loan of €143,846.3 thousand.

<sup>16</sup> 0.6 per cent = €854.4 thousand increase divided by 2018 approved budget with instalments for the host State loan of €147,431.5 thousand.

<sup>17</sup> ICC-ASP/17/10, page 15.

26. The Committee will keep the evolving budget process under review. It welcomed the efforts of the Court, most notably the Registry, during this budgetary process to identify savings and efficiencies. The Committee is of the view that further work needs to be done to clarify the effective relations of savings and budget baselines of individual major programme and specific rules in utilizing savings identified for internal redeployment to pay for new and additional workload. The Committee will continue discussing process enhancements with the Court at its up-coming session in April 2019 and also intends to consider possible ways for moving towards a more predictable and stable budgeting with a short to medium term perspective beyond the annual budgetary cycle in future sessions.

27. The Committee observed that the capacity to produce savings and efficiencies differs among major programmes, as demonstrated in the 2019 proposed programme budget. While Major Programme III (Registry) identified additional cost reductions to pay for costs related to the Five-Year IT/IM Strategy, Major Programme II (OTP) already has a certain level of resources for internal redeployment to meet emerging needs and Major Programme VI (STFV) is faced with new priority activities, where efficiency gains with other Major Programmes can be achieved.

**28. Regarding Annex XII on “ICC Five-Year Time-Series Assumptions and Parameters 2015-2019”, the Committee was of the view that the information was helpful and recommended that the Court include updated information in the 2020 proposed programme budget.**

**29. The Committee welcomed the Court’s attempt to give a comprehensive, informative and executive Court-wide overview of the IT/IM-related costs, as contained in Annex IX.<sup>18</sup> The Committee recommended that the Court continue to include in future proposed programme budgets information on the implementation of the Strategy and a separate table presenting the Court-wide ICT “lights-on” costs.<sup>19</sup>**

30. At its sixteenth session, the Assembly requested the Court to summarize the maintenance and operating costs of the Court’s premises in an overview table in future proposed programme budgets.<sup>20</sup> Furthermore, at its twenty-eighth session, the Committee recommended that the Court, starting with the 2019 proposed programme budget, include all relevant information on the replacement of capital investments, such as investments plans, actual investments and replacement of assets in due course of time, in a separate annex to the proposed programme budget.<sup>21</sup>

31. The Committee took note of Annex X on the “Proposed Capital Investments (2019-2022),”<sup>22</sup> in the 2019 proposed programme budget in fulfilment of the recommendation made by the Committee at its twenty-eighth session. However, the Committee observed that in its present format the Annex contains only limited information about the capital investment plan.

32. The Committee also noted that the Court compiled all budget/expenditures related to the maintenance of the premises under general operating expenses in Major Programme V. However, the Committee believed that such information in its current format gives only limited information about the maintenance costs. **Therefore, the Committee recommended that the Court add more details on the capital investment plan and on maintenance costs to be added in future budget proposals.**

## **7. Court-wide review of the policy on reclassifications**

33. At its sixteenth session, the Assembly requested the Court to conduct a Court-wide review of the current policy on reclassifications and to report the outcome to the Committee during its thirtieth session in April 2018 and to the Assembly at its seventeenth session,<sup>23</sup> The Committee, at its thirtieth session, recommended that the Court submit a new draft

<sup>18</sup> Information Technology and Information Management at the International Criminal Court: Five-Year Strategy (2017-2021).

<sup>19</sup> Based on Table 1 contained in CBF31/12/Rev.3 by incorporating the Court-wide staff costs.

<sup>20</sup> ICC-ASP/16/Res.1, section G, para. 2.

<sup>21</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 84.

<sup>22</sup> ICC-ASP/17/10, Annex X, page 191.

<sup>23</sup> ICC-ASP/16/Res.1, section M, para.5.

Administrative Instruction (AI) and made several recommendations to ensure a Court-wide process by observing principles of fairness and transparency.

34. In advance of its current session, the Committee was provided with a draft AI, reflecting the recommendations for enhancement made by the Committee in April 2018. During the session, the Committee was updated by the Court on the ongoing consultations and additional changes envisaged in the AI yet to be finalized. The Committee further received some input from the President of the Staff Union Council on the amended version of the AI.

35. Based on the draft AI submitted, the Committee decided to carefully review all requests for reclassification in the context of the 2019 proposed programme budget, in light of their own merits and their additional functionalities and responsibilities. In particular, the Committee kept in mind their immediate budgetary consequences as well as their potential organizational impact beyond the short-term, especially for those reclassification requests that would lead to the creation of senior management positions with potential additional staff resource requests in the future and/or changes in the reporting structures.

36. The Committee noted that 10 out of the 11 requests for reclassification related to the OTP, two of which concerned senior management positions, and thus was of the view that the Assembly could take action on nine requests for reclassification related to the lower staffing level. In the context of the review of the organizational repercussions, the Committee further noted that each major programme has a unique mandate and organizational structural needs, and that replicating equivalent positions in each programme was neither justifiable nor desirable.

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

### **1. General observations and analysis**

37. The Committee noted that the budget for the New York Liaison Office (NYLO), which in previous years had been included in Major Programme I (Judiciary), was redeployed to Sub-programme 3800 (Division of External Operations Division) within the Registry (the budgeted amount from 2018 of €14.2 thousand) and took this into account when calculating the major programme's 2019 requested resources.

38. Furthermore the Committee recalled that various non-recurrent costs connected to the appointment of newly elected judges to the Court were needed only in 2018 (e.g. travel and other costs in the total amount of €369.4 thousand)<sup>24</sup> and thus should be taken into consideration when calculating the resource requirements for 2019 for Major Programme I.

39. The 2019 proposed budget for Major Programme I amounted to €12,377.8 thousand, representing a decrease of €334.2 thousand (-2.6 per cent) against the 2018 approved budget of €12,712 thousand.

40. After taking into consideration the non-recurrent costs and the redeployment of the NYLO to Major Programme III (Registry), the 2019 proposed programme budget represents a net increase of €450.0 thousand (or 3.8 per cent) against the adjusted 2018 approved budget of €1,927.8 thousand,<sup>25</sup> without taking into account reductions resulting from the revised UN Common System Package. Such increase is mainly related to the extension of mandate of two judges in 2019.

### **2. Staff Costs**

#### *(a) Salaries and entitlements of judges in 2019*

41. As for 2018, it is forecasted that Judiciary will implement its budget at a rate of 95.4 per cent, or €12,127.0 thousand against the approved budget of €12,712.0 thousand, mainly due to the delay in the recruitment of a number of positions, including the Chef de Cabinet

<sup>24</sup> ICC-ASP/17/10, Table 4 "Non-recurrent costs and additional cost reductions by Major Programme".

<sup>25</sup> €1,928.8 thousand = 2018 approved budget for MP I of €12,712.0 thousand minus approved budget for the New York Liaison Office's for 2018 of €14.2 thousand and minus €369.4 thousand for non-recurrent costs.

and several General Temporary Assistance (GTA) positions. As for Judges' costs, the approved budget for 2018 was at €5,521.1 thousand and forecast expenditure is estimated at €5,459.3 thousand (or 98.9 per cent).

42. The 2019 proposed budget for judges' salaries and entitlements amounted to €5,662.1 thousand, representing an increase of €141.0 thousand against the 2018 approved budget of €5,521.1 thousand.<sup>26</sup> The proposed budget included, in addition to the remuneration for 18 full-time judges, expenditures of €225 thousand for standard salaries and €12.0 thousand for judges' pension increase of the two extended judges continuing in office for 15 months in 2019 to complete proceedings.<sup>27</sup>

43. The Committee noted that, in accordance with Article 35(3) of the Rome Statute, the President of the Court may decide, based on workload and upon consulting his or her fellow judges, to what extent any judges not comprising the Presidency shall be required to serve full-time. **In this regard and with a view to ensuring transparency about the service of judges, the Committee recommended that the text of Article 35(3) be included prominently in the note verbale seeking nominations for the election of judges, and that the Advisory Committee on Nominations of Judges ensure that judicial candidates are made aware of this provision.**

(b) *Revision of judges' salaries*

44. The Committee took note of Annex VI (a) of the Proposed Programme Budget for 2019,<sup>28</sup> which includes a recurrent request in the amount of €580.9 thousand related to the revision of the costs of salary entitlements for the 18 judges.

45. 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 would also have to be increased.<sup>29</sup>

46. The Committee observed that the Assembly at its sixteenth session requested the Bureau to establish a working group, based in The Hague and open only to States Parties, to discuss a mechanism to consider a revision of the judges' remuneration in implementation of resolution ICC-ASP/3/Res.3 and to report thereon to the Assembly at its seventeenth session.<sup>30</sup>

47. The Committee received an update from the Chair of the Working Group on the Revision of Judges' Remuneration. **While reiterating its understanding that a potential revision of the judges' salaries is a policy matter to be decided by the Assembly,<sup>31</sup> the Committee looked forward to be informed about the progress and outcome of the discussions in the Working Group in relation to the establishment of a mechanism for a revision of the judges' remuneration and encouraged the Assembly to take action on this matter as soon as possible.**

(c) *General Temporary Assistance*

48. The Committee scrutinized the proposed request for GTA in connection with the revised assumptions for the 2019 proposed programme budget, namely that two trial hearings (*Ongwen* and *Gbagbo/Blé Goudé*) would be held during 12 months, that the hearing in one other case (*Ntaganda*) will not continue in 2019, while three months will be required to draft the sentence, that in *Al Hassan* hearings are supposed to last only 10 days in 2019. **Based on these assumptions, the Committee recommended approving:**

- (a) **four (P-3) positions for 12 months each;**
- (b) **five (P-2) GTA positions for 12 months each; and**

<sup>26</sup> Total Judges' salaries and entitlement for 2018 of €5,521.1 thousand minus €10 thousand (costs connected with appointment of the newly elected Judges).

<sup>27</sup> Completion of proceedings pursuant to articles 36(10) and 39(3) of the Rome Statute in the cases *Gbagbo/Blé Goudé* and *Ntaganda*.

<sup>28</sup> ICC-ASP/17/10.

<sup>29</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 34.

<sup>30</sup> ICC-ASP/16/Res.1, section N, para.1.

<sup>31</sup> ICC-ASP/15/15, para. 37.



- (c) **three (P-2) GTAs for a total of 12 months.**

**Therefore, the total reduction would be 24 months for three (P-2) GTA positions with a total cost reduction of €197.2 thousand.**

### 3. Non-staff costs

#### (a) *Travel costs*

49. The Committee noted that in 2019 proposed programme budget, the amount of €135.8 thousand was requested for travel for staff in Judiciary and official travel by judges, including travel costs for all 18 judges in relation to two retreats for judges. The proposed amount represented an increase of €45 thousand (50 per cent) against the 2018 approved adjusted travel budget for Judiciary in the amount of €90.8 thousand.<sup>32</sup> The Committee observed that the above-mentioned increase resulted mainly from a higher request for resources for judges' retreats in 2019 in the amount of €87 thousand, compared to the level of 2018 of 43.3 thousand.<sup>33</sup>

**50. After considering the proposed travel budget, the Committee recommended to approve the travel expenditure for Major Programme I at the same adjusted level as in 2018 of €90.8 thousand. Furthermore, the Committee recommended that less costly options for the judges' retreats be chosen in the future. Therefore, the total reduction from the requested budget for travel would be €45 thousand.**

#### (b) *Training*

51. The Committee took note of the requested increase for trainings by €24 thousand to a level of €46 thousand within Major Programme I. Such funding is mainly required for the judges' trainings, including for language immersion programmes, as well as for the development of professional skills for staff. **In light of the stable number of staff in Major Programme I, the Committee recommended that the training budget be approved at the level of 2018 (€22 thousand). Therefore, the total reduction from the request budget for training would be €24 thousand.**

#### (c) *Hospitality*

52. Taking into account the non-recurrent costs connected to the Solemn Undertaking ceremonies for the Registrar and the newly elected judges in 2018,<sup>34</sup> **the Committee recommended that the Assembly approve the hospitality budget for 2019 at the same level of 2018 without the non-recurrent costs, namely amounting to a total of €11 thousand. Therefore, the total reduction from the request budget for hospitality would be €4 thousand.**

### 4. Recommended budget for Major Programme I

**53. The Committee recommended total reductions in the amount of €270.2 thousand for Major Programme I from its original 2019 proposed budget. The Committee thus recommended that the Assembly approve a total of €12,107.6 thousand for Major Programme I.**

<sup>32</sup> Approved travel budget for 2018 of €52.2 thousand minus non-recurrent costs (travel for newly elected judges of €4.7 thousand and other costs) would lead to the adjusted approved level for 2018 of €90.8 thousand. See *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 50.

<sup>33</sup> In 2018, one two-day retreat, including preparation, cost €43.3 thousand for 18 judges; whereas in 2019 two two-day retreats, including preparation, were proposed at €87 thousand.

<sup>34</sup> In 2018, there was an approved increase of €4 thousand for hospitality associated with increased temporary costs.

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

### 1. General observation and analysis

54. The 2019 proposed budget for Major Programme II amounted to €48,100.8 thousand, representing an increase of €2,109 thousand (4.6 per cent) against the 2018 approved budget of €45,991.8 thousand.

55. As for the financial performance, forecast expenditure for 2018 for OTP was estimated at €44,225 thousand, which represents 98.3 per cent of the approved 2018 budget of €45,991.8 thousand.<sup>35</sup> The Committee noted that when comparing this with the 2019 proposed budget (€48,100.8 thousand), the total resource increase requested would be €3,244.8 thousand (or 7.3 per cent).

56. For 2019, the OTP budget based its resource requirements on the following assumptions: nine preliminary examinations, 11 situations, eight active investigations (Burundi, Central African Republic II (a), Central African Republic II (b), Cote d'Ivoire, Georgia, Darfur and Libya (III and IV), three trial teams, and five final appeals.

57. The Committee noted the net increase in staff cost of €1,753.9 thousand (see table 3), which is due to the need to carry forward the GTA resources recruited for the Burundi situation while adding new positions that are needed to enable and support progress in the OTP activities and making utmost efforts to absorb as much of the impact of the new situation as possible.

58. The Committee was informed by the OTP that the Strategic Plan for 2019-2021 is about to be finalized, after the completion of internal consultation process within the OTP. The draft Strategic Plan will be circulated to State Parties, the Committee and other stakeholders in November 2018 based on the latest estimate.

59. The Committee was informed that a provisional evaluation of the Strategic Plan 2016-2018 would be contained in the new Strategic Plan 2019-2021. While bearing in mind the independence of the OTP, the Committee believed that the OTP should undertake a full evaluation against the aims and objectives set out in the previous 2016-2018 Strategic Plan. In addition, the upcoming Strategic Plan should take into account lessons learned, by considering both efficiencies and the possibility to redeploy the existing resources. The Committee also looked forward to seeing how exit strategies would be included to support case prioritisation.

### 2. Staff costs

#### (a) Established posts

60. One Information Management Coordinator at (P-5) level (eight months) heading the newly proposed Information, Knowledge and Evidence Management Section, which is proposed with mainly through redeployment of existing positions from other units; namely, the Knowledge Base Unit and the Information and Evidence Unit in the Services Section, the Planning and Operations Section and the Investigation Section of the Investigation Division.

61. The Committee recognized, in general, positive aspects of amalgamating similar functions under one organizational unit. However, it emphasized that such re-organization should lead to tangible efficiencies but not be taken as an opportunity to increase resources; rather, this should be done in a cost-neutral manner, without complicating reporting lines with additional bureaucracy. **In this regard, the Committee noted that this new post was proposed along with the cancellation of the GTA position of Information Management Coordinator (P-5) in the immediate Office of the Prosecutor. Therefore, the Committee recommended that the Assembly approve the proposed post, Information, Knowledge and Evidence Management Section at a (P-5) level.**

<sup>35</sup> ICC-ASP/17/11, Table 2.

*(b) Conversion of GTA positions to established posts*

62. The Committee noted that the proposed 13 GTA conversions corresponded to the requirements for conversion set by the Committee. However, the Committee noted the significant increase in the established posts through conversions in 2017 and 2018. **The Committee recommended that, in order to maintain a certain level of flexibility in the management of human resources and bearing in mind the need to assess the impact of the increased resources provided to the OTP thus far, conversion of GTA positions be postponed at this time.**

*(c) Newly requested GTA*

63. The Committee noted 27 new GTA positions (20.92 FTE) were requested by the OTP in the 2019 proposed budget, and that 21 new positions were requested in the context of the Burundi CF notification.

64. The Committee also noted that only six out of 27 positions are specified in the proposed programme budget description as being carried forward from the Burundi CF notification.

65. The Committee further noted that the Burundi Teams under Investigation and Prosecution Divisions are mainly staffed through redeployment of existing positions with a few additional new requests.

66. The Committee observed that a large portion of new resources requested was related to enhancing capacities of the OTP to support progress in its activities.

67. The Committee reiterated its view that all efforts should be continued to accommodate additional needs through redeployment of available capacities within the OTP. Therefore, the Committee is not fully convinced that all possible efforts, including close cooperation with other organs of the Court, have been exhausted before the OTP presented a request for additional resources.

68. In this connection, the Committee noted the constant under-expenditure of requested GTA funding by the OTP since 2014. Whereas in 2018, the implementation rate for GTA funding amounted to 92.8 per cent;<sup>36</sup> there has lately been a regular pattern of under-implementation at the following levels: 82.4 per cent in 2014;<sup>37</sup> 79.1 per cent in 2015;<sup>38</sup> 78.8 in 2016;<sup>39</sup> and 75.5 per cent in 2017.<sup>40</sup>

*(d) Consideration of positions requested*

69. The Committee, after a careful review, and taking into account its opinion expressed above, nevertheless recommended the approval of certain amount of additional GTA funding to enable the OTP to strengthen its investigative capacities.

70. **After scrutinizing the requested GTA resources, the Committee recommended that the Assembly approve the following four positions in Major Programme II:**

- (a) **One Associate Investigator, GTA (P-2) for eight months for Georgia;**
- (b) **One Situation Specific Investigation Assistant, GTA (GS-OL) for eight months for Burundi;**
- (c) **One Analyst, GTA (P-3) for eight months for Operations (OPS);<sup>41</sup> and**
- (d) **One Investigator, GTA (P-3) for eight months for OPS.**

<sup>36</sup> €9.4 million budgeted and €8.8 million anticipated to be utilized in 2018.

<sup>37</sup> €9.7 million budgeted and €8.8 million utilized in 2014.

<sup>38</sup> €4.7 million budgeted and €1.6 million utilized in 2015.

<sup>39</sup> €5.3 million budgeted and €4.4 million utilized in 2016.

<sup>40</sup> €9.4 million budgeted and €7.1 million utilized in 2017.

<sup>41</sup> The term Operations or "OPS" means operations which may support several situations in the OTP.

*(e) Requests for reclassification*

71. As stated in paragraphs 33-36 above regarding the reclassification policy, the Committee was of the view that the request for reclassification of Chef de Cabinet (P-4) to Chef de Cabinet (P-5), and reclassification of International Cooperation Adviser (P-4) to Senior Legal Adviser (P-5) would require further analysis about their functions, as well as their impact in the existing structures and reporting lines, and thus the Committee recommended that the Assembly not approve these two reclassifications.

72. Additionally, the Committee noted that, previously, the post of Senior Special Assistant (P-4) had been re-titled by the OTP to Chef de Cabinet, where the grade was unaffected by the title change and such title change was considered separate and distinct from the reclassification process. The 2019 proposed programme budget, however, requested a reclassification of the new title of Chef de Cabinet (P-4) post to a (P-5) professional category grade. As indicated above, the Committee did not recommend approval of the reclassification for specific management reasons, but also expressed its concern that a practice of changing the title of a post might convey to staff unrealistic expectations that such a change would automatically result in a change of grade level. Since this is not the case, the Committee stressed that it discouraged such practice, as it could harbour a myriad of unintended consequences with regard to workplace morale and/or disputes.

73. With regard to reclassification of eight Associate Lawyers from (P-1) level to (P-2) level, the Committee reviewed each request based on its own merits and recommended that the Assembly approve these reclassifications, taking into account that they do not alter the organizational structure and are budget neutral.

74. In view of the foregoing considerations, where the Committee believed that the OTP has been left with sufficient flexibility in comparison to the 2018 approved budget for staff in relation to the effect of the UN Common System, the Committee recommended a total net reduction in staff cost budget of €888.7 thousand for the OTP.

### 3. Non-staff costs

75. The proposed travel budget for the OTP increased by €599.3 thousand or 20.5 per cent. The main share (€500 thousand) of this increase can be attributed to the Investigation Division. The Committee noted that such request was made with the intention of rectifying the chronic over-implementation in travel costs in the OTP.

76. As shown in Table 4 in page 19, and while there has been a modest increase in travel expenditures in the five-year period from 2008 to 2012 of €173.4 thousand (or 9.8 per cent compared to 2008), in the next five-year period from 2013-2017, the increase was significant amounting to €1,120.0 thousand (or 46.4 per cent compared to 2013), in spite of a stable number in active investigations. The overall increase in travel expenditures in Major Programme II (OTP) from 2008 to 2017 amounted to €1,777.5 thousand (or 101.3 per cent). Taking into account the significant increase of travel expenditures from 2013 - 2018, the Committee believed that the proposed increase was not fully justified.

77. Recognizing that the continuous transfer of staff resources to non-staff costs by the OTP needed to be rectified and aligned with past expenditure patterns, the Committee recommended approving 50 per cent of the requested travel increase thus of €299.6 thousand, and strongly recommended that the OTP manage its travel costs within the approved resources. Accordingly, the Committee recommended the Assembly to approve the OTP travel budget in the amount of €3,228.6 thousand for 2019.

**Table 4: Development of travel expenditures in Major Programme II (OTP) from 2008 to 2017 (in thousands of euros)**

<i>Year</i>	<i>Travel expenditures</i>	<i>Yearly increase</i>	<i>Percentage increase</i>	<i>Number of active investigations</i>
2008	1,755.0			4
2009	1,948.8	192.8		5
2010	2,005.6	56.8		5
2011	1,873.6	-132		6
2012	1,928.4	54.8		7
<i>Increase (2008-2012)</i>		<i>173.4</i>	<i>9.8 %</i>	
2013	2,412.5			7
2014	2,886.6	474.1		5
2015	3,700.4	813.8		4.5 + 2 (article 70)
2016	3,259.9	-440.5		6
2017	3,532.5	272.6		6
<i>Increase (2013-2017)</i>		<i>1,120.0</i>	<i>46.4%</i>	
<b>Increase (2008-2017)</b>		<b>1,777.5</b>	<b>101.3%</b>	

78. The Committee welcomed the information that the OTP envisaged to implement in 2019 a new IT project in relation to mission planning, which would contribute to improving travel planning, increasing efficiency not only in the OTP but also in the Court as a whole. **Therefore, the Committee recommended that the improved travel planning through new IT technology with the support of field offices produce tangible efficiency gains and savings to be reflected in the 2020 proposed programme budget.**

79. After reviewing the requested resources for 2019 under general operating expenses in Major Programme II in the amount of €220 thousand (increase of 41.5 per cent compared to 2018), the Committee recommended that they be approved at a level of 50 per cent, achieving further reductions to the requested resources in the amount of €110 thousand.

#### 4. Recommended budget for Major Programme II

80. The Committee accordingly recommended total reductions in the amount of €1,298.3 thousand in Major Programme II from its original proposed budget. The Committee thus recommended that the Assembly approve a total of €46,802.5 thousand.

### D. Major Programme III: Registry

#### 1. General observation and analysis

81. The 2019 proposed budget for Major Programme III, when taking into account the Addendum, amounted to €76,868.8 thousand, representing a decrease of €273.7 thousand (-0.4 per cent) against the 2018 approved budget of €77,142.5 thousand.

82. The Committee welcomed the approach taken by Registry with regard to its proposed budget, resulting in a zero nominal growth request achieved by offsetting increases through the reallocation of resources identified as savings and efficiencies, as well as non-recurrent costs and cost reductions.

83. As for financial performance, the forecast expenditure for 2018 for the Registry was estimated at €75,607.9 thousand, which represents 98 per cent of the approved 2018 budget. The Committee noted that when comparing this with the 2019 proposed budget, resource growth would be €1,518.4 thousand (or 1.97 per cent).

84. Against this background, the Committee considered each proposal for a new established post and all GTA positions on their own merit, taking into account the workload and the assumptions of the 2019 proposed budget.

## 2. Staff costs

### (a) *New resource requirements under established posts*

85. The Committee noted that the Registry requested 10 new established posts. While recognizing the need for additional staff resources, the Committee was of the view that since the current structure of Major Programme III was quite recent, all requests could be approved on GTA basis in order to maintain a certain degree of flexibility within the Programme.

86. **In accordance with the opinion expressed above, the Committee recommended that the Assembly approve the following newly requested established posts on a GTA basis:**

- (a) **One Associate Administrative Officer (P-2) in the Division of Management Services (DMS) for four months;**
- (b) **One Associate Procurement Officer (P-2) in the General Services Section (GSS) for seven months;**
- (c) **One Associate Field Security Officer (P-2) in Mali for 12 months;**
- (d) **Three drivers (GS-OL) in Mali for a total of 27 months;**
- (e) **One Administrative Assistant (GS-OL) in Georgia for 12 months;**
- (f) **One Local Security Assistant (GS-OL) in Georgia for 12 months; and**
- (g) **One Driver (GS-OL) in Georgia for 12 months.**

87. **Furthermore, the Committee reiterated its previous recommendation<sup>42</sup> that the justification for an Associate External Affairs Coordinator (P-2) was not sufficient and therefore did not recommend that the Assembly approve this post.**

### (b) *New resource requirements under GTA*

88. As far as new GTA requirements are concerned, the Committee noted that the functions of Senior Nurse and Field Paramedic were previously covered by external contracts, and that this new arrangement will result in efficiencies and savings. **Therefore, the Committee recommended that the Assembly approve the requested two positions:**

- (a) **One Senior Nurse (GS-PL) in DMS for 12 months; and**
- (b) **One Field paramedic (GS-OL) in DMS for 12 months.**

89. **Furthermore, considering the new workload and activity expected in the Field Offices, the Committee recommended the Assembly to approve the following:**

- (a) **One Local Security Assistant (GS-OL) in Uganda for 12 months;**
- (b) **One Senior Driver (GS-OL) in the Central African Republic for 12 months;**
- (c) **One Driver (GS-OL) in Côte d'Ivoire for 12 months;**
- (d) **Three Field Assistants (GS-OL) in Mali for 12 months each;**
- (e) **One Senior Driver (DG-OL) in Mali for 12 months;**
- (f) **One Associate Confidential Accounts and Planning Officer (P-2) in Victims and Witnesses Section (VWS) for 12 months;**
- (g) **One Associate Analyst (P-2) in VWS for 12 months;**
- (h) **One Information Management Assistant (web-based collaboration) (GS-OL) in Information Management Section (IMS) for 12 months;**

<sup>42</sup> ICC-ASP/16/15, para. 72.

- (i) **One Administrative Assistant (GS-OL) in Uganda for 12 months; and**
- (j) **One Field Office Assistant (GS-OL) in Mali for 12 months.**

90. **The Committee considered that there was insufficient evidence to justify the approval of three new GTA positions (one Budget Assistant and two Drivers) and that the increase in workload could be met within existing resources.**

91. With regard to the request for three Court Interpreters (Arabic) (P-3) for two months each, for the *Al Hassan* proceedings, the Committee noted that the request has been withdrawn and deducted from the budget proposal due to changes in the assumptions for 2019.

(c) *Continuing need for GTA*

92. On the issue of continuing need for GTA, the Committee had no objections to the resource requirements put forward, except regarding the seven Security Officers (GS-OL) for 12 months foreseen to support the second courtroom. **The Committee was of the view that due to the expected decrease in courtroom usage in 2019, some reductions (14 months) could be made and thus recommended the Assembly to approve the seven Security Officers for 10 months each.**

(d) *Requests for reclassification*

93. **The Committee considered a request for reclassification of one Administrative Officer (P-3) to Administrative Officer and Risk Management Coordinator (P-4) on its merits. Taking into account that this reclassification was duly justified in light of the additional responsibilities in the field of risk management and that the reclassification would not affect the organizational and/or reporting structure of the section, the Committee recommended that the Assembly approve such reclassification.**

### 3. Five-Year Information Technology and Information Management Strategy

(a) *The Court's Five-Year IT/IM Strategy and the Business Case for the Judicial Workflow Platform*

94. The Committee received an updated Court-wide Five-Year Information Technology Strategy (“the Strategy”) and the Business Case for the Judicial Workflow Platform (JWP).<sup>43</sup>

95. The Committee took note of presented information and shared Court’s view that the current ICT systems, which support the Court’s core judicial processes are outdated and overly complex. Investments in the optimization of IT/IM systems are expected to bring about a positive budgetary impact as the efficiency of the Court’s operations would significantly improve.

96. In response to a request of the Committee, the Court undertook an exercise with a view to identifying efficiency gains in the processes directly related to judicial proceedings. The Court concluded that more than 2,000 workdays worth of labour could be saved annually as a result of the planned investments.<sup>44</sup> This would be in addition to the reduced maintenance costs of the new system, which eventually would lower or stabilise the expenses needed for keeping the Court’s ICT systems up and running (i.e. lights-on costs).

97. The realisation of savings as a result of implementing only the JWP is estimated at over €1.2 million annually from 2022 onwards. The materialization of such savings will also reduce the baseline of the Court’s total budget.

98. The Committee took note of the cost estimates of the Strategy as maximum annual ceilings for implementation of the project. These figures shown in Table 5 below have been stable since the last presentation to the Committee at its thirtieth session in April 2018, and they form the basis for future accounting and reporting.

<sup>43</sup> CBF31/12/Rev.3.

<sup>44</sup> *Ibid.*, Annex E.

**Table 5: Court-wide five-year ICT/IM Strategy costs 2017-2012<sup>45</sup> (in thousands of euros)**

	2017	2018	2019	2020	2021	Total
<i>Five-Year Strategy non-staff costs</i>						
IMSS	664	600	1,592	1,626	1,763	6,245
DMS		224.9	150	20	370	764.9
OTP		135	180	180	180	675
<i>Five-Year Strategy staff costs</i>						
DMS		100	100	100	100	400
CMS		146.5	146.5	146.5	146.5	586
<b>Total Strategy</b>	<b>664</b>	<b>1,206.4</b>	<b>2,168.5</b>	<b>2,072.5</b>	<b>2,559.5</b>	<b>8,670.9</b>

99. A more detailed description about the project management arrangements let the Committee conclude that prior to initiating individual projects a number of specific targets and tasks are set, together with the identification of the project team responsibilities. For the JWP also a detailed risk register was presented.<sup>46</sup> This indicated that high risk observation and corresponding suggestion made in the 2017 internal audit report<sup>47</sup> about the systems development and project management in the IMSS has been taken into consideration and corrective measures in case of JWP have been implemented. This gave to the Committee reasonable assurance that continuation with the implementation of the Strategy is based on good project management practice.

100. Although it was not yet possible for the project management to provide the Committee with the first regular project reporting documents, the Committee was given the assurance by the Court that after initiation of the project such documentation will be available. **Therefore, the Committee recommended that the Audit Committee task the Office of Internal Audit to carry out no later than June 2020 a project inspection and give an independent assurance on implementation progress and achievement of the IMGB objectives.**

101. **Furthermore, the Committee recommended that the Audit Committee task the External Auditor, as part of the performance audit, to evaluate the overall implementation of the Strategy in 2023.**

102. **Based on the above, the Committee recommended that the Court continue to implement the IT/IM Strategy based on the maximum cost estimates and the identified project goals as presented to the Committee,<sup>48</sup> and annually report on its budget implementation as part of the proposed programme budget.**

103. It is also the Committee's opinion that investments necessary for the implementation of the Strategy should not translate into automatic increases in the Court's budget proposals for the upcoming years. Regarding financing the Strategy, the Committee welcomed the Court's effort to accommodate the necessary investments for the Strategy into the regular budget by redeploying resources from achieved efficiencies, non-recurring costs and savings.

(b) *Multi-year budgeting of the Five-Year IT/IM Strategy*

104. **With regard to multi-year budgeting, the Committee reiterated its recommendation<sup>49</sup> to find a solution within the parameters of the Financial Regulations and Rules to transfer unspent funds of the Strategy, caused by objective delays in procurement, from one financial year to the following. At the same time, the savings achieved within the project should be reported and utilized to reduce the costs of the Strategy.**

<sup>45</sup> Based on CBF31/12/Rev.3 Table 1 p. 2-3.

<sup>46</sup> CBF31/12/Rev.3, Annex D.

<sup>47</sup> AC/5/2.

<sup>48</sup> CBF/31/12/Rev.3, Table 1.

<sup>49</sup> ICC-ASP/16/-15, para. 92.



(c) *Total Court-wide overview of the IT “lights-on” costs figures form 2017-2022*

105. Along with formulating its opinion about the Strategy, the Committee also requested an overview of total Court-wide IT costs. The Court provided Committee with non-staff costs that are needed annually to keep the current infrastructure up and running, hard- and software updated and all the systems secure. The dynamics are presented in table 6 below.

**Table 6: Total Court-wide non-staff ICT “lights on” cost 2017-2022<sup>50</sup> (in thousands of euros)**

	2017	2018	2019	2020	2021	2022
Total Court-wide non-staff ICT “lights on” cost	5,967.7	5,682.7	5,823.7	6,072.8	6,063.9	7,238.8

106. These costs are accompanied with the staff costs, which are based on IMSS case added to the total costs nearly as the non-staff costs. Based on that the total Court-wide “lights-on” costs amount to approximately €1 million in 2018 and will increase to over €2 million in 2021. This is a significant cost item for the Court, and their dynamic must be rigorously controlled. **Therefore, the Committee recommended that the total IT “lights-on” costs (including the related staff costs) should be fixed at the 2019 actual expenditure level and any increase from this baseline should be clearly justified and financed from savings and efficiencies.**

107. As the savings from already implemented projects under the Five-year IT Strategy show at the moment only limited progress, which is due to the early phase of the Strategy’s implementation, where most of the costs savings in IT (i.e. networks and communication) has been achieved due to the centralisation of the IT costs and management under IMGB (the scope of coordinated IT budget is expected to be 96 per cent in 2019 of total IT related costs). The Committee welcomed this progress and looked forward to further savings being realised as a result of reduced duplication of processes and better planning of procurement.

108. **The Committee recommended that the IMGB should set an efficiency and/or savings target to total IT “lights-on” costs, and those savings and efficiencies should be reported in the future in the annexes on savings and efficiencies in the proposed programme budgets. In addition, the Committee recommended that a new annex should be incorporated to future proposed programme budgets indicating time series for Court-wide IT costs (both staff and non-staff costs) and their implementation.<sup>51</sup>**

109. **In addition, the Committee recommended that the IMGB propose a plan on how to anticipate and prepare financially for future peaks in IT system investments.**

(d) *Recommended ICT budget for 2019*

110. **The Committee supported the requested IT resources, as proposed by the Court. At the same time the Committee emphasized that as a result of non-recurring investments in IT, the Court’s “real” baseline would be lower in future proposed programme budgets and should be taken into consideration.**

#### 4. Victims and Witnesses Section

111. For the last three financial periods, general operation expense for the Victims and Witness Section (VWS) has been underspent.<sup>52</sup> For 2018, the Committee recommended a reduction of €1 million from the proposed budget in the light of the past expenditure.

112. The Committee noted that for 2019, the VWS proposed a budget with a reduction of €1.8 million from the 2018 approved budget of €3.5 million. The Committee acknowledged that the Registry carefully reviewed the operating expenses of the VWS and applied a more

<sup>50</sup> Based on CBF/31/12/Rev.3, Table 1.

<sup>51</sup> *Ibid.*

<sup>52</sup> €4.1 million budgeted and €3 million utilized in 2016; €4.3 million budgeted and €1.3 million utilized in 2017; and €3.5 million budgeted and €1.5 million projected to be utilized in 2018.

disciplined approach, while pursuing risk reduction strategies to assisting the witnesses and victims under its care.

## 5. Legal aid

113. The Committee noted the requested budget for legal aid for 2019 in the amount of €4.6 million (€1.1 million for victims and €3.53 million for the defence). In the context of the Addendum, the requested resources for the defence have been reduced by €45 thousand.

114. The Committee recalled its earlier observation made at its twenty-seventh session, that the “Court’s Single Policy Document on the Court’s Legal Aid System”<sup>53</sup> describes the principles governing the current legal aid system and 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 for defence teams during that phase has not yet been sufficiently clarified.<sup>54</sup> Once more, the Committee wished to draw the attention of States Parties and the Court to the fact that there is a need to clarify the scope of legal aid fees for defence within the reparations phase, in particular during the implementation of the reparations plan.

115. While the Committee considered the proposed budget for legal aid for defence teams and legal aid for victims during judicial proceedings and reparation phases, additional detailed information was delivered beyond the time scope that would permit the Committee to properly analyse the financial implications. Although the Committee could suggest some adjustments in the expenditures for legal aid mainly during the reparations phase, it decided to closely consider the matter at its thirty-second session.

116. The Committee observed that the requested budget for legal aid for victims is required to fund all external teams of legal representatives of victims currently participating in proceedings before the Court in *Ongwen*, *Lubanga*, *Katanga* and *Al-Mahdi* cases. The Committee noted that no resources were requested for the legal representation of victims in *Ntaganda*, *Gbagbo* and *Blé Goudé*, as legal aid to victims is provided by the Court’s Office of Public Counsel for Victims. **The Committee recommended that the Court consider channelling legal aid support, to the extent possible, also for other cases through in-house capacity, which would result in significant reductions of resource requirements.**

## 6. Recommended budget for Major Programme III

117. **The Committee recommended total reductions in the amount of €217.6 thousand in Major Programme III from its original proposed budget. The Committee thus recommended that the Assembly approve a total of €76,651.2 thousand for Major Programme III.**

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

### 1. General observations and analysis

118. The 2019 proposed budget for Major Programme IV amounted to €2,871.6 thousand, representing an increase of €153.4 thousand (5.6 per cent) against the 2018 approved budget of €2,718.2 thousand.

119. The Committee reviewed the expected workload of the Secretariat, taking into account States Parties’ requirements and the financial resources requested to meet their needs, including those necessary to hold the eighteenth session of the Assembly in The Hague.

<sup>53</sup> CBF/20/5/Rev.1.

<sup>54</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 184.

## 2. Staff costs

120. Recognizing the increase in workload for Programme 4500 (Committee on Budget and Finance), the Committee requested the Executive Secretary to explore cost-neutral staff contract modalities in 2019 (visiting professionals, interns, Junior Professional Officers, etc.), and decided to keep monitoring staff resource needs in the proposed budget for 2020. **The Committee thus recommended that the Assembly approve the GTA budget for Programme 4500 at the same level as in 2018.**

## 3. Non-staff costs

121. The Committee noted that the increase in requested resources in Programme 4100 was due to the provision of interpretation services in the amount of €7.1 thousand for Bureau meetings taking place in The Hague.

122. The Committee took note of the increase in travel of €15.5 thousand (increase of 15.5 per cent) in Programme 4400 (Office of the President of the Assembly). The Committee noted that this increase had been partly offset by a decrease in travel in other Programmes of Major Programme IV.

123. The Committee further noted that from now on Programme 4500 will include the fees for external auditing services, which were previously budgeted under Programme 3200 in the Registry, such transfer of €67 thousand to Programme 4500 was cost-neutral.

## 4. Recommended budget for Major Programme IV

124. **The Committee recommended total reductions of in the amount of €29.9 thousand in Major Programme IV from its original proposed Budget. The Committee thus recommended that the Assembly approve a total of €2,841.7 thousand for Major Programme IV.**

## F. Major Programme V: Premises

### 1. General observations and analysis

125. The 2019 proposed budget for Major Programme V amounted to €1,800.0 thousand, representing an increase of €301.5 thousand (20.1 per cent) against the 2018 approved budget of €1,498.5 thousand.

126. The proposed increase relates to (i) redeployment of €250.0 thousand from the General Service Section of the Registry for corrective maintenance (repairs) at the Court's premises, based on the recommendation of the Committee last year; and (ii) €1.5 thousand due to the price index increase for service contracts in The Netherlands.

### 2. Recommended budget for Major Programme V

127. **The Committee accordingly recommended that the Assembly approve a total amount of €1,800.0 thousand for Major Programme V.**

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

### 1. General observations and analysis

#### (a) Requested budget for 2019 and implementation rate in 2018

128. The 2019 proposed budget for Major Programme VI amounted to €4,027.8 thousand, representing an increase of €1,486.3 thousand (58.5 per cent) against the 2018 approved budget of €2,541.5 thousand.

129. The Committee noted a large increase of requested resources in 2019 in the amount of €1,486.3 thousand (58.5 per cent) predominantly related to staff costs aiming at increasing the organizational capacity of the STFV.

130. The Committee was informed that the budget performance for MP VI as at 30 June 2018 was 36.7 per cent and that the total forecast implementation rate as at 31 December 2018 is expected to be 84.7 per cent.<sup>55</sup>

131. The Committee noted with concern the constant under-implementation rate of Major Programme VI, as well as the continuing lack of workload indicators. However, the Committee welcomed the valuable cooperation and synergy with the Registry, encouraging the STFV to continue this practice.

(b) *Reparations mandate*

132. As reparations are awarded and paid only after the final conviction, the procedural stage of a case has a direct impact on the TFV's level of activities. Three cases before the Court are in the reparations phase, ranging from draft implementation plan (*Al Mahdi* in Mali) to implementation phase (*Lubanga* and *Katanga* in the Democratic Republic of Congo).

133. In this regard, the Committee noted that the implementation of reparations to victims during 2018 resulted in the TFV designing its own *ad hoc* process. **While recognizing that operating in the field has its challenges, the Committee recommended that safeguards be put in place to ensure that the full reparation awards reach the intended beneficiaries.**

(c) *Assistance mandate*

134. The Committee was informed that as part of the assistance mandate there are ongoing programmes in the Democratic Republic of Congo, Uganda and Côte d'Ivoire. In addition, new assistance programmes are being explored for the Central African Republic, Kenya, Georgia and Mali.

135. The Committee, while recognizing the assistance mandate of the TFV, believed that proper planning and anticipation matched with the available resources should be considered before expanding assistance programmes.

(d) *Recruitments in the Secretariat of the Trust Fund for Victims*

136. The Committee had previously noted with concern the high number of vacancies in the STFV, including the position of a Fundraising and Visibility Officer (P-3). It had called upon the STFV to ensure proper planning in order to finish the ongoing recruitment processes with a view to completing its organizational structure.<sup>56</sup>

137. The Committee considered the "Report on recruitment at the Trust Fund for Victims in 2018,"<sup>57</sup> which gives a status update on the vacancies at the STFV and an overview of the ongoing recruitment processes for the positions approved for 2018. The Committee noted that some recruitment activities had taken place, which would result in an increase of the implementation rate. However, there were a significant amount of established posts and GTA positions still vacant. **In this context and as a general Court-wide policy matter, the Committee recommended that managers refrain from hiring, where positions were not approved and instead focus on accelerating recruitment processes.**

## 2. Staff costs

(a) *Established posts*

138. The Committee noted that new established posts were proposed by the STFV for 2019. However, the Committee was of the view that all efforts should be made to

<sup>55</sup> ICC-ASP/17/11, page 4, Table 2.

<sup>56</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 126.

<sup>57</sup> CBF/31/9.

accommodate additional needs through the reallocation of available resources within the STFV, and thus recommended that some of the requested posts be approved on a GTA basis, as specified below.

139. The Committee noted that one Programme Manager (P-4) had been requested as an established post in The Hague to manage the TFV's new programmes under assistance and reparations mandates across situation countries, in addition to the Programme Managers based in country offices in Uganda, Bunia and Abidjan. **After reviewing the current staff resources, the Committee did not recommend the approval of the requested Programme Manager (P-4).**

140. **With regard to the Legal Officer (P-3) requested as an established post, the Committee noted that the Court provided for this need through a temporary reassignment of an Associate Legal Officer (P-2) from the Presidency. Therefore, the Committee recommended that the Assembly not approve this request and encouraged further internal cooperation with a view to achieving synergies.**

141. **Concerning the request for one Programme Assistant (GS-OL) and one Finance Assistant (GS-OL) each for eight months, the Committee, after reviewing these requests and matching it with the corresponding workload and organizational needs, recommended that the Assembly approve both posts on a GTA basis for four months each.**

(b) *General Temporary Assistance*

142. The STFV requested 34 new GTA positions (27.0 FTE) for 2019. Of the newly proposed GTA positions, 16 (9.0 FTE) were requested as fully funded (nine Professional and seven GS-OL), while 18 positions (18.0 FTE) were presented as "unfunded" (seven Professional and 11 GS-OL) in the 2019 proposed budget.

143. **The Committee was informed by the STFV that these so-called "unfunded" posts were only included for planning purposes in the 2019 proposed budget and therefore, bearing in mind that there was no immediate need for 2019, especially as no judicial decisions have been taken to warrant such requests, recommended that the Assembly not approve the 18 unfunded positions. In addition, the Committee recommended that such requests not be included in future budget proposals.**

144. **As for the continuing GTA positions, which were previously approved, the Committee recommended that the Assembly approve all of them, based on previously demonstrated workload requirements and with a view to maintain continuation and institutional knowledge and capacity in the STFV's work.**

145. **Furthermore, in relation to the newly requested GTA resources, the Committee recommended that the Assembly only approve the following requests:**

- (a) **One Programme Manager (P-4) in Mali for six months;**
- (b) **One Field Programme Assistants (GS-OL) for nine months in the Democratic Republic of Congo;**
- (c) **Two Monitoring and Evaluation Assistants (GS-OL), for six months each in the Democratic Republic of Congo; and**
- (d) **Two Associate Legal Officers (P-2) in The Hague for six months each.**

3. **Non-staff costs**

(a) *Travel*

146. **Concerning the requested travel budget the Committee was of the view that only travels directly related to assistance and reparations activities be approved. Therefore, the total recommended travel budget amounts to €428.5 thousand leading to a reduction of €55 thousand.**

(b) *Training*

147. The Committee noted that the training requirements within the STFV did not change compared to the previous year and thus, did not warrant an increase. Therefore, the Committee recommended that the budget line remain at the same level of the 2018 approved budget of €32.2 thousand leading to a reduction of €31.2 thousand.

## 4. Recommended budget for Major Programme VI

148. The Committee accordingly recommended reductions in the amount of €746.8 thousand in Major Programme VI from its originally proposed budget. The Committee accordingly recommended that the Assembly approve a total amount of €3,281.0 thousand for Major Programme VI.

## 5. Administrative costs of implementing partners related to reparations

149. When implementing Court-ordered reparations, the STFV relies on the assistance of local implementing partners. The question arises of how to fund the administrative costs of those implementing partners, be it from (i) the regular budget of the STFV, which is funded by States Parties; (ii) the amount awarded for reparations; or (iii) other donor funds.

150. Noting that the financing of administrative costs resulting from the implementation of reparations for the STFV and its implementing partners required additional consideration, the Committee considered the “Report of the Trust Fund for Victims on the administrative costs incurred by TFV partners associated with the implementation of Court-ordered reparations awards.”<sup>58</sup>

151. The Committee observed that the TFV Board of Directors had decided that the 15 per cent of administrative costs for the implementing partners be financed from “other resources,”<sup>59</sup> i.e. voluntary contributions of donors. **The Committee recommended that it should be provided at its thirty-third session in September 2019 with information regarding the reference basis for the 15 per cent charge, such as whether this rate was a uniform flat rate and what categories of expenditure would be covered. The Committee also considered that the standards for monitoring and evaluation should be identified. Furthermore, it would be useful to determine the anticipated cost in absolute terms and how such costs compare with the amounts allocated for reparation and assistance programmes.**

152. **Taking note of the decision of the Board of Directors that administrative costs are charged against “other resources,” the Committee recommended that the relevant administrative costs be transparently reported in the financial statements and *vis-à-vis* all interested parties, including donors.**

153. On the topic of financial self-sustainability, the Committee had repeatedly recommended seeking ways to include this concept in the budget of the STFV in order to limit the recourse to assessed contributions of States Parties.<sup>60</sup> With its decision to finance its implementing partners from voluntary contributions the TFV has taken a step in this direction. The Committee, recalling an earlier document the TFV submitted in 2012 about the use of programme support costs within other international institutions,<sup>61</sup> believed that lessons could be learned from such practices, particularly from organisations that rely on third parties in the field to implement projects. **The Committee recommended that the TFV consider lessons learnt from other organizations<sup>62</sup> on financing implementing partners in the field and provide a proposal at its thirty-third session in September 2019.**

<sup>58</sup> CBF/31/11.

<sup>59</sup> “Other resources of the Trust Fund” means resources other than those collected for awards for reparations, fines and forfeitures; Rules of Procedure and Evidence, para. 48.

<sup>60</sup> See, for example, *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, para. 10; *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 110; *Official Records ... Fourteenth session ... 2014* (ICC-ASP/15/20), vol. II, part B.2, para. 89.

<sup>61</sup> CBF/18/14.

<sup>62</sup> See CBF 18/14 and *supra* at FN 60.

## 6. Voluntary contributions and fund-raising from private donors

154. The Committee took note that the total value for non-obligated TFV resources originating from voluntary contributions and donations available in the TFV bank accounts.

155. The TFV depends critically on voluntary contributions to fund its assistance and reparation programmes. While public donors have provided the bulk of funding,<sup>63</sup> the Committee believed that it would be prudent to also strengthen contributions from private donors as a second mainstay, in line with the TFV's Strategic Plan. Noting that in the period from 1 July 2017 to 30 June 2018 the STFV raised €18.8 thousand in contributions from individuals and institutions, the Committee decided that it would continue monitoring the level of private donations in 2019, particularly in the light of the soon to be completed filling of the position of the Fundraising and Visibility Officer.

156. With a view to achieving a structural change and moving ahead more expeditiously in raising private donations, the Committee recommended in April 2018 that the TFV and the Court establish a joint working group tasked to identify viable options and work out a specific proposal. The Committee also requested to receive the Terms of Reference for such a group, including suggested deadlines for deliverable results at its present meeting.<sup>64</sup>

157. In response, the Court has submitted a "Status report on the establishment of a working group to facilitate Trust Fund for Victims access to private donations."<sup>65</sup> Accordingly, the establishment of an internal Working Group on Private Donations for the Trust Fund for Victims ("WGPD") has been agreed. It will include relevant representatives of the Registry and the STFV covering legal affairs, external relations and fundraising, procurement, finance and security. While the Terms of Reference have not yet been agreed, related matters in need of clarification are under discussion.

158. The Committee acknowledged the progress in setting up a joint working group to facilitate access to private donations. **The Committee recommended that STFV carry out an in-depth analysis of the legal, fiscal, administrative and political hurdles related to private fundraising and explore possible solutions. Any lighter alternatives than those currently considered and the experience of other donor-dependent institutions should be reviewed. The related administrative costs should be transparent and taken into account. The Committee looked forward to a progress report and proposals at its thirty-second session in April 2019.**

159. Furthermore, the Committee noted that the procedures for vetting and approving private contributions had been reviewed and believed that this was essential to protect the financial interests and the reputation of the TFV and the Court.

## 7. Funding Initiative for the Trust Fund for Victims (TFV Bonds)

160. The TFV Board of Directors has decided to explore innovative financing mechanisms to generate a sustained and higher level of annual revenue by entering the bond market in the framework of a new "Funding Initiative for the Trust Fund for Victims".<sup>66</sup> The Chairman of the TFV Board and the Executive Director of the TFV Secretariat discussed with the Committee some of the main features of this initiative, which can be summarized as follows:<sup>67</sup>

### (a) *Features of the Bond issue*

161. The Initiative would create a self-financing mechanism, whereby the TFV would issue a "social impact" TFV Bond in the amount of €1 billion, with a 20-year term, which could be rolled over. Such bonds would be guaranteed by a few (four to six States Parties), which hold a Category A or higher sovereign credit rating. Each guarantor would be responsible for only its percentage share of the guarantee (no joint guarantee). The funds

<sup>63</sup> €2.71 million in the period from 1 July 2017 to 30 June 2018.

<sup>64</sup> ICC-ASP/17/5, para. 132.

<sup>65</sup> CBF/31/14.

<sup>66</sup> ICC-ASP/17/14.

<sup>67</sup> The TFV's initiative has been inspired by, and is based on, a funding concept presented by two experts together with pro bono investment advisers.

raised would be invested across a diversified portfolio of equities and bonds with the objective of generating an expected annual return that covers interest payments on the TFV Bond and generates significant financial support for the TFV's reparations and assistance mandates.<sup>68</sup>

(b) *Bond issuance and management*

162. The TFV, jointly with the Court, would incorporate an issuing entity, likely under Luxembourg or Dutch law. A group of investment banks<sup>69</sup> would organize the issuance of the TFV Bond. An external management team would then invest the €1 billion<sup>70</sup> bond funds ("TFV Bonds") to generate an annual rate of return covering the interest owed to the investors,<sup>71</sup> the management fee, and the remainder to be used by the TFV for its reparations and assistance mandates.

(c) *Costs*

163. According to the TFV, the Programme Budget of the Court would not be resorted to for the covering of any of the TFV Funding Initiative's obligations. As for (i) the underwriting fees of the investment banks, (ii) the legal fees for the issuance of the bond and (iii) the annual investment management fee, these would be drawn from the expected rate of return of the of the TFV Bond.

(d) *Observations of the Committee*

164. The Committee acknowledged the purpose of the initiative, which is to mobilise essential funding to support the TFV's reparation and assistance mandates. It is mindful of the political content which is beyond the Committee's ambit.

165. From a technical perspective, the Committee would like to highlight that the funding initiative would commit the TFV to large-scale financial transactions and asset management for possibly decades ahead. The Committee emphasized that such implications could transcend the TFV and affect the Court as a whole. Inevitably, a number of issues concerning financial, legal or governance aspects as well as related to the mandate of the TFV and the Court as judicial institutions became apparent.

166. In this regard, the Committee expressed its concern, *inter alia*, in relation to the following issues:

(a) the inherent uncertainty of financial projections spanning several decades, particularly the strength of the assumptions underlying the expected gross and net rates of investment return, and whether the TFV should prepare for negative scenarios;

(b) the rationale of setting up a new financing mechanism expected to generate regular annual income for possibly decades ahead, when it is difficult to foresee to what extent the TFV's assistance may be needed in the more distant future;

(c) the required time for designing, agreeing upon and setting up the mechanism, while allowing for another year before the first investment returns can be disbursed;

(d) the need for policy guidance<sup>72</sup> and supervision by the TFV and States Parties of the external investment team;

(e) the role of guarantor States Parties in measures affecting their liability;

(f) various legal issues arising, for instance, from the internal provisions governing the activities of TFV and the Court; agreements with guarantor States Parties;

<sup>68</sup> Currently, the TFV anticipates an excess net investment return of €10 million per year for the TFV.

<sup>69</sup> To be selected by guarantor States Parties in consultation with the TFV Board of Directors, following a competitive bidding process.

<sup>70</sup> Minus the issuing costs.

<sup>71</sup> Investors to be pre-qualified and pre-approved by the TFV and guarantor States Parties.

<sup>72</sup> Concerning, for instance, the vetting of investment counterparts, the composition of the investment portfolio and risk tolerance.



the design of the TFV Bond documentation; and the design of contracts with the external investment team;

(g) reputational risks for the TFV and the Court resulting from the TFV's transaction partners;

(h) Significant administrative costs (e.g. for staff, consultants or fees, namely during the preparatory phase; for the issuance of the bonds; and to cover the running costs of investment management and supervision, including their pre-financing before investment returns or the principal become available); and

(i) the risk that the TFV be overburdened at a time when its immediate assistance and reparation programmes require its full attention, etc.

167. **Therefore, the Committee - from a technical perspective - strongly doubted that the project was tailored to the mandate, as well as to the current and long-term needs and the capacity of the TFV. Moreover, the Committee believed that the TFV should not be overburdened at a time when its immediate attention is required for its current assistance and reparations programmes and its efforts to mobilize voluntary donations to complement funding from public donors.**

## H. Major Programme VII-2: Permanent Premises - Host State Loan

### 1. General observations and analysis

168. The Committee recalled that in 2008 the Assembly accepted the host State's offer of a loan for the permanent premises of up to a maximum of €200 million to be repaid over a period of 30 years at an interest rate of 2.5 per cent. The Committee also recalled that the financial implications of MP VII-2 are applicable only to those States Parties that did not opt to make a one-time payment for the costs of constructing the permanent premises, or did not fully complete their one-time payments.

169. The 2019 proposed budget for Major Programme VII-2 amounted to €3,585.1 thousand, representing a decrease of €0.1 thousand (0.0 per cent) against the 2018 approved budget of €3,585.2 thousand.

170. The Committee recalled that the Court has a legal obligation to pay the instalments by first of February of each year. **The Committee urged those States Parties that have to contribute to the payment of the host State loan to make their instalments in full and no later than by the end of January of each year, bearing in mind that the Court would have to make use of its operating funds in order to cover these payments. The Committee recalled that late and/or non-payment would put additional pressure on the operational resources and further aggravate the liquidity problem.**<sup>73</sup>

### 2. Recommended budget for Major Programme VII-2

171. **The Committee accordingly recommended that the Assembly approve a total of €3,585.1 thousand for Major Programme VII-2.**

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

### 1. General observations and analysis

172. The 2019 proposed budget for Major Programme VII-5 amounted to €56.6 thousand, representing an increase of €2.1 thousand (4.1 per cent), against the 2018 approved budget of €54.5 thousand.

173. The Committee noted that the recruitment of the Head of Independent Oversight Mechanism had been completed, whereby the responsibilities had been temporarily exercised by an Acting Head. **In light of the fact that the assumptions for MP VII-5 for**

<sup>73</sup> See section III. D. 3, *infra*, on liquidity shortfall.

**2019 budget remain unchanged, the Committee recommended that the non-staff costs be approved at the same level as in 2018.**

**2. Recommended budget for Major Programme VII-5**

174. **The Committee recommended that the requested amount be reduced by €25.5 thousand. The Committee accordingly recommended that the Assembly approve a total amount of €531.1 thousand for Major Programme VII-5.**

**J. Major Programme VII-6: Office of Internal Audit**

**1. General observations and analysis**

175. The 2019 proposed budget for Major Programme VII-6 amounted to €688.0 thousand, representing a decrease of €19.3 thousand (2.7 per cent) against the 2018 approved budget of €707.3 thousand.

176. The Committee observed that the budget decrease is mainly attributable to non-recurrent costs related to consultancy, which were used in 2018 to conduct a five-year external assessment of OIA, budgeted in the amount of €20 thousand.

177. **After considering the requested resources for non-staff costs, the Committee recommended that the Major Programme VI travel budget for 2019 be approved at the same level as for 2018.**

**2. Recommended budget for MP VII-6**

178. **The Committee recommended that the requested amount be reduced by €2.4 thousand. The Committee accordingly recommended that the Assembly approve a total amount of €685.6 thousand for Major Programme VII-6.**

**III. Other financial and budgetary matters**

**A. Status of contributions to the regular budget, the Contingency Fund and the host State loan**

179. 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 CF, and that those States Parties that have not opted to make a “one-time” payment towards the premises of the Court are required to contribute to the instalments for the host State loan.

180. The Committee noted with concern that as at 15 September 2018, 35 States Parties had not yet paid their contributions to the host State loan for 2018. As the Court has a legal obligation to pay instalments in full by the first day of February of each year, it had to use operating funds in order to cover instalments due from those States Parties. This had the effect of widening the gap between the financial needs and resources for the functioning of the Court. The Committee recalled that each State Party could choose whether to finance its share of the costs of the construction of the premises either through a one-time payment or by contributing to the host State loan. 63 States Parties had made their one-time payments towards the construction of the premises, either in full or in part, by the specified deadline.

181. The Committee reviewed the status of contributions as at 31 August 2018 (annex II) towards:

(a) the assessed contributions for the 2018 approved budget of €143,846.3 thousand; and

(b) instalments of €3,585.2 thousand for the host State loan for the Court’s premises and analysed the trend over the last 10 years, as illustrated in tables 7 and graph 1 below.

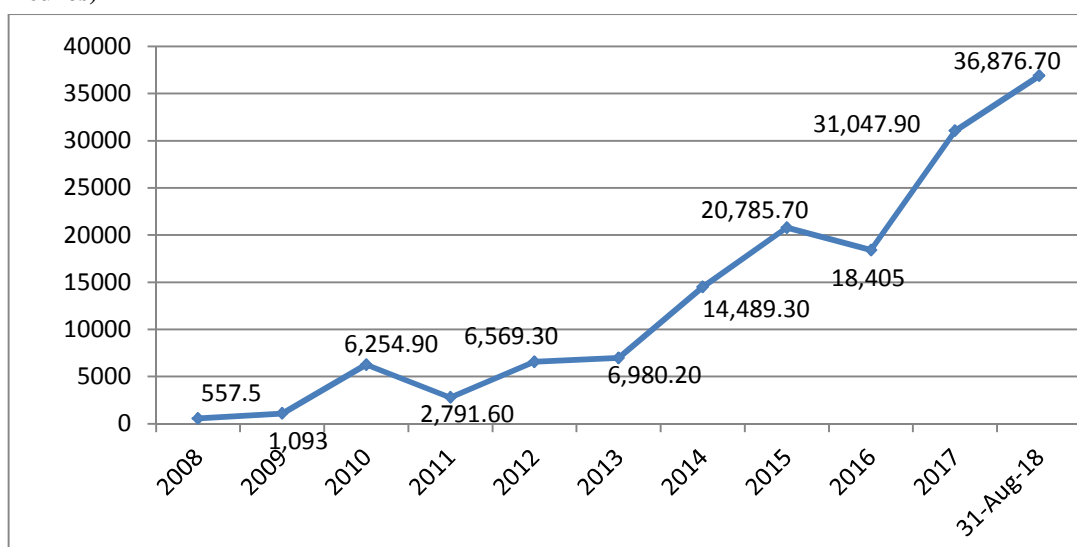
182. The Committee noted that as at 31 August 2018:

- (a) €19,209.9 thousand (13.4 per cent) of regular assessed contributions remained outstanding from the 2018 approved budget in the amount of €143,846.3 thousand;
- (b) €6,616.0 thousand outstanding regular contributions from previous years;
- (c) €5,286 were outstanding from previous years for the CF;
- (d) €1,045.6 thousand of outstanding instalments for the host State loan (€502.0 thousand from previous years and €543.6 thousand for 2018); and
- (e) €36,876.7 thousand of total outstanding contributions, including for the regular budget, the CF and instalments for the host State loan.

**Table 7: Trend analysis on total of outstanding contributions from 2008-2018, including the Contingency Fund and the host State loan (in thousands of euros)**

<i>Year</i>	<i>Approved programme budget</i>	<i>Outstanding contributions at the end of the period</i>	<i>Outstanding contributions (in per cent)</i>
2008	90,382.1	557.5	0.62%
2009	101,229.9	1,093.0	1.08%
2010	103,623.3	6,254.9	6.04%
2011	103,607.9	2,791.6	2.69%
2012	108,800.0	6,569.3	6.04%
2013	115,120.3	6,980.2	6.06%
2014	121,656.2	14,489.3	11.91%
2015	130,665.6	20,785.7	15.91%
2016	139,590.6	18,405.0	13.18%
2017	144,587.3	31,047.9	21.47%
As at 31/08/2018	147,431.5	36,876.7	25.06%

**Graph 1: Development of total outstanding contributions since 2008 (in thousands of euros)**



183. 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 Court may need to resort to the WCF, whose available amount may not be sufficient to cater for liquidity shortfalls.

**184. 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 regulation 5.6 of the 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 seventeenth session of the Assembly in December 2018. 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.**

## **B. States in arrears**

185. The Committee observed that, as at 31 August 2018, 13 States Parties were in arrears, and would therefore not be able to vote in accordance with article 112, paragraph 8.<sup>74</sup>

186. The Committee noted that in a letter dated 13 September 2018, the President of the Assembly of States Parties informed about the status of contributions to the budget of the Court and urged all States Parties concerned to transfer their outstanding assessed contributions, in order to endow the Court with the necessary financial resources.

187. The Committee took note of the External Auditor's recommendation that, in order to strengthen the process of recovering outstanding contributions, States Parties in arrears for the preceding two full years should only be allowed to vote, once the payment schedule is fulfilled, or that such requests for exemption be granted after the payment of a minimum amount identified and once a payment plan for the remaining balance is presented.<sup>75</sup>

**188. 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 of the Assembly notify States Parties in arrears once again prior to the seventeenth session of the Assembly, highlighting the importance of their contributions for the budget and the financial stability of the Court.**

## **C. Securing payment for the host State loan**

189. Concerning the instalments for the host State loan, the Committee noted at its thirtieth session that there is no mechanism to coercively collect the due amounts. Recognizing this risk and its potential consequences, the Committee recommended that the Court propose as soon as possible a financial solution that is legally binding and enforceable.<sup>76</sup>

190. The Court provided a report entitled "Options for securing payment of withdrawing States Parties' contributions to the loan granted by the host State."<sup>77</sup> The loan from the host State presents itself as a mechanism granted to States Parties, which enabled them to contribute to the construction of and transition to the Court's premises. Whenever States Parties that opted for the host State loan do not fulfil their obligations, the Court has to step in to settle the debt *vis-à-vis* the host State.

**191. While acknowledging the complexity of the situation in the case of a State Party withdrawing from the Rome Statute and with a view to limiting the cash flow impact for the Court, the Committee recommended that the Court liaise with the host State on ways forward for resolving this issue, possibly by renegotiating the contract with**

<sup>74</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>75</sup> ICC-ASP/17/12.

<sup>76</sup> ICC-ASP/17/5, para. 137.

<sup>77</sup> ICC-ASP/17/24.

the host State, which could include the bilateral processing of outstanding amounts between the host State and a withdrawing State, and report back to the Committee at its thirty-third session.

## D. Precautionary reserves and cash flow

192. The Court holds and manages a number of precautionary reserves to allow it to cope with liquidity shortages, unforeseen events and staff liabilities. The Committee reviewed the levels of the WCF, the CF and the Employee Benefit Liability fund (“EBL”).

### 1. Working Capital Fund

193. The WCF was established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.<sup>78</sup> At its sixteenth session, the Assembly resolved that the WCF for 2018 shall be established in the amount of €1.6 million and authorized the Registrar to make advances from the Fund in accordance with the relevant provisions of the FRR.<sup>79</sup> Furthermore, the Assembly decided that the Court may only use the surplus fund and funds received from the payment of outstanding contributions to reach the established level of the WCF.<sup>80</sup> While supporting the approach that surplus funds should be directly used for the replenishment of the WCF in line with the FRR, the Committee noted with concern that due to the full utilisation of the Court’s 2017 approved budget as a result of litigations before the ILOAT, no budget surplus would be available from that financial period.

194. The Committee noted that as at 30 June 2018, the actual level of the WCF stood at €0.1 million,<sup>81</sup> which is below the established level of the Assembly of €1.6 million, adding to the cash-flow vulnerability of the Court.

### 2. Contingency Fund

195. The CF was established to ensure that the Court can meet unforeseen and unavoidable expenses.<sup>82</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>83</sup>

196. At its sixteenth session, the Assembly, after noting the then-current level of the CF of €5.8 million,<sup>84</sup> decided to maintain the CF at the notional level of €7.0 million for 2018.<sup>85</sup> Moreover, the Assembly decided that, should the CF, based on the Court’s forecast on its budget implementation for 2018, fall below €5.8 million by its seventeenth session, it would assess the need for the CF’s replenishment in the budget facilitation for the 2019 programme budget, bearing in mind the report of the Committee and Regulation 6.6 of the FRR.<sup>86</sup>

197. In 2017, the Court could not absorb all expenditures linked to unforeseen situations or to development of ongoing activities into the 2017 approved budget, and drew an amount of €548.0 thousand from the Fund. This reduced the balance of the CF from €5.78 million in 2017 to €5.24 million as of 30 June 2018.

198. The Committee noted that the number of unsealed warrants of arrest pending execution is expected to increase from nine in 2018 to 16 in 2019. This would increase the probability of one or more surrenders of suspects to the Court, which would require immediate and sufficient financial resources for the Court to exercise its mandate.

199. The Committee noted that, in order for the CF to reach the established level of €7 million, financial resources in the amount of €1.76 million would be required.

<sup>78</sup> Regulation 6.2 of the FRR.

<sup>79</sup> ICC-ASP/16/Res.1, section B, para. 3.

<sup>80</sup> *Ibid.*, para. 4.

<sup>81</sup> ICC-ASP/17/11, para. 42.

<sup>82</sup> Regulation 6.6 of the FRR.

<sup>83</sup> ICC-ASP/3/Res.4, section B, para. 1, and ICC-ASP/8/Res.7, Section E, para. 2.

<sup>84</sup> ICC-ASP/16/Res.1, section D, para. 1.

<sup>85</sup> *Ibid.*, para. 2.

<sup>86</sup> *Ibid.*, para. 4.

200. The Committee decided that it would consider the level of precautionary reserves and the liquidity issue at its thirty-second session in April 2019 in light of further experience.

### 3. Liquidity shortfall

201. At its sixteenth session, the Assembly urged all States Parties to make timely payments of assessed contributions and requested the Court and States Parties to make serious efforts and take necessary steps to reduce the level of arrears and outstanding contributions as far as possible to avoid liquidity issues for the Court. It further requested the Court to communicate to the Committee all information concerning outstanding contributions in advance of the Assembly's seventeenth session.<sup>87</sup>

202. The Committee considered the status of contributions as at 31 August 2018 and was provided with updated cash flow projections by the Court. The Committee noted with concern the trend of increasing arrears in recent years, which results in a significant risk of a liquidity shortfall, as had been also highlighted in the report of the External Auditor.<sup>88</sup>

203. Considering the contributions received at the end August 2018, the Court projected the cash flow for the last quarter of 2018 on the following assumptions:

(a) States Parties will pay their contributions in 2018 following the same payment pattern of outstanding contributions as in 2017; and

(b) The 2018 budget will have an implementation rate of 98 per cent, fully absorbing additional expenditures related to the CF notifications submitted by the Court until August 2018.

204. If the above-mentioned assumptions materialize, the total amount of outstanding contributions at the end of 2018 is expected to reach €35 million.<sup>89</sup> As stated previously, the WCF was established to cover any liquidity shortfall; however, even after the full amount of the WCF is used, the cash shortfall is expected to be approximately €6.4 million in December 2018.

205. The WCF currently cannot be relied upon to fully cover the significant forecasted annual shortfalls. It is replenished by annual surpluses, if any, and therefore without the timely payment by States Parties in accordance with the Financial Regulations and Rules, an alternative solution is required.

206. As in prior years, in order to mitigate the risk that the Court might be unable to discharge its obligations and deal with the expected shortfall, the Court suggested that it be exceptionally authorized to use the CF and, if necessary, to supplement it with external funding.

207. The Committee noted that the Assembly at its sixteenth session did not authorize the Court to temporarily utilize the CF and/or establish external funding to address its temporary liquidity shortfall in 2018, and that there is currently no mechanism in place to address this situation, which may result in a scenario where the Court may not be able to discharge its essential obligations (e.g. pay salaries to staff and invoices to suppliers).

208. The Committee emphasized that if States Parties with material amounts in arrears are able to reverse their payment patterns and make contributions in 2018, the cash shortfall at year-end would be either reduced or completely reversed.

209. **In light of the significant operational and reputational risks caused by a liquidity shortfall, the Committee recommended that:**

(a) **the Court closely monitor its cash-flow projections and strengthen its efforts in different directions to avoid a liquidity shortfall at year-end;**

(b) **the Assembly, at its seventeenth session, consider establishing a permanent mechanism authorizing the Bureau to deal with liquidity issues, such as**

<sup>87</sup> *Ibid.*, section C.

<sup>88</sup> ICC-ASP/17/12 at section B.

<sup>89</sup> €8 million from 2018 contributions and €17 million from prior year contributions.

through the temporary use of the CF and/or the establishment of external funding upon recommendation of the Committee, as a risk mitigating measure; and

(c) in the case that a liquidity shortfall arise before the session of the Assembly in December 2018, the Bureau, upon recommendation of the Committee, consider all possible options to deal with the situation.

210. The Committee decided to continue to closely monitor the cash flow situation during its review on precautionary reserves at its thirty-second session in April 2019.

## E. Budget performance in 2018

### 1. Budget performance in the first half of 2018

211. The Committee had before it the “Report on Budget Performance of the International Criminal Court as at 30 June 2018,<sup>90</sup>” as well as the forecast performance as at 31 December 2018. The Committee noted that the implementation rate at mid-year was 53.0 per cent, or €78.13 million, against the 2018 approved budget of €147.43 million, which represents an increase of one per cent compared to last year's implementation rate as at 30 June 2017.

212. The forecast implementation rate for the Court, including the interest and capital repayments on the premises, is estimated at 97.1 per cent, or €143.21 million, against the approved budget of €147.43 million.

### 2. Courtroom usage and hearing days in 2018

213. The Committee noted that one of the main indicators that determine the budget request is the usage of courtrooms. The 2018 approved budget was based on the assumption that 400 hearing days would be held in two courtrooms. The Committee noted that in the period from 2 January until 31 August 2018, the total number of actual hearing days was 56.

214. As for the trial in *Gbagbo/Blé Goudé* (CIV), the underlying budget assumption for 2018 expected 160 hearing days, but only two days of hearings had been held as of 31 August 2018 due to judicial developments resulting in the trial being put on hold for the time being.<sup>91</sup>

215. **Noting that the Court will continue to face unforeseen developments in existing situations, the Committee recommended that the Court manage its human resources in a flexible manner allowing it to react to unexpected situations to the extent possible and redeploy resources based on actual workload requirements.**

### 3. Contingency Fund notifications in 2018

216. In the first half of 2018, the Court submitted two CF notifications for a total amount of €2.63 million: one CF notification<sup>92</sup> in the amount of €0.12 million in connection with the extension of the terms for two judges in *Bemba* (Central African Republic); and one CF notification<sup>93</sup> in the amount of €2.51 million in connection with the situation in the Republic of Burundi, following a decision by the Prosecutor to open an investigation.

217. In recent years, the consolidated implementation rate for both regular budget and the CF notifications against approved budgets was 99.6<sup>94</sup> per cent in 2017, 100<sup>95</sup> per cent in 2016, 97.1 per cent in 2015, 96.6 per cent in 2014, 95.8 per cent in 2013, and 96.6 per cent in 2012.<sup>96</sup>

<sup>90</sup> ICC-ASP/17/11.

<sup>91</sup> See explanation in ICC-ASP/17/10, para. 77.

<sup>92</sup> CBF30/01NL01.

<sup>93</sup> CBF31/01NL01.

<sup>94</sup> CBF/30/14, Table 2.

<sup>95</sup> As at 31 December 2016, the implementation rate was 97.3 per cent. However, following the absorption of the overrun on the premises and the ILOAT judgement, the implementation rate for 2016 amounted to 100 per cent.

<sup>96</sup> ICC-ASP/16/11, Table 1.

218. The Court's forecast implementation of 97.1 per cent against the 2018 approved budget could create room to absorb additional expenditures arising from potential CF notifications. **The Committee recommended that the Court make all efforts to absorb all unforeseen expenditures notified against the Contingency Fund within its regular budget.**

219. **The Committee requested that the Court provide an updated forecast to the Assembly for its seventeenth session, through the Committee, that would include actual expenditures in respect of both the regular budget and the CF notifications until the end of October 2018.**

## F. Report of the Court on cost ratios

220. At its twenty-ninth session, the Committee requested that the Court consider producing an overview of cost ratios between the administrative (operating) costs and the costs of the core functions (e.g. trials, investigations, legal aid, reparations, etc.) of the Court as a whole and for the main major programmes (MP I, MP II, MP III and MP VI).<sup>97</sup> Such information would assist the Committee in determining the costs associated with the core functions of the cost and their share of the budget.

221. In the "Report of the Court on Cost Ratios,"<sup>98</sup> the Court carried out an analysis of all main activities and their associated costs. The results were grouped under the following two core functions: a) judicial and b) prosecutorial and investigative. The report shows that such core functions consume four fifths of the Court's budget.

222. The Court indicated that to determine the applicable cost ratios, the total proposed resource requirements for each major programme were reviewed and allocated to one or more of the identified activities. Thereupon, the total amount under each activity was calculated as a percentage of the overall total of the proposed programme budget. The estimate for repayment of the host State Loan under Major Programme VII-2 was excluded from this analysis. This resulted in 80.6 per cent of the activities to be classified as core activities, and 19.4 per cent as other costs.

223. **The Committee recommended that the Court submit an update on the cost ratios using the average actual expenditures over the past five years at its thirty-third session in September 2019, after limiting its core functions to Major Programme I and Major Programme II and reassigning the related supporting costs of Major Programme III to these core functions.**

## IV. Institutional reform and administrative matters

### A. Human resource matters

#### **Staff Rules related to the education grant, special education grant and related benefits**

224. At its sixteenth session, the Assembly noted that the provisional amended Staff Rules related to the education grant and special education grant would be promulgated at a later stage and after the United Nations Secretariat officially promulgated its administrative instruction on this topic.<sup>99</sup> Thus, the Assembly requested the Court to submit at its seventeenth session, the full text of the amended provisional Staff Rules related to the education grant, special education grant and related benefits, pursuant to regulation 12.2 of the Staff Regulations.<sup>100</sup>

225. The Committee took note of the "Report on amended Staff Rules related to the education grant, special education grant and related benefits,"<sup>101</sup> which included an update on the subject matter.

<sup>97</sup> *Ibid.*, part B.2, para. 12.

<sup>98</sup> CBF/31/6.

<sup>99</sup> ICC-ASP/16/Res.1, Section M, para. 3.

<sup>100</sup> *Ibid.*, para. 4.

<sup>101</sup> CBF/31/10.



## B. Reform of the legal aid system

226. The Committee recalled that the Assembly had requested the Court to reassess the functioning of the legal aid system and to present, as appropriate, proposals for adjustments.

227. The Court informed the Committee that its review of the system was still ongoing and had not yet reached the stage where specific amendments could be proposed. In fact, last April, the Committee already expressed strong doubts on whether the reform could realistically be considered by the Assembly at its upcoming session, particularly given the amount of additional information required.

228. Therefore, the Committee reiterated its recommendation that the Court only provide a reform proposal when it is ready and complete.<sup>102</sup> To enable the Committee, in due course, to assess the financial impact and cost-efficient options, it also recalled that the Court's approach to this issue should take into account the financial parameters specified in the Committee's recommendations.<sup>103</sup>

## C. Audit matters

### 1. Annual report by the Audit Committee

229. The Committee considered the "Annual Report of the Audit Committee for 2018,"<sup>104</sup> which covered the work carried out by the Audit Committee ("the AC") during the reporting period from September 2017 to September 2018 (see Annex VI attached).

230. The activity of the AC focused on areas mandated by the Audit Committee Charter, such as governance; risk management; values and ethics; oversight of internal financial control; internal and external audit matters; follow-up on previous recommendations made by the Office of Internal Audit, the External Auditor, the AC; external evaluation of the Office of Internal Audit and other matters.

231. The Committee noted that the AC has a clearly defined scope of activities and that there are no overlaps with the Committee's mandate. Assurance thereof is given by having two members of the Committee serve in the AC, and having the Executive Secretary to the Committee on Budget and Finance act as Secretary to the Audit Committee. In addition, the Chairpersons of the respective Committees engage in a continuous dialogue.

232. The Committee appreciated the valuable contribution of the AC as a complement to its own work. In particular, the Committee appreciated the critical recommendations of the AC to the Court in relation to the issuance of an organizational manual; a values and ethics framework with a code of conduct applicable for all staff members; the maintenance and the update of the Court's risk register, including risk mitigating measures; timely implementation of recommendations and other topics, as contained in the Annual Report of the AC for 2018. **The Committee endorsed all of the recommendations raised in the AC annual report, and recommended that the AC follow-up thereon with a view to achieving full implementation.**

233. **The Committee recommended that the Assembly approve the appointment of Ms. Margaret Wambui Ngugi Shava (Kenya) (a current member of the Committee) as a Member of the AC replacing Mr. David Banyanka (Burundi).**

234. **As regards the remaining vacant two seats in the AC, the Committee invited the Selection Panel headed by the Coordinator of The Hague Working Group to recommend the outcome of the selection process for approval by the Assembly at its seventeenth session.**

<sup>102</sup> ICC-ASP/17/5, para. 118.

<sup>103</sup> *Ibid.*, para. 117.

<sup>104</sup> AC/8/10.

## 2. External audit matters and reports of the External Auditor

235. Concerning oversight of external audit matters, the AC supported the External Auditor's intention to focus its 2019 performance audit on the budget process.

236. The Committee had before it three reports of the External Auditor: the "Financial Statements of the International Criminal Court for the year ended 31 December 2017;"<sup>105</sup> Financial Statements of the Trust Fund for Victims for the year ended 31 December 2017"<sup>106</sup> and the "Final audit report on Human Resources management."<sup>107</sup>

### (a) *Financial Statements of the Court*

237. The Committee considered the "Financial Statement of the International Criminal Court for the year ended 31 December 2017"<sup>108</sup> and welcomed a presentation by the External Auditor. The Committee took note that the External Auditor gave an unqualified opinion and considered the External Auditor's recommendations.

238. In relation to the cash-flow situation,<sup>109</sup> the Committee shared the External Auditor's concern about the risk of a liquidity crisis arising from States Parties' arrears, which could seriously endanger the operations of the Court. It noted that the External Auditor endorsed the Committee's earlier recommendation about the suspension of voting rights.<sup>110</sup> The Committee noted that the External Auditor would also review the liquidity issue triggered by arrears as part of the planned performance audit. The Committee looked forward to the External Auditor's analysis and recommendations.

239. Concerning the issue of undisclosed evidence,<sup>111</sup> the External Auditor noted that, for confidentiality reasons, he was not granted full access to audit evidence regarding expenditures of the Victims and Witnesses Section (VWS). While the External Auditor acknowledged confidentiality requirements and the sensitivity of some documentation, a qualified opinion would have to be issued, if in the future the non-disclosed evidence exceeds the audit materiality threshold. As suggested by the Audit Committee, the Court, together with the External Auditor, should work out ways to address this issue with a view to avoiding a scope limitation.

240. In the context of the insurance contract related to the judges' pension plan,<sup>112</sup> the External Auditor suggested that the Court elaborate more precisely in the notes to the financial statements on the consequences that would arise from a decision to change the insurer or the insurance policy conditions. Similarly, regarding staff benefits, the External Auditor noted that significant actuarial gains and losses have occurred, and more details should be disclosed. **The Committee recommended that, in addition to the External Auditor's recommendation, a possible budget impact of actuarial gains and losses for staff benefits should be transparently set out and explained in the financial statements.**

241. **The Committee recommended that the Assembly approve the financial statements of the Court for the year ending 31 December 2017.**

### (b) *Financial Statements of the Trust Fund*

242. The Committee considered the "Financial Statements of the Trust Fund for Victims for the year ended 31 December 2017"<sup>113</sup> and noted that the External Auditor expressed an unqualified opinion.<sup>114</sup>

<sup>105</sup> ICC-ASP/17/12.

<sup>106</sup> ICC-ASP/17/13.

<sup>107</sup> ICC-ASP/17/7/Rev.1.

<sup>108</sup> ICC-ASP/17/12.

<sup>109</sup> *Ibid.*, pages 55, 56, 57 et seq.

<sup>110</sup> Namely, the recommendation that exemptions from the suspension of voting rights of States Parties in arrears should only be granted, once the minimum amounts have been paid and after presenting payment plans for the remaining balance. See ICC-ASP/17/5, para. 35.

<sup>111</sup> ICC/ASP/17/12, pages 55, 56, 70 and 71.

<sup>112</sup> *Ibid.*, pages 55, 70 and 71.

<sup>113</sup> ICC-ASP/17/13.

243. The Committee also noted the concern underlying the External Auditor's recommendation about the existing internal controls of the reparation awards.<sup>115</sup> The External Auditor noted that the TFV's current controls and structure cannot ensure the required level of rigour. Unless the controls are adapted, this "will create uncertainties as to the completeness, reality, and accuracy of the commitments, which could lead to significant difficulties in terms of certification."<sup>116</sup> Consequently, the External Auditor recommended that:

- (a) the TFV Secretariat have access to the Court's victim identification software; and
- (b) additional IT developments should be configured to take account of the specific needs of reparation activities.<sup>117</sup>

244. The Committee expressed its appreciation to the Audit Committee for its analysis of the financial statements and its recommendations.<sup>118</sup> Concerning additional IT capabilities, the Committee would appreciate information about the possible budget impact and options for cost-efficient solutions. **The Committee invited the Court to assist the STFV in strengthening its additional IT needs and internal controls within existing resources and requested receiving a joint report thereon by the STFV and the Court at its thirty-second session.**

**245. The Committee recommended that the Assembly approve the financial statements of the Trust Fund for Victims for the year ending 31 December 2017.**

(c) *Performance audit report on Human Resources Management*

246. The Committee took note with appreciation of the "Final Audit Report on Human Resources Management"<sup>119</sup> and the findings of the Audit Committee. The External Auditor made ten recommendations in relation to the management of human resources at the Court.

247. The Committee endorsed the recommendations made by the External Auditor on the content of the annual human resources management report of the Court submitted each year to the Committee. In light of the important issues raised by the External Auditor with regard to the efficient management of human resources, the Committee decided to consider the matter in detail at its thirty-second session in April 2019.

**248. The Committee recommended that the Assembly approve all of the recommendations made by the External Auditor on human resources management.**

### 3. Selection of External Auditor

249. The Committee noted that in accordance with the Charter of the Audit Committee, the AC shall make recommendations to the competent organ concerning the nomination of the External Auditor.<sup>120</sup> As the term of the External Auditor, the Cour des comptes, will end with the consideration of the financial statements of the Court and the TFV for the year ending 2019, a new External Auditor will need to take up his functions in 2020. As for the process, an expression of interest has been published and a Selection Panel composed of representatives of States Parties, the Committee and the Audit Committee would be formed to select the best suitable candidate in accordance with the forthcoming Request for Proposal.

## D. Financial investigations as well as the seizure and freezing of assets

250. At its twenty-ninth session the Committee asked the Court to review and analyse the processes for investigating the financial assets of the accused and suspects in the context of the budget proposal for 2019.<sup>121</sup>

<sup>114</sup> *Ibid.*, page 19, para. 6.

<sup>115</sup> *Ibid.*, section II of the audit report.

<sup>116</sup> *Ibid.*, page 24.

<sup>117</sup> Such as eligibility status, individual and / or collective reparations, status of implementation of reparations, justification of granted sums, relations with the victims' legal representative, etc.

<sup>118</sup> AC/8/10, paras. 91-94.

<sup>119</sup> ICC-ASP/17/7/Rev.1.

<sup>120</sup> § 60 AC Charter.

<sup>121</sup> Compare in detail *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.2, paras. 27-29.

251. The Committee considered the “Report of the Registry on financial investigations conducted by the Registry and the seizure and freezing of assets.”<sup>122</sup> This report stated that a gap-analysis had been initiated to serve in developing a strategy for reviewing and standardizing all elements of financial investigations for the purpose of seizure, freezing and forfeiture of financial assets of the accused and suspects. The Court further expected that a policy report on this issue and others raised by the Committee will be ready by the end of 2018.

252. The Court stated that the total amount already disbursed for legal assistance to the accused, suspects and convicted persons, and indigent victims was €1,873,141,<sup>123</sup> of which 74 per cent was consumed by legal aid for defence; added to that were total payments of \$11 million and €2.7 million ordered by the Court for reparations.

253. The Court's report described in detail its role in carrying out financial investigations as stated in the Regulations of the Court, as well as those of the Registry. These regulations allow for investigation of accused or suspect persons when there are grounds to believe that the application for legal aid paid by the Court and supporting evidence was inaccurate, and when legal aid was granted provisionally. The Registry transmits orders issued by the Chambers asking States Parties to assist in the identification, tracing and freezing or seizure of property and other assets for eventual forfeiture, and makes requests for cooperation to States and liaises with the relevant competent authorities to fulfil such requests.

254. The Committee considered the Court's report as provisional as the Court was not in a position to include some of the required information. **The Committee recommended that the Court exert intensive efforts to be able to present a complete report on financial investigations no later than at its thirty-third session in September 2019.**

255. The Committee noted that the Registry was charged, according to the Regulations of both the Court and the Registry, with all operational aspects of financial investigations, a task that requires great resources, time and effort. **The Committee recommended that the Court re-examine the costs of the current practice against the benefits and savings and provide an update thereon at its thirty-third session.**

256. **The Committee further recommended that the Court explore the possibility of hiring professional investigators on an *ad-hoc* basis to carry out certain aspects of financial investigations.**

## E. Costs for the premises of the Court

### 1. Funding of long-term capital replacements

257. The Committee had before it the “Report of the Court on solutions for the funding of long-term capital replacements at its Headquarters in The Hague.”<sup>124</sup> The Court submitted this report in response to a request from the Assembly to present, via the Committee, different options for funding long-term maintenance and replacement based on the experience of other international organizations.<sup>125</sup>

258. The report informs about the methods used by three international organizations<sup>126</sup> that fund their own capital replacement needs.<sup>127</sup>

259. In sum, the Court concludes that:

(a) It is the practice of international organizations that own their premises to have both a long-term plan and rolling five-year plans to estimate medium-term capital replacement costs. The related expenditure is financed through fund accounts that are in turn financed through State contributions (except in the case of WIPO that can use funds from its income-generating activities); and

<sup>122</sup> ICC-ASP/17/26.

<sup>123</sup> *Ibid.*, Annex III shows the total expenditures of legal aid for defense and victims including the Contingency Fund since 2005.

<sup>124</sup> ICC-ASP/17/23.

<sup>125</sup> ICC-ASP/16/Res.1, December 14, 2017, part G, para. 4.

<sup>126</sup> The Vienna International Centre, the Organization for Economic Cooperation and Development and the World Intellectual Property Organization.

<sup>127</sup> For more detail, see ICC-ASP/17/26.

(b) The Court’s preferred option is to establish a fund to cater for programmed building-related expenditure for incorporation into a long-term plan. The Court would periodically present a five-year expenditure plan along with a view of longer-term expectations. This would allow annual contributions to the fund to be adjusted to required costs upon the decision of States Parties.

## 2. Observations of the Committee

260. It is worth recalling that the management of future capital replacements was already discussed during the construction phase of the premises, under the aegis of the former Oversight Committee charged with strategic oversight of the construction. In 2013, the Oversight Committee established a Working Group on Total Cost of Ownership (“Working Group”) tasked with a technical evaluation of possible options to fund building and maintenance costs. The Working Group estimated the total long-term capital replacement costs running up to €304 million over the next 50 years, with eventually steep spikes as from the mid-thirties.<sup>128</sup>

261. The Assembly has, on the one hand, stressed:

“that the ownership responsibility of States Parties for the permanent premises include[s] the preservation of the asset value at an appropriate functional level throughout its lifetime, and that capital replacement actions need to be planned and funded within a structured framework, in a political and financial sustainable context.”<sup>129</sup>

262. At the same time, the Assembly considered that:

“a 50-year maintenance plan is not realistic in terms of foreseeability, nor can States Parties be expected to make decisions potentially committing their governments for financial contributions that far in the future”.<sup>130</sup>

263. The Assembly entrusted the Bureau “with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget, or, if necessary, a subcommittee thereof”.<sup>131</sup> The mandate includes, among others, “a draft plan for funding the total cost of ownership and the subsequent submission of recommendations to the Assembly”.<sup>132</sup>

264. Against this background - and in no way pre-empting the Bureau - the Committee would like to make the following comments:

(a) Currently, the Court’s proposal to present periodically a five-year capital expenditure plan is a suitable approach, in line with the practice of other organizations. Such approach is already being applied with the first five-year plan (for €2.9 million) the Court has recently put forward.

(b) The Committee endorsed the Court’s intention to present those five-year plans along with a view of longer-term expectations. For all the inevitable uncertainty, the Court should be prepared for steep costs spikes as major structural components approach the end of their useful lives. Such challenges, which can be major projects in themselves, should be identified in good time.

265. This leaves the question of how to go about in estimating those long-term costs:

(a) What time-scale would be realistic and acceptable?

(b) What should be the terms of reference of the exercise, for instance: priority of replacements, risks if not implemented, allowing for unforeseen events / emergencies; benchmarks for quality standards, opportunities for technical progress, assumed level of capacity utilization?

(c) Ways of updating the estimates over time?

<sup>128</sup> €50 million (2036), €72 million (2041), €42 million (2051), €95 million (2056).

<sup>129</sup> ICC-ASP/15/Res.2, para. 34.

<sup>130</sup> *Ibid.*, Annex II, Part A, para. 5(c).

<sup>131</sup> *Ibid.*, Annex II, Part B, paras. 6-7.

<sup>132</sup> *Ibid.*

- (d) Lessons to be learned from other international organizations?
- (e) Possible cost of the estimates?
- (f) Who would be able and should be entrusted with the technical estimate?
- (g) Use of key performance indicators?

266. **The Committee recommended that - should the Bureau agree - the Court seek the views of its incoming main contractor<sup>133</sup> on the questions above, as well as on the current capital replacement plan until 2023 and report thereon at the thirty-second session of the Committee. External expertise could still be sought at a later stage, if needed.**

267. **The need for establishment of such a fund for long-term capital replacement has yet to be demonstrated. However, under the current circumstances, the Committee does not support the establishment of a fund.** The first five-year capital replacement plan the Court has proposed is for €2.9 million up to 2023. To the extent the expenditure is justified, it can be financed within the normal scope of the budget process without the complications and risks of managing a special fund. The situation may change when major cost spikes will be approaching. **The Committee recommended that the funding of spikes in capital replacement costs be reconsidered once the proposed longer-term estimates become available.**

268. **The Committee noted with interest that the Inter-Agency Network of Facilities Managers will continue to share information on capital replacement mechanisms and looked forward to updates on best practices of other international organizations no later than at its thirty-third session.**<sup>134</sup>

## V. Other matters

### A. Cases before the ILO-Administrative Tribunal and Appeals Board

#### 1. Litigations before the ILO-Administrative Tribunal

269. The Committee took note of the 11 judgments delivered in 2018 by the International Labour Organization Administrative Tribunal (ILOAT): six were delivered in January 2018; five in June 2018. Noting that the ILOAT holds two sessions per year, no other judgements are forthcoming in 2018.

270. Out of the 11 judgements delivered in 2018, eight were related to ReVision, whereby the ReVision Principles were declared as “unlawful.”<sup>135</sup> The financial compensation that resulted from the judgments totalled €1.061.3 million (€700.8 thousand related to Re-Vision cases and €360.5 thousand to other cases) and was recorded in the 2017 financial statements against provisions, which were audited by the External Auditor. Fees paid to the ILOAT amounted to €83.5 thousand and were absorbed within the 2018 approved budget.

271. The Committee noted that, currently<sup>136</sup> 15 cases were pending before the ILOAT, of which four cases were submitted after the Committee’s session in April 2018. In total, five of these 15 cases are related to ReVision.<sup>137</sup>

272. Since January 2016, a total of 24 ILOAT judgments (of which nine were related to ReVision) were rendered, resulting in a financial impact, as specified by the Court during the session,<sup>138</sup> of €2.95 million (€700.8 thousand of which related to ReVision), paid as compensation to the litigators and an amount of €256 thousand<sup>139</sup> resulting from ILOAT

<sup>133</sup> The date of the new contract has been deferred to January 1, 2019.

<sup>134</sup> ICC-ASP/17/23, Section III.

<sup>135</sup> ILOAT Judgment No. 3907 (2018) at consideration 26; ILOAT Judgment No. 4004 (2018) and ILOAT Judgment No. 4007 (2018).

<sup>136</sup> At the time of its thirty-first session in September 2018.

<sup>137</sup> Eighteen cases at the time of the thirtieth CBF session minus five judgements, minus two cases settled and four “new” cases submitted to the ILOAT, one of which is related to ReVision.

<sup>138</sup> The Court is currently in the process of reviewing the figures provided.

<sup>139</sup> This amount does not include the fees for the five ILOAT judgements delivered in June 2018.

fees). The Committee noted that this amount could increase as a result of costs related to further settlements related to cases currently considered by the ILOAT and the internal Appeals Board.

## 2. Cases before the internal Appeals Board

273. While in April 2018, 53 cases had been pending before the internal Appeals Board, currently 42 cases (out of which 27 are related to ReVision) are being considered by this Court-internal mechanism.<sup>140</sup>

274. The Committee observed that the internal Appeals Board is currently reviewing the complainants' cases and encouraged the Board to reach amicable settlements, as far as possible, and further prompted the Court's management to take all necessary measures to mitigate the litigation risk.

## 3. Provisions related to ILOAT cases and cases before the internal Appeals Board

275. The Committee observed that by the end of 2017, the provisions for the ILOAT cases amounted to €2,060 thousand. At the time of the Committee's September session, a total of €1,235.3 thousand was charged against provisions. This amount includes payments to complainants in 11 cases and compensation of €174.0 thousand paid to settle cases internally.

276. The remaining balance of provisions made against the fiscal year 2017 (€797.8 thousand)<sup>141</sup> was related to nine remaining cases pending before ILOAT and an amount of €101.0 thousand had been recorded as a contingent liability for two pending ILOAT cases. The Committee noted that no provisions for the four "new" ILOAT cases submitted after April 2018 had been recorded and that no provisions were included in the 2019 proposed programme budget.

## 4. Recommendations by the Committee on contentious and non-contentious disputes

277. The Committee decided that it would continue monitoring the outcome of any future amicable settlements and other relevant developments concerning litigations. The Committee observed that the number of litigation cases and their financial impact remained significant and reiterated its recommendation that the Court seek external conciliation mechanisms to resolve, as appropriate, disputes in a non-contentious manner.

**278. Furthermore, the Committee recommended that the Court revise its approach in the field of human resource management in order to avoid, to the extent possible, litigations in the future, and to minimize their impact on staff, as well as the cost implications.**

**279. The Committee recommended that the Court's legal services accurately assess the litigation risks related to all cases pending before ILOAT and the internal Appeals Board and provide an update at the Committee's thirty-second session.**

## B. Future sessions of the Committee

280. The Committee tentatively decided to hold its thirty-second session from 29 April to 3 May 2019 and its thirty-third session from 26 August to 6 September 2019 in The Hague.

<sup>140</sup> The decrease of 11 cases can be explained as follows: three cases proceeded to litigation before the ILOAT, three cases were settled, and five cases were resolved.

<sup>141</sup> Provision of €2,060 thousand minus €1,235.3 thousand paid to the complainants and - 27.9 thousand reversed as savings on provisions.

## 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/31/1/Rev.1	Provisional agenda	
CBF/31/1/Rev.1 Add.1	Annotated provisional agenda	
CBF/31/6	Report of the Court on Cost Ratios	
CBF/31/8	Final audit report on human resources management	
CBF/31/9	Report on recruitment at the Trust Fund for Victims in 2018	
CBF/31/10	Report on amended Staff Rules related to the education grant, special education grant and related benefits	
CBF/31/11	Report of the Trust Fund for Victims on the administrative costs incurred by TFV partners associated with the implementation of Court-ordered reparations awards	
CBF/31/12/Rev.3	Report of the Court on its Five-Year IT/IM Strategy	
CBF/31/14	Status report on the establishment of a working group to facilitate Trust Fund for Victims access to private donations	
AC/7/5	Interim Report of the Audit Committee on the Work at its Seventh Session	
AC/8/5	Interim Report of the Audit Committee on the Work at its Eighth Session	
AC/8/10	Annual Report of the Audit Committee for 2018	
ICC-ASP/17/5	Report of the Committee on Budget and Finance on the work of its thirtieth session	
ICC-ASP/17/7/Rev.1	Final audit report on Human Resources Management	
ICC-ASP/17/10 and	Proposed Programme Budget for 2019 of the International Criminal Court	
ICC-ASP/17/10/Corr.1	Proposed Programme Budget for 2019 of the International Criminal Court - Corrigendum	
ICC-ASP/17/10/Add.1	Addendum to the Proposed Programme Budget for 2019 of the International Criminal Court	
ICC-ASP/17/11	Report on Budget Performance of the International Criminal Court as at 30 June 2018	CBF/31/13
ICC-ASP/17/12	Financial statements of the International Criminal Court for the year ended 31 December 2017	
ICC-ASP/17/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2017	
ICC-ASP/17/14	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 2017 to 30 June 2018	
ICC-ASP/17/23	Report of the Court on solutions for the funding of long-term capital replacements at its Headquarters in The Hague	CBF/31/2
ICC-ASP/17/24	Options for securing payment of withdrawing States Parties' contributions to the loan granted by the host State	CBF/31/3
ICC-ASP/17/25	Report on reclassification matters at the Court	CBF/31/4
ICC-ASP/17/26	Report of the Registry on financial investigations conducted by the Registry and the seizure and freezing of assets	CBF/31/7



## Annex II

## Status of contributions as at 31 August 2018 (in euros)

State Party	Prior Years Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Year 2018 Assessed Regular Contributions	Assessed Host State Loan Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Outstanding Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of latest received payment
Afghanistan	-	-	-	14,385	706	15,091	-	-	-	-	-	Fully settled	23/05/2018
Albania	-	-	-	19,563	-	19,563	-	-	-	-	-	Fully settled	23/07/2018
Andorra	-	-	-	14,672	-	14,672	-	-	-	-	-	Fully settled	10/05/2018
Antigua and Barbuda	11,688	-	11,688	4,891	186	5,077	4,891	186	5,077	-	16,765	Ineligible to vote	01/10/2016
Argentina	-	-	-	2,185,464	-	2,185,464	2,185,464	-	2,185,464	-	2,185,464	Overdue	03/04/2018
Australia	-	-	-	5,725,819	-	5,725,819	-	-	-	-	-	Fully settled	24/01/2018
Austria	-	-	-	1,763,992	113,387	1,877,379	-	-	-	-	-	Fully settled	30/01/2018
Bangladesh	-	-	-	14,385	893	15,278	-	-	-	-	-	Fully settled	17/04/2018
Barbados	-	-	-	17,118	-	17,118	-	-	-	-	-	Fully settled	14/05/2018
Belgium	-	-	-	2,168,346	141,803	2,310,149	-	-	-	-	-	Fully settled	23/03/2018
Belize	115	-	115	2,445	143	2,588	2,445	143	2,588	-	2,703	In arrears	26/06/2017
Benin	-	-	-	7,336	430	7,766	-	-	-	-	-	Fully settled	08/05/2018
Bolivia (Plurinational State of)	-	-	-	29,345	-	29,345	-	-	-	-	-	Fully settled	01/06/2018
Bosnia and Herzegovina	-	-	-	31,790	-	31,790	-	-	-	-	-	Fully settled	18/04/2018
Botswana	-	-	-	34,235	2,269	36,504	-	-	-	-	-	Fully settled	05/02/2018
Brazil	9,289,401	346,652	9,636,053	9,366,580	416,882	9,783,462	9,366,580	416,882	9,783,462	-	19,419,515	In arrears	20/07/2018
Bulgaria	-	-	-	110,186	6,679	116,865	-	-	-	-	-	Fully settled	22/01/2018
Burkina Faso	4,533	-	4,533	9,782	165	9,947	9,782	165	9,947	-	14,480	In arrears	29/08/2018
Cabo Verde	1,277	-	1,277	2,445	143	2,588	2,445	143	2,588	-	3,865	In arrears	02/08/2017
Cambodia	-	-	-	9,782	441	10,223	-	-	-	-	-	Fully settled	08/08/2018
Canada	-	-	-	7,156,663	-	7,156,663	-	-	-	-	-	Fully settled	14/02/2018
Central African Republic	5,524	200	5,724	2,445	143	2,588	2,445	143	2,588	-	8,312	Ineligible to vote	09/12/2014
Chad	24,343	215	24,558	12,227	154	12,381	12,227	154	12,381	-	36,939	Ineligible to vote	13/01/2015
Chile	-	-	-	977,582	-	977,582	-	-	-	-	-	Fully settled	24/04/2018
Colombia	701,415	-	701,415	788,855	-	788,855	788,855	-	788,855	-	1,490,270	In arrears	26/03/2018
Comoros	19,139	228	19,367	2,445	143	2,588	2,445	143	2,588	46	22,001	Ineligible to vote	no payments
Congo	61,264	1,126	62,390	14,672	706	15,378	14,672	706	15,378	73	77,841	Ineligible to vote	01/06/2011
Cook Islands	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	31/01/2018
Costa Rica	-	-	-	115,221	-	115,221	-	-	-	-	-	Fully settled	27/02/2018
Côte d'Ivoire	-	-	-	22,008	1,563	23,571	22,008	1,563	23,571	-	23,571	Overdue	10/04/2017
Croatia	-	-	-	242,526	17,901	260,427	-	-	-	-	-	Fully settled	10/01/2018
Cyprus	-	-	-	105,295	-	105,295	-	-	-	-	-	Fully settled	15/02/2018
Czechia	-	-	-	842,798	-	842,798	-	-	-	-	-	Fully settled	20/02/2018
Democratic Republic of the Congo	-	-	-	14,385	32	14,417	14,385	32	14,417	-	14,417	Overdue	08/11/2017
Denmark	-	-	-	1,430,843	-	1,430,843	-	-	-	-	-	Fully settled	10/01/2018
Djibouti	4,010	119	4,129	2,445	143	2,588	2,445	143	2,588	-	6,717	In arrears	29/11/2017
Dominica	10,419	228	10,647	2,445	143	2,588	2,445	143	2,588	8	13,243	Ineligible to vote	31/12/2015
Dominican Republic	251,561	8,929	260,490	112,632	6,392	119,024	112,632	6,392	119,024	-	379,514	Ineligible to vote	14/11/2017
Ecuador	-	-	-	164,129	-	164,129	-	-	-	-	-	Fully settled	24/08/2018
El Salvador	-	-	-	34,235	-	34,235	34,235	-	34,235	-	34,235	Overdue	11/12/2017
Estonia	-	-	-	93,069	-	93,069	-	-	-	-	-	Fully settled	29/01/2018
Fiji	-	-	-	7,336	430	7,766	-	-	-	-	-	Fully settled	13/06/2018
Finland	-	-	-	1,117,257	-	1,117,257	-	-	-	-	-	Fully settled	15/01/2018
France	-	-	-	11,904,900	794,694	12,699,594	-	-	-	-	-	Fully settled	10/04/2018
Gabon	-	-	-	41,715	1,793	43,508	-	-	-	-	-	Fully settled	04/06/2018
Gambia	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	19/12/2017
Georgia	-	-	-	19,563	-	19,563	-	-	-	-	-	Fully settled	26/01/2018
Germany	-	-	-	15,653,545	-	15,653,545	-	-	-	-	-	Fully settled	30/01/2018
Ghana	4,525	-	4,525	39,270	1,986	41,256	39,270	1,986	41,256	-	45,781	In arrears	25/09/2017
Greece	-	-	-	1,153,938	-	1,153,938	-	-	-	-	-	Fully settled	11/06/2018
Grenada	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	22/06/2018
Guatemala	-	-	-	68,615	3,836	72,451	20,900	-	20,900	-	20,900	Overdue	17/04/2018
Guinea	19,278	228	19,506	4,891	143	5,034	4,891	143	5,034	84	24,624	Ineligible to vote	20/04/2015
Guyana	-	-	-	4,891	143	5,034	-	-	-	-	-	Fully settled	03/05/2018
Honduras	-	-	-	19,563	1,136	20,699	6,474	-	6,474	-	6,474	Overdue	30/04/2018
Hungary	-	-	-	394,428	5,589	400,017	-	-	-	-	-	Fully settled	26/01/2018
Iceland	-	-	-	56,388	-	56,388	-	-	-	-	-	Fully settled	23/01/2018
Ireland	-	-	-	820,789	-	820,789	-	-	-	-	-	Fully settled	02/02/2018
Italy	-	-	-	9,182,888	-	9,182,888	-	-	-	-	-	Fully settled	13/06/2018
Japan	-	-	-	23,716,731	1,538,944	25,255,675	-	-	-	-	-	Fully settled	09/05/2018

State Party	Prior Years Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Year 2018 Assessed Regular Contributions	Assessed Host State Loan Contribution	Total Assessed Contributions	Outstanding Regular Contributions	Outstanding Host State Loan Contribution	Total Outstanding Contributions	Outstanding Contingency Fund	Grand Total Outstanding Contributions	State Party Account Status	Date of latest received payment
Jordan	-	-	-	49,052	-	49,052	49,052	-	49,052	-	49,052	Overdue	23/02/2017
Kenya	-	-	-	44,161	1,850	46,011	-	-	-	-	-	Fully settled	09/08/2018
Latvia	-	-	-	122,557	-	122,557	-	-	-	-	-	Fully settled	03/01/2018
Lesotho	-	-	-	2,445	143	2,588	2,445	143	2,588	-	2,588	Overdue	20/10/2017
Liberia	2,552	119	2,671	2,445	143	2,588	2,445	143	2,588	-	5,259	In arrears	30/05/2016
Liechtenstein	-	-	-	17,118	-	17,118	-	-	-	-	-	Fully settled	20/04/2018
Lithuania	-	-	-	176,357	-	176,357	-	-	-	-	-	Fully settled	28/12/2017
Luxembourg	-	-	-	156,792	-	156,792	-	-	-	-	-	Fully settled	17/01/2018
Madagascar	200	-	200	7,336	430	7,766	7,336	430	7,766	-	7,966	In arrears	15/11/2017
Malawi	-	-	-	4,891	287	5,178	4,891	287	5,178	-	5,178	Overdue	30/11/2017
Maldives	9,596	200	9,796	4,891	143	5,034	4,891	143	5,034	-	14,830	Ineligible to vote	11/01/2016
Mali	-	-	-	7,336	574	7,910	-	-	-	-	-	Fully settled	23/05/2018
Malta	-	-	-	39,270	-	39,270	-	-	-	-	-	Fully settled	05/03/2018
Marshall Islands	5,763	200	5,963	2,445	143	2,588	2,445	143	2,588	-	8,551	Ineligible to vote	04/03/2015
Mauritius	-	-	-	29,345	-	29,345	-	-	-	-	-	Fully settled	19/01/2018
Mexico	-	-	-	3,515,902	-	3,515,902	3,515,902	-	3,515,902	-	3,515,902	Overdue	19/01/2018
Mongolia	-	-	-	12,227	-	12,227	-	-	-	-	-	Fully settled	18/04/2018
Montenegro	-	-	-	9,782	-	9,782	-	-	-	-	-	Fully settled	22/01/2018
Namibia	-	-	-	24,454	-	24,454	-	-	-	-	-	Fully settled	28/03/2018
Nauru	-	-	-	2,445	143	2,588	2,445	92	2,537	-	2,537	Overdue	14/06/2017
Netherlands	-	-	-	3,630,979	-	3,630,979	-	-	-	-	-	Fully settled	21/02/2018
New Zealand	-	-	-	656,660	35,952	692,612	-	-	-	-	-	Fully settled	25/01/2018
Niger	31,327	457	31,784	4,891	287	5,178	4,891	287	5,178	92	37,054	Ineligible to vote	23/11/2009
Nigeria	34,169	-	34,169	512,095	12,785	524,880	512,095	12,785	524,880	-	559,049	In arrears	21/03/2018
Norway	-	-	-	2,080,167	120,916	2,201,083	-	-	-	-	-	Fully settled	07/02/2018
Panama	-	-	-	83,287	749	84,036	5,101	-	5,101	-	5,101	Overdue	13/08/2018
Paraguay	29,756	-	29,756	34,235	1,423	35,658	34,235	1,423	35,658	-	65,414	In arrears	12/07/2017
Peru	-	-	-	333,149	16,621	349,770	121,421	-	121,421	-	121,421	Overdue	08/06/2018
Philippines	-	-	-	404,209	-	404,209	404,209	-	404,209	-	404,209	Overdue	30/03/2017
Poland	-	-	-	2,060,460	-	2,060,460	-	-	-	-	-	Fully settled	28/12/2017
Portugal	-	-	-	960,465	-	960,465	-	-	-	-	-	Fully settled	16/04/2018
Republic of Korea	-	-	-	4,995,653	230,628	5,226,281	-	-	-	-	-	Fully settled	29/06/2018
Republic of Moldova	-	-	-	9,782	-	9,782	-	-	-	-	-	Fully settled	27/06/2018
Romania	-	-	-	450,815	-	450,815	50,815	-	50,815	-	50,815	Overdue	26/03/2018
Saint Kitts and Nevis	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	29/01/2018
Saint Lucia	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	24/05/2018
Saint Vincent and the Grenadines	-	-	-	2,445	143	2,588	193	-	193	-	193	Overdue	08/08/2018
Samoa	-	-	-	2,445	-	2,445	-	-	-	-	-	Fully settled	20/02/2018
San Marino	-	-	-	7,336	-	7,336	-	-	-	-	-	Fully settled	03/04/2018
Senegal	326	-	326	12,227	850	13,077	12,227	850	13,077	-	13,403	In arrears	12/05/2017
Serbia	-	-	-	78,396	-	78,396	-	-	-	-	-	Fully settled	11/07/2018
Seychelles	-	-	-	2,445	143	2,588	-	-	-	-	-	Fully settled	09/02/2018
Sierra Leone	-	-	-	2,445	143	2,588	916	-	916	-	916	Overdue	11/11/2015
Slovakia	-	-	-	391,982	-	391,982	-	-	-	-	-	Fully settled	19/02/2018
Slovenia	-	-	-	205,845	-	205,845	-	-	-	-	-	Fully settled	17/01/2018
South Africa	-	-	-	891,850	-	891,850	-	-	-	-	-	Fully settled	28/02/2018
Spain	-	-	-	5,985,606	-	5,985,606	-	-	-	-	-	Fully settled	18/04/2018
State of Palestine	-	-	-	17,118	706	17,824	-	-	-	-	-	Fully settled	06/07/2018
Suriname	-	-	-	14,672	441	15,113	14,672	441	15,113	-	15,113	Overdue	24/04/2017
Sweden	-	-	-	2,342,256	-	2,342,256	-	-	-	-	-	Fully settled	22/03/2018
Switzerland	-	-	-	2,793,072	-	2,793,072	-	-	-	-	-	Fully settled	20/02/2018
Tajikistan	-	-	-	9,782	430	10,212	-	-	-	-	-	Fully settled	06/04/2018
The former Yugoslav Republic of Macedonia	-	-	-	17,118	1,136	18,254	17,118	1,136	18,254	-	18,254	Overdue	27/12/2017
Timor-Leste	33	-	33	7,336	-	7,336	7,336	-	7,336	-	7,369	In arrears	14/03/2018
Trinidad and Tobago	-	-	-	83,287	-	83,287	83,287	-	83,287	-	83,287	Overdue	16/02/2017
Tunisia	-	-	-	68,615	5,112	73,727	68,615	5,112	73,727	-	73,727	Overdue	22/11/2017
Uganda	-	-	-	14,385	850	15,235	14,385	850	15,235	-	15,235	Overdue	18/09/2017
United Kingdom	-	-	-	10,934,653	-	10,934,653	-	-	-	-	-	Fully settled	20/04/2018
United Republic of Tanzania	-	-	-	14,385	893	15,278	2,608	-	2,608	-	2,608	Overdue	14/05/2018
Uruguay	-	-	-	193,618	-	193,618	193,618	-	193,618	-	193,618	Overdue	20/04/2018
Vanuatu	28	-	28	2,445	143	2,588	2,445	143	2,588	-	2,616	In arrears	10/01/2018
Venezuela (Bolivarian Republic of)	6,065,958	141,944	6,207,902	1,399,053	89,087	1,488,140	1,399,053	89,087	1,488,140	4,983	7,701,025	Ineligible to vote	04/09/2012
Zambia	27,819	1,185	29,004	14,385	850	15,235	14,385	850	15,235	-	44,239	Ineligible to vote	29/06/2015
<i>Rounding differences</i>				<i>1,021</i>	<i>(16)</i>	<i>1,005</i>							
	16,616,019	502,030	<b>17,118,049</b>	143,846,735	3,584,984	<b>147,431,719</b>	19,209,858	543,555	<b>19,753,413</b>	<b>5,286</b>	<b>36,876,748</b>		

### Annex III

#### Legal aid expenditures (in euros) for defence and victims, including the Contingency Fund (2005-2017)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Legal aid for defence, incl. duty/ <i>ad</i> <i>hoc</i> counsel	66,806	724,717	716,211	1,432,854	1,975,050	3,899,440	3,844,694	3,838,798	3,633,096	3,578,156	4,878,669	4,950,002	4,838,482	38,376,975
Legal aid for victims	0	20,315	54,054	214,659	1,155,763	231,557	2,010,549	2,387,098	1,756,865	1,745,744	1,233,556	1,344,596	1,341,410	13,496,166
<b>Total legal aid</b>	<b>66,806</b>	<b>745,032</b>	<b>770,265</b>	<b>1,647,513</b>	<b>3,130,813</b>	<b>4,130,997</b>	<b>5,855,243</b>	<b>6,225,896</b>	<b>5,389,961</b>	<b>5,323,900</b>	<b>6,112,225</b>	<b>6,294,598</b>	<b>6,179,892</b>	<b>51,873,141</b>

## Annex IV

## Budgetary implications of the Committee's recommendations (in thousands of euros)

**Table 8: Total of all Major Programmes for 2019**

Programme Budget 2019 (thousands of euro)		2018 Approved Budget	Resource Changes		Proposed 2019 Budget incl. Addendum	CBF Recomm. Changes	Resource Changes		Proposed 2019 Budget after CBF changes
			Amount	%			Amount	%	
MP I	Judiciary	12,712.0	(334.2)	(2.6)	12,377.8	(270.2)	(604.4)	(4.8)	12,107.6
MP II	OTP	45,991.8	2,109.0	4.6	48,100.8	(1,298.3)	810.7	1.8	46,802.5
MP III	Registry	77,142.5	(273.7)	(0.4)	76,868.8	(217.6)	(491.3)	(0.6)	76,651.2
MP IV	SASP	2,718.2	153.4	5.6	2,871.6	(29.9)	123.5	4.5	2,841.7
MP V	Premises	1,498.5	301.5	20.1	1,800.0	-	301.5	20.1	1,800.0
MP VI	STFV	2,541.5	1,486.3	58.5	4,027.8	(746.8)	739.5	29.1	3,281.0
MP VII-5	IOM	534.5	22.1	4.1	556.6	(25.5)	(3.4)	(0.6)	531.1
MP VII-6	OIA	707.3	(19.3)	(2.7)	688.0	(2.4)	(21.7)	(3.1)	685.6
<i>Subtotal</i>		<i>143,846.3</i>	<i>3,445.1</i>	<i>2.4</i>	<i>147,291.4</i>	<i>(2,590.7)</i>	<i>854.4</i>	<i>0.6</i>	<i>144,700.7</i>
MP VII-2	Host State Loan	3,585.2	(0.1)	(0.0)	3,585.1	-	(0.1)	(0.0)	3,585.1
<b>Total ICC</b>		<b>147,431.5</b>	<b>3,445.0</b>	<b>2.3</b>	<b>150,876.5</b>	<b>(2,590.7)</b>	<b>854.3</b>	<b>0.6</b>	<b>148,285.8</b>

**Table 9: Total of all Major Programmes for 2019 per item of expenditure**

ICC	2018 Approved Budget	Resource Changes		Proposed 2019 Budget incl. Addendum	CBF Recomm. Changes	Resource Changes		Proposed 2019 Budget after CBF changes	
		Amount	%			Amount	%		
<i>Judges</i>	<i>5,521.1</i>	<i>141.0</i>	<i>2.6</i>	<i>5,662.1</i>	<i>-</i>	<i>141.0</i>	<i>2.6</i>	<i>5,662.1</i>	
Professional staff	61,684.6	873.6	1.4	62,558.2	(1,806.0)	(932.4)	(1.5)	60,752.2	
General Service staff	25,357.4	190.1	0.7	25,547.5	(176.8)	13.3	0.1	25,370.7	
<i>Subtotal staff</i>		<i>87,042.0</i>	<i>1,063.7</i>	<i>1.2</i>	<i>88,105.7</i>	<i>(1,982.8)</i>	<i>(919.1)</i>	<i>(1.1)</i>	<i>86,122.9</i>
General temporary assistance	15,498.1	1,625.6	10.5	17,123.7	(11.2)	1,614.4	10.4	17,112.5	
Temporary assistance for meetings	1,302.7	(324.0)	(24.9)	978.7	-	(324.0)	(24.9)	978.7	
Overtime	360.8	(61.5)	(17.0)	299.3	-	(61.5)	(17.0)	299.3	
<i>Subtotal other staff</i>		<i>17,161.6</i>	<i>1,240.1</i>	<i>7.2</i>	<i>18,401.7</i>	<i>(11.2)</i>	<i>1,228.9</i>	<i>7.2</i>	<i>18,390.5</i>
Travel	5,850.5	781.2	13.4	6,631.7	(403.5)	377.7	6.5	6,228.2	
Hospitality	33.0	2.0	6.1	35.0	(4.0)	(2.0)	(6.1)	31.0	
Contractual services	3,560.0	482.9	13.6	4,042.9	-	482.9	13.6	4,042.9	
Training	1,013.0	46.9	4.6	1,059.9	(59.2)	(12.3)	(1.2)	1,000.7	
Consultants	630.4	72.1	11.4	702.5	(20.0)	52.1	8.3	682.5	
Counsel for defence	3,383.0	104.8	3.1	3,487.8	-	104.8	3.1	3,487.8	
Counsel for victims	1,165.0	(63.7)	(5.5)	1,101.3	-	(63.7)	(5.5)	1,101.3	
General operating expenses	16,032.9	(1,047.6)	(6.5)	14,985.3	(110.0)	(1,157.6)	(7.2)	14,875.3	
Supplies and materials	1,028.0	147.5	14.3	1,175.5	-	147.5	14.3	1,175.5	
Furniture and equipment	1,425.8	474.2	33.3	1,900.0	-	474.2	33.3	1,900.0	
<i>Subtotal non-staff</i>		<i>34,121.6</i>	<i>1,000.3</i>	<i>2.9</i>	<i>35,121.9</i>	<i>(596.7)</i>	<i>403.6</i>	<i>1.2</i>	<i>34,525.2</i>
<b>Total</b>		<b>143,846.3</b>	<b>3,445.1</b>	<b>2.4</b>	<b>147,291.4</b>	<b>(2,590.7)</b>	<b>854.4</b>	<b>0.6</b>	<b>144,700.7</b>
<i>Host State Loan</i>		<i>3,585.2</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>3,585.1</i>	<i>-</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>3,585.1</i>
<b>Total including Host State Loan</b>		<b>147,431.5</b>	<b>3,445.0</b>	<b>2.3</b>	<b>150,876.5</b>	<b>(2,590.7)</b>	<b>854.3</b>	<b>0.6</b>	<b>148,285.8</b>

**Table 10: Major Programme I: Judiciary**

Major Programme I Judiciary	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
<i>Judges</i>	5,521.1	141.0	2.6	5,662.1	-	141.0	2.6	5,662.1
Professional staff	4,667.7	(268.5)	(5.8)	4,399.2	-	(268.5)	(5.8)	4,399.2
General Service staff	927.2	(80.5)	(8.7)	846.7	-	(80.5)	(8.7)	846.7
<i>Subtotal staff</i>	5,594.9	(349.0)	(6.2)	5,245.9	-	(349.0)	(6.2)	5,245.9
General temporary assistance	1,286.4	(18.4)	(1.4)	1,268.0	(197.2)	(215.6)	(16.8)	1,070.8
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	1,286.4	(18.4)	(1.4)	1,268.0	(197.2)	(215.6)	(16.8)	1,070.8
Travel	152.2	(16.4)	(10.8)	135.8	(45.0)	(61.4)	(40.3)	90.8
Hospitality	16.0	(1.0)	(6.3)	15.0	(4.0)	(5.0)	(31.3)	11.0
Contractual services	5.0	(5.0)	(100.0)	-	-	(5.0)	(100.0)	-
Training	22.0	24.0	109.1	46.0	(24.0)	-	-	22.0
Consultants	5.0	-	-	5.0	-	-	-	5.0
General operating expenses	104.4	(104.4)	(100.0)	-	-	(104.4)	(100.0)	-
Supplies and materials	5.0	(5.0)	(100.0)	-	-	(5.0)	(100.0)	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	309.6	(107.8)	(34.8)	201.8	(73.0)	(180.8)	(58.4)	128.8
<b>Total</b>	<b>12,712.0</b>	<b>(334.2)</b>	<b>(2.6)</b>	<b>12,377.8</b>	<b>(270.2)</b>	<b>(604.4)</b>	<b>(4.8)</b>	<b>12,107.6</b>

**Table 11: Programme 1100: The Presidency**

1100 The Presidency	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
<i>Judges</i>	28.0	-	-	28.0	-	-	-	28.0
Professional staff	833.4	(9.6)	(1.2)	823.8	-	(9.6)	(1.2)	823.8
General Service staff	292.3	-	-	292.3	-	-	-	292.3
<i>Subtotal staff</i>	1,125.7	(9.6)	(0.9)	1,116.1	-	(9.6)	(0.9)	1,116.1
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	-	-	-	-
Travel	145.4	(9.6)	(6.6)	135.8	(45.0)	(54.6)	(37.6)	90.8
Hospitality	14.0	-	-	14.0	(4.0)	(4.0)	(28.6)	10.0
Contractual services	-	-	-	-	-	-	-	-
Training	6.0	-	-	6.0	(6.0)	(6.0)	(100.0)	-
Consultants	5.0	-	-	5.0	-	-	-	5.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	170.4	(9.6)	(5.6)	160.8	(55.0)	(64.6)	(37.9)	105.8
<b>Total</b>	<b>1,324.1</b>	<b>(19.2)</b>	<b>(1.5)</b>	<b>1,304.9</b>	<b>(55.0)</b>	<b>(74.2)</b>	<b>(5.6)</b>	<b>1,249.9</b>

**Table 12: Programme 1200: Chambers**

<b>1200 Chambers</b>	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
<i>Judges</i>	5,493.1	141.0	2.6	5,634.1	-	141.0	2.6	5,634.1
Professional staff	3,622.8	(47.4)	(1.3)	3,575.4	-	(47.4)	(1.3)	3,575.4
General Service staff	554.4	-	-	554.4	-	-	-	554.4
<i>Subtotal staff</i>	4,177.2	(47.4)	(1.1)	4,129.8	-	(47.4)	(1.1)	4,129.8
General temporary assistance	1,286.4	(18.4)	(1.4)	1,268.0	(197.2)	(215.6)	(16.8)	1,070.8
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	1,286.4	(18.4)	(1.4)	1,268.0	(197.2)	(215.6)	(16.8)	1,070.8
Travel	-	-	-	-	-	-	-	-
Hospitality	1.0	-	-	1.0	-	-	-	1.0
Contractual services	-	-	-	-	-	-	-	-
Training	16.0	24.0	150.0	40.0	(18.0)	6.0	37.5	22.0
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	17.0	24.0	141.2	41.0	(18.0)	6.0	35.3	23.0
<b>Total</b>	<b>10,973.7</b>	<b>99.2</b>	<b>0.9</b>	<b>11,072.9</b>	<b>(215.2)</b>	<b>(116.0)</b>	<b>(1.1)</b>	<b>10,857.7</b>

**Table 13: Programme 1300: Liaison Offices**

<b>1310 New York Liaison Office</b>	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
<i>Judges</i>	-	-	-	-	-	-	-	-
Professional staff	211.5	(211.5)	(100.0)	-	-	(211.5)	(100.0)	-
General Service staff	80.5	(80.5)	(100.0)	-	-	(80.5)	(100.0)	-
<i>Subtotal staff</i>	292.0	(292.0)	(100.0)	-	-	(292.0)	(100.0)	-
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	-	-	-	-
Travel	6.8	(6.8)	(100.0)	-	-	(6.8)	(100.0)	-
Hospitality	1.0	(1.0)	(100.0)	-	-	(1.0)	(100.0)	-
Contractual services	5.0	(5.0)	(100.0)	-	-	(5.0)	(100.0)	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	104.4	(104.4)	(100.0)	-	-	(104.4)	(100.0)	-
Supplies and materials	5.0	(5.0)	(100.0)	-	-	(5.0)	(100.0)	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	122.2	(122.2)	(100.0)	-	-	(122.2)	(100.0)	-
<b>Total</b>	<b>414.2</b>	<b>(414.2)</b>	<b>(100.0)</b>	<b>-</b>	<b>-</b>	<b>(414.2)</b>	<b>(100.0)</b>	<b>-</b>

**Table 14: Major Programme II: Office of the Prosecutor**

Major Programme II Office of the Prosecutor	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	26,666.0	1,074.2	4.0	27,740.2	(1,381.5)	(307.3)	(1.2)	26,358.7
General Service staff	5,231.1	(63.4)	(1.2)	5,167.7	-	(63.4)	(1.2)	5,167.7
<i>Subtotal staff</i>	<i>31,897.1</i>	<i>1,010.8</i>	<i>3.2</i>	<i>32,907.9</i>	<i>(1,381.5)</i>	<i>(370.7)</i>	<i>(1.2)</i>	<i>31,526.4</i>
General temporary assistance	9,446.3	253.9	2.7	9,700.2	492.8	746.7	7.9	10,193.0
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>9,446.3</i>	<i>253.9</i>	<i>2.7</i>	<i>9,700.2</i>	<i>492.8</i>	<i>746.7</i>	<i>7.9</i>	<i>10,193.0</i>
Travel	2,928.9	599.3	20.5	3,528.2	(299.6)	299.7	10.2	3,228.6
Hospitality	5.0	-	-	5.0	-	-	-	5.0
Contractual services	579.5	-	-	579.5	-	-	-	579.5
Training	290.0	-	-	290.0	-	-	-	290.0
Consultants	70.0	-	-	70.0	-	-	-	70.0
General operating expenses	530.0	220.0	41.5	750.0	(110.0)	110.0	20.8	640.0
Supplies and materials	110.0	(20.0)	(18.2)	90.0	-	(20.0)	(18.2)	90.0
Furniture and equipment	135.0	45.0	33.3	180.0	-	45.0	33.3	180.0
<i>Subtotal non-staff</i>	<i>4,648.4</i>	<i>844.3</i>	<i>18.2</i>	<i>5,492.7</i>	<i>(409.6)</i>	<i>434.7</i>	<i>9.4</i>	<i>5,083.1</i>
<b>Total</b>	<b>45,991.8</b>	<b>2,109.0</b>	<b>4.6</b>	<b>48,100.8</b>	<b>(1,298.3)</b>	<b>810.7</b>	<b>1.8</b>	<b>46,802.5</b>

**Table 15: Sub-programme 2110: Immediate Office of the Prosecutor**

2110 Immediate Office of the Prosecutor / Legal Advisory Section	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	1,444.7	1.5	0.1	1,446.2	(20.1)	(18.6)	(1.3)	1,426.1
General Service staff	283.0	-	-	283.0	-	-	-	283.0
<i>Subtotal staff</i>	<i>1,727.7</i>	<i>1.5</i>	<i>0.1</i>	<i>1,729.2</i>	<i>(20.1)</i>	<i>(18.6)</i>	<i>(1.1)</i>	<i>1,709.1</i>
General temporary assistance	226.8	(107.0)	(47.2)	119.8	-	(107.0)	(47.2)	119.8
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>226.8</i>	<i>(107.0)</i>	<i>(47.2)</i>	<i>119.8</i>	<i>-</i>	<i>(107.0)</i>	<i>(47.2)</i>	<i>119.8</i>
Travel	184.6	(0.1)	(0.1)	184.5	-	(0.1)	(0.1)	184.5
Hospitality	5.0	-	-	5.0	-	-	-	5.0
Contractual services	30.0	-	-	30.0	-	-	-	30.0
Training	290.0	-	-	290.0	-	-	-	290.0
Consultants	70.0	-	-	70.0	-	-	-	70.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>579.6</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>579.5</i>	<i>-</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>579.5</i>
<b>Total</b>	<b>2,534.1</b>	<b>(105.6)</b>	<b>(4.2)</b>	<b>2,428.5</b>	<b>(20.1)</b>	<b>(125.7)</b>	<b>(5.0)</b>	<b>2,408.4</b>

**Table 16: Sub-programme 2120: Services Section**

2120 Services Section	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	2,375.3	(819.5)	(34.5)	1,555.8	(90.7)	(910.2)	(38.3)	1,465.1
General Service staff	1,543.3	(671.0)	(43.5)	872.3	-	(671.0)	(43.5)	872.3
<i>Subtotal staff</i>	<i>3,918.6</i>	<i>(1,490.5)</i>	<i>(38.0)</i>	<i>2,428.1</i>	<i>(90.7)</i>	<i>(1,581.2)</i>	<i>(40.4)</i>	<i>2,337.4</i>
General temporary assistance	2,793.1	(601.2)	(21.5)	2,191.9	(137.7)	(738.9)	(26.5)	2,054.2
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>2,793.1</i>	<i>(601.2)</i>	<i>(21.5)</i>	<i>2,191.9</i>	<i>(137.7)</i>	<i>(738.9)</i>	<i>(26.5)</i>	<i>2,054.2</i>
Travel	370.2	88.8	24.0	459.0	(44.4)	44.4	12.0	414.6
Hospitality	-	-	-	-	-	-	-	-
Contractual services	549.5	-	-	549.5	-	-	-	549.5
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	20.0	-	20.0	(10.0)	10.0	-	10.0
Supplies and materials	110.0	(80.0)	(72.7)	30.0	-	(80.0)	(72.7)	30.0
Furniture and equipment	135.0	(135.0)	(100.0)	-	-	(135.0)	(100.0)	-
<i>Subtotal non-staff</i>	<i>1,164.7</i>	<i>(106.2)</i>	<i>(9.1)</i>	<i>1,058.5</i>	<i>(54.4)</i>	<i>(160.6)</i>	<i>(13.8)</i>	<i>1,004.1</i>
<b>Total</b>	<b>7,876.4</b>	<b>(2,197.9)</b>	<b>(27.9)</b>	<b>5,678.5</b>	<b>(282.8)</b>	<b>(2,480.7)</b>	<b>(31.5)</b>	<b>5,395.7</b>

**Table 17: Sub-programme 2130: Information, Knowledge and Evidence Management Section**

2130 Information, Knowledge and Evidence Management Section	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	-	1,070.5	-	1,070.5	-	1,070.5	-	1,070.5
General Service staff	-	1,409.1	-	1,409.1	-	1,409.1	-	1,409.1
<i>Subtotal staff</i>	<i>-</i>	<i>2,479.6</i>	<i>-</i>	<i>2,479.6</i>	<i>-</i>	<i>2,479.6</i>	<i>-</i>	<i>2,479.6</i>
General temporary assistance	-	1,281.6	-	1,281.6	(180.0)	1,101.6	-	1,101.6
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>1,281.6</i>	<i>-</i>	<i>1,281.6</i>	<i>(180.0)</i>	<i>1,101.6</i>	<i>-</i>	<i>1,101.6</i>
Travel	-	10.0	-	10.0	(3.0)	7.0	-	7.0
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	60.0	-	60.0	-	60.0	-	60.0
Furniture and equipment	-	180.0	-	180.0	-	180.0	-	180.0
<i>Subtotal non-staff</i>	<i>-</i>	<i>250.0</i>	<i>-</i>	<i>250.0</i>	<i>(3.0)</i>	<i>247.0</i>	<i>-</i>	<i>247.0</i>
<b>Total</b>	<b>-</b>	<b>4,011.2</b>	<b>-</b>	<b>4,011.2</b>	<b>(183.0)</b>	<b>3,828.2</b>	<b>-</b>	<b>3,828.2</b>



**Table 588: Programme 2200: Jurisdiction, Complementarity and Cooperation Division**

<b>2200 Jurisdiction, Complementarity and Cooperation Division</b>	2018 Approved Budget	Resource Changes		Proposed 2019 Budget incl. Addendum	CBF Recomm. Changes	Resource Changes		Proposed 2019 Budget after CBF changes
		Amount	%			Amount	%	
Professional staff	2,832.1	96.2	3.4	2,928.3	(130.3)	(34.1)	(1.2)	2,798.0
General Service staff	335.5	-	-	335.5	-	-	-	335.5
<i>Subtotal staff</i>	<i>3,167.6</i>	<i>96.2</i>	<i>3.0</i>	<i>3,263.8</i>	<i>(130.3)</i>	<i>(34.1)</i>	<i>(1.1)</i>	<i>3,133.5</i>
General temporary assistance	425.6	201.1	47.3	626.7	(207.4)	(6.3)	(1.5)	419.3
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>425.6</i>	<i>201.1</i>	<i>47.3</i>	<i>626.7</i>	<i>(207.4)</i>	<i>(6.3)</i>	<i>(1.5)</i>	<i>419.3</i>
Travel	441.0	0.9	0.2	441.9	-	0.9	0.2	441.9
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>441.0</i>	<i>0.9</i>	<i>0.2</i>	<i>441.9</i>	<i>-</i>	<i>0.9</i>	<i>0.2</i>	<i>441.9</i>
<b>Total</b>	<b>4,034.2</b>	<b>298.2</b>	<b>7.4</b>	<b>4,332.4</b>	<b>(337.7)</b>	<b>(39.5)</b>	<b>(1.0)</b>	<b>3,994.7</b>

**Table 19: Programme 2300: Investigation Division**

<b>2300 Investigation Division</b>	2018 Approved Budget	Resource Changes		Proposed 2019 Budget incl. Addendum	CBF Recomm. Changes	Resource Changes		Proposed 2019 Budget after CBF changes
		Amount	%			Amount	%	
Professional staff	10,951.5	477.0	4.4	11,428.5	(784.1)	(307.1)	(2.8)	10,644.4
General Service staff	2,532.5	(801.5)	(31.6)	1,731.0	-	(801.5)	(31.6)	1,731.0
<i>Subtotal staff</i>	<i>13,484.0</i>	<i>(324.5)</i>	<i>(2.4)</i>	<i>13,159.5</i>	<i>(784.1)</i>	<i>(1,108.6)</i>	<i>(8.2)</i>	<i>12,375.4</i>
General temporary assistance	4,318.5	(348.3)	(8.1)	3,970.2	738.8	390.5	9.0	4,709.0
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>4,318.5</i>	<i>(348.3)</i>	<i>(8.1)</i>	<i>3,970.2</i>	<i>738.8</i>	<i>390.5</i>	<i>9.0</i>	<i>4,709.0</i>
Travel	1,559.0	500.0	32.1	2,059.0	(250.0)	250.0	16.0	1,809.0
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	530.0	200.0	37.7	730.0	(100.0)	100.0	18.9	630.0
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>2,089.0</i>	<i>700.0</i>	<i>33.5</i>	<i>2,789.0</i>	<i>(350.0)</i>	<i>350.0</i>	<i>16.8</i>	<i>2,439.0</i>
<b>Total</b>	<b>19,891.5</b>	<b>27.2</b>	<b>0.1</b>	<b>19,918.7</b>	<b>(395.3)</b>	<b>(368.1)</b>	<b>(1.9)</b>	<b>19,523.4</b>

**Table 20: Programme 2400: Prosecution Division**

2400 Prosecution Division	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	9,062.4	248.5	2.7	9,310.9	(356.3)	(107.8)	(1.2)	8,954.6
General Service staff	536.8	-	-	536.8	-	-	-	536.8
<i>Subtotal staff</i>	<i>9,599.2</i>	<i>248.5</i>	<i>2.6</i>	<i>9,847.7</i>	<i>(356.3)</i>	<i>(107.8)</i>	<i>(1.1)</i>	<i>9,491.4</i>
General temporary assistance	1,682.3	(172.3)	(10.2)	1,510.0	279.1	106.8	6.3	1,789.1
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,682.3</i>	<i>(172.3)</i>	<i>(10.2)</i>	<i>1,510.0</i>	<i>279.1</i>	<i>106.8</i>	<i>6.3</i>	<i>1,789.1</i>
Travel	374.1	(0.3)	(0.1)	373.8	(2.2)	(2.5)	(0.7)	371.6
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>374.1</i>	<i>(0.3)</i>	<i>(0.1)</i>	<i>373.8</i>	<i>(2.2)</i>	<i>(2.5)</i>	<i>(0.7)</i>	<i>371.6</i>
<b>Total</b>	<b>11,655.6</b>	<b>75.9</b>	<b>0.7</b>	<b>11,731.5</b>	<b>(79.4)</b>	<b>(3.5)</b>	<b>(0.0)</b>	<b>11,652.1</b>

**Table 21: Major Programme III: Registry**

Major Programme III Registry	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	27,834.8	(9.2)	(0.0)	27,825.6	(278.6)	(287.8)	(1.0)	27,547.0
General Service staff	18,631.1	181.0	1.0	18,812.1	(89.4)	91.6	0.5	18,722.7
<i>Subtotal staff</i>	<i>46,465.9</i>	<i>171.8</i>	<i>0.4</i>	<i>46,637.7</i>	<i>(368.0)</i>	<i>(196.2)</i>	<i>(0.4)</i>	<i>46,269.7</i>
General temporary assistance	3,287.5	307.2	9.3	3,594.7	150.4	457.6	13.9	3,745.1
Temporary assistance for meetings	1,162.7	(351.1)	(30.2)	811.6	-	(351.1)	(30.2)	811.6
Overtime	322.8	(61.5)	(19.1)	261.3	-	(61.5)	(19.1)	261.3
<i>Subtotal other staff</i>	<i>4,773.0</i>	<i>(105.4)</i>	<i>(2.2)</i>	<i>4,667.6</i>	<i>150.4</i>	<i>45.0</i>	<i>0.9</i>	<i>4,818.0</i>
Travel	2,016.5	4.0	0.2	2,020.5	-	4.0	0.2	2,020.5
Hospitality	4.0	1.0	25.0	5.0	-	1.0	25.0	5.0
Contractual services	2,286.8	420.9	18.4	2,707.7	-	420.9	18.4	2,707.7
Training	623.2	(13.2)	(2.1)	610.0	-	(13.2)	(2.1)	610.0
Consultants	395.4	72.1	18.2	467.5	-	72.1	18.2	467.5
Counsel for defence	3,383.0	104.8	3.1	3,487.8	-	104.8	3.1	3,487.8
Counsel for victims	1,165.0	(63.7)	(5.5)	1,101.3	-	(63.7)	(5.5)	1,101.3
General operating expenses	13,853.6	(1,467.7)	(10.6)	12,385.9	-	(1,467.7)	(10.6)	12,385.9
Supplies and materials	895.3	172.5	19.3	1,067.8	-	172.5	19.3	1,067.8
Furniture and equipment	1,280.8	429.2	33.5	1,710.0	-	429.2	33.5	1,710.0
<i>Subtotal non-staff</i>	<i>25,903.6</i>	<i>(340.1)</i>	<i>(1.3)</i>	<i>25,563.5</i>	<i>-</i>	<i>(340.1)</i>	<i>(1.3)</i>	<i>25,563.5</i>
<b>Total</b>	<b>77,142.5</b>	<b>(273.7)</b>	<b>(0.4)</b>	<b>76,868.8</b>	<b>(217.6)</b>	<b>(491.3)</b>	<b>(0.6)</b>	<b>76,651.2</b>

**Table 22: Programme 3100: Office of the Registrar**

3100 Office of the Registrar	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	1,492.5	(17.2)	(1.2)	1,475.3	-	(17.2)	(1.2)	1,475.3
General Service staff	145.5	-	-	145.5	-	-	-	145.5
<i>Subtotal staff</i>	<i>1,638.0</i>	<i>(17.2)</i>	<i>(1.1)</i>	<i>1,620.8</i>	-	<i>(17.2)</i>	<i>(1.1)</i>	<i>1,620.8</i>
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	58.2	(10.6)	(18.2)	47.6	-	(10.6)	(18.2)	47.6
Hospitality	4.0	-	-	4.0	-	-	-	4.0
Contractual services	-	-	-	-	-	-	-	-
Training	21.4	(13.4)	(62.6)	8.0	-	(13.4)	(62.6)	8.0
Consultants	5.0	35.0	700.0	40.0	-	35.0	700.0	40.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>88.6</i>	<i>11.0</i>	<i>12.4</i>	<i>99.6</i>	<i>-</i>	<i>11.0</i>	<i>12.4</i>	<i>99.6</i>
<b>Total</b>	<b>1,726.6</b>	<b>(6.2)</b>	<b>(0.4)</b>	<b>1,720.4</b>	<b>-</b>	<b>(6.2)</b>	<b>(0.4)</b>	<b>1,720.4</b>

**Table 23: Programme 3200: Division of Management Services**

3200 Division of Management Services (DMS)	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	3,826.5	61.6	1.6	3,888.1	(81.3)	(19.7)	(0.5)	3,806.8
General Service staff	9,228.8	96.8	1.0	9,325.6	-	96.8	1.0	9,325.6
<i>Subtotal staff</i>	<i>13,055.3</i>	<i>158.4</i>	<i>1.2</i>	<i>13,213.7</i>	<i>(81.3)</i>	<i>77.1</i>	<i>0.6</i>	<i>13,132.4</i>
General temporary assistance	532.7	92.5	17.4	625.2	(7.7)	84.8	15.9	617.5
Temporary assistance for meetings	20.0	(20.0)	(100.0)	-	-	(20.0)	(100.0)	-
Overtime	307.8	(64.5)	(21.0)	243.3	-	(64.5)	(21.0)	243.3
<i>Subtotal other staff</i>	<i>860.5</i>	<i>8.0</i>	<i>0.9</i>	<i>868.5</i>	<i>(7.7)</i>	<i>0.3</i>	<i>0.0</i>	<i>860.8</i>
Travel	170.1	22.1	13.0	192.2	-	22.1	13.0	192.2
Hospitality	-	-	-	-	-	-	-	-
Contractual services	643.5	(127.8)	(19.9)	515.7	-	(127.8)	(19.9)	515.7
Training	362.7	0.6	0.2	363.3	-	0.6	0.2	363.3
Consultants	12.0	30.0	250.0	42.0	-	30.0	250.0	42.0
General operating expenses	3,259.9	(188.5)	(5.8)	3,071.4	-	(188.5)	(5.8)	3,071.4
Supplies and materials	304.8	(13.1)	(4.3)	291.7	-	(13.1)	(4.3)	291.7
Furniture and equipment	366.0	12.5	3.4	378.5	-	12.5	3.4	378.5
<i>Subtotal non-staff</i>	<i>5,119.0</i>	<i>(264.2)</i>	<i>(5.2)</i>	<i>4,854.8</i>	<i>-</i>	<i>(264.2)</i>	<i>(5.2)</i>	<i>4,854.8</i>
<b>Total</b>	<b>19,034.8</b>	<b>(97.8)</b>	<b>(0.5)</b>	<b>18,937.0</b>	<b>(89.0)</b>	<b>(186.8)</b>	<b>(1.0)</b>	<b>18,848.0</b>

**Table 24: Programme 3300: Division of Judicial Services**

3300 Division of Judicial Services (DJS)	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	12,091.2	(158.3)	(1.3)	11,932.9	-	(158.3)	(1.3)	11,932.9
General Service staff	5,079.8	(32.8)	(0.6)	5,047.0	-	(32.8)	(0.6)	5,047.0
<i>Subtotal staff</i>	<i>17,171.0</i>	<i>(191.1)</i>	<i>(1.1)</i>	<i>16,979.9</i>	-	<i>(191.1)</i>	<i>(1.1)</i>	<i>16,979.9</i>
General temporary assistance	1,800.8	(366.7)	(20.4)	1,434.1	-	(366.7)	(20.4)	1,434.1
Temporary assistance for meetings	826.9	(121.7)	(14.7)	705.2	-	(121.7)	(14.7)	705.2
Overtime	15.0	-	-	15.0	-	-	-	15.0
<i>Subtotal other staff</i>	<i>2,642.7</i>	<i>(488.4)</i>	<i>(18.5)</i>	<i>2,154.3</i>	-	<i>(488.4)</i>	<i>(18.5)</i>	<i>2,154.3</i>
Travel	397.7	(32.2)	(8.1)	365.5	-	(32.2)	(8.1)	365.5
Hospitality	-	-	-	-	-	-	-	-
Contractual services	440.4	582.3	132.2	1,022.7	-	582.3	132.2	1,022.7
Training	91.1	0.4	0.4	91.5	-	0.4	0.4	91.5
Consultants	378.4	7.1	1.9	385.5	-	7.1	1.9	385.5
Counsel for defence	3,383.0	104.8	3.1	3,487.8	-	104.8	3.1	3,487.8
Counsel for victims	1,165.0	(63.7)	(5.5)	1,101.3	-	(63.7)	(5.5)	1,101.3
General operating expenses	5,989.7	135.2	2.3	6,124.9	-	135.2	2.3	6,124.9
Supplies and materials	266.4	87.1	32.7	353.5	-	87.1	32.7	353.5
Furniture and equipment	905.0	401.0	44.3	1,306.0	-	401.0	44.3	1,306.0
<i>Subtotal non-staff</i>	<i>13,016.7</i>	<i>1,222.0</i>	<i>9.4</i>	<i>14,238.7</i>	-	<i>1,222.0</i>	<i>9.4</i>	<i>14,238.7</i>
<b>Total</b>	<b>32,830.4</b>	<b>542.5</b>	<b>1.7</b>	<b>33,372.9</b>	-	<b>542.5</b>	<b>1.7</b>	<b>33,372.9</b>

**Table 25: Programme 3800: Division of External Operations**

3800 Division of External Operations (DEO)	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	10,424.6	104.7	1.0	10,529.3	(197.3)	(92.6)	(0.9)	10,332.0
General Service staff	4,177.0	117.0	2.8	4,294.0	(89.4)	27.6	0.7	4,204.6
<i>Subtotal staff</i>	<i>14,601.6</i>	<i>221.7</i>	<i>1.5</i>	<i>14,823.3</i>	<i>(286.7)</i>	<i>(65.0)</i>	<i>(0.4)</i>	<i>14,536.6</i>
General temporary assistance	954.0	581.4	60.9	1,535.4	158.1	739.5	77.5	1,693.5
Temporary assistance for meetings	315.8	(209.4)	(66.3)	106.4	-	(209.4)	(66.3)	106.4
Overtime	-	3.0	-	3.0	-	3.0	-	3.0
<i>Subtotal other staff</i>	<i>1,269.8</i>	<i>375.0</i>	<i>29.5</i>	<i>1,644.8</i>	<i>158.1</i>	<i>533.1</i>	<i>42.0</i>	<i>1,802.9</i>
Travel	1,390.5	24.7	1.8	1,415.2	-	24.7	1.8	1,415.2
Hospitality	-	1.0	-	1.0	-	1.0	-	1.0
Contractual services	1,202.9	(33.6)	(2.8)	1,169.3	-	(33.6)	(2.8)	1,169.3
Training	148.0	(0.8)	(0.5)	147.2	-	(0.8)	(0.5)	147.2
Consultants	-	-	-	-	-	-	-	-
General operating expenses	4,604.0	(1,414.4)	(30.7)	3,189.6	-	(1,414.4)	(30.7)	3,189.6
Supplies and materials	324.1	98.5	30.4	422.6	-	98.5	30.4	422.6
Furniture and equipment	9.8	15.7	160.2	25.5	-	15.7	160.2	25.5
<i>Subtotal non-staff</i>	<i>7,679.3</i>	<i>(1,308.9)</i>	<i>(17.0)</i>	<i>6,370.4</i>	-	<i>(1,308.9)</i>	<i>(17.0)</i>	<i>6,370.4</i>
<b>Total</b>	<b>23,550.7</b>	<b>(712.2)</b>	<b>(3.0)</b>	<b>22,838.5</b>	<b>(128.6)</b>	<b>(840.8)</b>	<b>(3.6)</b>	<b>22,709.9</b>

**Table 26: Major Programme IV: Secretariat of the Assembly of States Parties**

Major Programme IV Secretariat of the Assembly of States Parties	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	652.2	(4.5)	(0.7)	647.7	-	(4.5)	(0.7)	647.7
General Service staff	291.0	65.6	22.5	356.6	-	65.6	22.5	356.6
<i>Subtotal staff</i>	<i>943.2</i>	<i>61.1</i>	<i>6.5</i>	<i>1,004.3</i>	-	<i>61.1</i>	<i>6.5</i>	<i>1,004.3</i>
General temporary assistance	604.0	(7.8)	(1.3)	596.2	(29.9)	(37.7)	(6.2)	566.3
Temporary assistance for meetings	140.0	27.1	19.4	167.1	-	27.1	19.4	167.1
Overtime	38.0	-	-	38.0	-	-	-	38.0
<i>Subtotal other staff</i>	<i>782.0</i>	<i>19.3</i>	<i>2.5</i>	<i>801.3</i>	<i>(29.9)</i>	<i>(10.6)</i>	<i>(1.4)</i>	<i>771.4</i>
Travel	432.1	6.8	1.6	438.9	-	6.8	1.6	438.9
Hospitality	5.0	2.0	40.0	7.0	-	2.0	40.0	7.0
Contractual services	501.7	67.0	13.4	568.7	-	67.0	13.4	568.7
Training	10.1	(2.8)	(27.7)	7.3	-	(2.8)	(27.7)	7.3
Consultants	-	-	-	-	-	-	-	-
General operating expenses	24.4	-	-	24.4	-	-	-	24.4
Supplies and materials	14.7	-	-	14.7	-	-	-	14.7
Furniture and equipment	5.0	-	-	5.0	-	-	-	5.0
<i>Subtotal non-staff</i>	<i>993.0</i>	<i>73.0</i>	<i>7.4</i>	<i>1,066.0</i>	-	<i>73.0</i>	<i>7.4</i>	<i>1,066.0</i>
<b>Total</b>	<b>2,718.2</b>	<b>153.4</b>	<b>5.6</b>	<b>2,871.6</b>	<b>(29.9)</b>	<b>123.5</b>	<b>4.5</b>	<b>2,841.7</b>

**Table 27: Programme 4100: Conference**

4100 ASP Conference	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
General temporary assistance	350.8	(23.6)	(6.7)	327.2	-	(23.6)	(6.7)	327.2
Temporary assistance for meetings	80.0	27.1	33.9	107.1	-	27.1	33.9	107.1
Overtime	20.0	-	-	20.0	-	-	-	20.0
<i>Subtotal other staff</i>	<i>450.8</i>	<i>3.5</i>	<i>0.8</i>	<i>454.3</i>	-	<i>3.5</i>	<i>0.8</i>	<i>454.3</i>
Travel	-	-	-	-	-	-	-	-
Hospitality	-	-	-	-	-	-	-	-
Contractual services	413.0	-	-	413.0	-	-	-	413.0
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	11.0	-	-	11.0	-	-	-	11.0
Supplies and materials	10.0	-	-	10.0	-	-	-	10.0
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>434.0</i>	<i>-</i>	<i>-</i>	<i>434.0</i>	-	<i>-</i>	<i>-</i>	<i>434.0</i>
<b>Total</b>	<b>884.8</b>	<b>3.5</b>	<b>0.4</b>	<b>888.3</b>	<b>-</b>	<b>3.5</b>	<b>0.4</b>	<b>888.3</b>

**Table 28: Programme 4200: Secretariat of the Assembly**

4200 ASP Secretariat	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	502.8	(4.7)	(0.9)	498.1	-	(4.7)	(0.9)	498.1
General Service staff	211.1	65.6	31.1	276.7	-	65.6	31.1	276.7
<i>Subtotal staff</i>	<i>713.9</i>	<i>60.9</i>	<i>8.5</i>	<i>774.8</i>	-	<i>60.9</i>	<i>8.5</i>	<i>774.8</i>
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	18.0	-	-	18.0	-	-	-	18.0
<i>Subtotal other staff</i>	<i>18.0</i>	<i>-</i>	<i>-</i>	<i>18.0</i>	-	<i>-</i>	<i>-</i>	<i>18.0</i>
Travel	16.5	(0.5)	(3.0)	16.0	-	(0.5)	(3.0)	16.0
Hospitality	1.0	-	-	1.0	-	-	-	1.0
Contractual services	-	-	-	-	-	-	-	-
Training	5.5	(2.6)	(47.3)	2.9	-	(2.6)	(47.3)	2.9
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	4.7	-	-	4.7	-	-	-	4.7
Furniture and equipment	5.0	-	-	5.0	-	-	-	5.0
<i>Subtotal non-staff</i>	<i>32.7</i>	<i>(3.1)</i>	<i>(9.5)</i>	<i>29.6</i>	-	<i>(3.1)</i>	<i>(9.5)</i>	<i>29.6</i>
<b>Total</b>	<b>764.6</b>	<b>57.8</b>	<b>7.6</b>	<b>822.4</b>	-	<b>57.8</b>	<b>7.6</b>	<b>822.4</b>

**Table 29: Programme 4400: Office of the President of the Assembly**

4400 Office of the President of the Assembly	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	-	<i>-</i>	<i>-</i>	<i>-</i>
General temporary assistance	121.5	(12.2)	(10.0)	109.3	-	(12.2)	(10.0)	109.3
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>121.5</i>	<i>(12.2)</i>	<i>(10.0)</i>	<i>109.3</i>	-	<i>(12.2)</i>	<i>(10.0)</i>	<i>109.3</i>
Travel	99.9	15.5	15.5	115.4	-	15.5	15.5	115.4
Hospitality	-	-	-	-	-	-	-	-
Contractual services	12.0	-	-	12.0	-	-	-	12.0
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>111.9</i>	<i>15.5</i>	<i>13.9</i>	<i>127.4</i>	-	<i>15.5</i>	<i>13.9</i>	<i>127.4</i>
<b>Total</b>	<b>233.4</b>	<b>3.3</b>	<b>1.4</b>	<b>236.7</b>	-	<b>3.3</b>	<b>1.4</b>	<b>236.7</b>

**Table 30: Programme 4500: Committee on Budget and Finance**

4500 Committee on Budget and Finance	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	149.4	0.2	0.1	149.6	-	0.2	0.1	149.6
General Service staff	79.9	-	-	79.9	-	-	-	79.9
<i>Subtotal staff</i>	<i>229.3</i>	<i>0.2</i>	<i>0.1</i>	<i>229.5</i>	-	<i>0.2</i>	<i>0.1</i>	<i>229.5</i>
General temporary assistance	131.7	28.0	21.3	159.7	(29.9)	(1.9)	(1.4)	129.8
Temporary assistance for meetings	60.0	-	-	60.0	-	-	-	60.0
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>191.7</i>	<i>28.0</i>	<i>14.6</i>	<i>219.7</i>	<i>(29.9)</i>	<i>(1.9)</i>	<i>(1.0)</i>	<i>189.8</i>
Travel	315.7	(8.2)	(2.6)	307.5	-	(8.2)	(2.6)	307.5
Hospitality	4.0	2.0	50.0	6.0	-	2.0	50.0	6.0
Contractual services	76.7	67.0	87.4	143.7	-	67.0	87.4	143.7
Training	4.6	(0.2)	(4.3)	4.4	-	(0.2)	(4.3)	4.4
Consultants	-	-	-	-	-	-	-	-
General operating expenses	13.4	-	-	13.4	-	-	-	13.4
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>414.4</i>	<i>60.6</i>	<i>14.6</i>	<i>475.0</i>	-	<i>60.6</i>	<i>14.6</i>	<i>475.0</i>
<b>Total</b>	<b>835.4</b>	<b>88.8</b>	<b>10.6</b>	<b>924.2</b>	<b>(29.9)</b>	<b>58.9</b>	<b>7.1</b>	<b>894.3</b>

**Table 31: Major Programme V: Premises**

Major Programme V Premises	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	-	-	-	-	-	-	-	-
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	1,498.5	301.5	20.1	1,800.0	-	301.5	20.1	1,800.0
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>1,498.5</i>	<i>301.5</i>	<i>20.1</i>	<i>1,800.0</i>	<i>-</i>	<i>301.5</i>	<i>20.1</i>	<i>1,800.0</i>
<b>Total</b>	<b>1,498.5</b>	<b>301.5</b>	<b>20.1</b>	<b>1,800.0</b>	<b>-</b>	<b>301.5</b>	<b>20.1</b>	<b>1,800.0</b>

**Table 32: Major Programme VI: Secretariat of the Trust Fund for Victims**

Major Programme VI Secretariat of the Trust Fund for Victims	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	992.8	88.7	8.9	1,081.5	(145.9)	(57.2)	(5.8)	935.6
General Service staff	131.2	87.4	66.6	218.6	(87.4)	-	-	131.2
<i>Subtotal staff</i>	<i>1,124.0</i>	<i>176.1</i>	<i>15.7</i>	<i>1,300.1</i>	<i>(233.3)</i>	<i>(57.2)</i>	<i>(5.1)</i>	<i>1,066.8</i>
General temporary assistance	752.3	1,092.5	145.2	1,844.8	(427.3)	665.2	88.4	1,417.5
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>752.3</i>	<i>1,092.5</i>	<i>145.2</i>	<i>1,844.8</i>	<i>(427.3)</i>	<i>665.2</i>	<i>88.4</i>	<i>1,417.5</i>
Travel	300.0	183.5	61.2	483.5	(55.0)	128.5	42.8	428.5
Hospitality	3.0	-	-	3.0	-	-	-	3.0
Contractual services	187.0	-	-	187.0	-	-	-	187.0
Training	32.2	31.2	96.9	63.4	(31.2)	-	-	32.2
Consultants	120.0	-	-	120.0	-	-	-	120.0
General operating expenses	20.0	3.0	15.0	23.0	-	3.0	15.0	23.0
Supplies and materials	3.0	-	-	3.0	-	-	-	3.0
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>665.2</i>	<i>217.7</i>	<i>32.7</i>	<i>882.9</i>	<i>(86.2)</i>	<i>131.5</i>	<i>19.8</i>	<i>796.7</i>
<b>Total</b>	<b>2,541.5</b>	<b>1,486.3</b>	<b>58.5</b>	<b>4,027.8</b>	<b>(746.8)</b>	<b>739.5</b>	<b>29.1</b>	<b>3,281.0</b>

**Table 33: Major Programme VII-2: Host State Loan**

Major Programme VII-2 Host State Loan	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	-	-	-	-	-	-	-	-
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<i>Host State Loan</i>	<i>3,585.2</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>3,585.1</i>	<i>-</i>	<i>(0.1)</i>	<i>(0.0)</i>	<i>3,585.1</i>
<b>Total including Host State Loan</b>	<b>3,585.2</b>	<b>(0.1)</b>	<b>(0.0)</b>	<b>3,585.1</b>	<b>-</b>	<b>(0.1)</b>	<b>(0.0)</b>	<b>3,585.1</b>



**Table 34: Major Programme VII-5: Independent Oversight Mechanism**

Major Programme VII-5 Independent Oversight Mechanism	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	412.5	(3.4)	(0.8)	409.1	-	(3.4)	(0.8)	409.1
General Service staff	72.9	-	-	72.9	-	-	-	72.9
<i>Subtotal staff</i>	<i>485.4</i>	<i>(3.4)</i>	<i>(0.7)</i>	<i>482.0</i>	-	<i>(3.4)</i>	<i>(0.7)</i>	<i>482.0</i>
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	10.6	1.5	14.2	12.1	(1.5)	-	-	10.6
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	11.5	4.0	34.8	15.5	(4.0)	-	-	11.5
Consultants	20.0	20.0	100.0	40.0	(20.0)	-	-	20.0
General operating expenses	2.0	-	-	2.0	-	-	-	2.0
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	5.0	-	-	5.0	-	-	-	5.0
<i>Subtotal non-staff</i>	<i>49.1</i>	<i>25.5</i>	<i>51.9</i>	<i>74.6</i>	<i>(25.5)</i>	<i>-</i>	<i>-</i>	<i>49.1</i>
<b>Total</b>	<b>534.5</b>	<b>22.1</b>	<b>4.1</b>	<b>556.6</b>	<b>(25.5)</b>	<b>(3.4)</b>	<b>(0.6)</b>	<b>531.1</b>

**Table 35: Major Programme VII-6: Office of Internal Audit**

Major Programme VII-6 Office of Internal Audit	2018	Resource Changes		Proposed 2019	CBF Recomm. Changes	Resource Changes		Proposed 2019
	Approved Budget	Amount	%	Budget incl. Addendum		Amount	%	Budget after CBF changes
Professional staff	458.6	(3.7)	(0.8)	454.9	-	(3.7)	(0.8)	454.9
General Service staff	72.9	-	-	72.9	-	-	-	72.9
<i>Subtotal staff</i>	<i>531.5</i>	<i>(3.7)</i>	<i>(0.7)</i>	<i>527.8</i>	-	<i>(3.7)</i>	<i>(0.7)</i>	<i>527.8</i>
General temporary assistance	121.6	(1.8)	(1.5)	119.8	-	(1.8)	(1.5)	119.8
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>121.6</i>	<i>(1.8)</i>	<i>(1.5)</i>	<i>119.8</i>	<i>-</i>	<i>(1.8)</i>	<i>(1.5)</i>	<i>119.8</i>
Travel	10.2	2.5	24.5	12.7	(2.4)	0.1	1.0	10.3
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	24.0	3.7	15.4	27.7	-	3.7	15.4	27.7
Consultants	20.0	(20.0)	(100.0)	-	-	(20.0)	(100.0)	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>54.2</i>	<i>(13.8)</i>	<i>(25.5)</i>	<i>40.4</i>	<i>(2.4)</i>	<i>(16.2)</i>	<i>(29.9)</i>	<i>38.0</i>
<b>Total</b>	<b>707.3</b>	<b>(19.3)</b>	<b>(2.7)</b>	<b>688.0</b>	<b>(2.4)</b>	<b>(21.7)</b>	<b>(3.1)</b>	<b>685.6</b>

**Annex V****Requests to access the Contingency Fund (as at 1 September 2018)**

<i>Number</i>	<i>Date</i>	<i>Justification</i>	<i>Amount requested</i>
1	14/05/2018	Unforeseen costs with regard to the investigation in the situation in the Republic of Burundi	€2,513,500.00
2	11/04/2018	Unforeseen costs with regard to the mandate extension of Judge Van den Wyngaert and Judge Monageng in order to render decisions in two appeals in the case of <i>The Prosecutor v. Jean-Pierre Bemba Gombo</i> in the situation in the Central African Republic	€16,792.00
<b>Total amount of notifications</b>			<b>€2,630,292.00</b>

## Annex VI

### Annual Report of the Audit Committee for 2018

#### *Table of contents*

Executive Summary .....	341
I. Introduction.....	343
II. Consideration of issues during the reporting period .....	343
A. Governance structure of the Court.....	343
1. Status update on the organizational manual of the International Criminal Court.....	343
B. Risk management of the Court .....	344
1. Update on risk management .....	344
2. Training sessions on risk management .....	344
3. Annual review of the Court’s risk profile in 2018.....	345
4. Implementation and maintenance of an appropriate integrated risk management process.....	345
C. Values and ethics .....	346
1. Revised values and ethics framework .....	346
D. Internal financial control framework .....	346
1. Measures for the strengthening of the payroll system .....	347
E. Oversight of internal audit matters .....	347
1. Audit reports and advisory services of the Office of Internal Audit.....	347
2. Implementation of the 2017 approved audit plan of the Office of Internal Audit .....	349
3. Implementation of the 2018 approved audit plan of the Office of Internal Audit .....	350
4. Provisional audit plan of the Office of Internal Audit for 2019 .....	350
5. OIA Quality Assurance and Improvement Plan (QAIP) .....	351
6. External quality assessment of the Office of Internal Audit.....	351
F. Oversight of external audit matters.....	352
1. Financial statements of the Court .....	352
2. Financial Statements of the Trust Fund for Victims.....	353
3. Performance audit on human resources.....	353
4. Update on the activities of the External Auditor in 2018 .....	354
5. Provisional audit plan of the External Auditor for 2019 .....	354
6. Process for the selection of the External Auditor .....	355
G. Follow-up on the implementation of previous recommendations.....	355
1. Trainings regarding the effective implementation of recommendations.....	355
2. Follow-up on the recommendations of the OIA .....	356

---

3.	Update on the outcome of procurement for the group health insurance plan.....	357
4.	Follow-up on the recommendations of the External Auditor .....	358
5.	Follow-up on the recommendations of the Audit Committee .....	359
III.	Other matters.....	359
A.	Informal meeting with The Hague Working Group on Budget Management Oversight.....	359
B.	Coordination with other oversight bodies.....	359
C.	Information session on services provided by the Registry.....	360
D.	Work methodology of the Audit Committee .....	360
E.	Outcome of the self-assessment of the Audit Committee .....	360
F.	Work plan and future sessions of the Audit Committee .....	360
Annex I:	Recommendations made by the external assessor to the Office of Internal Audit.....	
Annex II:	Opening of the sessions, election of officers, adoption of the agenda and participation of observers.....	363
A.	Opening of the sessions .....	363
B.	Election of officers .....	363
C.	Adoption of the agenda .....	363
D.	Participation of observers.....	364
Annex III:	List of documents .....	366

## Executive Summary

1. In accordance with its Charter,<sup>1</sup> the Audit Committee submits its annual report to the Assembly of States Parties through the Committee on Budget and Finance. This report covers the reporting period from September 2017 to September 2018. The annual report provides a summary of the work performed and the recommendations made by the Audit Committee in its interim reports of the seventh<sup>2</sup> and eighth<sup>3</sup> sessions.
2. At its seventh session, held from 22 to 23 March 2018, the Audit Committee elected by consensus Mr. Samir Abu Lughod (Jordan) as Chairperson and Ms. Elena Sopková (Slovakia) as Vice-Chairperson of the Audit Committee for 2018.
3. The Audit Committee focused at its seventh session on (a) risk management; (b) oversight of internal and external audit matters; and (c) follow-up on previous recommendations made by the Office of Internal Audit, the External Auditor and the Audit Committee.
4. The Audit Committee welcomed the progress made by the Court in the field of risk management based on the phase-in approach, in particular the operability of the Risk Management Committee and the organization of training sessions for risk owners. The progressive development of the maturity of the Court in the field of risk management and a regular update of the Court's risk register will mark positive steps towards a strengthened corporate risk management.
5. The Audit Committee stressed that audit recommendations can only be accepted by the Court without reservation, or rejected through acceptance of the underlying risks. Moreover, the Audit Committee underlined that auditors have a duty to report any findings substantiated during the course of the audit, even if they fall outside the audit scope.
6. When considering the audit reports of the Office of Internal Audit, the Audit Committee reiterated its recommendation that the S.M.A.R.T. criteria be taken into consideration when issuing recommendations. The Audit Committee further recommended that the audit reports point clearly to the specific underlying risks and that the Office of Internal Audit rate them consistently and highlight those requiring immediate attention. The Audit Committee further recommended that the Court provide all information requested by the Office of Internal Audit in a timely fashion to allow for an effective performance of their mandate.
7. The Audit Committee noted the conclusion of the procurement process for the group health insurance plan and for the service-incurred death and disability insurance, which allowed closing many internal audit recommendations and recommended that the Court carefully monitor the performance of both service-providers.
8. The Audit Committee recommended that the Court formalize an Information Security Incident Response Policy and recommended receiving an update on the implementation of all information security-related recommendations. In order to enable the Court to take into account the Office of Internal Audit's insight into governance, as well as best practices of risk management and control at an early process stage, the Committee recommended that the Office of Internal Audit consider expanding its advisory services to the Court in a flexible manner within the framework of the approved annual audit plans and within the limits required to protect the Office of Internal Audit's independence.
9. Noting the progress made by the Court in reducing the considerable backlog of unimplemented internal audit recommendations, the Audit Committee recommended that the Court, in close cooperation with the Office of Internal Audit, continue such efforts with a view to reaching full implementation of the outstanding recommendations as soon as possible.

---

<sup>1</sup> § 64 AC Charter.

<sup>2</sup> Interim Report of the Audit Committee on the work at its seventh session (AC/7/5).

<sup>3</sup> Interim Report of the Audit Committee on the work at its eighth session (AC/8/5).

10. At its eighth session, held from 30 July to 1 August 2018, the Audit Committee focused on (a) values and ethics; (b) risk management; (c) oversight of internal audit matters, including the external quality assessment of the Office of Internal Audit; and (d) oversight of external audit matters, including the audit reports of the External Auditor and the process for the selection of the incoming External Auditor.

11. Stressing once again the importance of having a Court-wide values and ethics framework in place, the Committee recommended that the Court provide at its ninth session an update on the outcome of a Court-wide survey on values and ethics, as well as on the future steps to be taken to create a revised values and ethics framework.

12. As regards the preparation of an organizational manual, the Audit Committee recommended that the Court identify the required internal resources and skills to prepare the manual and requested a plan outlining the different phases of implementation at its tenth session.

13. In the field of internal controls, the Audit Committee took note with satisfaction of the ongoing progress in implementation of the recommendations raised by the External Auditor in the area of the payroll system and looked forward to receiving at its tenth session in July 2019 an update from the External Auditor on the implementation of these recommendations.

14. The Audit Committee took note with satisfaction of the outcome of the information security audit conducted by the Office of Internal Audit, and endorsed all three recommendations, which had been accepted by the Court.

15. The Audit Committee noted that the risk assessment exercise had not been included in the 2018 approved internal audit plan. While acknowledging the need for flexibility for the Office of Internal Audit to adapt to an evolving risks universe, the Audit Committee recommended that the OIA in the future inform the Committee in advance of any ad hoc assignments for the Audit Committee's consideration and approval, by including specific information on the objective, urgency and underlying risks.

16. In relation to the implementation of the 2018 Internal Audit Plan, the Audit Committee noted with concern that the Office of Internal Audit, as at 1 August 2018, had completed and issued only one audit assignment out of the originally envisaged and approved eight audits. Therefore, the Audit Committee recommended that the Office of Internal Audit be as accurate as possible when submitting its audit plan for approval, and further recommended that the Office of Internal Audit be efficient in implementing the approved audit plans. The Audit Committee resolved that it would continue to closely monitor the implementation of the approved internal audit plans.

17. The Audit Committee further recommended that the Office of Internal Audit produce annual reports on its activities and regularly update the Quality Assurance and Improvement Plan with a status update on the implementation of the audit standards, an assessment of the effectiveness and efficiency of the Office of Internal Audit and its perception by stakeholders by including it as an annex to the annual report on its activities.

18. The Audit Committee thanked *Lochan & Co.*, for their professional work in carrying out an external quality assessment of the Office of Internal Audit. The Audit Committee received detailed explanations from the external assessor about the process, the interactions with the Office of Internal Audit and with other stakeholders. The Audit Committee fully endorsed all 12 recommendations and requested the Office of Internal Audit and the Court, whenever applicable, to draft an action plan for their implementation.

19. The Committee requested to be informed by the Court in the future about all important issues, such as "Going concern/liquidity problem", in the moment that such issues arise.

## I. Introduction

1. The “Annual Report of the Audit Committee for 2018” covers the time period from September 2017 until September 2018 and provides a summary of the activities and recommendations of the Audit Committee (“the AC”) at its seventh and eighth sessions with a view to fully discharging the AC of its responsibilities.

2. In accordance with its Charter,<sup>4</sup> the AC submits its annual report to the Assembly of States Parties to the Rome Statute (“the Assembly”) through the Committee on Budget and Finance (“the CBF”), following the conclusion of its eighth session. Furthermore, the annual report will be shared with the Court’s management, the Independent Oversight Mechanism (“the IOM”), the External Auditor and the Office of Internal Audit (“the OIA”) for the purpose of information and follow-up and made publicly available on the AC’s webpage.<sup>5</sup>

## II. Consideration of issues during the reporting period

### A. Governance structure of the Court

3. Part L.2 of the AC Charter specifies the AC’s role with regard to providing advice on the issue of governance. In particular, the AC 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.<sup>6</sup>

#### 1. Status update on the organizational manual of the International Criminal Court

4. At previous sessions, 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 and recommended that the Court prepare an organization’s manual, as it exists in most international organizations.

5. In advance of the AC’s eighth session, the Court provided the “Report of the Court on its organizational manual.”<sup>7</sup> In the report, the Court concurs with the AC on the importance of developing an organizational manual. However, the Court states that in light of its current level of activities and resources, it is not in a position to prioritize the development of the manual at this stage.<sup>8</sup>

#### *Findings and recommendations*

6. While acknowledging that the Court has several priorities to tackle at the same time, the AC continues to believe that the organizational manual is a useful tool for the Court and other stakeholders, such as States Parties. The AC stressed that the organizational manual describes the entire organizational structure of an organization in a holistic manner. The general framework highlights organizational relations between all organs and units, outlines key processes and procedures in a concise manner and, as such, contributes to the effective and efficient management and functioning of the organization. In addition, the organizational manual could contribute to identifying duplications of activities or responsibilities in certain areas, as well as other shortcomings. Finally, the AC pointed out that a number of internal audit and external audit findings highlight the lack of clear definition of mandate, authority, and responsibility in some areas.

7. **The AC recommended that the Court identify the required internal resources and skills to prepare an organizational manual, and provide a plan at its tenth session outlining the different phases of implementation.**<sup>9</sup>

<sup>4</sup> § 64 AC Charter.

<sup>5</sup> [https://asp.icc-cpi.int/en\\_menus/asp/AuditCommittee/Pages/default.aspx](https://asp.icc-cpi.int/en_menus/asp/AuditCommittee/Pages/default.aspx).

<sup>6</sup> § 54 AC Charter.

<sup>7</sup> AC/8/6.

<sup>8</sup> *Ibid.*, para. 4.

<sup>9</sup> AC/8/5, para. 14.

## B. Risk management of the Court

### 1. Update on risk management

8. At its seventh session in March 2018, the AC received a report entitled “Update on risk management at the Court,”<sup>10</sup> wherein the Court provided information on the progress made in the area of risk management in accordance with the “phase-in approach” approved by the Coordination Council. The Court further informed the Committee that the Risk Management Committee (“RMC”) is now fully operational.<sup>11</sup> According to the report, risk owners for major risks were appointed in September 2017 and trained in relation to their roles and responsibilities.<sup>12</sup> The Court informed that it would consider the AC’s recommendation to appoint within the available resources, a Court-wide risk management coordinator.

9. As to the way forward, the following steps will be taken based on the phase-in approach:

- (a) review of the feedback from risk owners during the first quarter of 2018; and
- (b) monitoring and reviewing of the progress on the risk responses and action plans by the risk owners, as well as reporting on the outcomes by the end of July 2018.<sup>13</sup>

10. During the session, it was further outlined that the Court was awaiting the coming into office of the Registrar on 17 April 2018 to finalize the Strategic Plan for the period 2019-2021. Depending on the strategic priorities, underlying risks would be taken into consideration. The AC underlined the importance of maintaining the risk register as a living document, which takes into account recurrent risks, emerging risks, and risks that are no longer relevant.

11. The AC further discussed with the Court the inclusion of “budgetary constraints” as a risk in the Court’s risk register. The AC highlighted in this regard that the definition of risk is the effect of uncertainty on objective.<sup>14</sup> As the element of uncertainty is missing, budgetary constraints cannot be regarded as a risk.

### 2. Training sessions on risk management

12. In its “Update on risk management at the Court”<sup>15</sup> submitted to the AC at its seventh session, the Court further gave an overview of the training sessions organized for major risk owners. Future steps in relation to the development of risk responses and action plans were discussed.<sup>16</sup> The Court informed that it is currently developing an e-learning module aimed at raising general awareness in the field of risk management, which will be accessible to all staff members and included in the on-boarding training for new staff. In the first half of 2018, the RMC has identified staff members requiring training on risk management.<sup>17</sup>

13. The Court explained that while the OIA has not included resources in its 2018 plan to develop training tools on risk management, assistance in risk identification and assessment would be provided to those sections that requested so in 2017. Furthermore, the OIA could provide technical advisory services related to risk management on an *ad hoc* basis.<sup>18</sup>

#### *Findings and recommendations*

14. At its seventh session, the Committee welcomed the progress made by the Court in the areas of risk management, specifically in relation to establishment of the RMC and the

<sup>10</sup> AC/7/8.

<sup>11</sup> *Ibid.*, para. 3.

<sup>12</sup> *Ibid.*, paras.5-6.

<sup>13</sup> *Ibid.*, paras. 9-10.

<sup>14</sup> ISO 73/31000.

<sup>15</sup> AC/7/8.

<sup>16</sup> *Ibid.*, paras. 5-6.

<sup>17</sup> *Ibid.*, para. 7.

<sup>18</sup> *Ibid.*



organization of training sessions for risk owners by using consultants and internal resources.

### 3. Annual review of the Court's risk profile in 2018

15. According to its Charter,<sup>19</sup> the AC reviews annually the Court's corporate risk profile.

16. At its eighth session in July 2018, the AC received a report entitled "Update on risk management at the Court"<sup>20</sup> summarizing its activities in the field of risk management. According to information provided by the Court, a review of the entire risk register is planned for 2019.

#### *Findings and recommendations*

17. **At its seventh session, the Committee recommended that the OIA monitor the development of maturity of the organization in the field of risk management and provide updates thereon to the AC each year at its first session.**<sup>21</sup>

18. **The Committee further recommended that the Court take advantage of the elaboration of the Strategic Plan of the Court for the period 2019-2021 for a comprehensive risk analysis in close cooperation with the OIA and provide an update of the risk register with an outline of the mitigating measures at the AC's ninth session in 2019.**<sup>22</sup>

19. **At its seventh session, the Committee recommended that the Court re-consider the inclusion of "budgetary constraints" as a risk in the Court's risk register, as the required element of uncertainty in the definition of risks is absent in budget constraints.**<sup>23</sup> At its eighth session, the AC noted that, as a response to its recommendation, the Court management agreed on looking into a possible review of the risk register in 2019.

20. At its eighth session in July 2018, the AC took note of the inclusion of the risk of a liquidity shortfall as a major risk in the Court's risk register, which not only reflects the risk resulting from a high level of outstanding contributions for the cash flow but are also in line with the External Auditor's findings.

21. The AC further took note of the risk "Ambiguity of legal framework leading to conflicts between ASP and the Court" and believed that, in the light of the maturity of the organization, its inclusion in the risk register as major risk was no longer appropriate.

22. The AC took note of the progress made by the Court in the area of risk management, and will continue reviewing the Court's corporate risk profile at its future sessions.<sup>24</sup>

### 4. Implementation and maintenance of an appropriate integrated risk management process

23. In accordance with its Charter,<sup>25</sup> the AC reviewed the implementation and maintenance of an appropriate integrated risk management process.

24. The OIA submitted a "Report on risk management by the International Criminal Court,"<sup>26</sup> dated 12 June 2018, in line with Standard 2000 of the Institute of Internal Auditors (IIA). In the report the OIA comes to the conclusion that the Court has achieved a satisfactory level in terms of implementing an enterprise-wide risk management framework,<sup>27</sup> describing several areas, where progress has been achieved and identifying others, where further improvements can be made, for example, as regards the allocation of

<sup>19</sup> § 55(c) of the AC Charter.

<sup>20</sup> AC/8/15.

<sup>21</sup> AC/7/5, para. 11.

<sup>22</sup> *Ibid.*, para. 12.

<sup>23</sup> *Ibid.*, para. 13.

<sup>24</sup> AC/8/5, para. 20.

<sup>25</sup> § 55(d) of the AC Charter.

<sup>26</sup> AC/8/12.

<sup>27</sup> *Ibid.*, para. 23.

resources<sup>28</sup> to the management of risks and the integration<sup>29</sup> of risk management into operational procedures.

*Findings and recommendations*

25. The AC took note of the progress made by the Court in the area of risk management, in particular as regards awareness-raising and the embedding of risk management in the organizations' culture. The AC looked forward to discussing further ways for improving management's implementation and maintenance of an appropriate integrated risk management process at its ninth session in March 2019.<sup>30</sup>

## C. Values and ethics

### 1. Revised values and ethics framework

26. At previous sessions, the AC emphasized in line with the "One-Court principle," the need to unite all staff working for the Court around the same values, while acknowledging at the same time the reasonability of having organic-specific codes of conduct. The AC requested the Court, by using in-house capacity, for example the IOM, to submit a revised values and ethics framework for the consideration of the AC, based on the Court's values and general code of conduct applicable for all staff members and setting out the professional conduct expected from each staff member in the performance of activities in advance of its eighth session in 2018. The AC further invited the organs of the Court, and their services, wherever appropriate, to draft specific code of conduct for specific activities.<sup>31</sup>

27. The AC received the "Report of the Court on Values and Ethics,"<sup>32</sup> which informs about ongoing efforts in relation to the general values and ethics framework, such as the conduct of a Court-wide survey.

*Findings and recommendations*

28. The AC noted with regret the limited progress so far on creating a homogenous Court-wide values and ethics framework. However, the AC was informed that a Court-wide survey would be conducted in 2018, which will serve to the Court's management as a basis for deciding on its forthcoming initiatives in relation to values and ethics.

29. The AC welcomed the recommendation<sup>33</sup> of the External Auditor that the Court develop and publish an ethics charter and was pleased to see that the External Auditor agreed with the AC on the importance of such a document.

30. The AC stressed once again the importance of having a Court-wide values and ethics framework in place.

31. **The Committee recommended that the Court provide at the Committee's ninth session an update on the outcome of the survey, as well as on future steps to be taken to create a revised values and ethics framework.**<sup>34</sup>

## D. Internal financial control framework

32. Internal control is the process by which management structures an organization to provide assurance that an entity operates effectively and efficiently, has a reliable financial reporting system and complies with applicable laws and regulations.

<sup>28</sup> *Ibid.*, para. 7.

<sup>29</sup> *Ibid.*, para. 13.

<sup>30</sup> AC/8/5, para. 23.

<sup>31</sup> For example, the AC was provided with the Code of Conduct for Investigators.

<sup>32</sup> AC/8/7.

<sup>33</sup> ICC-ASP/17/7/Rev.1, recommendation 9.

<sup>34</sup> AC/8/5, para. 9.

## 1. Measures for the strengthening of the payroll system

33. At its fifth session, the AC, endorsing the two recommendations of the External Auditor,<sup>35</sup> stressed the importance of having a strong and effective internal control in place and requested that the Court provide an update, at its eighth session, on the measures taken to strengthen the internal control for the payroll system.<sup>36</sup>

34. The Court submitted the “Report of the Court on its internal controls for the payroll system.”<sup>37</sup> The report gives an update on the recommendations made by the External Auditor and the efforts made by the Court in relation to the strengthening of the internal controls for the payroll system.

35. The Court informed the AC that in accordance with the previous recommendations raised by the External Auditor there are two ongoing projects<sup>38</sup> that will be completed at the end of 2018, which would create a more efficient process through automatization of steps that had previously been carried out manually and, thus, tighten the internal control of the Court’s payroll system.<sup>39</sup>

### *Findings and recommendations*

36. The AC emphasized the need to ensure adequate internal controls in relation to the payroll system, as they represent more than 70 per cent of the Court’s budget and expenditures and as automatization can help prevent errors and increase efficiencies.

**37. The AC took note of the ongoing progress in implementation of the recommendations raised by the External Auditor in the area of the payroll system and looks forward to receiving at its tenth session in July 2019 an update from the External Auditor on the implementation of these recommendations.**<sup>40</sup>

## E. Oversight of internal audit matters

### 1. Audit reports and advisory services of the Office of Internal Audit

38. At its seventh session, the AC considered the audit reports submitted by the OIA, namely the “Final Audit Report: Audit of Temporary personnel of the Language Services Section,”<sup>41</sup> the “Final Audit Report on the Audit on Incidents Response,”<sup>42</sup> the “Final Audit Report on the Audit of management of contracts of individual contractors, consultants and short-term appointments (STA)”<sup>43</sup> and the “Final Audit Report: Audit on the quality and integrity of the physical inventory of registered assets.”<sup>44</sup> The Director of the Office of Internal Audit made a presentation summarizing the main findings and recommendations of these audit reports.

39. At the AC’s eighth session, the OIA submitted only one audit report, namely the “Final Audit Report: Audit on Information Security – Awareness and Training program<sup>45</sup>,” as per the 2018 internal audit plan. The OIA further submitted a paper entitled “Risk Assessment exercise Prosecution Division (PD) July 2018”.

40. During the AC’s eighth session, the OIA summarized the main findings and recommendations of this audit report. It was explained that the overall objective of the audit was to broadly assess whether the Court has designed and implemented an effective

<sup>35</sup> *Official Records ... Sixteenth Session ... 2017* (ICC-ASP/16/20), vol. II, part C.1, recommendation 1 and 2.

<sup>36</sup> AC/5/5, para. 39.

<sup>37</sup> AC/8/16.

<sup>38</sup> The two projects are (1) the implementation of the SAP HR Renewal solution, which will digitalize requests for entitlements and the updating of staff records through a digital verification and approval workflow; and (2) the implementation of the SAP Payroll Control Center (PCC) which will replace the current manual control reports. For details please refer to AC/8/16, paras. 5-8.

<sup>39</sup> *Ibid.*, para. 5.

<sup>40</sup> AC/8/5, para. 28.

<sup>41</sup> AC/7/3.

<sup>42</sup> AC/7/7.

<sup>43</sup> AC/7/10.

<sup>44</sup> AC/7/15.

<sup>45</sup> AC/8/3.

programme to equip staff members with the needed information security knowledge and skills corresponding to their function and responsibilities within the organization.

41. The audit report contains three recommendations, whereby two recommendations address high-level risks and one recommendation is related to a medium risk level.

*Findings and recommendations*

42. In the context of the consideration of the audit reports, the AC discussed at its seventh session with the OIA the level of risk assessment underlying certain recommendations. The AC noted that the level of the risks identified was not immediately comprehensible and that it may not be entirely clear which areas need immediate attention, if any.

43. **The Committee reiterated its recommendation<sup>46</sup> that the OIA take the S.M.A.R.T.<sup>47</sup> criteria into consideration when issuing recommendations, and further recommended that the audit reports point more clearly to the specific underlying risks, and that the OIA rate them consistently across audited areas and highlighting those requiring immediate attention.<sup>48</sup>**

44. When analyzing the audit reports, the AC noted that in various instances the Court accepted recommendations with certain limitations, such as “yes with reservation,” or rejected recommendations as “outside the scope of audit,” or “pending available resources.”

45. **Emphasizing that audit recommendations can only be accepted without reservation, or rejected by the Court’s management when accepting the underlying risks, the Committee recommended that the OIA follow-up on the implementation of recommendations on the basis of this understanding.<sup>49</sup>**

46. **The Committee recommended that the implementation rate be measured only in relation to accepted recommendations, and further recommended that the OIA produce implementation statistics on the basis of this understanding.<sup>50</sup>**

47. With regard to the audit of management of contracts of individual contractors, consultants and short-term appointments,<sup>51</sup> the AC noted four medium risks and one low level risk. Out of the five recommendations made by the OIA, one risk was considered to be “outside the scope of [...] audit” and rejected by management, while being “considered to be a general HR performance observation by the OIA, which is duly noted.”<sup>52</sup>

48. **Underlining that auditors have a duty to report any findings substantiated during the course of the audit, even if they fall outside the audit scope, the Committee recommended that the OIA continue including such recommendations in their audit reports.<sup>53</sup>**

49. In relation to audit report on incidents response<sup>54</sup> the AC underlined the OIA’s finding that the absence of a policy describing the main principles related to the management of information security incidents constitutes a high-level risk for the Court. As described by the OIA, failure to formalize such policy can lead, inter alia, to a lack in IT security governance; misaligned IT and business objectives; missing classification of security breaches; unprotected data and information assets and ineffective counter measures.

50. **The Committee recommended that, in the light of the recent information security incident,<sup>55</sup> the recommendation of the OIA on the formalization of an**

<sup>46</sup> AC/6/5, para. 19.

<sup>47</sup> *Specific* – target a specific area for improvement. *Measurable* – quantify or at least suggest an indicator of progress. *Assignable* – specify who will do it. *Realistic* – state what results can realistically be achieved, given available resources. *Time-related* – specify when the implementation can be done.

<sup>48</sup> AC/7/5, para. 16.

<sup>49</sup> *Ibid.*, para. 18.

<sup>50</sup> *Ibid.*, para. 19.

<sup>51</sup> AC/7/10.

<sup>52</sup> Compare, for example, AC/7/10, annex I, recommendation 5.

<sup>53</sup> AC/7/5, para. 21.

<sup>54</sup> AC/7/7.

<sup>55</sup> On 23 March 2018, the public website of the Court has been affected by a sustained distributed denial of service (DDoS) attack.

**Information Security Incident Response Policy for endorsement by the Court's senior management be considered as a top priority and implemented as soon as possible, and further recommended receiving an update from the Court on the implementation of all information security-related recommendations at its ninth session in 2019.<sup>56</sup>**

51. The AC regretted the scope limitations in relation to the audit on the quality and integrity of the physical inventory of registered assets,<sup>57</sup> namely the unavailability, incompleteness or inexistence of documents required to compare the total number of furniture and equipment prior and after the move.

**52. Noting that the General Services Section has recently undertaken an inventory of furniture in the premises,<sup>58</sup> the Committee recommended that the OIA include in its 2020 audit plan<sup>59</sup> a follow-up audit on assets management, focusing on accuracy and completeness.**

53. At its eighth session, the AC noted with satisfaction the outcome of this audit assignment on information security and endorsed all three recommendations, which had been accepted by the Court. Recalling its recommendation made at its seventh session,<sup>60</sup> the AC looked forward to receiving from the Court an update on the implementation of all information security-related recommendations at its ninth session in March 2019.

54. As for the risk assessment exercise in the Prosecution Division with three risk identification workshops, the AC noted that such exercise was carried out as an *ad-hoc* advisory service in line with the Committee's recommendation to expand the advisory services,<sup>61</sup> with the objective to openly discuss and identify potential risks, which could have an impact on the Division. However, the AC noted that the risk assessment exercise had not been included in the 2018 approved internal audit plan.

**55. While acknowledging the need for flexibility for the OIA to adapt to an evolving risks universe, the Committee recommended that the OIA in the future inform the Committee in advance of any *ad hoc* assignments for the Committee's consideration and approval, by including specific information on the objective, urgency and underlying risks.<sup>62</sup>**

## **2. Implementation of the 2017 approved audit plan of the Office of Internal Audit**

56. From the 2017 audit plan, which had been approved by the AC, seven out of nine audits and one advisory service had been completed at the time of the AC's seventh session in March 2018. The audit on travel management was replaced by the audit of the quality and integrity of the physical inventory requested by the AC. According to the OIA, the audit of the management of home leave entitlements had to be cancelled due to the leave of a staff member.<sup>63</sup>

57. Furthermore, in line with Standard 1100 and the Charter of the OIA, the OIA submitted a "Statement on Independence and Objectivity of the Office of Internal Audit."<sup>64</sup> The Director of the Office of Internal Audit considered that there was no impairment in 2017 to the independence of the OIA and that the auditors of the OIA demonstrated objectivity in their engagements. However, the Director of the Office of Internal Audit stated that auditors of the OIA frequently had to manage delays in obtaining the requested information, which prevented the effective planning and execution of the audit plan.<sup>65</sup>

<sup>56</sup> AC/7/5, para. 23.

<sup>57</sup> AC/7/15.

<sup>58</sup> *Ibid.*, para. 20.

<sup>59</sup> AC/7/5, para. 25.

<sup>60</sup> *Ibid.*, para. 23.

<sup>61</sup> *Ibid.*, para. 65.

<sup>62</sup> AC/8/5, para. 35.

<sup>63</sup> AC/7/13, page 2.

<sup>64</sup> AC/7/14.

<sup>65</sup> *Ibid.*, page 2.

*Findings and recommendations*

58. The Committee took note of the implementation of the 2017 approved audit plan. During the seventh session, the Committee noted with appreciation the improvements related to a strengthened cooperation between the Court and the OIA, while requesting the Court to provide all documentation in a timely manner.

### 3. Implementation of the 2018 approved audit plan of the Office of Internal Audit

59. At the AC's eighth session, the OIA submitted the "Status of implementation of the 2018 Audit Plan (as at 31 March 2018)"<sup>66</sup> and the "Status of implementation of the 2018 Audit Plan (as at 28 June 2018)"<sup>67</sup> to the attention of the AC. Furthermore, the AC received a report entitled "Amendments to the 2018 Work Plan of the Office of Internal Audit"<sup>68</sup> in July 2018, where several modifications to the current internal audit plan were submitted for approval by the AC.

*Findings and recommendations*

60. The AC noted with concern that the OIA, as at 1 August 2018, had completed and issued only one audit assignment (Audit on Information Security – Awareness and Training program) out of the originally envisaged and approved eight audits, which represents 12.5 per cent (1/8 number of approved audit assignments), or when broken down to the planned working days for each audit, 10.4 per cent (50/480 working days) of the overall 2018 approved internal audit plan.<sup>69</sup>

61. **The Committee recommended that the OIA be as accurate as possible when submitting its yearly audit plan for approval, and further recommended that the OIA be more efficient in implementing the approved audit plans. The Committee resolved that it would continue to closely monitor the implementation of the approved internal audit plans.**<sup>70</sup>

62. **The Committee approved the amendments to the 2018 Internal Audit Plan, as proposed by the OIA, and requested that the OIA submit as soon as possible a revised 2018 Internal Audit Plan according to the criteria specified in paragraph 64 below to the Committee's attention.**<sup>71</sup>

### 4. Provisional audit plan of the Office of Internal Audit for 2019

63. At its eighth session, the AC considered the "OIA 2019 Internal Audit Plan"<sup>72</sup> and a report entitled "OIA 2019 IT Audit Plan."<sup>73</sup>

*Findings and recommendations*

64. **The Committee approved the 2019 Internal Audit Plan and requested that the OIA submit in the future audit plans with a table of the planned available working days. In addition, the Committee recommended that the audit plans make reference to the risks addressed by the audit, including their rating, and whether these risks are identified by the OIA risk assessment or included in the Court's risk register, or both.**<sup>74</sup>

65. **The Committee further recommended that the OIA produce annual reports on its activities ending 31 December for submission to the Committee at its first session each year by including a brief summary of the outcome of all its activities (audits and**

<sup>66</sup> AC/8/4.

<sup>67</sup> AC/8/17.

<sup>68</sup> AC/8/21.

<sup>69</sup> AC/6/4.

<sup>70</sup> AC/8/5, para. 38.

<sup>71</sup> *Ibid.*, para. 39.

<sup>72</sup> AC/8/9.

<sup>73</sup> AC/8/11.

<sup>74</sup> AC/8/5, para. 41.

advisory services conducted), any major issue(s) that the Committee should be aware of, as well as tables comparing, for example, the approved vs. actual assignments conducted, and the planned vs. actual number of working days for each assignment.<sup>75</sup>

## 5. OIA Quality Assurance and Improvement Plan (QAIP)

66. Upon request by the AC, the OIA submitted in June 2018 for consideration at the AC's eighth session, the "OIA Quality Assurance and Improvement Plan,"<sup>76</sup> dated October 2017.

67. In line with IIA Standard 1300, the QAIP is designed to enable an evaluation of the internal audit activity and to provide reasonable assurance to its various stakeholders that the OIA performs its work in conformance with *The Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (Standards)*, and the IIA Code of Ethics. The programme also assesses the effectiveness and efficiency of the internal audit activity, how it is perceived by stakeholders as adding value to the organization and it identifies areas for improvement.

### *Findings and recommendations*

68. **The Committee recommended that the OIA regularly update the Quality Assurance and Improvement Plan with a status update on the implementation of the audit standards, an assessment of the effectiveness and efficiency of the OIA and its perception by stakeholders and include it as an annex to the annual report on its activities.**<sup>77</sup>

## 6. External quality assessment of the Office of Internal Audit

69. According to the International Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors ("the Standards"), internal audit services require an independent external quality assessment every five years.

70. During its sixth session, the AC resolved that in the interest of transparency and independence, the process of analyzing and selecting the assessor should be conducted by the AC with a view to identifying the assessor at its seventh session.

71. Based on the advertised Terms of Reference the AC selected the auditing company *Lochan & Co.* as external assessor. The bid of *Lochan & Co.* included the conduct of the assessment as well as travel and other fees, including ten days of field visit for a team of three persons, two of which with senior auditing experience.

72. During its seventh session, the AC provided input on the conduct of the assessment and the timelines and requested the external assessor to submit his draft report in advance to the attention of the AC. The AC also recommended that the external assessor discuss the outcomes of the external quality assessment of the OIA with the AC at its eighth session,<sup>78</sup> and provided assurances that the external quality assessment would be conducted in compliance with the applicable standards.

73. After having received comments by the OIA, *Lochan & Co.* submitted the pre final report entitled "External Evaluation of the Office of Internal Audit of the International Criminal Court"<sup>79</sup> in advance of the AC's eighth session. *Lochan & Co.* further submitted a document<sup>80</sup> with the comments made by the OIA on the draft report with replies and/or comments by the external assessor.

74. The final report contained 12 recommendations by the external assessor, as contained in annex I of the present report.

<sup>75</sup> *Ibid.*, para. 42.

<sup>76</sup> AC/8/13.

<sup>77</sup> AC/8/5, para. 45.

<sup>78</sup> Compare in detail AC/7/5, paras. 41-47.

<sup>79</sup> AC/8/18.

<sup>80</sup> AC/8/18.1.

*Findings and recommendations*

75. **At its seventh session, the Committee recommended that the external assessor submit a detailed timeline of the assessment and discuss with the AC the outcomes of the external quality assessment of the OIA at its eighth session in July 2018.**<sup>81</sup>

76. **The Committee further recommended that the external assessor for the OIA provide a formal statement that the external quality assessment had been conducted in conformity with the methodology and the Standards of the Institute of Internal Auditors for such assessment.**<sup>82</sup>

77. At its eighth session, the AC received detailed explanations from the external assessor about the process, the interactions with the OIA and with other stakeholders. The AC thanked the external assessor, *Lochan & Co.*, for his professional work.

78. The AC noted that the external assessor took a holistic approach on the evaluation by including the Court as a partner in the process. The AC also noted that some recommendations require the Court to take actions, especially in the area of enabling the OIA to audit all organs, while respecting their independence and confidentiality.

79. **After discussing each recommendation with the external assessor and providing specific comments, as appropriate, the Committee fully endorsed all of the 12 recommendations.**<sup>83</sup>

80. **The Committee requested the OIA and the Court to draft an action plan for the implementation of all the recommendations of the external assessor, and report thereon to the Committee at its ninth session in March 2019.**<sup>84</sup>

## **F. Oversight of external audit matters**

81. The Charter of the AC<sup>85</sup> sets out the comprehensive oversight role of the AC in relation to external audit matters.

### **1. Financial statements of the Court**

82. In accordance with its mandate, the AC considered the “Financial Statements of the International Criminal Court for the year ended 31 December 2017.”<sup>86</sup>

83. Based on the opinion of the External Auditor, the Financial Statements of the Court give a fair view of the financial position of the International Criminal Court as at 31 December 2017, as well as the Financial Performance, the Cash Flow and the Comparison of Budget and Actual Amounts for the 12 months period ended 31 December 2017 in conformity with the International Public Sector Accounting Standards (IPSAS).<sup>87</sup>

*Findings and recommendations*

84. The AC took note of the External Auditor’s emphasis of matter on the liquidity issue. The AC noted with concern the finding of the External Auditor that, if current payments of contributions trends were confirmed, there was no doubt that the cash flow problem can only worsen in 2019 and that data provided to the External Auditor during his final mission on the 2017 financial statements led him to share the concerns expressed by the Committee on Budget and Finance regarding the risk of a liquidity crisis occurring during the second half of 2018.<sup>88</sup>

<sup>81</sup> AC/7/5, para. 46.

<sup>82</sup> *Ibid.*, para. 47.

<sup>83</sup> AC/8/5, para. 52.

<sup>84</sup> *Ibid.*, para. 53.

<sup>85</sup> Part M.2 AC Charter.

<sup>86</sup> ICC-ASP/17/12.

<sup>87</sup> *Ibid.*, para. 2.

<sup>88</sup> *Ibid.*, para. 63.



85. Although the External Auditor gave an unqualified opinion on the financial statements of the Court, the issue of going concern due to the liquidity problem of the Court resulting from outstanding contributions was highlighted.

86. The AC noted that the External Auditor's view that that the liquidity issue was a structural problem, which required further analysis in order to be effectively addressed. The Committee welcomed the intention of the External Auditor to review the outcomes of the analysis on the liquidity issues during the conduct of the performance audit on the Court's budget management.<sup>89</sup> **The Committee further requested the External Auditor to brief the Committee on the analysis as well as to propose, in consultation with the Court, possible ways to mitigate liquidity risk at the Committee's tenth session in July 2019.**<sup>90</sup>

87. **The Committee requested to be informed by the Court in the future about all important issues, such as "Going concern/liquidity problem," in the moment that such issues arise.**<sup>91</sup>

88. The Committee welcomed the changes to Statement V, as previously encouraged by the Audit Committee, which improved transparency.

89. **The Committee noted with concern that the External Auditor did not have full access to supporting documents for certain expenses related to the Victims and Witnesses Section, due to confidentiality reasons, and requested the Court to work out the best way in the future with the External Auditor on how to grant him access to the requested documents in order to avoid any scope limitation.**<sup>92</sup>

90. **The Committee endorsed all recommendations of the External Auditor on the Financial Statements of the Court.**<sup>93</sup>

## 2. Financial Statements of the Trust Fund for Victims

91. In accordance with its mandate, the AC considered the "Financial Statements of the Trust Fund for Victims for the year ended 31 December 2017."<sup>94</sup>

92. Based on the opinion of the External Auditor, the financial statements give a fair view of the financial position of the Trust Fund for Victims as at 31 December 2017, 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 months period ending 31 December 2017 in conformity with the IPSAS.<sup>95</sup>

### *Findings and recommendations*

93. The Committee noted with concern the assessment of the External Auditor that, if the current internal controls within the TFV on the commitments related to the enforcement of reparations are not adapted, this situation would create uncertainties as to the completeness, reality, and accuracy of the commitments, which could lead to significant difficulties in terms of certification.<sup>96</sup>

94. **The Committee endorsed the recommendation of the External Auditor on the Financial Statements of the TFV.**<sup>97</sup>

## 3. Performance audit on human resources

95. Following best practices of international organizations, the Assembly decided at its fourteenth session in 2015 to expand the scope of the External Auditor's mandate by including performance audits.<sup>98</sup>

<sup>89</sup> *Ibid.*

<sup>90</sup> AC/8/5, para. 59.

<sup>91</sup> *Ibid.*, para. 60.

<sup>92</sup> AC/8/5, para. 62.

<sup>93</sup> *Ibid.*, para. 63.

<sup>94</sup> ICC-ASP/17/13.

<sup>95</sup> *Ibid.*, para. 2.

<sup>96</sup> *Ibid.*, para. 32.

<sup>97</sup> AC/8/5, para. 67.

96. The External Auditor carried out a performance audit on human resources management in line with the approved audit plan for 2018. In the “Final Audit Report on Human Resources Management,<sup>99</sup>” the External Auditor made ten recommendations in relation to the management of human resources at the Court.<sup>100</sup>

*Findings and recommendations*

97. The Committee took note of the ten recommendations made by the External Auditor and welcomed, in particular, the recommendation<sup>101</sup> of the External Auditor that the Court develop and publish an ethics charter, which is in line with the recommendation<sup>102</sup> of the AC made in April 2017 to submit a revised values and ethics framework applicable for all staff members.

98. **The Committee endorsed all ten recommendations of the External Auditor on human resources management.**<sup>103</sup>

#### 4. Update on the activities of the External Auditor in 2018

99. At the seventh session, the representative of the External Auditor provided an update on the implementation of the audit plan for 2018, which includes:

- (a) the audit of the financial statements of the Court;
- (b) the audit of the financial statement of the Trust Fund for Victims; and
- (c) a performance audit on human resources management.

100. During the session, the representative of the External Auditor provided an update on the Interim mission of the financial statements of the Court and the TFV pertaining to the financial year 2017, which was conducted from 4 - 15 December 2017. In this regard it was pointed out that an expert from the *Cour des comptes* made an IT related assessment and the company *Galéa* was sub-contracted to carry out a review in the actuary field.

101. The representative of the External Auditor further informed the AC about the timelines of activities. In April 2018, the External Auditor would start with the second phase of the performance audit; the final mission would take place from 28 May to 8 June 2018. The importance of obtaining requested documents in a timely fashion in accordance with the SOP “Participation in audits and follow-up of audit recommendations” was underlined.

102. It was highlighted that the performance audit on human resources would cover all human resources of the Court, in line with the terms of reference. The audit objective is to review the risk control in relation to the management of human resources.

#### 5. Provisional audit plan of the External Auditor for 2019

103. At its eighth session, the AC discussed with the representative of the External Auditor the subjects of the provisional audit plan for 2019, which would include three audits:

- (a) the audit of the Financial Statements of the Court for the year ending 31 December 2018;
- (b) the audit of the Financial Statements of the TFV for the year ending 31 December 2018; and
- (c) a performance audit assignment.

<sup>98</sup> *Official Records ... Fourteenth Session ... 2015* (ICC-ASP/14/20), vol. I, part III, ICC-ASP/14/Res.1, section K, para. 2.

<sup>99</sup> ICC-ASP/17/7/Rev.1.

<sup>100</sup> AC/8/19, pages 6 and 7.

<sup>101</sup> ICC-ASP/17/7/Rev.1, recommendation 9.

<sup>102</sup> AC/4/10, para. 11.

<sup>103</sup> AC/8/5, para. 71.

*Findings and recommendations*

104. The AC took note of the plans of the External Auditor to focus in its performance audit on the budget management of the Court.<sup>104</sup>

## 6. Process for the selection of the External Auditor

105. In accordance with its Charter, the AC shall make recommendations to the competent organ concerning the nomination of the External Auditor.<sup>105</sup>

106. The term of the External Auditor, the *Cour des comptes*, will end with the consideration of the financial statements of the Court and the TFV for the year ending 2019. As requested by the Assembly, a detailed selection procedure for procurement of External Auditor will need to be undertaken in time for the eighteenth session of the Assembly of States Parties in 2019.<sup>106</sup>

107. At its seventh session, the AC discussed the way forward in relation to the selection process for the External Auditor and requested from the Court all relevant documentation from previous selection processes. During the session, the AC had a preliminary discussion on the terms of reference for the selection of the External Auditor.

108. In advance of the AC's eighth session, a background note on the selection process was prepared for consideration by the AC.<sup>107</sup> During the eighth session, the Executive Secretary provided a status update on the selection process so far and provided an updated Request for Proposal for external auditing services and Expression of interest, after having received comments by the Court, in particular by the Procurement Unit.

*Findings and recommendations*

109. **At its seventh session, the Committee recommended that the Executive Secretary act as focal point for the selection of the External Auditor, and that the terms of reference, prepared based on comments received from all actors involved, be formally endorsed by the AC. The AC further recommended that the Executive Secretary proceed with issuing the Request for Proposal in coordination with the Procurement Unit and resolved to continue considering the selection process at its eighth session in July 2018.**<sup>108</sup>

110. **At the AC's eighth session, the Committee took note of the extensive preparatory work on the selection process for the incoming external auditor carried out by the Executive Secretary, and requested the Executive Secretary to update it on the work progress at its ninth session in March 2019.**<sup>109</sup>

## G. Follow-up on the implementation of previous recommendations

### 1. Trainings regarding the effective implementation of recommendations

111. In its "Report of the Court on follow-up of internal audit recommendations,"<sup>110</sup> submitted to the AC at its seventh session, the Court informed that the Director of the Division of Management Services organized trainings with directors and section chiefs of the Registry and with the Director of the Trust Fund for Victims. The Director of the Office of Internal Audit was also invited to attend these meetings.

112. According to the Court, the objectives of these trainings were to familiarize the participants with the content of the SOP, the different steps involved in the audit process;

<sup>104</sup> AC/8/5, para. 73.

<sup>105</sup> § 60 AC Charter.

<sup>106</sup> ICC-ASP/16/Res.1, section I, para. 2.

<sup>107</sup> Background Note on the Process for Selection Process of the incoming External Auditor.

<sup>108</sup> AC/7/5, para. 56.

<sup>109</sup> AC/8/5, para. 77.

<sup>110</sup> AC/7/11.

and to enable them to play an active role in the implementation of recommendations, taking into account the SOP.<sup>111</sup>

113. The Court informed that various steps had been taken to address unimplemented recommendations in a timely manner, including:

- (a) the designation of a single Unique Leader for each unimplemented internal audit recommendation, in consultation with audit clients and in coordination with OIA;
- (b) follow-up meetings on implementation progress with directors and section chiefs;
- (c) internal progress reports to senior management; and
- (d) drafting of a template, which was provided to all audit clients to propose action plans for all open recommendations with a deadline for implementation.<sup>112</sup>

114. During the session, the Court explained that the designation of Unique Leaders helped obtaining clarity on the sections responsible for taking the lead on the implementation of recommendations and facilitated follow-up.

#### *Findings and recommendations*

115. At its seventh session, the AC welcomed the comprehensive efforts undertaken by the Court to familiarize the directors and section chiefs with the SOP on participation in audits and follow-up of audit recommendations.

**116. The Committee recommended that the Court provide the recommendation owners (Unique Leaders) with additional background information on the process for accepting / rejecting audit recommendations and expressed its expectation that such efforts will contribute to the efficient follow-up on recommendations, as well as a reduction of unimplemented recommendations.**<sup>113</sup>

**117. The Committee recommended that the Court modify its SOP “Participation in audits and follow-up of audit recommendations” so that the provision regarding the timely delivery of information, as stipulated for the external audit,<sup>114</sup> also apply to the internal audit.**<sup>115</sup>

## **2. Follow-up on the recommendations of the OIA**

118. According to the “Report of the Court on follow-up of internal audit recommendations,”<sup>116</sup> submitted at the AC’s seventh session, there had been a decrease in the number of unimplemented recommendations from 121 to 44 (reduction by 64 per cent), when excluding the new recommendations made by the OIA in 2017. In addition, implementation plans for the remaining unimplemented recommendations have been adopted.<sup>117</sup>

119. Furthermore, the OIA submitted at the AC’s seventh session a report entitled “Annual Report of the Office of Internal Audit: Implementation of Audit Recommendations (Situation as at 17 January 2018).”<sup>118</sup> Based on the report, the OIA issued a total of 334 recommendations from 2011-2017, out of which 186 recommendations (56 per cent) are implemented; 87 recommendations (26 per cent) are in progress; 40 recommendations (12 per cent) have been closed and 21 recommendations (six per cent) were rejected.

120. During the seventh session, the Court explained that, despite the progress made in increasing the implementation rate, the number of unimplemented recommendations remained a capacity challenge, as the OIA also makes new recommendations each year, which need to be addressed.

<sup>111</sup> *Ibid.*, paras. 5-7.

<sup>112</sup> *Ibid.*, paras. 5-7.

<sup>113</sup> AC/7/5, para. 40.

<sup>114</sup> Standard Operating Procedure on the Participation in audits and follow-up of audit recommendations (dated 9 February 2017), para. 12.

<sup>115</sup> AC/7/5, para. 34.

<sup>116</sup> AC/7/11.

<sup>117</sup> *Ibid.*, paras. 8 et seq.

<sup>118</sup> AC/7/9.

121. The Court expressed the view that advisory services from the OIA should be received at an early stage during the planning of projects. This approach would contribute to considering the advice from the OIA *ex ante* rather than, as it is currently the case, *ex post*. As an example, the Court cited the early involvement of the OIA within the procurement process for the maintenance of the premises in the amount of approximately €1.5 million.

122. At the AC's eighth session, the Court submitted the "Report of the Court on participation in internal audits and follow-up on audit recommendations"<sup>119</sup> and provided the AC with an updated "Standard Operating Procedure (SOP) on Participation in audits and follow-up of audit recommendations."<sup>120</sup>

#### *Findings and recommendations*

123. The Committee noted at its seventh session that there was a discrepancy between the information provided by the Court and the OIA on the exact number of recommendations issued by the OIA and implemented by the Court.

124. The OIA explained that this discrepancy was related to the different reporting periods. According to the OIA, the Court used the calendar year as reporting period, whereas the OIA would outline the situation as at 17 January 2018.

**125. Stressing the need for accurate and coherent information and comparability of implementation rates, the Committee recommended that the OIA use the calendar year as reporting period and provide its annual report on the implementation of audit recommendations, outlining the situation as at 31 December of each year.**<sup>121</sup>

**126. The Committee recommended that the Court in close cooperation with the OIA continue its efforts to reducing the considerable backlog of unimplemented recommendations with the aim of achieving full implementation rate as soon as possible, and report to the Committee at its ninth session in 2019.**<sup>122</sup>

**127. The Committee recommended that the OIA consider expanding its advisory services to the Court, in a flexible manner within the framework of the approved annual audit plans and within the limits required to protect the OIA's independence, in order to enable the Court to take into account the OIA's expertise of best governance, risk and control practices at an early process stage.**<sup>123</sup>

128. At its eighth session, the AC took note of the explanations of the Court that the three options for auditees on responding to audit recommendations as contained in the SOP reflect the past practice of the Court and the OIA and are the foreseen options in the recommendations tracking system in place.

129. The AC agreed that the Court - in close consultation with the OIA - would again carefully review the SOP on Participation in audits and follow-up of audit recommendations, in particular regarding the options for auditees on how to respond to recommendations and adjust the SOP, as appropriate, in order to avoid any confusion by the auditee on the meaning of their response.

### **3. Update on the outcome of procurement for the group health insurance plan**

130. In its "Report on the outcome of the procurement process for the Court's health insurance plans and related unimplemented audit recommendations"<sup>124</sup>, submitted at the AC's seventh session, the Court informed that the contract for the GHIP has been awarded to MSH International, whereas the contract for the service-incurred death and disability insurance (SIDDI) has been awarded to *Cigna*. Both contracts are effective as of 1 January 2018. For 2018, in aggregate, GHIP premium rates increased by 8.3 per cent, while SIDDI premiums decreased by 22 per cent. The Court outlined that the Human Resource Section is

<sup>119</sup> AC/8/14.

<sup>120</sup> Standard Operating Procedure (SOP) on Participation in audits and follow-up of audit recommendations (version of 9 February 2017 as updated on 13 June 2018).

<sup>121</sup> AC/7/5, para. 63.

<sup>122</sup> *Ibid.*, para. 64.

<sup>123</sup> *Ibid.*, para. 65.

<sup>124</sup> AC/7/12.

in charge of monitoring the contracts and that a survey would be carried out to evaluate staff satisfaction with the GHIP.

131. According to the information provided by the Court, out of 15 pending internal audit recommendations, 12 were addressed. The outstanding three recommendations, which the Court expects to implement in the first half of 2018, relate to:

- (a) medical claims management and monitoring of the GHIP;
- (b) the promulgation of an Administrative Instruction pertaining to medical evacuation; and
- (c) the updated agreement with the provider.<sup>125</sup>

*Findings and recommendations*

132. **Noting that the procurement process for the group health insurance plan and for the service-incurred death and disability insurance had been concluded, the Committee recommended at its seventh session that the Court carefully monitor the performance of both service-providers, in particular in those areas where risks of fraud are high such as the management of claims.**<sup>126</sup>

133. **Noting that most of the recommendations in relation to the group health insurance plan had been addressed, the Committee recommended that the Court inform the AC, once the three outstanding recommendations have been implemented, and further recommended that the Court provide an update on the outcome of the staff satisfaction survey at the AC's ninth session in 2019.**<sup>127</sup>

#### 4. Follow-up on the recommendations of the External Auditor

134. At the seventh session, the representative of the External Auditor gave a presentation on the follow-up of recommendations of the External Auditor from previous reports. The representative of the External Auditor pointed, in particular, to the recurrent problems relating to the reconciliation of the payroll and the workforce and the unresolved question related to the maintenance costs for the premises.

135. As regards the recommendation addressed to the Court, according to the External Auditor, three recommendations are not implemented concerning:

- (a) internal pay control;<sup>128</sup>
- (b) documentation of internal pay control;<sup>129</sup> and
- (c) maintenance for the premises.<sup>130</sup>

136. As regards the recommendation addressed to the TFV, according to the External Auditor, two recommendations are not implemented concerning:

- (a) the delegation of the administrative authority from the Registrar;<sup>131</sup> and
- (b) the financial training of personnel in the field.<sup>132</sup>

*Findings and recommendations*

137. The AC noted at its seventh session that the External Auditor sometimes referred to recommendations “in the process of implementation” (“*en cours de mise en oeuvre*”). For the AC it was not clear, whether such recommendations, at the time of the discussion, had already been implemented or remained outstanding.

<sup>125</sup> *Ibid.*, paras. 7-9.

<sup>126</sup> AC/7/5, para. 29.

<sup>127</sup> *Ibid.*, para. 30.

<sup>128</sup> Recommendation of the External Auditor 2016-1.

<sup>129</sup> Recommendation of the External Auditor 2016-2.

<sup>130</sup> Recommendation of the External Auditor 2015-3.

<sup>131</sup> Recommendation of the External Auditor 2014-1.

<sup>132</sup> Recommendation of the External Auditor 2015-2.

138. **The Committee recommended that the External Auditor clearly distinguish, in their reports, between implemented recommendations and unimplemented ones.**<sup>133</sup>

## 5. Follow-up on the recommendations of the Audit Committee

139. The AC considered at its seventh session the first edition of the “Register of Recommendations” of the Audit Committee published in February 2018 by the Executive Secretary. The “Register of Recommendations” is an updated log of all recommendations issued since the AC’s re-establishment, which specifies the recommendation holder, the acceptance or rejection of a recommendation, the deadline for implementation and the implementation status for each recommendation.

140. At the AC’s eighth session in July 2018, the Executive Secretary submitted a report entitled “Follow-up on the recommendations of the Audit Committee<sup>134</sup>”. The document contains an updated register of the recommendations issued so far by the AC with a view to ensuring full implementation and an efficient follow-up.

141. The Executive Secretary followed up with the Court’s organs on the implementation of recommendations by sending a copy of the respective recommendations to the focal point in the Registry, or through direct contact with the respective section tasked to tackle the recommendation.

### *Findings and recommendations*

142. At the AC’s eighth session, the Executive Secretary agreed with the AC that there would be a distinction between the recommendations addressed to various stakeholders, and other decisions or action plans, in particular when preparing the statistics of the implementation rate in the recommendation log.

## III. Other matters

### A. Informal meeting with The Hague Working Group on Budget Management Oversight

143. The AC participated in an informal meeting convened by Ambassador Eduardo Rodríguez Veltzé (Bolivia), focal point for the topic of Budget Management Oversight, where the AC was requested to provide an update on its work since September 2017.

144. The Chairperson of the AC gave an overview of the provisional agenda of the ongoing eighth session and summarized the main outcomes and recommendations of the AC during its seventh session in March 2018. The AC took stock of its achievement over the last months, as well as areas of improvement for the Court. In addition, the AC gave an update on the coordination of its works and the exchange of information with other oversight bodies.

145. Upon request, the AC members elaborated on the differences between the OIA and the AC and their distinct role and reporting lines in the Court’s oversight architecture.

146. The AC wished to thank The Hague Working Group for its interest. As an advisory body to the Assembly, the AC will continue working towards the efficient administration of the Court and the fulfilment of its comprehensive mandate as contained in its Charter.

### B. Coordination with other oversight bodies

147. Taking into account the Assembly’s Resolution recommending an expansion of coordination between oversight bodies,<sup>135</sup> the Chairperson of the CBF and the Chairperson of the AC had an informal meeting on 13 November 2018 to discuss ways to further strengthen the existing cooperation.

<sup>133</sup> AC/7/5, para. 70.

<sup>134</sup> AC/8/8.

<sup>135</sup> ICC-ASP/16/Res. 1, section J, paras. 7 and 8.

148. The Chairpersons agreed on an intensified coordination and cooperation between the two committees within their distinct mandates. In order to fulfil the respective mandates effectively and avoid any duplications, the CBF and the AC will continue to share information and keep each other abreast of all relevant issues. Furthermore, the organization of regular informal meetings between the Chairperson of the AC and the Chairperson of the CBF was envisaged.

149. The AC took note of the departure of the Head of Independent Oversight Mechanism, and is looking forward to interacting with his successor upon his/her appointment.

### **C. Information session on services provided by the Registry**

150. In accordance with the AC Charter, AC members shall receive formal orientation on the purpose and mandate of the Audit Committee and on the Court's objectives.<sup>136</sup>

151. During the seventh session of the AC, the Executive Secretary arranged a "Behind the Scenes" information session with the Court during which the AC members received detailed information on the activities and services provided by the Registry. The information session focused on the services provided by the Victims and Witnesses Section, the risks and logistics related to courtroom management, as well as public information and outreach activities. The AC wished to express its gratitude to the Registry for organizing this information session and for the interaction with the AC.

### **D. Work methodology of the Audit Committee**

152. The AC discussed internal and external strategies of communication, as well as its working methods.

153. In order to address some concerns about information security, the Committee resolved to task the Executive Secretary to discuss with IMSS risk mitigating measures in order to get assurance on the security when circulating and accessing documentation.

154. With a view to ensuring transparency, the AC requested the responsible governance body to share with it the process for selecting and appointing members of the Audit Committee.

### **E. Outcome of the self-assessment of the Audit Committee**

155. Following best practices of audit committees, the AC carried out a self-assessment reflecting on the effectiveness and efficiency of its work, since its re-establishment in 2016. The self-assessment was carried out based on a self-assessment checklist,<sup>137</sup> which was tailored to the AC context.

#### *Findings and recommendations*

156. The AC took note of the overall above satisfactory outcome of the assessment and focused on areas, where optimization is required.

157. The AC agreed on the added value of the self-assessment to its work, and agreed on some improvements such as having induction sessions as early as possible for the incoming members. Furthermore, the AC decided on a reformulation of certain questions in the self-assessment questionnaire with a view to ensuring accurate replies.

### **F. Work plan and future sessions of the Audit Committee**

158. The AC decided to tentatively hold its ninth session from 21-22 March 2019 and its tenth session from 24 to 26 July 2019 in The Hague.

---

<sup>136</sup> § 39 AC Charter.

<sup>137</sup> AC/8/2.



## Appendix I

### Recommendations made by the external assessor to the Office of Internal Audit

1	Improvement of Charter	<ul style="list-style-type: none"> <li>• OIA should work more proactively to maintain the timeliness of important matters and conclude the same, as recommended in this report, to meet the Standard-1000 for periodical reviews of the Charter.</li> <li>• Charter of OIA should be made visible through intranet of the Court to have access by all departments and stakeholders.</li> <li>• The Court management should prioritize important matters such as the regular reviews of the Charter and liaise with the OIA in a timely fashion.</li> </ul>
2	Audit coverage by OIA in four organs of ICC	<ul style="list-style-type: none"> <li>• OIA should ensure the performance of its assurance and consulting engagements for all the four organs of the ICC, as per the mandate of the Charter.</li> <li>• Court's management should enable OIA to audit the main functions of the OTP, Presidency, and Chambers, within the constraints imposed by the requirements of each organ for independence and confidentiality.</li> </ul>
3	Minutes of meetings / records of interaction between OIA and AC	<ul style="list-style-type: none"> <li>• The OIA shall continue having access to the AC report and register of recommendations.</li> <li>• OIA shall document its interactions with Audit Committee for its own records and comply with IIA Standard - 1111 and a strategy be developed to address the decisions taken in the AC meetings to ensure OIA accountability.</li> </ul>
4	Efficiency and effectiveness of available OIA resources	<p>OIA should improve the coverage of audits and ensure that the same is extensive across all the organs. It can be achieved through the following measures:</p> <ul style="list-style-type: none"> <li>• Increase the efficiency and effectiveness of the audit process by reducing the number of days planned for each audit assignment.</li> <li>• Development of audit tools in advance to reduce the preparation time.</li> <li>• OIA shall appoint an audit assistant instead of an assistant without auditing skills, to increase its capacity of undertaking of audits.</li> <li>• OIA may request for an additional resource if there is need to cover an extended scope of audit as per mandate of Charter and after a 100% efficiency has been reached.</li> <li>• OIA should plan to hire external consultants, as provided for in the Charter of OIA to bring external expertise if required in consultation of Audit Committee.</li> <li>• OIA should ensure to undertake the audits as per approved internal audit plan and obtain a formal approval by the AC prior to amending the approved plan.</li> <li>• The Court's management should put in place an efficient response system for providing timely information, allocate resources to get the internal audits done and provide the timely management responses to close the audit reports on time from various departments of the four organs.</li> </ul>
5	Statement of Independence & Objectivity / Declaration of Conflict of Interest	<ul style="list-style-type: none"> <li>• OIA should ensure submission of Statement of Independence and Objectivity to AC on annual basis and maintain the records for such submission as done in 2018.</li> <li>• OIA should obtain a declaration for conflict of interest from auditor for all the assignments as per their guidelines. This will result in more transparency in the audit procedures and performance.</li> </ul>
6	Assuming management responsibilities	OIA should refrain for assuming management's responsibilities even for internal memorandum and OIA should be careful while undertaking advisory work and avoid any management role.
7	Receipt of information from process owners and management response	Court management should ensure that the requisite information / management responses are provided in a timely manner to maintain efficiency and effectiveness of the OIA function.
8	Implementation of audit recommendation	<ul style="list-style-type: none"> <li>• Court management should ensure that audit recommendations are implemented in a timely manner to ensure the effectiveness of the internal audit function.</li> <li>• OIA shall increase the frequency of follow up (currently a yearly exercise) to have the recommendation implemented on time to avoid the situations of recommendations losing its relevance or audit recommendation not accepted by management.</li> </ul>

9	Engagement of external consultants	OIA shall assess the need for any external consultants for covering its scope of work as per mandate of Charter and include the same in its yearly plan and submit it Audit Committee for consideration and then to be sent to the CBF for its recommendation submitted to the Assembly.
10	Internal assessment / Communication of results of internal assessment to AC	<ul style="list-style-type: none"><li>• OIA should ensure that the internal self-assessment is undertaken every two to three years.</li><li>• OIA should ensure that they communicate the results of the periodic internal self-assessments to the AC.</li></ul>
11	Participation of Director OIA in Coordinating Council (CoCo) meetings	The Court management should invite the Director OIA, to participate in Coordination Council (CoCo) meetings and provide both agenda and minutes of meetings held to Director, OIA, to increase the efficiency and effectiveness of OIA.
12	Records for annual risk assessment	OIA should ensure that risk assessment is performed on annual basis and the records are maintained for the same for future reference.

## Appendix II

### Opening of the sessions, election of officers, adoption of the agenda and participation of observers

#### A. Opening of the sessions

1. In accordance with its Charter, the AC shall meet at least two times annually.<sup>1</sup> In the reporting period, two sessions took place: the seventh AC session from 22-23 March 2018; and the eighth AC from 30 July to 1 August 2018.
2. During the reporting period, the AC considered the documentation as listed in annex III of this report.

#### B. Election of officers

3. 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 during the first AC session of each calendar year.
4. For 2018, the AC elected Mr. Samir Abu Lughod (Jordan) as Chairperson and Ms. Elena Sopková as Vice-Chairperson (Slovakia), by consensus, in accordance with Part F of its Charter. The AC further appointed Ms. Laure Esteveny (France) as Rapporteur.
5. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as the Secretary to the Audit Committee and provided together with his team the substantial and logistical servicing.

#### C. Adoption of the agenda

6. At its seventh session, the AC adopted the following agenda:
  1. Opening of the session
    - (a) Election of officers
    - (b) Adoption of the agenda and organization of work
    - (c) Participation of observers
  2. Risk management
    - (a) Update on risk management, including report on training sessions
  3. Update on the outcome of procurement for the group health insurance plan
  4. Oversight of internal audit matters
    - (a) Audit reports of the Office of Internal Audit
    - (b) Update on proposed training to section chiefs regarding the effective mechanism for the implementation of recommendations
  5. Oversight of external audit matters
    - (a) Terms of reference and preparations for the selection process for the External Auditor
  6. Follow-up on previous recommendations
    - (a) Review of unimplemented recommendations by the Court in consultation with the OIA
    - (b) Follow-up on recommendations of the External Auditor
    - (c) Follow-up on recommendations of the Audit Committee
  7. Other matters
    - (a) Work plan of the eighth session of the Audit Committee

---

1. <sup>1</sup> § 40 AC Charter.

- (b) External quality assessment of the Office of Internal Audit
  - (c) Orientation session for the members of the Audit Committee.<sup>2</sup>
7. At its eighth 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
  - 2. Values and ethics
    - (a) Revised values and ethics framework
  - 3. Governance structure of the Court
    - (a) Status update on the organizational manual of the Court
  - 4. Risk management
    - (a) Annual review of the Court's corporate risk profile
    - (b) Annual report of the OIA on management's implementation and maintenance of an appropriate integrated risk management process
  - 5. Internal Control – Measures taken for the strengthening of the payroll system
  - 6. Internal audit matters
    - (a) Audit reports of the Office of Internal Audit
    - (b) Office of Internal Audit Quality Assessment and Improvement Plan
    - (c) External quality assessment of the Office of Internal Audit
    - (d) Office of Internal Audit 2019 provisional audit plan
  - 7. Oversight of external audit matters
    - (a) Financial statements of the Court
    - (b) Financial statements of the Trust Fund for Victims
    - (c) Performance audit on human resources
    - (d) External Auditor's 2019 provisional audit plan
    - (e) Process for the selection of the External Auditor
  - 8. Follow-up on the previous recommendations of the Audit Committee
  - 9. Other matters
    - (a) Work methodology of the Audit Committee
    - (b) Outcome of the self-assessment of the Audit Committee
    - (c) Work plan for the Audit Committee for 2019.<sup>3</sup>
8. The following members attended the sessions held in the reporting period:
- (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).
9. The AC would like to extend its appreciation and thanks to the outgoing member Mr. David Banyanka (Burundi) for his outstanding contributions to the work of the AC.

#### **D. Participation of observers**

10. At the seventh and eighth sessions, the Vice-President of the Court, Judge Marc Perrin de Brichambaut, delivered the welcoming remarks on behalf of the President of the Court.

<sup>2</sup> AC/7/1.

<sup>3</sup> AC/8/1.

11. The Director of the Division of Management Services provided an update on risk management, the outcome of the procurement for the group health insurance plan, the review of unimplemented recommendations as well as trainings for the effective implementation of recommendations at the AC's seventh session. Representatives from the Court answered the questions of the Committee related to values and ethics, the governance structure of the Court, risk management, internal control as well as internal and external audit matters at the AC's eighth session.

12. The representative of the External Auditor, Mr. Michel Camoin, made a presentation to the AC on the implementation of recommendations made by the External Auditor at the AC's seventh session. The representative of the External Auditor, Mr. Guy Piolé, Président de chambre, Cour des comptes, presented at the AC's eighth session the audit report on the financial statements of the Court and the Trust Fund for Victims, as well as the performance audit on human resource management. Furthermore, the representative of the External Auditor provided input on other agenda items.

13. The Director of the Office of Internal Audit provided an update on the activities of the OIA and presented the major findings of the audit reports at the AC's seventh and eight sessions and provided input on various agenda items.

14. At the seventh session, the representative of the audit company Lochan & Co., Mr. Sharad Agarwal, was available through video-link to discuss the modalities and timelines for the external quality assessment of the OIA. At the eighth session, Mr. Sharad Agarwal, presented the findings of the external quality assessment of the OIA and answered the questions of the AC members.

15. The Committee wished to thank all observers for their participation and presentations.

## Appendix III

### List of documents

<i>AC document symbol</i>	<i>Title</i>	<i>ASP document symbol</i>
AC/7/1	Provisional agenda of the seventh session of the Audit Committee	
AC/7/1/Add.1/Rev.1	Annotated provisional agenda of the seventh session of the Audit Committee	
AC/7/2	Status of implementation of the 2017 Audit Plan (30 September 2017)	
AC/7/3	Final Audit Report: Audit of Temporary personnel of the Language Services Section	
AC/7/4	Status of Implementation of the 2017 Audit Plan (31 December 2017)	
AC/7/5	Interim Report of the Audit Committee on the work of its seventh session	
AC/7/6	Follow-up on the recommendations of the Audit Committee (as at 31 January 2018)	
AC/7/7	Final Audit Report: Audit on Incidents Response	
AC/7/8	Update on risk management at the Court	
AC/7/9	Annual Report of the Office of Internal Audit: Implementation of audit recommendations (Situation as at 17/01/2018)	
AC/7/10	Final Audit Report: Audit of management of contracts of Individual contractors, consultants and short-term appointments (STA)	
AC/7/11	Report of the Court on follow up of internal audit recommendations	
AC/7/12	Report on the outcome of the procurement process for the Court's health insurance plans and related unimplemented audit recommendations	
AC/7/13	Report on the activities of the Office of Internal Audit in 2017 (January 2018)	
AC/7/14	Statement on Independence and Objectivity of the Office of Internal Audit	
AC/7/15	Final Audit Report: Audit on the quality and integrity of the physical inventory of registered assets	
AC/8/1	Provisional agenda of the eighth session of the Audit Committee	
AC/8/1/Add.1	Annotated provisional agenda of the eighth session of the Audit Committee	
AC/8/2	AC Self-Assessment Checklist	
AC/8/3	Final Audit Report: Audit on Information Security - Awareness and Training program	
AC/8/4	Status of implementation of the 2018 Audit Plan (as at 31 March 2018)	
AC/8/5	Interim Report of the Audit Committee on the work of its eighth session	
AC/8/6	Report of the Court on its organizational manual	
AC/8/7/	Report of the Court on Values and Ethics	
AC/8/8	Follow-up on the recommendations of the Audit Committee	
AC/8/9	OIA 2019 Internal Audit Plan	
AC/8/11	OIA 2019 IT Audit Plan	
AC/8/12	OIA Report on Risk Management by the International Criminal Court	

---

AC/8/13	OIA Quality Assurance and Improvement Plan	
AC/8/14	Report of the Court on participation in internal audits and follow-up of audit recommendations	
AC/8/15	Update on risk management at the Court	
AC/8/16	Report of the Court on its internal controls for the payroll system	
AC/8/17	Status of implementation of the 2018 Audit Plan (as at 28 June 2018)	
AC/8/18	External Evaluation of the Office of Internal Audit of the International Criminal Court	
AC/8/18.1	External Evaluation of the Office of Internal Audit of the International Criminal Court: Comments from the Office of Internal Audit on the Draft Report submitted by the External Evaluator Lochan & Co.	
AC/8/19	Final audit report on human resources management	ICC-ASP/17/7/Rev.1
AC/8/20	Report on the coverage of ICC Risks by the Audit Plans for the period 2016-2019	
AC/8/21	Amendments to the 2018 Work Plan of the Office of Internal Audit	
ICC-ASP/17/5	Report of the Committee on Budget and Finance on the work of its thirtieth session	
ICC-ASP/17/12	Financial statements of the International Criminal Court for the year ended 31 December 2017	
ICC-ASP/17/13	Financial statements of the Trust Fund for Victims for the year ended 31 December 2017	

---

## Part C

### Related documents

#### 1. Financial statements of the International Criminal Court for the year ended 31 December 2017\*

##### Contents

	<i>Page</i>
Letter of transmittal.....	370
Statement on Internal Financial Control .....	371
Independent auditor's opinion.....	372
Statement I - Statement of financial position as at 31 December 2017 .....	374
Statement II - Statement of financial performance for the year ended 31 December 2017 .....	375
Statement III - Statement of changes in net assets/equity for the year ended 31 December 2017.....	376
Statement IV - Statement of cash flows for the year ended 31 December 2017 .....	377
Statement V - Statement of comparison of budget and actual amounts for the year ended 31 December 2017.....	378
Notes to the financial statements.....	379
1. The International Criminal Court and its objectives .....	379
2. Summary of significant accounting and financial reporting policies .....	381
3. Cash and cash equivalents.....	390
4. Accounts receivable from non-exchange transactions .....	390
5. Other accounts receivable .....	391
6. Prepayments and other current assets .....	392
7. Property, plant and equipment .....	392
8. Intangible assets .....	393
9. Accounts payable .....	394
10. Employee benefit liabilities .....	394
11. Host State loan .....	398
12. Deferred revenue and accrued expenses .....	399
13. Provisions.....	399
14. Net assets/equity .....	400
15. Revenue .....	401
16. Employee benefit expenses.....	402
17. Travel and hospitality expenses .....	402
18. Expenses for contractual services .....	402
19. Expenses for counsel fees .....	402
20. Operating expenses .....	402
21. Supplies and materials expenses .....	403

Previously issued as ICC-ASP/17/12 and ICC-ASP/17/7..



22.	Depreciation, amortization and impairment.....	403
23.	Financial expenses .....	403
24.	Statement of Comparison of Budget and Actual Amounts .....	403
25.	Segment Reporting.....	404
26.	Commitments and operating leases.....	407
27.	Contingent liabilities .....	407
28.	Related party disclosures .....	407
29.	Write-off losses of cash, receivables and property.....	408
30.	Events after the reporting date .....	408
	Annex:.....	409
	Schedule 1: Status of contributions as at 31 December 2017.....	409
	Schedule 2: Status of Working Capital Fund and Contingency Fund as at 31 December 2017.....	411
	Schedule 3: Status of advances to the Working Capital Fund as at 31 December 2017 ..	412
	Schedule 4: Status of contributions to the Contingency Fund for 2017 .....	414
	Schedule 5: Status of cash surplus as at 31 December 2017 .....	416
	Schedule 6: Status of voluntary contributions as at 31 December 2017 .....	417
	Schedule 7: Status of trust funds as at 31 December 2017.....	418
	Audit report on the financial statements of the International Criminal Court for the period ended 31 December 2017.....	421
	Final report on Human Resources management .....	450

## Letter of transmittal

29 June 2018

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 2017.

Gela Abesadze  
Chief of Finance Section

Peter Lewis  
Registrar

Michel Camoin  
External Audit Director  
Cour des Comptes,  
13 rue Cambon,  
75100 Paris Cedex 01  
France

## Statement on Internal Financial Control

### Scope of responsibilities

1. 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.

2. 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”.

3. 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:

(a) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Court;

(b) 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

(c) The economic use of resources of the Court”.

4. 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 2017.

### Review of effectiveness of the system of internal financial control

5. 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.

6. My review of the effectiveness of the system of internal control and compliance with the Court’s Financial Regulations and Rules is informed by the work of the internal auditors, the work of the operational managers within the Registry who have responsibility for the maintenance of the internal control framework and comments made by the external auditors in their reports.

7. I am satisfied that I have received the necessary assurances to confirm that an appropriate framework of internal financial control was in place during 2017.

Peter Lewis  
Registrar

29 June 2018

## **Independent auditor’s opinion**

### **Opinion**

1. We have audited the Financial Statements of the International Criminal Court (“the Court”), for the 12 month period ended 31 December 2017. These Financial Statements include a Statement of Financial Position as at 31 December 2017, a Statement of Financial Performance, a Statement of Changes in Net Assets/Equity, a Statement of Cash Flow, a Statement of Comparison of Budget and Actual Amounts and notes, including a summary of the accounting policies and other information. A set of seven schedules presenting some additional information under United Nations System Accounting Standards (UNSAS), outside the scope of this audit, have also been added in an annex to the Financial Statements.

2. Based on our audit, the Financial Statements give a fair view of the financial position of the International Criminal Court as at 31 December 2017, as well as the financial performance, the cash flow and the comparison of budget and actual amounts for the 12 month period ended 31 December 2017 in conformity with the International Public Sector Accounting Standards (IPSAS).

### **Material Uncertainty Related to Going Concern**

3. We draw your attention specifically to the matter set forth in notes 2.4 (“Basis of preparation”) and 2.19 (“Liquidity risks”) to the Financial Statements, regarding the going concern principle. Our opinion is not modified in respect of this matter, but our comments and recommendations are presented in paragraphs 47 to 76 of our report in order to emphasize the risk of insufficient cash flow faced by the Court.

### **Basis for Opinion**

4. We have conducted our audit in accordance with the International Standards on Auditing (ISA) and in accordance with the additional terms of reference defined in regulation 12 of the Financial Regulations and Rules of the Court. 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. As required by the Charter of Ethics of the *Cour des comptes*, we guarantee the independence, the fairness, the neutrality, the integrity and the professional discretion of the auditors. Furthermore, we also fulfilled our other ethical obligations in compliance with the Code of Ethics of the International Organization of Supreme Audit Institutions (INTOSAI). The responsibilities of the Auditor are more extensively described in the section “Auditor’s Responsibilities for the Audit of the Financial Statements”.

5. We believe that the audit evidence collected is sufficient and appropriate to constitute a reasonable basis for our opinion.

### **Management’s Responsibilities for the Financial Statements**

6. By virtue of regulation 11 of the Financial Regulations and Rules, the Registrar of the Court is responsible for preparing and presenting the financial statements. These statements are in conformity with the 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.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

7. The goal of the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

8. An audit therefore consists in implementing audit procedures in order to collect audit evidence regarding the amounts and the information presented in the financial statements. The External Auditor takes into account the internal control in effect in the entity, relative to the establishment and preparation of financial statements, so as to define appropriate audit procedures in the circumstances, and not with the aim of expressing an opinion on the effectiveness of this control. The choice of the audit procedures is based on the External Auditor's professional judgment, as is the case for the risk evaluation of the financial statements, for the assessment of the appropriateness of the accounting policies and of the accounting estimates, and for the overall presentation of the financial statements.

(Signed)  
Didier Migaud

## Statement I

### International Criminal Court - Statement of financial position as at 31 December 2017 (in thousands of euros)

	<i>Note</i>	<i>2017</i>	<i>2016</i>
<b>Assets</b>			
<i>Current assets</i>			
Cash and cash equivalents	3	7,082	20,404
Accounts receivable (non-exchange transactions)	4	24,432	13,932
Other accounts receivable	5	1,128	3,206
Prepayments and other current assets	6	2,321	2,905
<i>Total current assets</i>		<i>34,963</i>	<i>40,447</i>
<i>Non-current assets</i>			
Accounts receivable (non-exchange transactions)	4	36	41
Property, plant and equipment	7	189,286	199,728
Intangible assets	8	1,109	1,342
Reimbursement right	10	27,330	25,529
<i>Total non-current assets</i>		<i>217,761</i>	<i>226,640</i>
<b>Total assets</b>		<b>252,724</b>	<b>267,087</b>
<b>Liabilities</b>			
<i>Current liabilities</i>			
Accounts payable	9	5,715	5,696
Employee benefit liabilities	10	10,542	9,728
Host State loan	11	1,801	1,759
Deferred revenue and accrued expenses	12	8,872	11,229
Provisions	13	2,380	2,257
<i>Total current liabilities</i>		<i>29,310</i>	<i>30,669</i>
<i>Non-current liabilities</i>			
Accounts payable	9	505	586
Employee benefit liabilities	10	53,376	47,471
Host State loan	11	70,708	72,509
<i>Total non-current liabilities</i>		<i>124,589</i>	<i>120,566</i>
<b>Total liabilities</b>		<b>153,899</b>	<b>151,235</b>
<b>Net assets/equity</b>			
Contingency Fund	14	3,764	5,791
Working Capital Fund	14	17	3,664
Other fund balances	14	95,044	106,397
<b>Total net assets/equity</b>		<b>98,825</b>	<b>115,852</b>
<b>Total liabilities and net assets/equity</b>		<b>252,724</b>	<b>267,087</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 2017 (in thousands of euros)

	<i>Note</i>	<i>2017</i>	<i>2016</i>
<b>Revenue</b>			
Assessed contributions	15	140,060	133,061
Voluntary contributions	15	1,662	1,789
Financial revenue	15	161	45
Other revenue	15	219	1,488
<b>Total revenue</b>		<b>142,102</b>	<b>136,383</b>
<b>Expenses</b>			
Employee benefit expenses	16	106,865	100,433
Travel and hospitality	17	6,632	5,331
Contractual services	18	5,550	5,352
Counsel fees	19	6,243	5,546
Operating expenses	20	14,302	11,292
Supplies and materials	21	2,151	2,473
Depreciation and amortization	22	12,311	12,093
Financial expenses	23	1,894	2,221
<b>Total expenses</b>		<b>155,948</b>	<b>144,741</b>
<i>Surplus/(deficit) for the period</i>		<i>(13,846)</i>	<i>(8,358)</i>

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 2017 (in thousands of euros)

	<i>General</i>								
	<i>General Fund</i>							<i>Trust Funds</i>	<i>Total Net 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>Remeasurement of post-employment related plans</i>	<i>Other General Fund Balances</i>			
<b>Opening balance as at 1 January 2016</b>	<b>1,616</b>	<b>5,791</b>	<b>6,395</b>	<b>95</b>	<b>-</b>	<b>112,058</b>	<b>1,519</b>	<b>127,474</b>	
<b>Movement in net assets/equity in 2016</b>									
Surplus/(deficit)	-	-	-	-	-	(8,462)	104	(8,358)	
Remeasurement gains/(losses) post-employment plans	-	-	-	-	(3,419)	-	-	(3,419)	
Transfers	2,048	-	(6,223)	(95)	-	4,270	-	-	
Prior year cash surplus/(deficit)	-	-	-	5,394	-	(5,394)	-	-	
2014 Trust Fund for Victims Secretariat's surplus	-	-	-	-	-	154	-	154	
<b>Total movements during the year</b>	<b>2,048</b>	<b>-</b>	<b>(6,223)</b>	<b>5,299</b>	<b>(3,419)</b>	<b>(9,432)</b>	<b>104</b>	<b>(11,623)</b>	
<b>Total net assets/equity as at 31 December 2016</b>	<b>3,664</b>	<b>5,791</b>	<b>172</b>	<b>5,394</b>	<b>(3,419)</b>	<b>102,626</b>	<b>1,623</b>	<b>115,852</b>	
<b>Movement in net assets/equity in 2017</b>									
Surplus/(deficit)	-	-	-	-	-	(13,917)	71	(13,846)	
Remeasurement gains/(losses) post-employment plans	-	-	-	-	(3,231)	-	-	(3,231)	
Transfers	(3,647)	(2,027)	307	(5,394)	-	10,761	-	-	
Prior year cash surplus/(deficit)	-	-	-	(5,622)	-	5,622	-	-	
2015 Trust Fund for Victims Secretariat's surplus	-	-	-	-	-	50	-	50	
<b>Total movements during the year</b>	<b>(3,647)</b>	<b>(2,027)</b>	<b>307</b>	<b>(11,016)</b>	<b>(3,231)</b>	<b>2,516</b>	<b>71</b>	<b>(17,027)</b>	
<b>Total net assets/equity as at 31 December 2017</b>	<b>17</b>	<b>3,764</b>	<b>479</b>	<b>(5,622)</b>	<b>(6,650)</b>	<b>105,142</b>	<b>1,695</b>	<b>98,825</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 2017 (in thousands of euros)

	<i>Note</i>	<i>2017</i>	<i>2016</i>
<b>Cash flows from operating activities</b>			
Surplus/(deficit) for the period (Statement II)		(13,846)	(8,358)
Unrealized foreign exchange differences		2	5
Discount on host State loan		-	(649)
Depreciation and amortization		12,311	12,093
(Gain)/loss on disposal of property, plant and equipment		12	-
Interest expense		1,826	2,133
(Increase)/decrease in accounts receivable from non-exchange transactions		(10,495)	6,537
(Increase)/decrease in other accounts receivable		2,078	(784)
(Increase)/decrease in prepayments and other current assets		654	(864)
(Increase)/decrease in reimbursement right		(1,801)	(2,294)
Increase/(decrease) in accounts payable		(12)	(2,416)
Increase/(decrease) in employee benefit liabilities		6,719	10,505
Remeasurement (gain)/loss of post-employment related plans		(3,231)	(3,419)
Increase/(decrease) in deferred revenue and accrued expenses		(2,959)	(1,570)
Increase/(decrease) in provisions		123	3
Less: Interest income		(158)	(45)
<b>Net cash flows from operating activities</b>		<b>(8,777)</b>	<b>10,877</b>
<b>Cash flows from investing activities</b>			
Plus: Interest received		88	113
Proceeds from sale of property, plant and equipment		5	-
Purchase of property, plant and equipment		(1,498)	(9,160)
Purchase of intangible assets		(155)	(27)
<b>Net cash flows from investing activities</b>		<b>(1,560)</b>	<b>(9,074)</b>
<b>Cash flows from financing activities</b>			
Repayment of host State loan		(2,983)	(4,429)
<b>Net cash flows from financing activities</b>		<b>(2,983)</b>	<b>(4,429)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(13,320)</b>	<b>(2,626)</b>
Cash and cash equivalents at beginning of financial period	3	20,404	23,026
Unrealized foreign exchange gains/(losses) on cash and cash equivalents		(2)	4
<b>Cash and cash equivalents as at 31 December (Statement I)</b>	3	<b>7,082</b>	<b>20,404</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 2017 (in thousands of euros)

<i>Major Programme</i>	<i>Appropriation approved</i>	<i>Expenditures charged against General Fund</i>	<i>Surplus/ (deficit) General Fund<sup>1</sup></i>	<i>Expenditures charged against Contingency Fund notification</i>	<i>Total expenditure</i>	<i>Surplus/ (deficit)</i>	<i>Contingency Fund notification</i>	<i>Access to Contingency Fund</i>
		<i>I</i>	<i>II</i>	<i>III=I-II</i>				
Judiciary	12,536	12,232	304	-	12,232	304	-	-
Office of the Prosecutor	44,974	44,432	542	-	44,432	542	-	-
Registry	76,633	77,335	(702)	1,477	78,812	(2,179)	1,533	548
Secretariat of the Assembly of States Parties	2,619	2,434	185	-	2,434	185	-	-
Premises	1,455	1,455	-	-	1,455	-	-	-
Secretariat of the Trust Fund for Victims	2,174	1,704	470	-	1,704	470	-	-
Independent Oversight Mechanism	515	461	54	-	461	54	-	-
Office of Internal Audit	694	621	73	-	621	73	-	-
Host State Loan	2,987	2,984	3	-	2,984	3	-	-
<b>Total</b>	<b>144,587</b>	<b>143,658</b>	<b>929</b>	<b>1,477</b>	<b>145,135</b>	<b>(548)</b>	<b>1,533</b>	<b>548</b>

<sup>1</sup>ICC-ASP/16/Res.1, part H, paragraph 2.

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 (“the Assembly”) 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 Georgia. A small administrative field presence was established in Mali.

#### 1.2 Programme budget:

For the purposes of the 2017 financial period, appropriations were divided into nine major programmes: the Judiciary (the Presidency and Chambers), the Office of the Prosecutor, the Registry, the Secretariat of the Assembly of States Parties (“the Secretariat”), Premises, the Secretariat of the Trust Fund for Victims, Permanent Premises Project – Host State Loan, the Independent Oversight Mechanism and Office of Internal Audit. 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) comprises 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) ensures 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 established the Secretariat to begin its operations on 1 January 2004. The Secretariat 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) Premises:

Stakeholders are provided with an overview of the resources required by the Court for its permanent 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 2017.

## (h) Permanent Premises Project – Host State Loan:

The Court established the Permanent Premises Project – Host State Loan in the 2011 Approved Programme Budget to report on the interest expected to be paid on the loan amounts received by the Court for the Permanent Premises Project, in response to requests from the Committee and the Assembly. This originates, in 2008, from the Assembly’s acceptance of the host State’s offer of a loan for the permanent premises 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.

## (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.

(j) Office of Internal Audit:

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.

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 IPSAS. These notes form an integral part of the Court's financial statements. Figures in the statements and notes are rounded to thousand euros. Amounts may not add-up due to rounding difference.

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.

2.4 Notwithstanding points made in paragraph 2.19 the Court's financial statements are prepared on a going concern basis.

### **Currency of accounts and treatment of exchange rate movements**

2.5 The Court's functional and presentation currency is the euro.

2.6 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.

2.7 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**

2.8 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.

2.9 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.

2.10 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 litigation 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

(b) 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.

### **Cash and cash equivalents**

2.11 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**

2.12 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 2.58) and accounts payable.

2.13 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**

2.14 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.

2.15 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.

2.16 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.

2.17 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 related to assessed contributions from States Parties. Assessed contributions comprise the majority of the Court's receivables. States Parties are required to make timely payments of contributions – within 30 days of receipt of the note verbale from the Court. The Court has regularly contacted States Parties with outstanding contributions to remind them of their obligations. Furthermore, the Assembly of States Parties (“the Assembly”) and its governing bodies are required to increase their political and diplomatic contacts with States with outstanding contributions, especially those with large arrears.

2.18 Other credit risks are 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 of deposits in any one financial institution.

2.19 Liquidity risk: The current high level of outstanding contributions is an area of concern and remains a primary risk factor for the Court's liquidity and cash flow in 2018:

(a) At the end of 2017, outstanding assessed contributions increased by €12.6 million compared with 2016 and amounted to approximately €31.1 million. In 2017, the Court estimated the cash flow until year-end and determined that the establishment of a credit line pursuant to Assembly resolution ICC-ASP/15/Res.1 was not necessary. However, the Court had fully utilized its Working Capital Fund (WCF) of €9 million and, in accordance with the same resolution, temporarily and exceptionally utilized part of the Contingency Fund (CF) in the amount of €1.5 million.

(b) The Court has projected its 2018 cash flow based on the following assumptions: States Parties will pay their contributions in 2018 following the same payment pattern of outstanding contributions as in 2017; and the 2018 budget will be fully spent considering the absorption of additional expenditures related to CF notifications, including those related to the new situation in Burundi and the developments in the Mali case. If these assumptions materialize, the total amount of outstanding contributions at the end of 2018 is expected to reach approximately €42 million. According to these cash flow projections, temporary liquidity issues may arise before the end of 2018, which could lead to issues with the Court's ability to discharge its obligations and partial insolvency.

(c) If States Parties with material amounts in arrears are able to improve their payment patterns and make contributions in 2018, the cash shortfall at year-end will be reduced or even eliminated. In case the 2018 budget will not be fully spent, this will also reduce the cash shortfall at year-end. In addition, in order to mitigate the risk, the Court's recommended approach is that it be exceptionally authorized to use the CF and to supplement it by opening a credit line with a bank. Considering the recommendation of the Committee to the Assembly "to consider establishing a mechanism, to deal with liquidity issues, such as through the exceptional and temporary use of the CF and/or the establishment of external funding upon recommendation of the Committee, as a risk mitigating measure", and that similar authorization was given by the Assembly for the end of years 2016 and 2017, the Court expects a positive outcome. This provides the Court with sufficient confidence to prepare the financial statements on a going concern basis.

### **Receivables**

2.20 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**

2.21 Other current assets include interest accrued on bank accounts and deposits. Prepayments include 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**

2.22 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.

2.23 Items of property, plant and equipment are measured at cost less accumulated depreciation and impairment losses.

2.24 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.

2.25 The costs capitalized as part of the permanent premises include project management fees, architect fees, legal fees, other directly related consultant and expert fees, fees for permits, direct labour and material costs.

2.26 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.

2.27 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.

2.28 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.

2.29 Estimated useful lives are as follows:

	2017
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

### Permanent Premises

2.30 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.

The Permanent Premises Project was funded by:

(a) The Ministry of Foreign Affairs of the host State, the Netherlands, through a loan to the Court, 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, commenced after expiration of the lease on the interim premises on 30 June 2016.

(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.

(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) Other resources as per Assembly resolutions ICC-ASP/14/Res.1 and ICC-ASP/15/Res.2.



Upon completion of the Permanent Premises construction in November 2015, the building was capitalized and depreciated in line with the useful lives of various components of the building.

### **Leases**

2.31 Lease agreements entered into at 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**

2.32 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**

2.33 The assets that the Court holds are normally not held to generate commercial returns and are therefore non-cash generating assets.

2.34 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.

2.35 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 asset's fair value less cost to sell and its value in use.

2.36 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.

2.37 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.

2.38 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.

2.39 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**

2.40 The Court recognized the reimbursement right which arises under the insurance policy with Allianz NL 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**

2.41 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**

2.42 Deferred revenue includes pledged contributions for future financial periods and other revenue received but not yet earned.

2.43 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**

2.44 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 circumstances between the Court and its related parties will not be considered as related party transactions and therefore will not be disclosed.

2.45 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 disclosed. In addition, the Court will disclose any specific transactions with key management personnel and their family members.

**Employee benefit liabilities**

2.46 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.

2.47 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 expenses 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.

2.48 Annual leave is recognized as an expense as employees render services that increase their entitlement to future compensated absences.

2.49 Post-employment benefits include pension benefits and after-service health insurance (ASHI).

2.50 United Nations Joint Staff Pension Fund (UNJSPF): in accordance with decision ICC-ASP/1/Dec.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 Court staff. The Pension Fund is a funded, multi-employer defined benefit plan. As specified in article 3(b) of the Regulations of the Fund, membership of the Fund shall be open to the specialized agencies and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies.

2.51 The plan exposes participating organizations to actuarial risks associated with the current and former employees of other organizations participating in the Fund, with the result that there is no consistent and reliable basis for allocating the obligation, plan assets and costs to individual organizations participating in the plan. The Court and the UNJSPF, in line with the other participating organizations in the Fund, are not in a position to identify the Court's proportionate share of the defined benefit obligation, the plan assets and the costs associated with the plan with sufficient reliability for accounting purposes. Hence, the Court has treated this plan as if it were a defined contribution plan in line with the requirements of IPSAS 39 Employee Benefits. The Court's contributions to the plan

during the financial period are recognized as expenses in the Statement of financial performance.

2.52 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 judge's 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 NL have been designated as administrators of the judges' pension scheme. The contract commenced on 31 December 2008.

2.53 ASHI: the Court's 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.

2.54 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.

2.55 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.

2.56 Post-employment benefits and other long-term benefits are calculated by independent actuaries.

2.57 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**

2.58 The loan described in note 2.30(a) was 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**

2.59 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. If the outflow of economic benefits to settle the obligations is no longer probable, the provision is reversed.

2.60 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, or a 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**

2.61 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 the assessment relates.

2.62 In accordance with regulation 5.2 of the Financial Regulations and Rules, 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 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.

2.63 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.

2.64 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.

2.65 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.

2.66 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**

2.67 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.

2.68 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**

2.69 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.

2.70 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**

2.71 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 two segments: General and Trust Funds.

2.72 Fund accounting: the Court's accounts are maintained on a fund accounting basis. Trust funds and special accounts funded wholly by voluntary contributions may be established and closed by the Registrar.

2.73 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: 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 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.

2.74 The trust funds segment: accounts for various activities funded by voluntary contributions and for funds recovered from the accused persons. 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. 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.

### **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, including Funds for Employee Benefit Liabilities and Cash surplus, 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 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 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 Starting from 2017, the segment for the Permanent Premises Project was combined with the general segment, as the Permanent Premises Project was closed in 2016. Comparative figures for 2016 were updated accordingly.

## 3. Cash and cash equivalents

<i>In thousands of euros</i>	2017	2016
Cash on hand	37	51
Cash at bank	7,045	20,353
<b>Total</b>	<b>7,082</b>	<b>20,404</b>

3.1 Cash and cash equivalents are subject to restrictions such that they can only be utilized in support of the approved activities of the funds to which they were provided (see note 25 for segment information). Cash and cash equivalents include an amount equivalent to €4 thousand (2016: €5 thousand) held in currencies other than the euro.

3.2 The €13,322 thousand (or 65 per cent) decrease in cash and cash equivalents is primarily related to the collection rate of assessed contributions. The outstanding assessed contributions receivable increased by €12,643 thousand as of the end of 2017 (note 4).

## 4. Accounts receivable from non-exchange transactions

<i>In thousands of euros</i>	2017	2016
<b>Current</b>		
Assessed contributions receivable (regular budget)	31,048	18,405
Assessed contributions receivable (other)	27	45
Voluntary contributions receivable	244	16
<b>Non-current</b>		
Assessed contributions receivable (other)	36	41
<b>Total accounts receivable, gross</b>	<b>31,355</b>	<b>18,507</b>
Provision for doubtful debt	(6,887)	(4,534)
<b>Total accounts receivable, net</b>	<b>24,468</b>	<b>13,973</b>

4.1 Assessed contributions receivable (regular budget): Assessed contributions comprise the majority of the Court's receivables. The outstanding balance of €31,048 thousand comprises €12,813 thousand due for prior financial periods and €18,235 thousand due for 2017 (Schedule 1). Contributions received from States Parties in excess of contributions due in an amount of €2,273 thousand are reported as contributions received in advance (note 12.1). The status of outstanding contributions as at 31 December 2017 by State Party is provided in Schedule 1.

4.2 Assessed contributions receivable (other): relate to the outstanding balances due to the Working Capital Fund, Contingency Fund and for the total cost of the permanent premises from States which acceded to the Rome Statute after 2015.

4.3 Voluntary contributions receivable: the amount of €244 thousand represents an outstanding amount receivable from donors for 2017-2018 projects.

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, 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 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 2016	4,534
Increase in provision	2,353
<b>Provision for doubtful debt as at 31 December 2017</b>	<b>6,887</b>

4.5 The following table illustrates accounts receivable by age:

<i>In thousands of euros</i>	<i>Not yet due</i>	<i>Less than 1 year</i>	<i>1-3 years</i>	<i>Over 3 years</i>	<i>Total</i>
Assessed contributions receivable (regular budget)	-	18,235	11,829	984	31,048
Assessed contributions receivable (other)	41	-	17	5	63
Voluntary contributions receivable	-	244	-	-	244
<b>Total accounts receivable, gross</b>	<b>41</b>	<b>18,479</b>	<b>11,846</b>	<b>989</b>	<b>31,355</b>

#### 5. Other accounts receivable

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
Receivable from governments	1,024	2,949
Other receivables	1,828	1,663
<b>Other accounts receivable, gross</b>	<b>2,852</b>	<b>4,612</b>
Provision for doubtful debt	(1,724)	(1,406)
<b>Other accounts receivable, net</b>	<b>1,128</b>	<b>3,206</b>

5.1 Receivables from governments represent receivables for refundable energy tax and VAT.

5.2 Other receivables is mainly comprised of amounts advanced by the Court on the basis of a judicial decision dated 20 October 2011 (Trial Chamber III, no. ICC-01/05-

01/08-568) for the legal representation of an accused person whose assets have been frozen. In 2017 the Court paid €318 thousand towards such costs.

5.3 Provision for doubtful debt: as the recovery of the legal aid costs advanced by the Court is uncertain, the receivable amount is fully provided for and recognized as costs of the Court.

#### Changes in provision for doubtful debt

<i>In thousands of euros</i>	<i>Other receivables</i>
Provision for doubtful debt as at 1 January 2017	1,406
Increase in provision	318
<b>Provision for doubtful debt as at 31 December 2017</b>	<b>1,724</b>

5.4 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	1,024	-	-	1024
Other receivables	403	911	514	1828
<b>Other accounts receivable, gross</b>	<b>1427</b>	<b>911</b>	<b>514</b>	<b>2852</b>

## 6. Prepayments and other current assets

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
Advances to staff	1,680	2,273
Advances to vendors	24	84
Prepaid expenses	539	540
Accrued interest	78	8
<b>Total</b>	<b>2,321</b>	<b>2,905</b>

6.1 Advances to staff comprise €1,448 thousand of education grant advances for the portion of the school year to be completed during 2018, €9 thousand of travel advances for trips in 2018, and €223 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 represent payments to vendors for software maintenance and licences relating to periods after 31 December 2017.

## 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 2017	9,741	-	196,981	3,088	600	10,325	2,536	223,271
Additions	-	204	-	492	18	657	119	1,490
Capitalization	-	(202)	202	-	-	-	-	-
Reclassification	-	8	-	-	-	-	-	8
Disposals/Write-offs	-	-	-	(245)	(46)	(777)	(167)	(1,235)
<b>At 31 December 2017</b>	<b>9,741</b>	<b>10</b>	<b>197,183</b>	<b>3,335</b>	<b>572</b>	<b>10,205</b>	<b>2,488</b>	<b>223,534</b>



<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>Accumulated depreciation</b>								
Accumulated depreciation at 1 January 2017	-	-	11,931	2,133	489	7,319	1,671	23,543
Depreciation Charge	-	-	10,318	317	24	1,073	191	11,923
Reclassification	-	-	-	-	-	-	-	-
Disposals/Write-offs	-	-	-	(245)	(45)	(777)	(151)	(1,218)
<b>At 31 December 2017</b>	<b>-</b>	<b>-</b>	<b>22,249</b>	<b>2,205</b>	<b>468</b>	<b>7,615</b>	<b>1,711</b>	<b>34,248</b>
<b>Net book value</b>								
at 1 January 2017	9,741	-	185,050	955	111	3,006	865	199,728
<b>At 31 December 2017</b>	<b>9,741</b>	<b>10</b>	<b>174,934</b>	<b>1,130</b>	<b>104</b>	<b>2,590</b>	<b>777</b>	<b>189,286</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.

## 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 2017		10,956	-	<b>10,956</b>
Additions		86	86	172
Retirement/Write-off		(9)	-	(9)
Reclassification		(8)	-	(8)
<b>At 31 December 2017</b>		<b>11,025</b>	<b>86</b>	<b>11,111</b>
<b>Accumulated Amortization</b>				
At 1 January 2017		9,614	-	9,614
Amortization charge		388	-	388
<b>At 31 December 2017</b>		<b>10,002</b>	<b>-</b>	<b>10,002</b>
<b>Net book value</b>				
At 1 January 2017		1,342	-	<b>1,342</b>
<b>At 31 December 2017</b>		<b>1,023</b>	<b>86</b>	<b>1,109</b>

8.1 Software in development represents costs of developing Employee and Manager self-service through electronic forms. The total cost of the project is estimated at €100 thousand and completion is expected in 2018.

## 9. Accounts payable

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
<b>Current</b>		
Counsel payables	510	452
Suppliers	4,464	5,073
Secretariat of the Trust Fund for Victims	475	67
Other payables	266	104
<i>Total current</i>	<i>5,715</i>	<i>5,696</i>
<b>Non-current</b>		
Secretariat of the Trust Fund for Victims	505	586
<i>Total non-current</i>	<i>505</i>	<i>586</i>
<b>Total accounts payable</b>	<b>6,220</b>	<b>6,282</b>

9.1 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>2017</i>	<i>2016</i>
<b>Current</b>		
Salaries and entitlements	792	1,004
Annual leave accrual	6,297	6,089
Other long-term benefits	2,094	1,419
Post-employment benefits	1,359	1,216
<i>Sub-total current</i>	<i>10,542</i>	<i>9,728</i>
<b>Non-current</b>		
Other long-term benefits	8,583	9,332
Post-employment benefits	44,793	38,139
<i>Sub-total non-current</i>	<i>53,376</i>	<i>47,471</i>
<b>Total</b>	<b>63,918</b>	<b>57,199</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 2017, €6,297 thousand represents the accumulated annual leave accrual for all staff members of the Court. The cost related to untaken annual leave incurred in 2017 has been recognized as an expense of €208 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:

<b>Financial assumptions</b>	
Discount rate:	
Judges pension scheme	1.60%
Relocation allowance and other benefits of judges	0.11%
Home leave and family visit of staff	0.11%
ASHI	2.05%
Staff repatriation grant	1.35%
Other benefits of staff	1.27%
Wage inflation	1.50%
Price inflation	2.00%
Medical cost trend rate	5.00%
Individual salary increase rate	1.20%
<b>Demographic assumptions</b>	
Individual turnover rates	From 0% to 7% depending on age group
Disability rates	Based on UNJSPF
Mortality tables	UNJSPF active and inactive (2017)
Age corrections	Generational improvement scale (for inactive)
Age difference M/F	Based on actual age difference

10.4 The discount rate used to discount benefit obligations reflects time value of money. The currency and term of the financial instrument selected to reflect time value of money is consistent with the currency and estimated term of the benefit obligation.

### 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>Present value of the defined benefit obligation as at 1 January 2017</b>	<b>25,529</b>	<b>703</b>	<b>13,826</b>	<b>10,048</b>	<b>50,106</b>
Service cost	2,469	219	1,660	2,412	6,759
Interest expense	396	1	278	133	808
Remeasurement (gains)/losses	488	(34)	3,093	(1,908)	1,638
Direct payments to participants	(330)	-	-	-	(330)
Benefits paid	(1,221)	(27)	(34)	(870)	(2,152)
<b>Present value of the defined benefit obligation as at 31 December 2017</b>	<b>27,330</b>	<b>862</b>	<b>18,822</b>	<b>9,815</b>	<b>56,829</b>

**Reconciliation of the opening and closing balance of the reimbursement rights**

<i>In thousands of euros</i>	<i>Judges' pension scheme</i>
<b>Reimbursement right as at 1 January 2017</b>	<b>25,529</b>
Interest revenue	392
Remeasurement gains/(losses)	350
Contributions by employer	2,728
Benefits paid	(1,221)
Direct payments to participants	(330)
Administration cost	(117)
<b>Reimbursement right as at 31 December 2017</b>	<b>27,330</b>

10.5 The fair value of the reimbursement rights is deemed to be the present value of the related obligation. Administration costs of €17 thousand were paid to the judges' pension scheme administrator in 2017.

**Total defined benefit cost recognised in the Statement of financial performance and net assets/equity**

<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>	
Net service cost	2,469	219	1,660	2,412	6,759
Net interest on the net defined benefit liability/(asset)	4	1	278	133	417
Administration costs	117	-	-	-	117
Remeasurement of the net defined benefit liability	-	(34)	-	(1,908)	(1,942)
Defined benefit cost recorded in profit or loss	2,590	185	1,938	637	5,351
Remeasurement of the net defined benefit liability	138	-	3,093	-	3,231
Defined benefit cost recorded in net assets/equity	138	-	3,093	-	3,231
<b>Total defined benefit cost</b>	<b>2,728</b>	<b>185</b>	<b>5,031</b>	<b>637</b>	<b>8,581</b>

**Sensitivity analysis**

10.6 A significant actuarial assumption for the determination of the defined benefit obligation is the discount rate. The sensitivity analyses have been determined based on a 0.25 per cent change of the assumptions at the end of the reporting period.

	<i>Discount rate %</i>	<i>Defined benefit obligation</i>	<i>Discount rate plus 0.25%</i>	<i>Defined benefit obligation</i>	<i>Discount rate less 0.25%</i>	<i>Defined benefit obligation</i>
<b>Judges</b>						
Pension scheme	1.60	27,330	1.85	26,493	1.35	28,209
Home leave benefits	0.11	65	0.36	65	0	65
Removal/travel on separation	0.11	111	0.36	111	0	112
Relocation allowance	0.11	678	0.36	674	0	680
Survivors benefit	0.11	8	0.36	8	0	8

	<i>Discount rate %</i>	<i>Defined benefit obligation</i>	<i>Discount rate plus 0.25%</i>	<i>Defined benefit obligation</i>	<i>Discount rate less 0.25%</i>	<i>Defined benefit obligation</i>
<b>Staff</b>						
Home leave benefits	0.11	1060	0.36	1,059	0	1,061
Family visit	0.11	2	0.36	2	0	2
Removal/Travel on separation	1.27	2,108	1.52	2,060	1.02	2,159
Repatriation grant	1.35	6,277	1.60	6,120	1.10	6,440
Death grant	1.27	368	1.52	361	1.02	375
ASHI	2.05	18,822	2.30	17,407	1.80	20,379

10.7 Effect of an increase of one percentage point and effect of a decrease of one percentage point in the assumed medical cost trend rates are as follows:

#### Medical cost trend rate

<i>In thousands of euros</i>	<i>4%</i>	<i>5%</i>	<i>6%</i>
Defined benefit obligation as at 31/12/2017	15,734	18,822	22,747
Current Service cost for Fiscal year 2018	1,806	2,157	2,603

#### United Nations Joint Staff Pension Fund

10.8 The Fund's Regulations state that the Pension Board shall have an actuarial valuation made of the Fund at least once every three years by the Consulting Actuary. The practice of the Pension Board has been to carry out an actuarial valuation every two years using the Open Group Aggregate Method. The primary purpose of the actuarial valuation is to determine whether the current and estimated future assets of the Pension Fund will be sufficient to meet its liabilities.

10.9 The Court's financial obligation to the UNJSPF consists of its mandated contribution, at the rate established by the United Nations General Assembly (currently at 7.9 per cent for participants and 15.8 per cent for member organizations) together with any share of any actuarial deficiency payments under article 26 of the Regulations of the Pension Fund. Such deficiency payments are only payable if and when the United Nations General Assembly has invoked the provision 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. Each member organization shall contribute to this deficiency an amount proportionate to the total contributions which each paid during the three years preceding the valuation date.

10.10 During 2017, the Fund identified that there were anomalies in the census data utilized in the actuarial valuation performed as of 31 December 2015. As such, as an exception to the normal biennial cycle, a roll forward of the participation data as of 31 December 2013 to 31 December 2016 was used by the Fund for their 2016 financial statements. An actuarial valuation as of 31 December 2017 is currently being performed.

10.11 The roll forward of the participation data as of 31 December 2013 to 31 December 2016 resulted in a funded ratio of actuarial assets to actuarial liabilities, assuming no future pension adjustments, of 150.1 per cent (127.5 per cent in the 2013 valuation). The funded ratio was 101.4 per cent (91.2 per cent in the 2013 valuation) when the current system of pension adjustments was taken into account.

10.12 After assessing the actuarial sufficiency of the Fund, the Consulting Actuary concluded that there was no requirement, as of 31 December 2016, 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 plan. In addition, the market value of

assets also exceeded the actuarial value of all accrued liabilities as of the valuation date. At the time of this report, the General Assembly has not invoked the provision of article 26.

10.13 Should article 26 be invoked due to an actuarial deficiency, either during the ongoing operation or due to the termination of the UNJSPF pension plan, deficiency payments required from each member organization would be based upon the proportion of that member organization's contributions to the total contributions paid to the Fund during the three years preceding the valuation date. Total contributions paid to the UNJSPF during the preceding three years (2014, 2015 and 2016) amounted to USD 6,750.98 million, of which 0.85 per cent was contributed by the Court.

10.14 During 2017, contributions paid to UNJSPF amounted to €23,026 million (2016: €20,512 million). No significant variance is expected in the contributions due in 2018.

10.15 Membership of the Fund may be terminated by decision of the United Nations General Assembly, upon the affirmative recommendation of the Pension Board. A proportionate share of the total assets of the Fund at the date of termination shall be paid to the former member organization for the exclusive benefit of its staff who were participants in the Fund at that date, pursuant to an arrangement mutually agreed between the organization and the Fund. The amount is determined by the United Nations Joint Staff Pension Board based on an actuarial valuation of the assets and liabilities of the Fund on the date of termination; no part of the assets which are in excess of the liabilities are included in the amount.

10.16 The United Nations Board of Auditors carries out an annual audit of the UNJSPF and reports to the UNJSPF Pension Board and to the United Nations General Assembly on the audit every year. The UNJSPF publishes quarterly reports on its investments and these can be viewed by visiting the UNJSPF at [www.unjspf.org](http://www.unjspf.org).

### **Service-incurred injury**

10.17 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 2017 for this insurance was €10 thousand.

### **Secretariat of the Trust Fund for Victims**

10.18 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. Long-term and post-employment benefits that relate to the Secretariat of the Trust Fund for Victims and that are included in the obligations of the Court are estimated at €294 thousand.

10.19 The value of annual leave due to employees of the Secretariat of the Trust Fund for Victims as at 31 December 2017, also provided on a pooled basis, are included in the Court's liabilities and amounted to €72 thousand.

## **11. Host State loan**

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
Host State loan current	1,801	1,759
Host State loan non-current	70,708	72,509
<b>Total</b>	<b>72,509</b>	<b>74,268</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.

11.2 Repayment of the host State loan commenced on 30 June 2016, the date on which the rental agreement of the Court concerning the interim premises expired. States Parties that did not pay the one-time contribution are 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	3,585	10,755	91,421	105,761

## 12. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
Assessed contributions in advance	2,273	4,379
Deferred voluntary contributions	910	387
Accrued expenses	2,104	3,479
Accrual on host State loan	3,585	2,984
<b>Total</b>	<b>8,872</b>	<b>11,229</b>

12.1 Assessed contributions received in advance: €2,273 thousand was received from States Parties prior to the year to which they relate. Contributions received in advance decreased by €2,106 thousand (or 48 per cent). The details of received contributions relating to year 2018 by State Party is provided in Schedule 1.

12.2 Deferred voluntary contributions represent awards from donors, subject to conditions, for which implementation is expected in the future financial period. The amount of €910 thousand relates primarily to the activities of the Trust Fund “Building Legal Expertise and Fostering Cooperation” and “Junior Professional Officer Programme”. These contributions will be recognized as revenue, as and when the conditions are satisfied. Details of voluntary contributions transferred subject to conditions as of 31 December 2017 are provided in Schedule 6.

12.3 Accrued expenses represent the amount of goods and services delivered for which the invoices were not yet received by the reporting date.

12.4 The accrual on the Host State loan represents the amount of 2017 annuity due for payment in February 2018.

## 13. Provisions

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
Provision for ILOAT cases	2,060	2,171
Provision for US tax	126	86
Other provisions	194	-
<b>Total</b>	<b>2,380</b>	<b>2,257</b>

**Changes in provisions**

<i>In thousands of euros</i>	<i>ILOAT provision</i>	<i>US tax provision</i>	<i>Other provisions</i>	<i>Total</i>
Provision as at 1 January 2017	2,171	86	-	2,257
Increase in provision	1,760	86	194	2,040
Decrease due to payments	(1,798)	(42)	-	(1,840)
Decrease due to reversals	(73)	(4)	-	(77)
<b>Provision as at 31 December 2017</b>	<b>2,060</b>	<b>126</b>	<b>194</b>	<b>2,380</b>

13.1 Provision for ILOAT cases of €2,060 thousand corresponds to twenty cases filed with the Administrative Tribunal of the International Labour Organization (ILOAT) by current or former staff members of the Court. In addition there are other cases pending with the Tribunal which 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 €126 thousand estimated for the year 2017 for nine United States taxpayers on the payroll of the Court during this period.

13.3 Other provisions represent an estimate of the amount payable by the Court in relation to an appendix D case.

**14. Net assets/equity**

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
<b>General</b>		
Contingency Fund	3,764	5,791
Working Capital Fund	17	3,664
<b>General Funds</b>		
Funds for Employee Benefit Liabilities	479	172
Cash Surplus / (Deficit)	(5,622)	5,394
Other General Fund	105,142	102,627
Remeasurement of post-employment related plans	(6,650)	(3,419)
<b>Total General balances</b>	<b>97,130</b>	<b>114,229</b>
Trust Funds	1,695	1,623
<b>Total</b>	<b>98,825</b>	<b>115,852</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 2017 the amount of €1,479 thousand was exceptionally temporarily utilized from the Contingency Fund to meet short-term liquidity problems pending receipt of assessed contributions (ICC-ASP/15/Res.1, part C, paragraph 4) and €548 thousand was used for 2017 Contingency Fund expenditures which were not absorbed by the 2017 programme budget (Schedule 2).

14.2 Working Capital Fund: the Assembly, in its resolution ICC-ASP/15/Res.1, established the Working Capital Fund for the financial period 1 January to 31 December 2017 at €1,600 thousand. In 2017 the 2015 cash surplus of €5,394 thousand was used to replenish the Working Capital Fund and the amount of €9,041 thousand was temporarily



utilized from the Working Capital Fund to meet short-term liquidity problems pending receipt of assessed contributions (Schedule 2).

14.3 Remeasurement of post-employment related plans: the balance of €6,650 thousand represents actuarial losses relating to the pensions of judges and the after service health insurance plan for the Court's staff. The actuarial loss is mainly due to a change in the demographic assumptions relating to mortality rates.

## 15. Revenue

<i>In thousands of euros</i>	<i>2017</i>	<i>2016</i>
<b>Assessed contributions</b>		
To programme budget	142,413	136,886
To Permanent Premises Project	-	246
To total cost of Permanent Premises	-	51
Change in provision for doubtful debt	(2,353)	(4,122)
<i>Sub-total assessed contributions</i>	<i>140,060</i>	<i>133,061</i>
<b>Voluntary contributions</b>		
To programme budget	-	805
To trust funds (Schedule 6)	1,662	984
<i>Sub-total voluntary contributions</i>	<i>1,662</i>	<i>1,789</i>
<b>Financial revenue</b>		
Interest revenue	158	45
Net foreign exchange gain	3	-
<i>Sub-total financial revenue</i>	<i>161</i>	<i>45</i>
<b>Other revenue</b>		
Host State contribution to Permanent Premises Project	-	652
Other miscellaneous revenue	219	836
<i>Sub-total other revenue</i>	<i>219</i>	<i>1,488</i>
<b>Total revenue</b>	<b>142,102</b>	<b>136,383</b>

15.1 Assessed contributions to programme budget: the Assembly, in its resolution ICC-ASP/15/Res.1, approved the funding of the appropriations of the Court for the financial period 1 January to 31 December 2017 in the amount of €144,587 thousand. €2,174 thousand of the total appropriations relates to contributions to the Secretariat of the Trust Fund for Victims and is reported separately in the financial statements of the Trust Fund.

15.2 The Court recognizes revenue when the inflow of the economic benefits or service potential is probable. For the doubtful debt estimated in relation to the assessed contributions receivable the revenue is reduced and will be reinstated once the uncertainty over collection is removed. In 2017, the estimate of the doubtful debt provision increased by €2,353 thousand.

15.3 Details of voluntary contributions by donors are provided in Schedule 6.

### Contributions in kind

15.4 In 2017 the Court received services-in-kind related to short-term pro bono personnel. These resources provide expertise in specific areas that help support the activities of the Court. The value of such services received by the Court in 2017 is estimated at €735 thousand.

**16. Employee benefit expenses**

<i>In thousands of euros</i>	2017	2016
Judges' salaries	3,237	3,250
Judges' entitlements and allowances	1,718	3,148
Staff salaries	56,112	47,627
Staff entitlements and allowances	29,231	24,981
Temporary assistance	16,567	21,427
<b>Total</b>	<b>106,865</b>	<b>100,433</b>

**17. Travel and hospitality expenses**

<i>In thousands of euros</i>	2017	2016
Hospitality	22	36
Travel	6,610	5,295
<b>Total</b>	<b>6,632</b>	<b>5,331</b>

**18. Expenses for contractual services**

<i>In thousands of euros</i>	2017	2016
Public information	387	425
External translation	592	683
Training	806	759
Consultants and individual contractors	1,648	1,719
Other contractual services	2,117	1,766
<b>Total</b>	<b>5,550</b>	<b>5,352</b>

**19. Expenses for counsel fees**

<i>In thousands of euros</i>	2017	2016
Counsel for defence	4,894	4,601
Counsel for victims	1,349	945
<b>Total</b>	<b>6,243</b>	<b>5,546</b>

**20. Operating expenses**

<i>In thousands of euros</i>	2017	2016
Rental, utility and maintenance	6,644	4,501
Communications and software maintenance	3,235	2,993
Witness-related expenses	2,378	2,166
Other operating expenses	2,045	1,632
<b>Total</b>	<b>14,302</b>	<b>11,292</b>

## 21. Supplies and materials expenses

<i>In thousands of euros</i>	2017	2016
Office supplies	546	570
Library books, magazines and subscriptions	113	150
Other supplies	445	475
Low value asset purchases	1,047	1,278
<b>Total</b>	<b>2,151</b>	<b>2,473</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>	2017	2016
Depreciation	11,923	11,652
Amortization	388	441
<b>Total</b>	<b>12,311</b>	<b>12,093</b>

22.1 No material impairment losses were incurred in 2017.

## 23. Financial expenses

<i>In thousands of euros</i>	2017	2016
Bank charges	68	55
Net foreign exchange loss	-	33
Interest expense on the host State loan	1,826	2,133
<b>Total</b>	<b>1,894</b>	<b>2,221</b>

23.1 Interest on the host State loan amounting to €1,826 thousand is recognized on an effective interest rate basis.

## 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 note 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 trust funds segments, 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 2017 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>	(548)	-	-	(548)
Basis differences	(8,202)	-	-	(8,202)
Presentation differences	-	(1,562)	(2,983)	(4,545)
Entity differences	(27)	2	-	(25)
<b>Actual amount in the Statement of cash flows (Statement IV)</b>	<b>(8,777)</b>	<b>(1,560)</b>	<b>(2,983)</b>	<b>(13,320)</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 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 2017.

## 25. Segment Reporting

### Statement of financial position by segment as at 31 December 2017

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Intersegment</i>	<i>Total</i>
<b>Assets</b>				
<i>Current assets</i>				
Cash and cash equivalents	4,238	2,844	-	7,082
Accounts receivable (non-exchange transactions)	24,188	244	-	24,432
Other accounts receivable	1,357	-	(229)	1,128
Prepayments and other current assets	2,316	5	-	2,321
<b>Total current assets</b>	<b>32,099</b>	<b>3,093</b>	<b>(229)</b>	<b>34,963</b>
<i>Non-current assets</i>				
Accounts receivable (non-exchange transactions)	36	-	-	36
Property, plant and equipment	189,286	-	-	189,286
Intangible assets	1,109	-	-	1,109
Reimbursement right	27,330	-	-	27,330
<b>Total non-current assets</b>	<b>217,761</b>	<b>-</b>	<b>-</b>	<b>217,761</b>
<b>Total assets</b>	<b>249,860</b>	<b>3,093</b>	<b>(229)</b>	<b>252,724</b>

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Intersegment</i>	<i>Total</i>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Accounts payable	5,486	458	(229)	5,715
Employee benefit liabilities	10,524	18	-	10,542
Host State loan	1,801	-	-	1,801
Deferred revenue and accrued expenses	7,950	922	-	8,872
Provisions	2,380	-	-	2,380
<b>Total current liabilities</b>	<b>28,141</b>	<b>1,398</b>	<b>(229)</b>	<b>29,310</b>
<i>Non-current liabilities</i>				
Accounts payable	505	-	-	505
Employee benefit liabilities	53,376	-	-	53,376
Host State loan	70,708	-	-	70,708
<b>Total non-current liabilities</b>	<b>124,589</b>	<b>-</b>	<b>-</b>	<b>124,589</b>
<b>Total liabilities</b>	<b>152,730</b>	<b>1,398</b>	<b>(229)</b>	<b>153,899</b>
<b>Net assets/equity</b>				
Contingency Fund	3,764	-	-	3,764
Working Capital Fund	17	-	-	17
Other fund balances	93,349	1,695	-	95,044
<b>Total net assets/equity</b>	<b>97,130</b>	<b>1,695</b>	<b>0</b>	<b>98,825</b>
<b>Total liabilities and net assets/equity</b>	<b>249,860</b>	<b>3,093</b>	<b>(229)</b>	<b>252,724</b>

#### Statement of financial position by segment as at 31 December 2016

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Intersegment</i>	<i>Total</i>
<b>Assets</b>				
<i>Current assets</i>				
Cash and cash equivalents	18,060	2,344	-	20,404
Accounts receivable (non-exchange transactions)	13,916	16	-	13,932
Other accounts receivable	4,136	2	(932)	3,206
Prepayments and other current assets	2,861	44	-	2,905
<b>Total current assets</b>	<b>38,973</b>	<b>2,406</b>	<b>(932)</b>	<b>40,447</b>
<i>Non-current assets</i>				
Accounts receivable (non-exchange transactions)	41	-	-	41
Property, plant and equipment	199,728	-	-	199,728
Intangible assets	1,342	-	-	1,342
Reimbursement right	25,529	-	-	25,529
<b>Total non-current assets</b>	<b>226,640</b>	<b>-</b>	<b>-</b>	<b>226,640</b>
<b>Total assets</b>	<b>265,613</b>	<b>2,406</b>	<b>(932)</b>	<b>267,087</b>

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Intersegment</i>	<i>Total</i>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Accounts payable	6,261	367	(932)	5,696
Employee benefit liabilities	9,716	12	-	9,728
Host State loan	1,759	-	-	1,759
Deferred revenue and accrued expenses	10,825	404	-	11,229
Provisions	2,257	-	-	2,257
<i>Total current liabilities</i>	<i>30,818</i>	<i>783</i>	<i>(932)</i>	<i>30,669</i>
<i>Non-current liabilities</i>				
Accounts payable	586	-	-	586
Employee benefit liabilities	47,471	-	-	47,471
Host State loan	72,509	-	-	72,509
<i>Total non-current liabilities</i>	<i>120,566</i>	<i>-</i>	<i>-</i>	<i>120,566</i>
<b>Total liabilities</b>	<b>151,384</b>	<b>783</b>	<b>(932)</b>	<b>151,235</b>
<b>Net assets/equity</b>				
Contingency Fund	5,791	-	-	5,791
Working Capital Fund	3,664	-	-	3,664
Other fund balances	104,774	1,623	-	106,397
<b>Total net assets/equity</b>	<b>114,229</b>	<b>1,623</b>	<b>-</b>	<b>115,852</b>
<b>Total liabilities and net assets/equity</b>	<b>265,613</b>	<b>2,406</b>	<b>(932)</b>	<b>267,087</b>

#### Statement of financial performance by segment for the year ended 31 December 2017

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Total</i>
<b>Revenue</b>			
Assessed contributions	140,060	-	140,060
Voluntary contributions	-	1,662	1,662
Financial revenue	162	(1)	161
Other revenue	218	1	219
<b>Total revenue</b>	<b>140,440</b>	<b>1,662</b>	<b>142,102</b>
<b>Expenses</b>			
Employee benefit expenses	106,515	350	106,865
Travel and hospitality	5,969	663	6,632
Contractual services	5,331	219	5,550
Counsel fees	6,243	-	6,243
Operating expenses	13,943	359	14,302
Supplies and materials	2,151	-	2,151
Depreciation and amortization	12,311	-	12,311
Financial expenses	1,894	-	1,894
<b>Total expenses</b>	<b>154,357</b>	<b>1,591</b>	<b>155,948</b>
<b>Surplus/(deficit) for the period</b>	<b>(13,917)</b>	<b>71</b>	<b>(13,846)</b>

**Statement of financial performance by segment for the year ended 31 December 2016**

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Total</i>
<b>Revenue</b>			
Assessed contributions	133,061	-	133,061
Voluntary contributions	805	984	1,789
Financial revenue	43	2	45
Other revenue	1,487	1	1,488
<b>Total revenue</b>	<b>135,396</b>	<b>987</b>	<b>136,383</b>
<b>Expenses</b>			
Employee benefit expenses	100,246	187	100,433
Travel and hospitality	4,999	332	5,331
Contractual services	5,057	295	5,352
Counsel fees	5,546	-	5,546
Operating expenses	11,225	67	11,292
Supplies and materials	2,473	-	2,473
Depreciation and amortization	12,093	-	12,093
Financial expenses	2219	2	2,221
<b>Total expenses</b>	<b>143,858</b>	<b>883</b>	<b>144,741</b>
<b>Surplus/(deficit) for the period</b>	<b>(8,462)</b>	<b>104</b>	<b>(8,358)</b>

**26. Commitments and operating leases****Operating leases**

26.1 Operating costs include lease payments in an amount of €2,324 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.

**Commitments**

26.2 At 31 December 2017 contractual commitments of the Court for the acquisition of property plant and equipment contracted but not delivered amounted to €167 thousand.

**27. Contingent liabilities**

27.1 At the end of 2017, two cases filed by staff members of the Court with the ILOAT have been identified for which it is not considered likely that an outflow of economic resources will be required. A total of approximately €0.1 million is disclosed as contingent liabilities for these cases. In addition, there are cases from current or former staff members of the Court, the liability for which cannot be reliably estimated.

**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	2,614	112

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>
Key management personnel	280	508	1,246	2,034

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 2017, the Assembly approved an appropriation of €2,174 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 €81 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 and receivables

29.1 In addition to the items written off during 2017 as stated in note 7 above, a total amount of €2 thousand was written off as the value of receivables deemed to be irrecoverable.

## 30. Events after the reporting date

30.1 The Court's reporting date is 31 December 2017. On 26 June 2018 the Administrative Tribunal of the International Labour Organization (ILOAT) delivered judgements in five cases filed by current and former staff members of the Court, resulting in an adjustment of the liability estimate as of the reporting date. In addition, new cases were filed with the Tribunal which relate to the potential existing liabilities of the Court as of the reporting date. According to the requirements set forth by IPSAS 14 ("Events after the Reporting Date"), the estimate for ILOAT provision (note 13) fully accounts for the additional evidence from the above events.



## Annex

## Schedule 1

International Criminal Court - Status of contributions as at 31 December 2017  
(in euros)

States Parties	Outstanding as at 31-12-2016		Outstanding	Assessed	Credits from 2016		Outstanding	Total outstanding	Receipts relating to 2018
	Collections	Prior years			Collections	2017			
Afghanistan	-	-	-	14,748	-	14,748	-	-	-
Albania	-	-	-	19,258	-	19,258	-	-	-
Andorra	-	-	-	14,443	-	14,443	-	-	-
Antigua and Barbuda	6,973	99	6,874	4,969	155	-	4,814	11,688	-
Argentina	1,044,816	1,044,816	-	2,151,329	-	4,760	2,146,569	2,146,569	-
Australia	-	-	-	5,636,246	1,048	5,635,198	-	-	-
Austria	-	-	-	1,830,726	295	1,830,431	-	-	-
Bangladesh	-	-	-	14,904	675	14,229	-	-	-
Barbados	-	-	-	16,850	-	-	16,850	16,850	-
Belgium	-	-	-	2,252,390	296	2,252,094	-	-	-
Belize	-	-	-	2,526	-	2,411	115	115	-
Benin	21,398	21,398	-	7,577	-	7,577	-	-	-
Bolivia	-	-	-	28,886	-	28,886	-	-	-
Bosnia and Herzegovina	-	-	-	31,294	-	31,294	-	-	-
Botswana	-	-	-	35,589	144	35,445	-	-	-
Brazil	6,973,575	-	6,973,575	9,566,794	-	-	9,566,794	16,540,369	-
Bulgaria	-	-	-	114,019	5,044	108,975	-	-	-
Burkina Faso	3,579	3,579	-	9,766	-	827	8,939	8,939	-
Burundi <sup>1</sup>	2,776	2,776	-	6,309	-	2,721	3,588	3,588	-
Cabo Verde	6,321	6,321	-	2,526	-	1,249	1,277	1,277	-
Cambodia	-	-	-	9,996	-	9,996	-	-	-
Canada	-	-	-	7,044,742	1,045	7,043,697	-	-	-
Central African Republic	3,198	-	3,198	2,526	-	-	2,526	5,724	-
Chad	12,394	-	12,394	12,164	-	-	12,164	24,558	-
Chile	-	-	-	962,314	7	962,307	-	-	-
Colombia	1,067,430	1,067,430	-	776,534	-	22,019	754,515	754,515	-
Comoros	16,841	-	16,841	2,526	-	-	2,526	19,367	-
Congo	47,359	-	47,359	15,031	-	-	15,031	62,390	-
Cook Islands	28	28	-	2,526	-	2,526	-	-	2
Costa Rica	8,084	8,084	-	113,422	-	113,422	-	-	11,015
Côte d'Ivoire	-	-	-	22,967	-	22,967	-	-	-
Croatia	-	-	-	253,621	145	253,476	-	-	-
Cyprus	-	-	-	103,651	145	103,506	-	-	-
Czech Republic	-	-	-	829,634	7	829,627	-	-	-
Democratic Republic of the Congo	13,678	13,678	-	14,187	-	14,187	-	-	-
Denmark	-	-	-	1,408,495	151	1,408,344	-	-	-
Djibouti	4,421	2,818	1,603	2,526	-	-	2,526	4,129	-
Dominica	8,121	-	8,121	2,526	-	-	2,526	10,647	-
Dominican Republic	264,304	120,001	144,303	116,187	-	-	116,187	260,490	-
Ecuador	-	-	-	161,566	-	161,566	-	-	-
El Salvador	18,985	18,985	-	33,701	-	33,701	-	-	-
Estonia	-	-	-	91,615	-	91,615	-	-	-
Fiji	-	-	-	7,577	-	7,577	-	-	2
Finland	-	-	-	1,099,807	12,352	1,087,455	-	-	-
France	-	-	-	12,379,631	1,643	12,377,988	-	-	-
Gabon	-	-	-	42,555	-	-	42,555	42,555	-
Gambia	2,403	2,403	-	2,526	-	2,526	-	-	-
Georgia	-	-	-	19,258	-	19,258	-	-	-
Germany	-	-	-	15,408,770	2,551	15,406,219	-	-	-
Ghana	30,200	30,200	-	40,306	-	35,781	4,525	4,525	-
Greece	-	-	-	1,135,915	152	1,135,763	-	-	-
Grenada	-	-	-	2,526	-	2,526	-	-	-
Guatemala	-	-	-	70,733	70,733	-	-	-	3,807
Guinea	14,573	-	14,573	4,933	-	-	4,933	19,506	-
Guyana	-	-	-	4,933	1,707	3,082	144	144	-
Honduras	17,988	17,988	-	20,202	-	475	19,727	19,727	-
Hungary	-	-	-	392,915	2,006	390,909	-	-	-
Iceland	-	-	-	55,507	18,166	37,341	-	-	-
Ireland	-	-	-	807,970	143	807,827	-	-	-
Italy	-	-	-	9,039,319	666,084	8,373,235	-	-	-
Japan	-	-	-	24,625,563	-	24,625,563	-	-	-
Jordan	-	-	-	48,286	-	48,286	-	-	-

States Parties	Outstanding as at 31-12-2016		Outstanding	Assessed	Credits from 2016		Outstanding	Total outstanding	Receipts relating to 2018
	Collections	Prior years			Collections	2017			
Kenya	-	-	-	45,009	1,396	43,613	-	-	-
Latvia	-	-	-	120,643	-	120,643	-	-	-
Lesotho	2,475	2,475	-	2,526	-	2,526	-	-	-
Liberia	145	-	145	2,526	-	-	2,526	2,671	-
Liechtenstein	-	-	-	16,850	716	16,134	-	-	-
Lithuania	-	-	-	173,602	173,602	-	-	-	176,357
Luxembourg	-	-	-	154,344	-	154,344	-	-	-
Madagascar	-	-	-	7,577	3,559	3,818	200	200	-
Malawi	17,837	17,837	-	5,053	-	5,053	-	-	-
Maldives	4,863	-	4,863	4,933	-	-	4,933	9,796	-
Mali	79	79	-	7,697	-	7,697	-	-	-
Malta	-	-	-	38,657	-	38,657	-	-	-
Marshall Islands	3,437	-	3,437	2,526	-	-	2,526	5,963	-
Mauritius	-	-	-	28,886	-	28,886	-	-	-
Mexico	2,675,916	2,675,916	-	3,460,846	-	-	3,460,846	3,460,846	-
Mongolia	-	-	-	12,036	-	12,036	-	-	-
Montenegro	-	-	-	9,629	-	9,625	4	4	-
Namibia	-	-	-	24,072	-	24,072	-	-	-
Nauru	15	15	-	2,526	-	2,526	-	-	51
Netherlands	-	-	-	3,574,267	199,218	3,375,049	-	-	-
New Zealand	-	-	-	676,298	676,298	-	-	-	-
Niger	26,731	-	26,731	5,053	-	-	5,053	31,784	-
Nigeria	771,900	-	771,900	514,728	-	-	514,728	1,286,628	-
Norway	-	-	-	2,148,083	302	2,147,781	-	-	-
Panama	60,015	60,015	-	82,607	-	77,134	5,473	5,473	-
Paraguay	-	-	-	34,884	733	4,395	29,756	29,756	-
Peru	325,842	325,842	-	341,768	-	341,768	-	-	19,318
Philippines	-	-	-	397,896	128	397,768	-	-	-
Poland	-	-	-	2,028,278	2,028,278	-	-	-	2,060,460
Portugal	-	-	-	945,463	38,370	907,093	-	-	-
Republic of Korea	-	-	-	5,109,402	175,396	4,934,006	-	-	-
Republic of Moldova	-	-	-	9,629	-	9,629	-	-	-
Romania	-	-	-	443,774	144	443,630	-	-	-
Saint Kitts and Nevis	-	-	-	2,526	-	2,526	-	-	-
Saint Lucia	-	-	-	2,526	-	2,526	-	-	-
Saint Vincent and the Grenadines	196	196	-	2,526	-	2,274	252	252	-
Samoa	-	-	-	2,407	-	2,407	-	-	2
San Marino	-	-	-	7,222	-	7,222	-	-	-
Senegal	-	-	-	12,741	-	12,415	326	326	-
Serbia	-	-	-	77,172	711	76,461	-	-	-
Seychelles	-	-	-	2,526	-	2,526	-	-	-
Sierra Leone	-	-	-	2,526	2,526	-	-	-	1,672
Slovakia	-	-	-	385,860	145	385,715	-	-	-
Slovenia	-	-	-	202,630	-	202,630	-	-	-
South Africa	-	-	-	877,920	144	877,776	-	-	-
Spain	-	-	-	5,891,976	1,507	5,890,469	-	-	-
State of Palestine	-	-	-	17,438	101	17,337	-	-	-
Suriname	14,462	14,462	-	14,810	-	14,810	-	-	-
Sweden	-	-	-	2,305,673	86,342	2,219,331	-	-	-
Switzerland	-	-	-	2,749,447	195,272	2,554,175	-	-	-
Tajikistan	5,073	5,073	-	9,984	-	9,984	-	-	-
The former Yugoslav Republic of Macedonia	-	-	-	17,794	-	17,794	-	-	-
Timor-Leste	7,024	6,956	68	7,222	-	-	7,222	7,290	-
Trinidad and Tobago	-	-	-	81,986	-	81,986	-	-	-
Tunisia	-	-	-	71,797	-	71,797	-	-	-
Uganda	47,996	47,996	-	14,865	-	14,865	-	-	-
United Kingdom	-	-	-	10,763,724	4,127	10,759,597	-	-	-
United Republic of Tanzania	74,293	74,293	-	14,904	-	13,892	1,012	1,012	-
Uruguay	-	-	-	193,043	-	190,594	2,449	2,449	-
Vanuatu	6,320	-	6,320	2,526	-	-	2,526	8,846	-
Venezuela	4,756,763	-	4,756,763	1,451,139	-	-	1,451,139	6,207,902	-
Zambia	14,139	-	14,139	14,865	-	-	14,865	29,004	-
<i>Rounding difference</i>	-	-	-	715	-	715	-	-	-
<b>Total</b>									
(124 States Parties)	<b>18,404,966</b>	<b>5,591,759</b>	<b>12,813,207</b>	<b>144,587,396</b>	<b>4,373,709</b>	<b>121,979,020</b>	<b>18,234,667</b>	<b>31,047,874</b>	<b>2,272,686</b>

<sup>1)</sup> Burundi withdrew from the Rome Statute of the International Criminal Court effective 27 October 2017; the resulting €435 balance from Burundi's refund for 2017 annual contribution is pending redistribution among other States Parties in 2018. The withdrawn State's 2017 assessed amount includes the total outstanding balance for Host State Loan 2018-2047 of €4,218 (ICC ASP/16/Res.1, Part P; ICC ASP/16/15, para. 241).

## Schedule 2

### International Criminal Court - Status of Working Capital Fund and Contingency Fund as at 31 December 2017 (in euros)

#### Status of Working Capital Fund

	2017	2016
Balance at beginning of financial period	3,634,515	1,615,124
Receipts from States Parties	12,461	364,492
Refunds to States Parties	-	(393,293)
Refund to withdrawn State	(149)	-
Withdrawal for Permanent Premises Project	-	(3,837,292)
Temporary withdrawal for liquidity	(9,041,272)	-
Replenishments	-	5,790,464
Cash Surplus	5,394,445	95,020
<b>Balance as at 31 December</b>	<b>-</b>	<b>3,634,515</b>
Established level	11,600,000	7,405,983
Due from States Parties (Schedule 3)	(16,735)	(29,196)
Funding shortage / to be financed through future surplus funds	(2,541,993)	(3,742,272)
Temporary withdrawal for liquidity	(9,041,272)	-
<b>Balance as at 31 December</b>	<b>-</b>	<b>3,634,515</b>

#### Status of Contingency Fund

	2017	2016
Balance at beginning of financial period	5,785,308	5,784,923
Receipts from States Parties	452	385
Refund to withdrawn State	(46)	-
Temporary withdrawal for liquidity	(1,478,982)	-
Withdrawal - not absorbed by regular budget	(547,594)	-
Replenishments	-	-
<b>Balance as at 31 December</b>	<b>3,759,138</b>	<b>5,785,308</b>
Established level	7,000,000	7,000,000
Due from States Parties (Schedule 4)	(5,286)	(5,738)
Funding shortage	(1,756,594)	(1,208,954)
Temporary withdrawal for liquidity	(1,478,982)	-
<b>Balance as at 31 December</b>	<b>3,759,138</b>	<b>5,785,308</b>

<sup>1)</sup> Cash Surplus 2015 (ICC-ASP/15/ Res.1, part B, para. 4; ICC-ASP/16/12, p.47, Schedule 5)

<sup>2)</sup> ICC-ASP/15/Res.1, part B, para. 4

### Schedule 3

#### International Criminal Court - Status of advances to the Working Capital Fund as at 31 December 2017 (in euros)

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>
Afghanistan	791	791	-
Albania	1,358	1,358	-
Andorra	1,061	1,061	-
Antigua and Barbuda	298	298	-
Argentina	91,904	91,904	-
Australia	322,986	322,986	-
Austria	113,380	113,380	-
Bangladesh	906	906	-
Barbados	1,121	1,121	-
Belgium	140,858	140,858	-
Belize	149	149	-
Benin	446	446	-
Bolivia	1,513	1,513	-
Bosnia and Herzegovina	2,272	2,272	-
Botswana	2,246	2,246	-
Brazil	488,335	488,335	-
Bulgaria	6,835	6,835	-
Burkina Faso	507	507	-
Burundi (withdrawn State)	149	149	-
Cabo Verde	149	149	-
Cambodia	594	594	-
Canada	437,867	437,867	-
Central African Republic	149	141	8
Chad	480	87	393
Chile	53,391	53,391	-
Colombia	42,165	42,165	-
Comoros	149	141	8
Congo	798	463	335
Cook Islands	149	149	-
Costa Rica	6,173	6,173	-
Côte d'Ivoire	1,507	1,507	-
Croatia	17,006	17,006	-
Cyprus	6,713	6,713	-
Czechia	54,582	54,582	-
Democratic Republic of the Congo	621	621	-
Denmark	94,382	94,382	-
Djibouti	149	149	-
Dominica	149	141	8
Dominican Republic	6,719	6,719	-
Ecuador	7,909	7,909	-
El Salvador	850	850	-
Estonia	5,800	5,800	-
Fiji	446	446	-
Finland	72,995	72,995	-
France	783,276	783,276	-
Gabon	2,780	2,780	-
Gambia	149	149	-
Georgia	1,095	1,095	-
Germany	1,011,325	1,011,325	-
Ghana	2,193	2,193	-
Greece	84,285	84,285	-
Grenada	149	149	-
Guatemala	4,058	4,058	-
Guinea	210	76	134
Guyana	210	210	-
Honduras	1,182	1,182	-
Hungary	32,989	32,989	-
Iceland	3,754	3,754	-
Ireland	56,829	56,829	-
Italy	615,860	615,860	-
Japan	1,533,276	1,533,276	-

<i>States Parties</i>	<i>Working Capital Fund</i>	<i>Cumulative payments</i>	<i>Outstanding</i>
Jordan	3,137	3,137	-
Kenya	2,233	2,233	-
Latvia	7,142	7,142	-
Lesotho	149	149	-
Liberia	149	149	-
Liechtenstein	1,209	1,209	-
Lithuania	10,743	10,743	-
Luxembourg	10,955	10,955	-
Madagascar	446	446	-
Malawi	298	298	-
Maldives	210	210	-
Mali	533	533	-
Malta	2,368	2,368	-
Marshall Islands	149	141	8
Mauritius	1,865	1,865	-
Mexico	247,922	247,922	-
Mongolia	568	568	-
Montenegro	677	677	-
Namibia	1,480	1,480	-
Nauru	149	149	-
Netherlands	234,377	234,377	-
New Zealand	38,364	38,364	-
Niger	298	268	30
Nigeria	20,554	4,780	15,774
Norway	125,843	125,843	-
Panama	4,333	4,333	-
Paraguay	1,723	1,723	-
Peru	18,470	18,470	-
Philippines	23,461	23,461	-
Poland	131,467	131,467	-
Portugal	65,180	65,180	-
Republic of Korea	297,893	297,893	-
Republic of Moldova	507	507	-
Romania	30,902	30,902	-
Saint Kitts and Nevis	149	149	-
Saint Lucia	149	149	-
Saint Vincent and the Grenadines	149	149	-
Samoa	149	149	-
San Marino	446	446	-
Senegal	825	825	-
Serbia	5,436	5,436	-
Seychelles	149	149	-
Sierra Leone	149	149	-
Slovakia	24,644	24,644	-
Slovenia	13,830	13,830	-
South Africa	54,580	54,580	-
Spain	407,860	407,860	-
State of Palestine	769	769	-
Suriname	715	715	-
Sweden	141,862	141,862	-
Switzerland	160,632	160,632	-
Tajikistan	507	507	-
The former Yugoslav Republic of Macedonia	1,121	1,121	-
Timor-Leste	358	358	-
Trinidad and Tobago	5,903	5,903	-
Tunisia	4,843	4,843	-
Uganda	878	878	-
United Kingdom	723,004	723,004	-
United Republic of Tanzania	906	906	-
Uruguay	9,337	9,337	-
Vanuatu	149	149	-
Venezuela	89,402	89,402	-
Zambia	878	841	37
<i>Rounding difference</i>	(4)	(4)	-
<b>Total (124 States Parties)</b>	<b>9,058,156</b>	<b>9,041,421</b>	<b>16,735</b>
<i>Adjustment for refund to withdrawn State</i>	(149)	(149)	-
<b>Total (123 States Parties)</b>	<b>9,058,007</b>	<b>9,041,272</b>	<b>16,735</b>

## Schedule 4

### International Criminal Court - Status of contributions to the Contingency Fund for 2017 (in euros)

<i>States Parties</i>	<i>Outstanding as at 31-12-2016</i>	<i>Replenishment of Contingency Fund</i>	<i>Collections</i>	<i>Outstanding as at 31-12-2017</i>
Afghanistan	-	-	-	-
Albania	-	-	-	-
Andorra	-	-	-	-
Antigua and Barbuda	-	-	-	-
Argentina	-	-	-	-
Australia	-	-	-	-
Austria	-	-	-	-
Bangladesh	-	-	-	-
Barbados	-	-	-	-
Belgium	-	-	-	-
Belize	-	-	-	-
Benin	24	-	24	-
Bolivia	-	-	-	-
Bosnia and Herzegovina	-	-	-	-
Botswana	-	-	-	-
Brazil	-	-	-	-
Bulgaria	-	-	-	-
Burkina Faso	-	-	-	-
Burundi (withdrawn state)	-	-	-	-
Cabo Verde	-	-	-	-
Cambodia	-	-	-	-
Canada	-	-	-	-
Central African Republic	-	-	-	-
Chad	-	-	-	-
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	8	-	-	8
Dominican Republic	-	-	-	-
Ecuador	-	-	-	-
El Salvador	-	-	-	-
Estonia	-	-	-	-
Fiji	-	-	-	-
Finland	-	-	-	-
France	-	-	-	-
Gabon	-	-	-	-
Gambia	-	-	-	-
Georgia	-	-	-	-
Germany	-	-	-	-
Ghana	-	-	-	-
Greece	-	-	-	-
Grenada	-	-	-	-
Guatemala	-	-	-	-
Guinea	84	-	-	84
Guyana	-	-	-	-
Honduras	-	-	-	-
Hungary	-	-	-	-
Iceland	-	-	-	-
Ireland	-	-	-	-
Italy	-	-	-	-

<i>States Parties</i>	<i>Outstanding as at 31-12-2016</i>	<i>Replenishment of Contingency Fund</i>	<i>Collections</i>	<i>Outstanding as at 31-12-2017</i>
Japan	-	-	-	-
Jordan	-	-	-	-
Kenya	-	-	-	-
Latvia	-	-	-	-
Lesotho	-	-	-	-
Liberia	-	-	-	-
Liechtenstein	-	-	-	-
Lithuania	-	-	-	-
Luxembourg	-	-	-	-
Madagascar	-	-	-	-
Malawi	26	-	26	-
Maldives	-	-	-	-
Mali	-	-	-	-
Malta	-	-	-	-
Marshall Islands	-	-	-	-
Mauritius	-	-	-	-
Mexico	-	-	-	-
Mongolia	-	-	-	-
Montenegro	-	-	-	-
Namibia	-	-	-	-
Nauru	-	-	-	-
Netherlands	-	-	-	-
New Zealand	-	-	-	-
Niger	92	-	-	92
Nigeria	-	-	-	-
Norway	-	-	-	-
Panama	-	-	-	-
Paraguay	-	-	-	-
Peru	-	-	-	-
Philippines	-	-	-	-
Poland	-	-	-	-
Portugal	-	-	-	-
Republic of Korea	-	-	-	-
Republic of Moldova	-	-	-	-
Romania	-	-	-	-
Saint Kitts and Nevis	-	-	-	-
Saint Lucia	-	-	-	-
Saint Vincent and the Grenadines	-	-	-	-
Samoa	-	-	-	-
San Marino	-	-	-	-
Senegal	-	-	-	-
Serbia	-	-	-	-
Seychelles	-	-	-	-
Sierra Leone	-	-	-	-
Slovakia	-	-	-	-
Slovenia	-	-	-	-
South Africa	-	-	-	-
Spain	-	-	-	-
State of Palestine	-	-	-	-
Suriname	-	-	-	-
Sweden	-	-	-	-
Switzerland	-	-	-	-
Tajikistan	-	-	-	-
The former Yugoslav Republic of Macedonia	-	-	-	-
Timor-Leste	-	-	-	-
Trinidad and Tobago	-	-	-	-
Tunisia	-	-	-	-
Uganda	48	-	48	-
United Kingdom	-	-	-	-
United Republic of Tanzania	354	-	354	-
Uruguay	-	-	-	-
Vanuatu	-	-	-	-
Venezuela	4,983	-	-	4,983
Zambia	-	-	-	-
<b>Total (124 States Parties)</b>	<b>5,738</b>	<b>-</b>	<b>452</b>	<b>5,286</b>
<i>Adjustment for refund to withdrawn State</i>	-	-	(46)	-
<b>Total (123 States Parties)</b>	<b>5,738</b>	<b>-</b>	<b>406</b>	<b>5,286</b>

## Schedule 5

### International Criminal Court - Status of cash surplus as at 31 December 2017 (in euros)<sup>1</sup>

<i>Current year</i>	<i>2017</i>	<i>2016</i>
<b>Credits</b>		
Receipts of assessed contributions	126,352,729	124,725,863
Receipts of voluntary contributions	-	805,000
Receipts of miscellaneous income	645,925	878,867
Cost overrun of the Permanent Premises Project (ICC-ASP/15/Res.2)	-	(1,196,674)
<b>Total Credits</b>	<b>126,998,654</b>	<b>125,213,056</b>
<b>Charges</b>		
Disbursed expenditures	137,180,914	127,229,898
Unliquidated obligations	5,287,423	8,289,690
Provision for US Tax liability	86,011	64,684
Provision for doubtful debt	318,707	447,866
Provision for ILOAT cases	1,760,288	1,781,017
Provision for staff entitlements	194,311	-
Provision for termination benefits	-	363,871
Accrual for annual leave and relocation allowance for Judges	307,200	216,900
<b>Total Charges</b>	<b>145,134,854</b>	<b>138,393,926</b>
<b>Provisional cash surplus/(deficit)</b>	<b>(18,136,200)</b>	<b>(13,180,870)</b>
Contingency Fund withdrawal (Schedule 2)	547,594	-
Prior year's cash deficit	(5,621,876)	-
<b>Provisional cash surplus/(deficit) after Contingency Fund withdrawal and prior year's cash deficit</b>	<b>(23,210,482)</b>	<b>(13,180,870)</b>
<b>Disposition of prior year's provisional surplus/(deficit)</b>		
Prior year's provisional surplus/(deficit)	(13,180,870)	(12,042,112)
Plus: receipt of prior period contributions and other income	5,591,759	16,512,799
Savings on, or cancellation of, prior period obligations	1,967,235	923,758
<b>Prior year's cash surplus/(deficit)</b>	<b>(5,621,876)</b>	<b>5,394,445</b>
<b>Reconciliation of provisional surplus/(deficit) to budget surplus/(deficit)</b>		
<b>Provisional cash surplus/(deficit)</b>	<b>(18,136,200)</b>	<b>(13,180,870)</b>
Assessed contributions receivables	18,234,667	14,059,737
Assessed contributions / difference between budgeted and actual host State loan amount	3,647	-
Assessed contributions / net adjustment withdrawn State	(3,783)	-
Miscellaneous income receipts	(645,925)	(878,867)
<b>Budget surplus/(deficit) (Statement V)</b>	<b>(547,594)</b>	<b>-</b>

<sup>1</sup>Includes Major Programme VI: Secretariat of the Trust Fund for Victims.



## Schedule 6

### International Criminal Court - Status of voluntary contributions as at 31 December 2017 (in euros)

<i>Trust Fund</i>	<i>Donors</i>	<i>Balance brought forward</i>	<i>Contributions received in 2017</i>	<i>Contributions recorded in 2017</i>	<i>Contributions related to 2018</i>	<i>Balance due from donors</i>
Building Legal Expertise and Fostering Cooperation, 2016-2017	European Commission	360,360	-	479,605	-	119,245
	Netherlands	12,740	-	12,740	-	-
	Organisation internationale de la Francophonie	(2,260)	16,000	13,740	-	-
<b>Sub-total</b>		<b>370,840</b>	<b>16,000</b>	<b>506,085</b>	<b>-</b>	<b>119,245</b>
Building Legal Expertise and Fostering Cooperation, 2017-2018	European Commission	-	850,000	477,710	372,290	-
	Netherlands	-	12,740	12,740	-	-
	Organisation internationale de la Francophonie	-	51,484	60,000	-	8,516
<b>Sub-total</b>		<b>-</b>	<b>914,224</b>	<b>550,450</b>	<b>372,290</b>	<b>8,516</b>
Lessons Learned Project, 2017-2018	Open Society Foundation	-	95,856	16,775	79,081	-
<b>Sub-total</b>		<b>-</b>	<b>95,856</b>	<b>16,775</b>	<b>79,081</b>	<b>-</b>
Development of Interns and Visiting Professionals, 2016-2018	Netherlands	-	-	-	-	-
	Republic of Korea	-	38,594	38,594	-	-
<b>Sub-total</b>		<b>-</b>	<b>38,594</b>	<b>38,594</b>	<b>-</b>	<b>-</b>
Access to Justice / Justice and Law Enforcement Capacity Building, 2017-2018	Denmark	-	123,019	58,735	64,284	-
<b>Sub-total</b>		<b>-</b>	<b>123,019</b>	<b>58,735</b>	<b>64,284</b>	<b>-</b>
Special Fund for Relocations	Australia	-	199,770	199,770	-	-
	Belgium	-	-	96,000	-	96,000
	Luxembourg	-	50,000	35,000	15,000	-
<b>Sub-total</b>		<b>-</b>	<b>249,770</b>	<b>330,770</b>	<b>15,000</b>	<b>96,000</b>
Family Visit for Indigent Detainees	Netherlands	-	-	20,000	-	20,000
	Individual / Marie O'Leary	-	300	300	-	-
<b>Sub-total</b>		<b>-</b>	<b>300</b>	<b>20,300</b>	<b>-</b>	<b>20,000</b>
Junior Professional Officer programme	Japan	-	260,748	105,065	155,683	-
	Republic of Korea	-	105,943	-	105,943	-
	Switzerland	-	117,759	-	117,759	-
<b>Sub-total</b>		<b>-</b>	<b>484,450</b>	<b>105,065</b>	<b>379,385</b>	<b>-</b>
Least Developed Countries	Finland	-	25,000	25,000	-	-
	Ireland	-	10,000	10,000	-	-
	Pan African Forum Limited	-	-	-	-	-
<b>Sub-total</b>		<b>-</b>	<b>35,000</b>	<b>35,000</b>	<b>-</b>	<b>-</b>
<b>Total voluntary contributions</b>		<b>370,840</b>	<b>1,957,213</b>	<b>1,661,774</b>	<b>910,040</b>	<b>243,761</b>

## Schedule 7

### International Criminal Court - Status of trust funds as at 31 December 2017 (in euros)

<i>Trust Fund</i>	<i>Balance brought forward</i>	<i>Contributions recorded</i>	<i>Financial/ other revenue</i>	<i>Expenses (Including donor refunds)</i>	<i>Balance carried forward</i>
General Trust Fund	60,084	-	-	49,415	10,669
Building Legal Expertise and Fostering Cooperation, 2016-2017	-	506,085	-	506,085	-
Building Legal Expertise and Fostering Cooperation, 2017-2018	-	550,450	-	550,450	-
Launch Event OTP Policy on Children, 2016	367	-	-	367	-
Lessons Learned Project, 2017-2018	-	16,775	-	16,775	-
Development of Interns and Visiting Professionals, 2016-2018	177,570	38,594	-	105,556	110,608
Access to Justice and Justice and Law Enforcement Capacity Building, 2017-2018	-	58,735	-	58,735	-
Special Fund for Relocations	1,222,432	330,770	-	96,000	1,457,202
Regional Seminar ( <i>dormant 2014-2017</i> )	36,462	-	-	36,462	-
Family Visits for Indigent Detainees	33,077	20,300	-	28,074	25,303
Junior Professional Officer programme	-	105,065	-	105,065	-
Least Developed Countries	5,286	35,000	-	33,818	6,468
Programme Support	88,034	-	1,025	4,364	84,695
<b>Total</b>	<b>1,623,312</b>	<b>1,661,774</b>	<b>1,025</b>	<b>1,591,166</b>	<b>1,694,945</b>

#### General description and purpose of 2017 trust funds disclosed in Schedule 7:

1. The *General Trust Fund* relates to unrestricted funds.
2. Contracts with the European Commission and other donors for the *Building legal expertise and fostering cooperation* programme provide financial support to the implementation of the following two sub-projects:

(a) The sub-project "*Furthering cooperation, sharing expertise and building national capacity*" aims to increase support for and cooperation with the Court, thereby helping to reinforce the fundamental principles of the Rome Statute, broaden understanding of the Court, and reinforce national capacities to deal with crimes under the Rome Statute. These objectives are achieved through such activities as: (i) *Seminars, events and training for fostering cooperation*, which provides representatives and legal professionals, including counsel, from States Parties and non-States Parties with opportunities to develop their knowledge and practical skills, as well as share mutually relevant information so as to, *inter alia*, strengthen the Court's capacity to implement its mandate based on improved judicial cooperation; and (ii) *Legal Professionals Programme*, which provides representatives and professionals from third countries, situation countries, countries under preliminary investigation, and any other relevant developing country State Party, with an opportunity to work with the the Court on a short-term basis in The Hague as a means of developing their capacity to investigate and prosecute crimes within the Court's jurisdiction.

(b) The sub-project "*Legal Tools*" under the responsibility of the Office of the Prosecutor facilitates development of the capacity to investigate, prosecute and adjudicate core international crimes cases, in particular at the national level. It has been designed to

assist legal professionals to work on core international crimes as enshrined in the Rome Statute and relevant national legislation, by providing (a) free access to legal information in international criminal law, legal digests of such information, and specialized software to work with such law; and (b) training, coaching and offering help desk services. The sub-project forms one important element in the Court's effort to reinforce national capacity and to ensure that those alleged of such crimes can be brought to justice in accordance with international standards.

3. The official event of the Trust Fund entitled *Launch Event OTP Policy on Children* took place on 16 November 2016, the first day of the fifteenth session of the Assembly of States Parties ("ASP"), in The Hague, marking the occasion of the official launch of the Policy on Children of the Prosecutor of the International Criminal Court. The Policy was set to guide the Office's on-going efforts in addressing international crimes against and affecting children, under the Rome Statute, as well as in its child-sensitive approach to engaging with children in the course of its work, bearing in mind their rights and best interests.

4. The *Lessons Learned Project* encompassed an objective assessment, performed by three external experts, involving a root cause analysis of how the Office of the Prosecutor conducted the preliminary examination, investigations and prosecutions in a specific situation, examining how both internal processes and external factors were handled. The exercise was designed to determine whether the Office has corrected and improved its working methods since that experience, and what changes may still be necessary, in order to hone performance internally and to manage more effectively external factors that impinge on success. The Prosecutor is examining the confidential report the experts presented to her with their analysis and recommendations.

5. The Trust Fund for the *Development of Interns & Visiting Professionals* has been established to provide funded internship and visiting professional opportunities to nationals from developing regions that are a State Party to the Rome Statute. The programme provides the participants an opportunity for intellectual growth, development of knowledge and skills specific to a career or career setting and the acquisition of transferable professional skills. Funding for the trust fund is provided by interested States Parties.

6. The "*Access to Justice and Justice and Law Enforcement Capacity Building, 2017-2018*" programme is a one-year partnership between the Court's Kampala Field Office and the Danish Embassy in Kampala, which came into effect in July 2017. The project was established as a direct response to the victims and affected communities' overwhelming interest and quest for regular information in the trial of Dominic Ongwen. With the overall goal of enhancing direct community participation in the trial of Dominic Ongwen by providing them timely, accurate and easily accessible information on the trial, the project aims to create practical access for victims and the affected communities to follow the trial of Dominic Ongwen, broaden public understanding of the Court and its efforts to address impunity, manage the expectations of victims, affected communities and other stakeholders in order to mitigate threats to victims, witnesses or families/sympathizers of the accused persons; increase the support for the Court and enhance cooperation and partnerships with influential community, religious, cultural and local leaders. The Court will also provide training to and share experience with members of the Justice Law and Order Sector stakeholders to contribute to the strengthening of their capacities in the handling of international crimes. Uganda has since the enactment of the International Criminal Court Act 2010 commenced the trial of individuals including Thomas Kwoyelo who is accused of committing international crimes under the international laws and national laws. However, there are capacity gaps and the intervention is intended to contribute to a coordinated investigative and prosecutorial strategy to handle international crimes and close the impunity gap. It is also aimed at strengthening the institutions to adequately start, manage and complete a criminal judicial process, and to develop stronger and more capable justice and law enforcement mechanisms.

7. 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 with cost neutral solutions. It aims at increasing the number of effective relocations and building local

capacity to protect witnesses. The fund receives voluntary contributions from States Parties and covers direct expenses of the person at risk relocated in the receiving State.

8. The Trust Fund for the *Regional Seminar*, originally planned for the 2014 event in Phnom Penh (Cambodia), was initially postponed and, in the end, was ceased in 2017, being replaced by a different regional seminar in Niamey (Niger), organised in 2017 under a different Trust Fund.

9. The Trust Fund for *Family Visits for Indigent Detainees* 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.

10. The Trust Fund for the *Junior Professional Officer Program* has been established to provide funded appointments to nationals from sponsoring participating countries. The program provides opportunities for young professionals to be placed in entry-level positions, at the cost of their governments, in an effort to familiarize them with the inner workings of the Court and the international legal system as a whole, with an aim at creating increased suitability to positions at the Court. The program provides the participants with an opportunity for professional growth and the development of real world skills that can be applied to their careers at the Court and the International Public Sector.

11. The Trust Fund for *Least Developed Countries* was established by ICC-ASP/2/Res.6 and amended by ICC-ASP/4/Res.4. It is managed by the Secretariat of the Assembly of States Parties and promotes participation of delegates of the least developed countries and other developing countries in the work of the Assembly of States Parties by covering their travel costs to the Assembly as determined by the Fund.

## **Audit report on the financial statements of the International Criminal Court for the period ended 31 December 2017**

### *Table of contents*

I.	Audit objectives, scope and approach .....	422
II.	List of recommendations .....	422
III.	Overview of the financial position .....	423
IV.	Observations and recommendations .....	424
A.	Budget performance in 2017 .....	424
1.	General presentation .....	424
2.	Regular budget financing .....	429
B.	Outstanding assessed contributions .....	432
1.	Evolution of arrears .....	432
2.	Ineligibility for the vote .....	434
C.	Payroll and employee benefits .....	435
1.	Change in total payroll .....	435
2.	Internal control and expenses monitoring .....	436
3.	Recognition of liabilities .....	437
D.	Procurement .....	438
1.	Miscellaneous Obligation Documents .....	438
2.	Victims and Witnesses Section audit .....	439
E.	IT internal control review .....	440
1.	Scope and objective .....	440
2.	IT environment and IM governance .....	441
3.	SAP internal control .....	441
V.	Follow-up of previous recommendations .....	442
VI.	Acknowledgements .....	444
	Annexes .....	445
Annex I:	Verification of statement V .....	445
Annex II:	Follow-up of report on cash reserves .....	446
Annex III:	Follow up of report on the permanent premises project .....	446
Annex IV:	Follow up of report on ReVision (2016) .....	447
Annex V:	Follow up of report on deo (2017) .....	448

## I. Audit objectives, scope and approach

1. We have audited the financial statements of the International Criminal Court (the Court) in accordance with the International Standards on Auditing (ISA) and regulation 12 of its Financial Regulations and Rules, including the additional terms of reference governing the audit of the International Criminal Court.
2. The objective of the audit was to determine with reasonable assurance that the financial statements, taken as a whole, did not present any significant anomalies, either through fraud or through error, so that the auditor could provide an opinion as to whether these statements were drawn up, in all material respects, in accordance with the International Public Sector Accounting Standards (IPSAS) for financial year 2017.
3. The additional terms of reference governing the External Auditor are set out in the annex to the Financial Regulations and Rules, paragraph 6 (c), which stipulates that the improper use of the Court's money and other assets and any expenditure not in accordance with the intention of the Assembly of States Parties (Assembly) must be brought to the notice of the Assembly of States Parties.
4. Financial statements prepared in accordance with IPSAS contain a statement of financial position, a statement of financial performance, a statement of changes in net assets, a statement of cash flows, a statement of comparison between budget and actual data and notes for the financial year then ended.
5. A set of seven schedules presenting additional information not falling within the scope of this audit was appended to the financial statements by the Court. The audit team ensured that those schedules were coherent with the financial statements, but did not carry out any other due diligence concerning them.
6. The audit consisted of two phases:
  - (a) An interim audit, focused on aspects relating to internal controls (from 5 to 15 December 2017); and
  - (b) A final audit, focused on the financial statements and the disclosure obligations imposed by IPSAS (from 28 May to 8 June 2018).
7. The findings and recommendations were discussed with the Registry team. The final meeting with the Director of the Division of Management Services, the Head of the Finance Section and his team, and the Deputy Head of the Human Resources Section, was held on 7 June 2018.
8. We hereby provide an unqualified opinion on the financial statements of the International Criminal Court for the year ended 31 December 2017.

## II. List of recommendations

*Recommendation n° 1:* In order to strengthen the process of recovering payment arrears, the External Auditor recommends to allow States Parties in arrears for the preceeding two full years to vote only once the payment schedule has been fulfilled, in accordance with the conditions of article 112 of the Rome Statute.

*Recommendation n° 2:* Due to the particular nature of the insurance contract related to the judges' pension plan, the External Auditor recommends that the Court elaborate more precisely in the notes of the financial statements for a better insight into the consequences that would arise from a decision to move to another insurer or a change of the insurance policy conditions in force.

*Recommendation n° 3:* The External Auditor recommends to the Court, starting 2018, to disclose in more detail explanations of the significant actuarial gains and losses in the notes to the financial statements.

*Recommendation n° 4:* The External Auditor requires that all disclosable, not highly sensitive audit evidence regarding Victims and Witnesses Section expenditures, for the 2018 interim audit, be available before the beginning of the mission, for audit test

sampling. The External Auditor recommends to the concerned to prepare this documentation before the first day of the mission. In the future, if the amount of highly sensitive non-disclosable evidence for testing appears to exceed the audit materiality threshold, the External Auditor would have to refer to the matter in his opinion and in his report on the financial statements.

### III. Overview of the financial position

9. Assets represent €52.7 million at 31 December 2017 compared with €67.1 million at 31 December 2016, a decrease of €14.4 million (- 5.37 per cent). The overall level of cash and cash equivalents<sup>1</sup> decreased from €20.4 million to €7.1 million, or a €13.3 million (- 65 per cent) decrease, explained by the low collection rate of assessed contributions. Outstanding assessed contributions amount to €31.1 million at the end of 2017, compared with €18.5 million at the end of 2016 (+ 68.2 per cent).

10. The total of assessed contributions receivable, net of allowance for doubtful debt, and “other receivables” represents €25.6 million at 31 December 2017 compared with €17.2 million at 31 December 2016. It mainly relates to assessed contributions from States Parties and receivables for the reimbursement of taxes. Receivables for contributions from States Parties represent €1.0 million (regular budget) and €31.1 million (total assessed contributions). Brazil, Venezuela and Mexico hold the major part of outstanding contributions (€6.2 million).

11. Property, plant and equipment represent €89.3 million versus €199.7 million at 31 December 2016, and amount to 74.9 per cent of assets. Depreciation of the permanent premises was calculated over a full year for €0.3 million in 2017, the net book value of the building being €174.9 million at year-end (2017).

12. Reimbursement rights which amount to €27.3 million correspond to the Allianz fund to which the Court contributes in order to cover the after-service pensions of judges.

13. Liabilities are mainly debts to suppliers, to employees and to the host State for the loan to finance the permanent premises. Proven risks are also recorded there as part of the contingencies and provisions.

14. Liabilities are split between current liabilities and non-current liabilities. This distinction is primarily based on the expected delay of payment of the provisioned amount.<sup>2</sup> The provision mainly includes the amounts covering disputes before the International Labor Organization Administrative Tribunal (ILOAT). This amount has decreased from €2.2 million to €2.1 million during the year. This slight decrease results from two opposite flows: a reduction of a provision of €1.9 million mainly due to payments following the judges’ pension litigation settlement, and an increase of a provision of €1.8 million mainly due to new ILOAT cases filed by Court staff.

15. Employee benefits are also split between current and non-current liabilities:

(a) The annual leave accrued and other long term and post-employment benefits due within one year appear in current liabilities; and

(b) The non-current portion corresponds to the Court’s long-term liabilities, such as judges’ pensions and After Service Health Insurance (ASHI).

16. The loan from the host State is intended to finance the permanent premises project. It amounts to €72.5 million at the end of 2017 (versus €74.3 million at the end of 2016).

17. Deferred revenue and accrued expenses, totaling €8.9 million, are essentially composed of assessed contributions collected in advance (€2.3 million), invoices not yet received at the closing of the accounts for services related to the Court’s operations (€2.1 million), as well as €3.6 million in annual payments and interest on the loan maturing on 1 February 2018.

<sup>1</sup> The amounts in “cash and cash equivalents” correspond to immediately available funds or demand deposits.

<sup>2</sup> Debts due in less than 12 months are considered current, while others are classified as non-current debts.

18. Net assets, amounting to €8.8 million (€15.9 million in 2016), constitute the Court's net equity, the various components of which are detailed in statement III - "Statement of changes in net assets/equity" with the following breakdown:

(a) a positive balance of €05.1 million as at the end of 2017 represents the previous "fund for permanent premises project" and other general funds, which have been merged under the denomination of "Other general funds" in 2017 Statement III, while they were presented separately in 2016;

(b) a positive amount of €3.8 million (versus €5.5 million in 2016) for the contribution of States Parties to finance the contingency fund reserve (€3.8 million) and the working capital fund reserve (€0.02 million)<sup>3</sup>;

(c) a negative equity of €1.8 million for the remaining general funds, representing the Court's activities' general performance. They include the funds for employee benefits liabilities (+ €0.5 million) and two negative balances: cash surplus (- €5.6 million), and remeasurement of post-employment related plans (- €6.7 million).

19. The 13 trust funds amount to €1.7 million.

20. The statement of financial performance shows a negative result of €13.8 million, compared to - €8.4 million for 2016. This shows a deterioration of performance close to €4 million (+ 65.6 per cent). The main factors explaining this increase of the deficit are increases of expenses, mainly employee benefits expenses (+ 6.4 per cent), operating expenses (+ 26.7 per cent), and travel and hospitality (+ 24.4 per cent). The Court's expenses (€55.9 million) increased in 2017 versus decreasing from €46.5 million in 2015 to €44.7 million in 2016. Total revenue growth is 4.1 per cent, mainly from assessed contributions.

## IV. Observations and recommendations

21. The External Auditor's observations and recommendations on the 2017 financial statements relate to:

- (a) Budget performance in 2017;
- (b) Outstanding assessed contributions;
- (c) Payroll and employee benefits;
- (d) Procurement; and
- (e) IT internal control review.

### A. Budget performance in 2017

#### 1. General presentation

22. The implementation of the 2017 budget was presented in a report from the Court to the Committee on Budget and Finance (Committee) distributed on 29 March 2018 (document CBF/30/14). The report (ICC-ASP/17/5) of the thirtieth session of the Committee, held in The Hague from 16 to 20 April 2018, was distributed on 3 May 2018.

23. The External Auditor has taken note of both documents and considers that they provide full and detailed information on the implementation of the 2017 budget. He therefore does not comment on budget implementation, but focused his attention on checking:

(a) on the one hand, after a rapid analytical review of the consumption of allowances by destination (programmes) and by nature of expenditure, the accuracy of the reconciliation between the budget result and the accounting result for the 2017 financial year (analyzed in Statement V of the Court's Financial Statements);

<sup>3</sup> The Working Capital Fund is used to meet short-term liquidity needs at the end of the year in the context of outstanding assessed contributions. The contingency fund has also been used to meet short term liquidity problems.



(b) on the other hand, the adequacy of the cash situation at 2017 year-end given the provisional financial needs of the regular budget for 2018 – this question is mentioned in document CBF/30/14, circulated on 29 March 2018.

(a) *Use of budget appropriations*

24. With an initial appropriation of €144.6 million, the initial approved budget for 2017 allowed for an increase in expenditure of 3.6 per cent over the initial approved budget for the previous year (€139.6 million).

25. As to the actual expenditure, if one adds the use of authorized notifications to the contingency fund, the figures are respectively €145.1 million (2017) and €138.4 million (2016), representing a 4.8 per cent increase in expenditure.

26. Excluding contingencies, the implementation of the approved budget for the 2017 financial year shows, with a rate of 99.4 per cent, a very slight surplus of €0.9 million, to be compared to a rate of 97.3 per cent and a surplus of €3.8 million for the previous year before the transfer of €1.2 million to the Permanent Premises Project. Including contingencies, the overall consumption rate for 2017 was 100.4 per cent, resulting in a budget deficit of €0.5 million before utilization of the Contingency Fund.

27. The following table, presented in the Report on activities and programme performance of the International Criminal Court for 2017 (document CBF 30/14), has been revised by the External Auditor to align with Statement V of the Court's Financial Statements to reflect the change regarding staff costs, following the judgements issued by the International Labor Organization Administrative Tribunal on 26 June 2018. The table breaks down the expenditure by major programmes/programmes:

**Table 1. Budget Performance in 2017 by Programmes (in thousands of euros)**

<i>Major Programme / Programme</i>	<i>Approved Budget 2017</i>	<i>Actual Expenditure 2017</i>	<i>Difference</i>	<i>Implemen- tation rate in %</i>
<b>Major Programme I</b>				
<b>Judiciary</b>	<b>12,536.0</b>	<b>12,232.3</b>	<b>303.7</b>	<b>97.6</b>
Presidency	1,295.3	1,195.0	100.3	92.3
Chambers	10,840.4	10,634.0	206.4	98.1
Liaison office	400.3	403.2	-2.9	100.7
<b>Major Programme II</b>				
<b>Office of the Prosecutor</b>	<b>44,974.2</b>	<b>44,432.0</b>	<b>542.1</b>	<b>98.8</b>
Immediate Office of the Prosecutor	10,356.8	9,792.9	564.0	94.6
Jurisdiction/Complementarity/Cooperation	3,956.9	3,755.3	201.6	94.9
Investigation Division	19,091.0	19,733.0	-642.0	103.4
Prosecution Division	11,569.5	11,150.9	418.6	96.4
<b>Major Programme III</b>				
<b>Registry</b>	<b>76,632.6</b>	<b>77,334.9</b>	<b>-702.3</b>	<b>100.9</b>
Office of the Registrar	1,706.4	2,446.6	-740.1	143.4
Division of Management Services	18,798.5	20,944.75	-2,146.2	111.4
Division of Judicial Services	32,072.9	33,229.2	-1,156.4	103.6
Division of External Operations	24,054.7	20,714.4	3,340.3	86.1
<b>Major Programme IV</b>				
<b>ASP Secretariat</b>	<b>2,618.8</b>	<b>2,434.1</b>	<b>184.7</b>	<b>92.9</b>
<b>Major Programme V</b>				
<b>Premises</b>	<b>1,454.9</b>	<b>1,454.9</b>	<b>-</b>	<b>100.0</b>
<b>Major Programme VI</b>				
<b>Secretariat of the Trust Fund for Victims</b>	<b>2,174.5</b>	<b>1,704.3</b>	<b>470.2</b>	<b>78.4</b>

<i>Major Programme / Programme</i>	<i>Approved Budget 2017</i>	<i>Actual Expenditure 2017</i>	<i>Difference</i>	<i>Implementation rate in %</i>
<b>Major Programme VII-5 Independent Oversight Mechanism</b>	<b>514.8</b>	<b>461.1</b>	<b>53.7</b>	<b>89.6</b>
<b>Major Programme VII-6 Office of Internal Audit</b>	<b>694.2</b>	<b>621.0</b>	<b>73.1</b>	<b>89.5</b>
<b>Subtotal</b>	<b>141,600.0</b>	<b>140,994.4</b>	<b>605.5</b>	<b>99.6</b>
<b>Major Programme VII-2 Host State Loan</b>	<b>2,987.3</b>	<b>2,983.6</b>	<b>3.7</b>	<b>99.9</b>
<b>Total ICC</b>	<b>144,587.3</b>	<b>143,658.0</b>	<b>928.9</b>	<b>99.4</b>

Source : based on document CBF 30/14 with figures revised following ILOAT judgements of 26 June 2018

28. In terms of programme budget management, this table shows that:

(a) In proportion, the budget overruns concern, in decreasing order, the Registrar's Office (143.4 per cent), the Division of Management Services (111.4 per cent), the Judicial Services Division (103.6 per cent), the Investigation Division (103.4 per cent) and Liaison Offices (100.7 per cent); and

(b) In absolute amounts, the overruns concern, in decreasing order, the Division of Management Services (deficit of €2.1 million), the Division of Judicial Services (deficit of €1.2 million), the Registrar's Office (deficit of €0.7 million), the Investigations Division (€0.6 million), and the Liaison Office (€2,900).

29. The following table also shows the breakdown of appropriations and expenditures by items:

**Table 2. Budget performance in 2017 by items of expenditure (in thousands of euros)**

<i>Type of expenditure</i>	<i>Approved Budget 2017</i>	<i>Actual Expenditure 2017</i>	<i>Variance</i>	<i>Implementation rate in %</i>
Judges	5,369.1	5,404.9	-35.8	100.7
<i>Subtotal judges</i>	<i>5,369.1</i>	<i>5,404.9</i>	<i>-35.8</i>	<i>100.7</i>
Staff costs	85,087.5	88,544.6	-3,457.2	104.0
General temporary assistance	15,074.4	11,525.0	3,549.3	76.5
Temporary assistance for meetings	1,168.4	1,313.6	-145.3	112.4
Overtime	363.5	285.2	78.4	78.4
<i>Subtotal staff costs</i>	<i>101,693.7</i>	<i>101,668.4</i>	<i>25.2</i>	<i>99.9</i>
Travel	5,838.3	6,189.6	-351.3	106.0
Hospitality	29.0	29.9	-0.9	103.2
Contractual services	3,355.9	3,890.9	-535.0	115.9
Training	890.0	744.4	145.6	83.6
Consultants	695.3	714.1	-18.8	102.7
Counsel for defence	3,528.2	3,913.3	-385.1	110.9
Counsel for victims	1,002.8	942.8	60.0	94.0
General operating expenses	19,925.9	16,793.3	3,132.6	84.3
Supplies and materials	962.7	1,230.9	-268.2	127.9
Furniture and equipment	1,296.3	2,135.7	-839.4	164.7
<i>Subtotal non-staff costs</i>	<i>37,524.4</i>	<i>36,584.9</i>	<i>939.6</i>	<i>97.5</i>
<b>Total ICC</b>	<b>144,587.3</b>	<b>143,658.0</b>	<b>928.9</b>	<b>99.4</b>

Source : based on document CBF 30/14 with figures revised following ILOAT judgements of 26 June 2018

30. This second breakdown of the budget implementation shows that, altogether, the main overrun relates to staff costs, with an overrun of €3.4 million, while all other overruns represent a total of €2.6 million. These overruns are offset by the main under-consumption, which concerns general technical assistance contracts (GTAs – under-consumption of €3.6 million) and operating expenses (under-consumption of €3.1 million).

31. The origin of the main overrun has already been clearly identified in the documents submitted to the Committee and the Assembly – it is the decrease of the established staff vacancy rate, which is lower, for all organs, than the provisional rate on which the budget was prepared, being observed that the vacancy rate decreased:

- (a) From 13.5 percent in 2016 to 7.7 percent in 2017 for the Judiciary;
- (b) From 12.7 percent in 2016 to 6.4 percent in the Office of the Prosecutor; and
- (c) From 22.0 percent in 2016 to 11.3 percent in 2017 in the Registry.<sup>4</sup>

32. The other overruns are mainly a consequence of the opening of new situations, leading to preliminary examinations (in particular for Burundi).

33. Looking back, the evolution of the Court's budget spending over the last 10 years clearly shows the driving role of the Office of the Prosecutor in the growth of the Court's budgetary needs:

**Table 3. Evolution, over 10 years, of the expenditure of the Office of the Prosecutor and the Registry (in current thousands of euros)**

Year	OTP Major Programme						Registry Major Programme					
	Prosecutor	%	JCCD	% Investigations	% Prosecution	%	Total	%	Total	%		
2007	5,823	-	1,457	-	8,530	-	3,066	-	18,876	-	47,664	%
2008	5,558	95.4%	1,771	121.6%	10,334	121.1%	3,933	128.3%	21,599	114.4%	49,045	102.9%
2009	5,796	104.3%	2,102	118.7%	11,326	109.6%	5,065	128.8%	24,292	112.5%	55,971	114.1%
2010	6,385	110.2%	2,128	101.2%	11,674	103.1%	5,529	109.2%	25,719	105.9%	64,212	114.7%
2011	6,414	100.5%	2,290	107.6%	12,513	107.2%	6,129	110.9%	27,349	106.3%	66,503	103.6%
2012	6,384	99.5%	2,456	107.2%	12,305	98.3%	6,447	105.2%	27,595	100.9%	65,316	98.2%
2013	6,857	107.4%	2,646	107.7%	13,107	106.5%	6,640	103.0%	29,253	106.0%	65,244	99.9%
2014	8,294	121.0%	2,894	109.4%	14,155	108.0%	7,557	113.8%	32,903	112.5%	66,408	101.8%
2015	9,206	111.0%	3,649	126.1%	18,068	127.6%	9,659	127.8%	40,586	123.3%	67,952	102.3%
2016	8,941	97.1%	3,718	101.9%	18,838	104.3%	10,499	108.7%	41,999	103.5%	73,302	107.9%
2017	9,793	109.5%	3,75	101.0%	19,733	104.8%	11,151	106.2%	44,435	105.8%	78,812	107.5%
Variance on 10 years	168.2%		257.0%		231.3%		363.7%		235.4%		165.3%	

Source: SAP extraction by External Auditor

34. This table shows that:

(a) In terms of financial volumes, the Investigations Division of the Office of the Prosecutor is a driving force for the activity of the Court, reaching nearly €20 million in 2017, after having experienced a nominal growth of + 231 per cent over 10 years;

(b) In terms of budgetary dynamics, the Prosecutor's Prosecution Division is experiencing the fastest growth rate, with nominal growth of + 364 per cent over 10 years;

(c) By comparison, over the same period, the Registry's services are experiencing a more moderate nominal growth (+ 165 per cent) – through this growth differential the Office of the Prosecutor/Registry expenditure ratio, after having been relatively stable at around 40 per cent until 2014, increased strongly to reach about 60 per cent.

<sup>4</sup> These figures are given in document CBF-30/14, page 41.

35. This long-term trend is one of the consequences of the principle of budgetary and judicial independence of the Office of the Prosecutor. As a result, control over the evolution of the Court's expenditure is, by construction, out of control of the services in charge of managing the budget, which are located in the Registry.

(b) *Budget and accounting performance*

36. The financial statements are prepared on an accrual basis, according to IPSAS, which differ from the budgetary accounts, prepared at the Court on a modified cash accounting basis. It is therefore necessary that the States Parties, who have to approve the financial statements, are given adequate information to check the concordance between, on one hand, the appropriations they approved and the budget expenditure of the Court, and on the other hand, the financial statements as presented at the end of the fiscal/accounting year.

37. That is the reason why IPSAS 1 states that, when a budget is prepared on the basis of a different standard, financial statements should disclose the elements allowing a comparison between budget and accounting performance. This comparison is presented through statement V and note 24 of the financial accounts, and some additional data are contained in Schedules 2 and 3, as specified below.

38. Data provided in table 2 show that the approved 2017 regular budget appropriations amounted to €144.6 million, and that the actual expenditure amounted to €143.7 million, which resulted in a slight surplus of €0.9 million.

39. Unforeseen expenditures were settled through authorized Contingency Fund notifications of €1.53 million, of which €1.48 million were actually used. The principle of this fund is to function as a simple "right of draw" on ordinary budget allocations, without any increase in the latter, which is therefore intended to bear the corresponding expenses.

40. In these circumstances, the final result of the budget execution, as presented in statement V for reconciliation with the accounting result, is as follows:

**Table 4. Budget performance to reconcile with IPSAS financial statements (statement V – in thousands of euros)**

<i>Fund</i>	<i>Appropriation</i>	<i>Expenditure</i>	<i>Performance</i>
General	144,587.3	143,658	929.3
Contingency	-	1,477	- 1,477.0
<b>Total</b>	<b>144,587.3</b>	<b>145,135</b>	<b>- 547.7</b>

Source: ICC financial statements for 2017

41. In practice, although a reconciliation of the budget and accounting performance (statement II) could be envisaged, IPSAS recommend instead a reconciliation of the budget with the statement of cash flows (statement IV): it is the solution chosen by the Court.

42. To check statement V on that basis, one must start from the cash variation as measured in statement IV. This cash variation must be broken down between the different funds, because the regular budget is authorized to draw cash from only three specific funds - the General Fund, the Working Capital Fund and the Contingency Fund. The cash available in the other Court funds (excluding the Trust Fund for Victims (TFV), which is an entity external to the Court), whose variations are included in the statement of cash flows (statement IV), must be clearly identified in order to exclude them, in order to neutralize entity differences, as will be explained later.

43. For this purpose, one can refer to schedule 2 annexed to the 2017 financial statements, which breaks down the cash flow by funds (Working Capital, Contingency, other funds, excluding TFV) and from which the following simplified table can be drawn.

**Table 5. Breakdown of available cash by type of funds in 2017 (in thousands of euros)**

<i>Fund</i>	<i>Available cash</i>		
	<i>01 January 2017</i>	<i>31 December 2017</i>	<i>Variation</i>
Working Capital	3,635	0	- 3,635
General (including Employee Benefit Fund)	8,640	479	- 8,161
Contingency	5,785	3,759	- 2,026
Others (excluding TFV)	2,344	2,844	500
<b>Total</b>	<b>20,404</b>	<b>7,082</b>	<b>- 13,322</b>

Source: ICC financial statements for 2017

44. This table reflects the negative variation in the cash situation of the Court as reported in statement IV (- €13.3 million). This amount has to be reconciled with the deficit of €0.5 million shown in table 4.

45. As indicated in the note 24 to the financial statements for 2017, the budgetary accounts are not directly comparable to accrual accounting because the budgetary concepts of appropriations and expenditure or commitments do not coincide with the IPSAS concepts of revenue and expense. The differences concern the “basis”, “scope” and “presentation” for the budget on one side, and for the financial statements on the other side: these differences have been verified and validated by the External Auditor (the details of this verification are given in annex 1).

46. Overall, taking into account these differences, and noting that they all lead to an increase of the net disbursements as recorded in the accounts compared to the deficit of the regular budget, one can reconcile the decrease in cash and cash equivalents of €13.3 million with the budget deficit of €0.5 million as follows:

**Table 6. Reconciliation between budget performance and cash flow statement (in thousands of euros)**

Budget performance 2017	548
Basis difference	8,202
Presentation difference	4,545
Scope difference	27
<b>Net cash decrease in 2017</b>	<b>13,320</b>

Source: The External Auditor, based on the Court’s 2017 financial statements

*Finding:* The External Auditor has a reasonable assurance of the accuracy of the reconciliation between the budgetary and accounting data as presented in statement IV for the 2017 financial year.

## 2. Regular budget financing

47. Beyond the verification of the accuracy of the budgetary performance and cash flow data presented in the financial statements for 2017, the External Auditor has analysed the reasons and consequences of the sharp drop in available cash recorded at the end of 2017, particularly with regard to the going concern principle.

### (a) Cash flow of the regular budget funds

48. In order to cope with a net decrease in cash and cash equivalents of the General Fund in deficit of €13.8 million during 2017 (see note 25 of the financial statements), the Court first used all the cash in the General Fund, withdrawing €2.7 million, while

disbursements of €1.1 million remained to be financed (the difference between the net disbursement of €3.8 million and the withdrawal from the General Fund of €2.7 million).

49. To honour these disbursements, the Assembly authorized the Court to make temporary and exceptional use of the Contingency Fund after the full utilization of the Working Capital Fund. In addition, resolution ICC-ASP/15/Res.1 adopted on 24 November 2016 also authorized the opening of a credit line to be used as a last resort, for the period from December 2017 to February 2018. The temporary cash withdrawals recorded in schedule 2 annexed to the financial statements were made in that context, which ultimately made it possible not to use the credit line:

(a) As regards the Working Capital Fund, as shown in schedule 2, the initial balance of €3.6 million was supplemented by a carryover of €5.4 million, corresponding to the cash surplus resulting from the 2015 budget performance, so that for 2017, the available cash was €9 million. The temporary withdrawal of the same amount brought the Working Capital Fund balance at the end of the year to zero; and

(b) As regards the Contingency Fund, schedule 2 shows that the net cash flow of -€2.1 million recorded in 2017 corresponds to an additional authorized temporary withdrawal of €1.5 million, to which one should add the resulting cash negative budget performance for 2017, i.e. €0.5 million.

50. Finally, although resolution ICC-ASP/3/Res.4 raised the level of the Contingency Fund to €10 million, resolution ICC-ASP/7/Res.4 invited the Bureau to consider options to restore the Contingency and Working Capital Funds. Following these reflections, for the 2017 budget, resolution ICC-ASP/15/Res.1 (24 November 2016) finally limited the level of the Contingency Fund to €7 million. For the same year, the same Assembly resolution brought the level of the Working Capital Fund to €1.6 million.

51. In both cases, no cash funding has been provided to restore these Funds to the announced notional level: schedule 2 shows that, in reality, the notional amounts are not reached at the end of 2017, the financing shortfalls amounting to €2.5 million for the Working Capital Fund and €1.8 million for the Contingency Fund.

*Finding:* The cash balance in the General Funds as of 31 December 2017 was only €4.2 million consisting of €3.8 million in the Contingency Fund and €0.4 million in the Employee Benefit Fund. The amount corresponds to about ten days of disbursements. This tight cash situation is only partially attributable to the budget performance (deficit of €0.5 million). It is mainly due, as at 31 December 2017, to the size of the arrears in the payment of assessed contributions, which amounted to a total of €31 million (of which €8.2 million was only for 2017 contributions).

(b) *Current situation and prospects*

52. At the time of the final audit mission (from 27 May to 8 June 2018), the latest discussions just held within the Committee (document CBF/30/14 and document ICC-ASP/17/5 of 3 May 2018) suggested that the situation had not improved since the end of 2017. In particular, document ICC-ASP/17/5, paragraph 39 states that "according to the Court's cash flow projections, liquidity issues are likely to arise in November 2018 (€5.1 million) and continue until January/February 2019."

53. The same document, in paragraph 43, states that "the Committee noted that the Assembly at its sixteenth session did not authorize the Court to temporarily utilize the CF and/or establish external funding (credit line) to address its temporary liquidity shortfall in 2018, and that there is currently no mechanism in place to address this situation, which may result in a situation, where the Court may not be able to discharge its essential obligations (e.g. pay salaries to staff and invoices to suppliers)."

54. In May 2018, a few days before the final audit mission of the External Auditor, the Court disclosed very explicitly, a material uncertainty concerning the Court's going concern in a horizon of less than one year, while indicating that they do not have solutions.

55. The External Auditor must, in accordance with ISA 570, expressly decide on going concern for a foreseeable period of time, that is, until 31 December 2018<sup>5</sup>. He/she must in particular indicate whether he/she accepts that the preparation of financial statements be

<sup>5</sup> According to the ISA standard n° 1, the foreseeable future corresponds to a period of 12 months after the closing of the financial statements.

based on the principle of going concern, or whether they should be prepared on the basis of the present net realizable asset value of the Organization because of the inability of the latter to ensure the sustainability of its activities.

56. The External Auditor excludes *a priori* this latter hypothesis, as there is no reason to doubt the willingness and ability of the States Parties to ensure the continuation of the activities of the Court. Nevertheless, technically, to be formally consistent with this standard, he made an observation on this point in his opinion.

57. Furthermore, he reviewed the updated cash flow projections until 31 December 2018, as available at the time of his final audit mission of the 2017 financial statements (28 May – 8 June 2018).

58. Compared with cash flow projections, which were the basis of the reflections presented by the Committee in ICC-ASP/17/5, the External Auditor requested and obtained an update of the figures:

(a) Updated as at 31 May (realized cash flows thus cover the first five months of 2018, and projected flows only relate to the last seven months of the year); and

(b) Presenting several scenarios: a pessimistic scenario (based on the same basic assumptions as those presented to the Committee at the end of February), a medium scenario and an optimistic scenario, specifying the assumptions used in each case.

59. These three scenarios, as of 31 May 2018, have been developed leading to different assumptions which may or may not materialize. They are presented in the table below:

**Table 7. 2018 year cash forecasts as of May 31st (in euros)**

<i>Scenario</i>	<i>Pessimistic</i>	<i>Medium</i>	<i>Optimistic</i>
<b>Opening cash balance</b>	<b>4,238,529</b>	<b>4,238,529</b>	<b>4,238,529</b>
<b>Inflows</b>			
Collected assessed contributions	134,308,750	140,010,116	140,010,116
Other inflows	1,389,287	1,389,287	1,389,287
<i>Total inflows</i>	<i>135,698,037</i>	<i>141,399,403</i>	<i>141,399,403</i>
<b>Outflows</b>			
Disbursements	141,216,116	141,216,116	138,317,755
Loan payments	3,585,127	3,585,127	3,585,127
Payments against provisions	1,408,098	1,408,098	1,408,098
Disbursements against EBL funding for Judges	600,000	600,000	600,000
Contingency Fund notifications	2,630,257	2,630,257	2,579,988
<i>Total outflows</i>	<i>149,439,598</i>	<i>149,439,598</i>	<i>146,490,968</i>
<b>Closing cash balance</b>	<b>- 9,503,032</b>	<b>- 3,801,666</b>	<b>- 853,036</b>
<b>Cash balance breakdown by funds</b>			
General Fund	- 23,653,639	- 17,952,273	- 15,003,643
Working Capital Fund	9,057,046	9,057,046	9,057,046
<i>Total cash available for regular budget operations</i>	<i>- 14,596,593</i>	<i>- 8,895,227</i>	<i>- 5,946,597</i>
Contingency Fund	4,918,370	4,918,370	4,918,370
Employee benefits funding (EBL)	175,191	175,191	175,191
<b>Total cash on hand</b>	<b>- 9,503,032</b>	<b>- 3,801,666</b>	<b>- 853,036</b>
<i>Trust funds cash</i>	<i>2,737,614</i>	<i>2,737,614</i>	<i>2,737,614</i>

<i>Scenario</i>	<i>Pessimistic</i>	<i>Medium</i>	<i>Optimistic</i>
<b>Assumptions</b>			
<i>Pessimistic scenario:</i> 100 per cent of 2018 budget is projected to be spent after absorbing Contingency Fund expenses. Assessed contribution forecasted payments are based on the 2017 payment pattern.			
<i>Medium scenario:</i> 100 per cent of 2018 budget is projected to be spent after absorbing Contingency Fund expenses. Assessed contribution forecasted payments are based on the 2017 payment pattern, except assuming Argentina and Mexico will pay their 2018 contributions in 2018 rather than in 2019.			
<i>Optimistic scenario:</i> Approximately 98 per cent of 2018 budget is projected to be spent after absorbing Contingency Fund expenses. Assessed contribution forecasted payments are based on the 2017 payment pattern, except assuming Argentina and Mexico will pay their 2018 contributions in 2018 rather than in 2019.			

Source: Division of Management Services

60. In the immediate future, the question is to cover, before the end of 2018, the cash deficit appearing as “Total cash available for regular budget operations” in the table, i.e. an amount estimated between €5.9 million and €4.6 million.

61. As indicated in notes 2.4 and 2.19 to the 2017 financial statements certified by the External Auditor, this forecast is not likely to cast doubt on the Court's confidence in ensuring going concern. But it also does not exclude a cash shortage, which might lead to delays or even suspension of certain payments by the Court. Such a situation could only, from a management perspective, harm the reputation of the institution.

62. For this reason, the External Auditor supports the Committees analysis on the need for the Assembly to consider in due course the measures needed to avoid placing the Court in this situation, being reminded that the States Parties have three ways to restore the cash balance:

(a) The first one depends on a limited number of States Parties, namely those with assessed contributions arrears. This point is the subject of a recommendation in the next section of this report dealing with arrears;

(b) The second one is to allow the Court to temporarily and exceptionally use the Contingency Fund's available cash; and

(c) The last one is to authorize the Court to temporarily open a bank credit line.

63. Finally, if current trends are confirmed, there is no doubt that the cash flow problem can only worsen in 2019. This is not the purpose of the present report, devoted to the certification of financial statements closed as at 31 December 31 2017, so that the opinion of the External Auditor is limited to 31 December 2018 (the 2017 statements being prepared on a going concern basis).

*Finding:* Data provided to the External Auditor during his final mission on the 2017 financial statements lead him to share the concerns expressed by the Committee regarding the risk of a liquidity crisis occurring during the second half of 2018. The External Auditor considers that this is not a temporary crisis, but the manifestation of a problem that has become structural, the resolution of which requires further analysis.

The External Auditor will review this liquidity issue triggered by arrears as part of a performance audit on the Court's budget management.

## **B. Outstanding assessed contributions**

### **1. Evolution of arrears**

64. The following table shows the evolution of the assessed contributions and related outstanding arrears since 2007:



**Table 8. Outstanding assessed contributions from 2007 to 2017 (in thousands of euros)**

<i>Year</i>	<i>Assessed contributions</i>	<i>Collections for current year</i>	<i>Collection current year / Assessed contribution</i>	<i>Outstanding current year as at 31 December</i>	<i>Outstanding current year / Assessed contribution</i>	<i>Collections for prior year</i>	<i>Outstanding as prior year as at 31 December</i>	<i>Total Outstanding as at 31 December</i>
2007	88,872	83,021	93%	5,851	7%	9,672	2,298	8,149
2008	90,382	90,077	100%	305	0%	7,896	252	557
2009	96,230	95,469	99%	761	1%	225	332	1,093
2010	103,623	97,849	94%	5,774	6%	612	481	6,255
2011	103,608	101,222	98%	2,386	2%	5,849	406	2,792
2012	108,800	102,640	94%	6,160	6%	2,382	410	6,569
2013	112,040	105,380	94%	6,659	6%	6,248	321	6,980
2014	118,706	110,672	93%	8,034	7%	525	6,455	14,489
2015	125,598	112,959	90%	12,639	10%	6,343	8,147	20,786
2016	138,786	124,726	90%	14,060	10%	16,440	4,345	18,405
2017	144,587	126,353	87%	18,235	13%	5,592	12,813	31,048

Source: External Auditor from aging balances

65. The critical period in terms of arrears starts in 2014, when the amount of arrears had more than doubled at once, while the assessed contributions evolved only by 6 per cent between 2013 and 2014. In 2015 and 2017, unpaid debts increased by 43 per cent and 67 per cent respectively, while the assessed contributions progressed by 6 per cent and 4 per cent. The outstanding balance reached its highest level in 2017 and amounted to €31 million. A second critical turn seems to begin in 2017 (+ 68 per cent of outstanding contributions compared with previous year).

66. In terms of the current year's collections, deceleration starts from 2011. While in 2011 they accounted for 98 per cent of the year's contributions, in 2017 they represent only 87 per cent.

67. Both indications give an idea of the scale of the deterioration of the collection of assessed contributions since several years.

**Table 9. Most significant outstanding assessed contributions as of 31 December 2017 (in thousands of euros)**

<i>State Parties</i>	<i>Outstanding as of 31 December 2017</i>	<i>Outstanding related to 2017</i>	<i>Outstanding related to prior years</i>
Brazil	16,540	9,567	6,973
Venezuela	6,208	1,451	4,757
Mexico	3,461	3,461	0
Argentina	2,147	2,147	0
Nigeria	1,287	515	772
<b>Total 5 State-Parties</b>	<b>29,643</b>	<b>17,141</b>	<b>12,502</b>
<b>%</b>	<b>95%</b>	<b>94%</b>	<b>98%</b>
<b>Total all State Parties</b>	<b>31,048</b>	<b>18,235</b>	<b>12,813</b>

Source: External Auditor from aging balance as of 31 December 2017

68. By the end of 2017, 39 States Parties had not entirely paid their assessed contributions. In comparison, in the previous year the overdue receivables concerned 44 States Parties. However, the structure of the aging balance remains nearly the same as last year. The five most important outstanding arrears represent 95 per cent of the total outstanding balance as of 31 December 2017<sup>6</sup>.

69. Brazil cleared a significant portion of its arrears in 2016,<sup>7</sup> but a significant portion of its contributions related to 2016 as well as the full amount for 2017 remain outstanding. The last payment from Brazil was in December 2016.

70. While Mexico and Argentina made payments in 2017, respectively in January and March, these payments were used to settle arrears prior to the current year.

71. At the end of 2017, Venezuela and Nigeria have accumulated unpaid amounts for several years.<sup>8</sup> Their last payments date back to September 2012 and October 2013, respectively. According to article 112 of the Rome Statute, the countries with arrears equal or exceeding the amount of the contributions due for the preceding two full years should be declared ineligible for voting at the Assembly of States Parties. The receivables attached to these two contributors are classified as doubtful debts. However, it should be noted that in March 2018 Nigeria paid a significant portion of its outstanding contributions for prior years.

*Finding:* In relation to the present liquidity problems described above, it appears clearly that the issue will largely depend on the attitude observed (in decreasing arrears amounts order) by Brazil and Venezuela before the end of 2018.

## 2. Ineligibility for voting

72. The Court recognizes provision with respect to doubtful debts. It represents 90 per cent of the receivables' balance unpaid for more than two years. As of 31 December 2017, the amount of this provision amounted to €6.9 million and concerns eight countries that should be ineligible for voting at the Assembly. The largest share of provision relates to Venezuela and Nigeria, amounting to €5.6 million and €1.2 million respectively.

73. Nevertheless, during the sixteenth Assembly in December 2017, all 123 States Parties took part in the elections of six new judges.<sup>9</sup> Countries ineligible to vote, according to article 112 of the Rome Statute, were able to vote. Indeed, the Rome Statute allows exemptions from the rule of ineligibility, if "*it is satisfied that the failure to pay is due to conditions beyond the control of the State Party*".

*Finding:* In its report to the Assembly on the thirtieth session of the Committee on Budget and Finance (Committee), which took place from 16 to 20 April 2018, the Committee indicates that as at 31 March 2018, thirteen States Parties had outstanding contributions that did not allow them to retain their voting rights at the Assembly. As such, the Committee recommends that "such requests for exemption be only granted following the payment of the minimum amounts identified and after presenting payment plans for the remaining balance". The External Auditor, from a purely financial management point of view, endorses this recommendation of the Committee, and suggests that it should be implemented for each Assembly of States Parties and with no exception.

**Recommendation n° 1:** In order to strengthen the process of recovering payment arrears, the External Auditor recommends to allow States Parties in arrears for the preceding two full years to vote only once the payment schedule has been fulfilled, in accordance with the conditions of article 112 of the Rome Statute.

<sup>6</sup> In 2016, those countries, plus Colombia, represent 94 percent of total overdue.

<sup>7</sup> Brazil regularized its situation prior to 2015 for a total amount of €12.4 million.

<sup>8</sup> Venezuela's arrears date from 2013 and Nigeria's from 2014.

<sup>9</sup> All 123 voted in rounds 6 to 9 of the judges' elections during the sixteenth Assembly.

74. During his final mission (27 May to 8 June 2018), the External Auditor updated the arrears as at 31 May 2018. This leads to the following table:

**Table 10. Breakdown of outstanding assessed contributions by year (in thousands of euros)**

	<i>Outstanding as of 31 May 2018</i>	<i>Outstanding as of 31 December 2017</i>	<i>Collections related to prior years</i>
2007	1	1	0
2008	1	1	0
2009	3	3	0
2010	5	5	0
2011	6	6	0
2012	13	13	0
2013	956	956	0
2014	1,202	1,302	-100
2015	1,315	1,498	-182
2016	8,534	9,029	-496
2017	12,040	18,235	-6,194
2018	36,035	-	-
<b>Total</b>	<b>60,111</b>	<b>31,048</b>	<b>-</b>

Source: External Auditor from aging balance as at 31 May 2018 and 31 December 2017

75. As at 31 May 2018, the Court collected a total of €16.1 million related to assessed contributions, compared to €7.4 million at the same time the previous year. The increase in payments during the first five months of 2018 is partly explained by the payment of aging receivables: €6.8 million was used to clear outstanding balances prior to 2018.

76. At the end of May 2018, Argentina, Mexico and Nigeria cleared a significant portion of their overdue debts. However, they had not paid their 2018 contributions at the same date. For Brazil and Venezuela, the situation has not changed compared to 2017. The outstanding contributions balance for these two countries are respectively €26.3 million and €7.7 million.

### C. Payroll and employee benefits

#### 1. Change in total payroll

77. The Court's staff expenditure had a significant increase in 2017, up 6.4 per cent from €00.4 million in 2016 to €06.8 million in 2017. It is an important change from the previous year, which had shown a moderate growth of 1.1 per cent from 2015.

**Table 11. Change in 2016-2017 Employee benefit expenses (in thousands of euros)**

	<i>2017</i>	<i>2016</i>	<i>Change 2017/2016</i>	<i>Change as %</i>
Judges' salaries	3,237	3,250	-13	-
Judges' entitlements and allowances	1,718	3,148	-1,430	-45 %
Staff salaries	56,112	47,627	8,485	+18 %
Staff entitlements and allowances	29,231	24,981	4,250	+17 %
Temporary assistance	16,567	21,427	-4,860	-23 %
<b>Total</b>	<b>106,865</b>	<b>100,433</b>	<b>6,432</b>	<b>+6%</b>

Source: External Auditor, on the basis of note 16 to the financial statements

78. This increase of total payroll is explained by various effects:

(a) Staff salaries and allowances have increased by €12.7 million, while temporary assistance decreased by €4.9 million. Non-temporary staff (established, excluding GTA and short-term appointment – STA) amounts to 79.8 per cent staff costs (excluding judges) or 84.5 per cent (including judges);

(b) Temporary assistance, which includes mostly GTA and STA, represents a minor part of staff costs, and this part is decreasing (15.5 per cent in 2017 compared with 21.33 per cent in 2016). Amongst temporary assistance, GTA salaries amount to €6.8 million, while STA salaries are at €6.3 million;

(c) In 2017, 73 GTA contracts were converted to established contracts. Conversions have grown from 65 in 2016 to 73 in 2017. These conversions refer to the following categories:

**Table 12. Details of contract conversions by organ**

<i>Organs</i>	<i>General Service Staff</i>	<i>General Service Security</i>	<i>Professional Staff</i>	<i>Total</i>
Registry	-	-	-	-
OTP	12	-	61	73
Judiciary	-	-	-	-
<b>Total</b>	<b>12</b>	<b>-</b>	<b>61</b>	<b>73</b>

Source: External Auditor, on the basis of statements provided by the HR section

(d) Staff entitlements and allowances have increased at the same rate as staff salaries (+ 17.0 per cent and + 17.8 per cent).

79. Staff costs account for 68.5 per cent of Court expenses. 84.5 per cent of this share is for established positions (and judges). This confirms that employee benefits are the major component of the Court's expenses, and that most of them are fixed costs. The growing number of contract conversions also contributes over years to lowering the flexibility of employee benefits expenses and of overall expenses.

## 2. Internal control and expenses monitoring

80. During the audit of the 2016 financial statements, the External Auditor made some observations on the improvements needed in the field of human resources internal control. Two recommendations had been issued, the implementation of which is reviewed in chapter V below, still considered as “partially implemented”. On the strict issues relevant to financial statements, a document has been provided on reconciliation between payroll and the General Ledger at year-end, as requested by the recommendation.

81. The External Auditor's work on reconciliation of figures has not shown particular discrepancies.

82. A separate audit has been made in 2018 on human resources management, with some dedicated findings and recommendations.

83. As in 2016, the External Auditor observes that some employees claim many days of annual leave. About 140 staff members have accumulated 50 days or more of annual leave at year-end. For staff, no more than 60 days have been carried forward in accordance with regulation 105.2, para. (e) of the Staff Regulations and Rules. In the case of judges, annual leaves may reach much higher figures. Annual leave liabilities are up to €6.3 million in 2017 (+ €0.2 million compared to 2016).

84. Pending annual leave at the end of 2017 amounts to a total of 23,067 days. In case of separation, annual leave should be paid out at a maximum of 60 days (regulation 105.2, para. (g) of the Staff Regulations and Rules). The Court should have better visibility over staff with huge annual leave balances arriving at the end of their contracts, and potentially able to request cash payments of their annual leave.

85. A component of employee benefits expenses is again linked to litigation provisions. After the settlement of the case filed by the judges, another provision was made in 2017. The financial statements mention that at the end of 2017, 20 cases by current or former staff members were filed, and that a total amount of €2.1 million is earmarked for them, showing a slight decrease, the ILOAT provision being €2.2 million in 2016. ILOAT fees also increase along with litigation and are mandatory expenses for the Court.

### 3. Recognition of liabilities

#### (a) Scope

86. The post-employment benefits, termination benefits and other long-term employee benefit liabilities are composed of the judges' pension scheme, the after service health insurance for the staff, the termination benefits and the other long-term benefits.

87. The accounting for employee benefits under IPSAS 39 ("Employee Benefits") is technically complex as the liabilities are frequently material because they are long-term and measurement has to take into consideration various assumptions. For this purpose, the Court relies on the services of a consultant (Deloitte).

88. The groups entitled to benefits are:

(a) The judges, who have defined retirement benefits and disability benefits based on vested rights and covered by an insurance contract recorded as a reimbursement right; and

(b) The internationally recruited professional staff under long-term contracts, who benefit from the health regime for retirees, the "after service health insurance" plan, financed by 50 per cent by the Court, and from other long-term benefits such as home leave benefits, removal/travel on separation, relocation allowance, survivors benefit, family visits, repatriation grant and death grant.

#### (b) Valuation and completeness

89. The post-employment benefits and the other long-term benefits amount to €6.8 million in 2017 versus €0.1 million in 2016. The reimbursement rights related to the judges' pension scheme amounts to €27.3 million in 2017 versus €25.5 million in 2016.

90. In accordance with ISA 620, the External Auditor has used the work of independent actuarial specialists as part of the audit team in order to obtain sufficient appropriate audit evidence in the valuation and the completeness of the post-employment benefits, termination benefits and the other long-term employee benefit liabilities.

91. The independent actuarial specialists assisted the External Auditor in:

(a) Understanding how the accounting estimate is made, and how data on which the accounting estimate is based is generated;

(b) Documenting the key assumptions, methods, and data used to make the estimate; and

(c) Documenting whether the relevant financial reporting framework has been applied when developing the estimate and whether the methods used to create the estimate are appropriate and consistent period over period.

#### (c) Findings and recommendations

92. The review performed resulted in the following findings and recommendations.

93. The current insurance contract related to the judges' pension scheme allows the Court to withdraw the amounts deposited to the insurer. In this regard, the insurance contract is classified as a reimbursement right. The insurer does not have the ability to terminate the contract and has the obligation to fulfil its commitments. If the Court decides to terminate the contract, the Court will have the choice either to transfer the amounts deposited to a new insurer, or to keep the funds with the current insurer.

*Finding:* The transfer of the amounts deposited to a new insurer could lead to a significant fluctuation in the premium amount in order to maintain the insurance policy conditions in force.

**Recommendation n° 2:** Due to the particular nature of the insurance contract related to the judges' pension plan, the External Auditor recommends that the Court elaborate more precisely in the notes of the financial statements for better insight into the consequences that would arise from a decision to move to another insurer or a change of the insurance policy conditions in force.

94. The review of the internationally recruited professional staff population between 2015, 2016 and 2017 highlighted a change in the codification contracts by considering GTA as similar to established staff starting 2016, and a change in the staff eligible for the repatriation grants starting 2017 due to the implementation of a new circular.

95. The review also highlighted several significant actuarial gains and losses between 2016 and 2017 regarding the other long-term benefits mainly explained by:

- (a) Increase in expected longevity of plan participants based on the updated mortality tables by the United Nations Joint Staff Pension Fund;
- (b) Increase in medical premium;
- (c) Decrease in average medical base salary;
- (d) Increase in the discount rate from 1.8 per cent in 2016 to 2.05 per cent used in the 2017 valuation; and
- (e) Change in valuation methodology, by inclusion of spouse and/or child mortality variables in the projection of after-service-health insurance.

**Recommendation n° 3:** The External Auditor recommends to the Court, starting 2018, to disclose in more detail explanations of the significant actuarial gains and losses in the notes to the financial statements.

## **D. Procurement**

### **1. Miscellaneous Obligation Documents**

96. As per financial rule 110.8 ("Obligating documents") of the Court's Financial Regulations and Rules (FRR), "an obligation must be based on a formal contract, agreement, purchase order or other form of undertaking, or on liability recognized by the Court. All obligations must be supported by an appropriate obligating document".

97. The External Auditor obtained the "Standard Operating Procedure (SOP) for Miscellaneous Obligation Document (MOD)" dated 2 January 2013. This SOP refers to the Court's financial rule 110.8 and specifies that "the MOD's should be avoided and the volume of MOD's should be minimized at the ICC". These documents are signed by a certifying officer in accordance with the Court section involved.

98. However, the MODs amount to €7.7 million in 2017 and €7.0 million in 2016. The sections using this procedure are mainly the Counsel Support Section and the Victims and Witnesses Section.

99. The following table analyses the detail of the MOD amounts as per FRR 110.8 compared with the total of expenses in the accompanying notes 17 to 21 to the financial statements.

**Table 13. Difference between total expenses and expenses documented according to FRR art. 110.8 (in thousands of euros)**

	<i>Total expenses</i> 2017	<i>Obligating documents</i> 2017	%	<i>Total expenses</i> 2016	<i>Obligating documents</i> 2016	%
Counsel Support Section	6,246	5,285	85%	5,826	4,730	81%
Victims Witnesses Section	2,827	1,592	56%	2,745	1,416	52%
Deputy Prosecutor for Investigations	3,093	364	12%	2,875	308	11%
Field Office	2,782	296	11%	2,016	312	15%
Other sections	19,929	159	1%	16,532	-69	0%
<b>Total</b>	<b>34,877</b>	<b>7,696</b>	<b>22%</b>	<b>29,994</b>	<b>6,997</b>	<b>22%</b>

Source: External Auditor, based on notes 17 to 21 of the financial statements

100. Furthermore, the distribution shows that 97 per cent of these expenses are for amounts below €10,000 in 2017 and in 2016.

101. The following table shows the MOD distribution as per FRR 110.8 in 2017 and 2016:

**Table 14. Distribution of expenses documented according to FRR art. 110.8**

	<i>Total Obligating documents</i> 2017	<i>Number in 2017</i>	%	<i>Total Obligating documents</i> 2016	<i>Number in 2016</i>	%
> €100,000	252	2	0%	300	1	0%
€0,000 to €99,999	275	4	0%	158	3	0%
€10,000 to €49,999	1,266	90	3%	1,239	89	3%
€5,000 to €9,999	5,887	1,174	33%	4,451	897	32%
< €5,000	17	2,294	64%	549	1,780	64%
<b>Total</b>	<b>7,696</b>	<b>3,564</b>	<b>100%</b>	<b>6,697</b>	<b>2,770</b>	<b>100%</b>

Source: External Auditor, on the basis of the ICC's 2017 accounts

102. The External Auditor verified, on a test basis, the existence of such expenses based on the supporting documents provided. The tests conducted were deemed satisfactory.

103. However the MODs do not fall under FRR 110.12 to 110.19 regarding procurement rules and specifically regarding the required competition level as per rule 110.15 and the procurement review committees as per rule 110.14.

104. The External Auditor could not check whether the obligating documents as per rule 110.8 were compliant with the procurement rules under FRR 110.12 to 110.19 and specifically regarding the required competition level as per rule 110.15, the procurement review committees as per rule 110.14 and the general principles of procurement as per rule 110.12.

## 2. Victims and Witnesses Section audit

105. The Victims and Witnesses Section (VWS) has been established to provide support and protection to witnesses and to victims who appear before the Court. When victims testify as witnesses the VWS provides administrative and logistical support to enable them to appear before the Court. The VWS also provides psycho-social care and other appropriate assistance as required.

106. The objective of the External Auditor, as per ISA 500, is to design and perform audit procedures in such a way as to enable the auditor to obtain sufficient appropriate audit evidence to be able to draw reasonable conclusions on which to base the auditor's opinion. Whenever the scope of audit of the External Auditor is restricted, or whenever the External Auditor is unable to obtain sufficient evidence, he/she shall refer to the matter in his/her opinion and report, making clear the reasons for his comments and the effect on the financial position and the financial transactions as recorded.

107. Regarding VWS's expenditure, the External Auditor understands that the confidentiality and sensitivity of some material which could identify confidential relocation countries could not be disclosed. However, the External Auditor has to obtain sufficient appropriate audit evidence to be able to draw reasonable conclusions on the fact that all amounts and other data relating to recorded transactions and events have been recorded appropriately and that transactions and events that have been recorded and disclosed have occurred and pertain to the entity.

108. The External Auditor had been granted access to a majority of the evidence pertaining to the VWS activities including some confidential information. However, the VWS indicated that it would rather not disclose highly sensitive material identifying some of the relocation countries where protected witnesses/victims had been placed. As a result, the External Auditor was not granted access to the audit evidence to perform his audit tests on VWS's expenditures for a maximum amount of €0.8 million in 2017 due to the confidentiality of the information. By contrast the External Auditor had access to audit evidence for an amount of €2.1 million in 2017.

109. The following table discloses, on one hand, the total expenses of the Victims and Witnesses Section, and on the other hand the amounts on which tests can be performed.

**Table 15. VWS expenses breakdown in 2017 (in thousands of euros)**

	<i>Total expenses 2017</i>	<i>Expenses available for testing</i>
Travel expenses	980	980
Miscellaneous obligating documents (rule 110.8 of ICC's FRR)	1,592	828
Purchase orders	255	255
<b>Total Victims and Witnesses Section</b>	<b>2,827</b>	<b>2,063</b>

Source: External Auditor, on the basis of ICC's 2017 accounts.

110. The amount of non-available evidence for testing is below the audit materiality threshold calculated by the External Auditor for the 2017 financial audit. Therefore, this gap has no consequence on the opinion of the External Auditor.

**Recommendation n°4:** The External Auditor requires that all disclosable, not highly sensitive audit evidence regarding VWS expenditures, for the 2018 interim audit, be available before the beginning of the mission, for audit test sampling. The External Auditor recommends to the VWS prepare this documentation before the first day of the mission. In the future, if the amount of highly sensitive non-disclosable evidence for testing appears to exceed the audit materiality threshold, the External Auditor would have to refer to the matter in his opinion and in his report on the financial statements.

## **E. IT internal control review**

### **1. Scope and objective**

111. The External Auditor focused its work on the Information Technology (IT) internal control framework. The overall objective was to assess whether IT internal control procedures are adequately designed and effectively implemented to reduce risks related to the use of the Court's information systems. As such, the work covered the IT environment and Information Management (IM) governance and the internal control procedures implemented around the use of the SAP application.



## 2. IT environment and IM governance

112. Information Technology and Information Management (IT/IM) defined a five-year IT strategy to improve the processes of the Court and to make them more efficient, transparent and sustainable.

113. However, the External Auditor noted that the actual IT organization requires a smooth cooperation and communication between teams with different hierarchical levels. For example, since 2015 the management of the SAP application has been shared between the “SAP team” (under the supervision of the Division of Management Services) in charge of the application and functional support and IMSS (Information Management Services Section, under the supervision of the Division of Judicial Services) in charge of the infrastructure management.

114. SAP IT human resources are limited in number and mainly focused on the daily tasks and therefore are sparsely available for mid- or long-term projects aiming at improving the information systems.

## 3. SAP internal control

115. Generally speaking, until now, IT internal control has suffered from a recent and changing environment, IT teams being mainly focused on new software implementation and dealing with hotline requests from users.

116. The External Auditor pointed out four IT/IM fields in which the Court should improve its internal control environment.

### (a) SAP access management

117. The External Auditor found that creation and modification requests are not systematically formalized. No control is implemented to ensure the respect of segregation of duties principles and no regular basis user’s accounts and access rights reviews are performed to ensure the appropriateness of access granted.

118. That is why the External Auditor suggested implementing:

(a) a control to prevent granting access rights that lead to segregation of duties issues in a context of an integrated and centralized information system;

(b) a yearly control (at least) of review to detect any inappropriate access rights granted within the SAP system.

119. The Court’s services accepted this suggestion during the clearance process. The SAP team is currently working on a centralized repository of access roles with a segregation of duties matrix indicating which roles cannot be combined. The repository will also contain information on assigned roles per active user. The repository is intended to be used to control the role assignment and to prevent granting access rights that lead to segregation of duties issues. In addition the repository will be used for a yearly user access rights review. Implementation is expected to be completed in the second quarter of 2019.

### (b) Computer operations

120. The External Auditor noted that the Court does not ensure on a regular basis that IT and business teams are able, within the objectives defined, to restore data from information systems in case of disaster.

121. He suggested that the IT services perform an annual test in order to ensure the ability of the Court’s teams to fully restore the IT environment in case of any disaster.

122. The IT services accepted this proposal during the clearance process. IMSS is in the process of updating its process and governance (documented in a Standard Operating Procedure) for back-up and recovery to support disaster response and recovery. It constitutes a priority and will include updating the existing SOP for disaster recovery of

SAP, and planning the annual restore exercise for the SAP IT landscape, pending business approval and availability, and is targeted for completion in 2018.

(c) *SAP change management*

123. The documentation of users' change requests and their traceability is heterogeneous (mail, excel lists or SolvIT tool) and leads to inconsistent justification of changes implemented in the SAP productive environment. The follow-up of change requests by technical teams is also more difficult.

(d) *External providers*

124. Confirming the internal audit conclusions, the Court should define and include in every key contract, service level agreements to allow an efficient management of external services in the best interests of the Court.

125. The External Auditor found that some processes use multiple channels that lead to heterogeneous control methods and inconsistent documentation, and identified difficulties to track documents on SAP changes and the scope of external provider services. More generally, the External Auditor identified a need for streamlining the organization of IT internal control.

126. That is why the External Auditor recommended to streamline existing procedures and tools used to manage SAP users and change requests documentation, tracking and follow-up, in order to reduce the risks respectively related to inappropriate access granted and inappropriate change requests or insufficient tests before implementation in the production environment.

127. The Court accepted this recommendation during the clearance process. Rationalizing the existing procedures and tools used to manage SAP users and changes has already started in early 2018 and is expected to be completed in early 2019. Currently existing standard operating procedures for "SAP change and access requests" are being reviewed and updated and existing outdated tools are being replaced with one new tool (SolvIT). Implementation is expected to be completed in the second quarter of 2019.

## **V. Follow-up of previous recommendations**

128. The External Auditor reviewed the implementation of the recommendations still pending at the date of the audit, altogether coming from previous audits of the financial statements or from other reports produced by the External Auditor.

129. 20 recommendations were pending. Eight came from audit reports on the financial statements. 12 recommendations came from reports on cash reserves (2015), on the new Permanent Premises building (2016), on the ReVision project of reform of the Registry (2016) and on the Division of External Operations (2017).

130. Out of these 20 recommendations, seven have been implemented, 11 are partially implemented, one has not started to be implemented, and one has been merged with another one. At the end of the review, 12 previous recommendations are still pending, the implementation of which will have to be reviewed again in future audit reports.

131. The following table displays the recommendations still pending at the beginning of 2018, coming from previous audit reports on financial statements, and the opinion on their implementation at the end of the review by the External Auditor.

**Table 16. Previous financial audit report recommendations still pending as of 1 January 2018**

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
ICC-2016-1	Staff	In order to strengthen the internal control dedicated to the administration of salaries and benefits, the External Auditor recommends incorporating, into each step of the current monthly payroll calculation procedure, the risk associated (missing supporting documents, non-compliance with the staff rules, creation of fictitious staff, discrepancy between staff paid and real staff, parameter setting error, miscalculation...), the control to be performed in relation to the identified risk and the control owner, into each step of the current monthly payroll calculation procedure..		X	
ICC-2016-2	Staff	The External Auditor recommends that the Human Resources Section formalise all the verifications and controls carried out during the preparation of the monthly payroll and retain them for documentation purposes.		X	
ICC-2016-3	Ex gratia payments	For easier monitoring of ex gratia payments, the External Auditor recommends creating a specific general ledger account in the trial balance and respectively classifying the related expenses.	X		
ICC-2015-1	Staff	The External Auditor recommends that the HR Section (i) set up a way to monitor the average workforce size for easier comparison between the average workforce size and the workforce table in the budget and (ii) reconcile the various payroll files to establish the workforce size with certainty.	X		
ICC-2015-3	Permanent premises	For better visibility and budgeting of maintenance costs, the External Auditor recommends that the Court: (i) first, finalise the development of a reliable maintenance plan as soon as possible; then, (ii) review the breakdown of components so as to align them with the maintenance plan projections and distinguish the components properly.			X
ICC-2015-5	Financial internal control	In order to improve the budgetary control of all activity segments of the Court, the External Auditor recommends revising the configuration of the SAP enterprise resource planning software to require the completion of an additional field indicating, for each accounting entry, whether it has a budgetary impact or an accounting impact.	X		
ICC-2015-6	Accounting internal control	In order to ensure effective and efficient internal control, the External Auditor recommends that the Court complete the full deployment of the information system to prepare financial statements according to IPSAS and ensure the stability and strength of the accounting function.		X	
ICC-2013/1	Provisions for bad debts and funds received from defendants	In order to clarify the decision-making process regarding the treatment of funds received in connection with the seizure of assets, the External Auditor recommends that the Court establish an official directive setting out the details of the treatment of funds received in the various stages of the judicial proceeding with a clear definition of functions and responsibilities within the Court's system. This directive will form the basis of an appropriate accounting and budgetary treatment.		X	
<b>Total number of recommendations</b>			3	4	1

132. Recommendations to be considered as implemented at the end of the present review are:

(a) ICC 2016-3, which was aimed at framing the budgetary and accounting treatment of ex gratia payments. A new account n°2399 was opened specifically for ex gratia payments, and was present in the accounting balances at the end of the year 2017.

(b) ICC 2015-5, which aimed to improve the budgetary conformity controls on operations by the SAP enterprise resource planning software (ERP). The Court has adapted the configuration of the SAP ERP and activated additional modules and functions, including reconciliation reports between budget and accounting.

(c) ICC 2015-1, which was aimed at monitoring the average workforce size in accordance with the workforce table in the budget and reconciling it with the payroll. The Court has produced a set of statements of comparison between staff costs and monthly staffing situation by major programme.

133. Recommendation ICC- 2016-1, which was aimed at strengthening the monitoring of risks and the internal control on staff expenditures, has started to be implemented, but, still recent, it will require time for its action plan. An automation project to capture all current manual forms has been committed in 2017 and is expected to be completed by mid-2018.

134. Recommendation ICC- 2016-2, which is linked to ICC-2016-1, is therefore partially implemented, documentation on controls being linked to the achievement of the automation project mentioned above.

135. Recommendation ICC-2015-3 is considered not yet implemented. The development of the long-term maintenance plan providing for the replacement of all building components that was envisaged for the closure of financial year 2018, is planned to happen before the middle of 2020 after the selection of the future contractor (expected in September 2018). This plan, when available, will serve as a basis for defining the various components of the PP (Permanent Premises). In the meantime, the entry in the accounts of the PP and its depreciation schedule will not change.

136. Recommendation 2015-6 is considered partially implemented. Evaluation and analysis work has been committed and progress made through automation of some tasks by activation of SAP modules and applications. However this does not cover the full deployment of the information system to prepare financial statements according to IPSAS, and the stabilisation of the strengthening of the accounting function is still pending.

137. Recommendation ICC-2013-1: the Registrar established a special account in 2017 to handle the funds recovered. However, the FRR being silent on this issue, a proposal of modification of regulations 6 and 7 has been submitted to the Committee, and approved. Recommendation ICC- 2013-1 remains partially implemented until the final approval of the amendments by the Assembly.

138. The follow-up of recommendations relating to previous management audits appears in annexes II to V to this report.

## **VI. Acknowledgements**

139. The External Auditor wishes to express deep appreciation to the Directors and staff members of the ICC for their reception and the accuracy of the information that they provided.

*End of audit observations.*

## Annexes

### Annex I

#### Verification of statement V

1. The differences between budgetary accounting and accrual accounting, presented in statement V and note 24 of the financial statements, are of three types. They are:

(a) "Basis" differences: the budget basis is narrower than the accounting basis, since it only partially includes the commitments recognizable under IPSAS, even if, in the opposite direction, it takes into account budgetary commitments, such as Unliquidated Obligations, which cannot be recognised under IPSAS standards – note 24 indicates that the accounting commitments exceed the budgetary commitments by €8.2 million in 2017. In accordance with a recommendation issued by the External Auditor in his report on the financial statements for the 2015 financial year (recommendation No. 2015-5), the services of the Court have set up in the ERP a mandatory input field which indicates, for each entry, whether it has a budgetary impact or not, and a routine has been put in place to automatically establish a reconciliation report between the financial module and the budget module. The External Auditor has tested this procedure and considers that the amount of €8.2 million in note 24 is justified;

(b) "Entity" differences: the Court's budget finances the expenditure for the TFV Secretariat, but the corresponding expenses are recognized in the financial statements of the TFV, and not in those of the Court. On the contrary, the regular budget is not implied in the operations of the other funds, whereas ICC financial statements include them. The net cumulative amount arising from these differences corresponds, in 2017, to the recognition of extra expenses of €25,000 higher compared with the budgetary expenditure. The External Auditor checked the financial movements resulting in this balance: the inflows resulting from voluntary contributions to the TFV in 2017 amounted to €2.2 million; the disbursements resulting from the TFV's Secretariat expenditures represent €1.7 million, the difference is a positive balance of €0.5 million recognized in the budget performance, but not in the IPSAS statement of performance of the Court. On the other hand, the collection of assessed contributions to funds other than the regular budget amounts to €0.5 million (see table 5; and

(c) "Presentation" differences: certain expenses (investment and financing) give rise to a reclassification in accrual accounting compared to the budgetary basis, so that €4.6 million budget expenditure is not recognized as an expense in the IPSAS statements. In particular, for head office financing costs (interest + capital), the same amount (€3.0 million) is subtracted as a basis difference for operating activities, and added as a presentation difference for financing activities, the balance effect being overall neutral. The remaining reclassifications amount to €1.6 million and are due to the fact that tangible and intangible acquisitions amounting to €1.7 million, recognized as 2017 budget expenditures, have been capitalized and are not recognized as IPSAS expenses, while disposals of €5,000 generated accounting revenue but are not included in the budget. Finally, €0.1 million interest earned on term accounts of regular budget are recognized as revenue in the financial statements, but not as appropriations in the budget.

2. On the basis of these verifications, the External Auditor validates statement V and note 24 for the reconciliation of budgetary and accounting data for the 2017 financial year.

## Annex II

### Follow-up of report on cash reserves

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
CR-2015-6-3	Cash reserves	Put in place a financing plan for employee liabilities, in order to even out the corresponding expenses, which are likely to increase in the future. A study should be undertaken to determine whether a reserve should be established and its possible amount.		X	

Recommendation CR-2015-6-3 remains under consideration at the Court level. The External Auditor deems that choice between creating a dedicated reserve or securing a relevant flow of resources to match with future employee benefits commitments has to be made by States Parties.

## Annex III

### Follow up of report on the permanent premises project

1. It is decided to merge recommendation n° PPP-2016-3-1 with recommendation ICC-2015-3 and to drop it from the dashboards on the follow up of recommendations.
2. It is mentioned in paragraph 135 above, that recommendation ICC-2015-3 is considered as not implemented.

## Annex IV

### Follow up of the report on *ReVision* (2016)

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Partially Implemented</i>	<i>Not implemented</i>
RP-2016-1	Publishing ReVision project report.	The External Auditor recommends that the final report of the ReVision project be published and disseminated to staff, excluding confidential information on individual staff members.	x	
RP-2016-2	Standard operating procedures on new working methods.	The External Auditor recommends that the Registry put in place standard operating procedures and digital workflows to help staff understand the new working methods to be applied within the Registry's structures as reorganised by the project.	x	
RP-2016-3	Outside assistance selection	If the definition of new working methods requires outside assistance, the External Auditor recommends that the requisite firm of consultants or specialists be selected following a competitive bidding process compliant with Court rules.	x	
RP-2016-4	Impact on budget of relocation and increase in judicial activity.	The External Auditor recommends that the Registrar publish a memorandum for the attention of the States Parties explaining the precise impact on the Court's workforce and budget of the relocation to new premises and the increase in judicial activity.	x	
<b>Total number of recommendations</b>			<b>4</b>	

1. The recommendations RP-2016-1, RP-2016-2, RP-2016-3 and RP-2016-4 are considered as implemented, taking into consideration the answers and documentation provided by the Court.

2. For the recommendation RP-2016-4, this qualification is based on the information given in 2016 and 2017 to the States on impacts at the moment when ReVision was implemented as a project, and before the complete installation in the new premises. This does not mean that the External Auditor considers for the future that the impacts of ReVision and of the installation in the new premises are definitely settled.

3. The recommendation RP 2016-3 is considered implemented since, at the time of the audit, only one external consultant has been identified in the scope of the recommendation, and its selection has been done among competing tenders after a call for interest.

## Annex V

## Follow up of the report on the Division of External Operations (2017)

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Partially Implemented</i>	<i>Not implemented</i>
DEO-2017-1	Synergy among organs	When the effects of the ReVision project are stabilized, the External Auditor recommends that further reflection should be undertaken in order to deepen the synergies between the various organs of the Court in relation to external operations and relations, while at the same time ensuring that basic legal rules are respected, which would, presuppose a more pragmatic and rational, and therefore less dogmatic, approach to the principles of neutrality, independence and confidentiality than the approach which currently seems to prevail, even if synergies between different bodies already happened.	X	
DEO -2017-2	Coordination on security matters	The External Auditor recommends to deepen the reflection on the role of the central Coordinator of field security and to ensure that he gets the means to fulfil his mission, despite a complex, and uneasy to define, positioning between DEO, Division of Management Services and heads of field offices. On a more ad hoc basis, re-evaluate the subject and format of the Weekly Security Reports required from field offices.	X	
DEO-2017-3	Reporting and communication between VPRS and HFO	If the suggested interchangeability or even merger of the Outreach and VPR field teams is a complete success, and it will be confirmed at Headquarters level, the External Auditor recommends that the current official Organizational structure should be reviewed by organizing, with precise arrangements defined jointly by DEO and DJS, a functional reporting or communication line between Heads of field offices on the one hand and the VPR section on the other hand, which is currently non-existent and its practical content should be clearly defined.	X	
DEO-2017-4	Relevant information for HFO	The External Auditor recommends to formalise and rationalise the coordination procedures initially set up being “improvised” by the new Heads of offices (various levels may be envisaged: Standard Operational Procedure, Services Level Agreements, Book of Best Practices...). They should be defined in the framework of bilateral agreements between the Heads of field offices and the other VWS, OTP and TFV, TFV and field offices, in order to institutionalise the access of Heads of field offices to all information in a timely manner regarding the mobilisation of local resources without breaching confidentiality or transgressing the principles of neutrality of the Registry or of independence of the Office of the Prosecutor and of the Trust Fund for Victims.	X	
DEO-2017-5	Interim of HFO	The External Auditor recommends to adopt an interim rule applicable in absence of the P5 Head of a field office	X	
DEO-2016-6	adjustment of staff, opening/closing of offices,	The External Auditor recommends that when, by the end of the first half of 2017, the Office of the Registry sets up procedures for the adjustment of staff, and opening/closing of offices, a strategic field workforce planning be implemented, defining clearly the responsibilities, not only of the Registry, but also of all the organs of the ICC resorting to field office services, in particular OTP and TFV.	X	
<b>Total number of recommendations</b>			1	5



1. Recommendation DEO-2017-1 is partially implemented. Actions for an improvement of coordination and cooperation actions among the organs of the Court have been committed, backed by approbation by the Coordination Council (CoCo), in various areas. Positive steps have been reported, but it will require time to measure the scope and the consequences of these actions due to the large range of the recommendation.
2. Recommendation DEO-2017-2 is considered implemented by the DEO. A new framework for weekly security report has been settled, and action has been intensified to streamline the reporting lines and procedures relevant for the FSCO interlocutors to be finalized in a memo. This memo and correlated implementation decisions were not yet available during the audit, so the recommendation has to be considered as partially implemented.
3. Recommendation DEO-2017-3 is partially implemented. An action plan has been defined. A SOP is in preparation on the basis of an outsourced study on workflows, and periodical discussions and video-conferences on cross cutting issues and common strategy between Field Offices, VPRS, other HQ Sections involved in outreach and communication are now conducted.
4. Recommendation DEO-2017-4 is considered as implemented by the DEO, since its implementation is done within the Registry with other divisions. Liaison between HFO and other organs of the Court takes place on a regular or ad hoc basis, but it is too early to evaluate the impact of these efforts on the improvement of information of the HFO coming from other organs, mainly TFV and OTP. So, at the time of the present audit, it is still considered as partially implemented by the External Auditor.
5. Recommendation DEO-2017-5 is considered as completed. HFO have been required to designate alternative certifying officers (mostly Administrative and Operations Officers). A Field Operational Manual is being updated. Heads of Field Office have to formalize delegation of authorities during their absence, and an announcement will be circulated to relevant interlocutors in the Court.
6. Recommendation DEO-2017-6 is considered as implemented by the DEO. A protocol on operations of opening and closing is awaiting OTP ratification, at the time of the audit. The DEO has indicated that its status as a SOP has been accepted by the OTP and by the CBF, but has not mentioned if the TFV has been involved in the process, and at the time of the present audit the SOP has not yet been produced to the External Auditor. The recommendation is considered as partially implemented by the External Auditor.

## Final audit report on Human Resources management\*

### *Table of contents*

I.	Terms of reference of the audit .....	451
A.	Scope .....	451
B.	Objectives of the audit .....	451
C.	Method.....	451
D.	Timetable .....	452
E.	Preparation and communication of the audit report.....	452
II.	List of recommendations.....	452
III.	Observations and recommendations .....	453
A.	ICC staff structure in 2018.....	454
1.	Established and actual headcounts .....	454
2.	Diversity .....	457
B.	Organization of the HR function .....	461
1.	Recent reforms .....	461
2.	Limits of the current organization .....	463
C.	Recruitment .....	464
1.	General data.....	464
2.	Recruitment of established and GTA staff .....	466
3.	Recruitment of STA employees .....	470
D.	Career prospects at the ICC .....	472
1.	Careers at the ICC .....	472
2.	Performance appraisal .....	478
3.	Atmosphere at the Court.....	484
IV.	Follow-up of previous recommendations.....	487
V.	Conclusion .....	488
VI.	Acknowledgements.....	488
Annex:	List of interviews .....	489

---

\* Previously issued as ICC-ASP/17/7.

## I. Terms of reference of the audit

1. In accordance with a notification letter sent to the Registrar on 8 January 2018, three members of the external audit team conducted a performance audit on Human Resources management at the International Criminal Court (ICC) from 3 to 13 April 2018.

2. The terms of reference for this audit were determined after consultation with the relevant managers and were communicated to them on 5 January 2018, followed by a questionnaire sent on 20 February 2018. These terms of reference are recalled below.

### A. Scope

3. The audit is devoted to the Human Resources management of the ICC.

4. The scope of the audit covers all categories of Human Resources employed by the Court: statutory or temporary employees (managed by the Human Resources section of the Registry and by other relevant sections of Major Programmes) as well as intellectual services purchased by the Organization.

### B. Objectives of the audit

5. The objective of the audit is to assess the extent to which, in accordance with the financial and staffing rules in force, the ICC controls the various risks related to Human Resources management, which includes, among other things:

(a) transparency and neutrality of recruitment, performance appraisal, career management, and training,

(b) financial transparency and sustainability of salaries, bonuses, and welfare benefits,

(c) budget monitoring and reporting of staff costs and related commitments to the Assembly of States Parties (ASP) and its Committees,

(d) effectiveness and efficiency of manpower and skills planning,

(e) control of legal and ethical risks.

6. Particular attention will be given to the various management alternatives available to the Court for recruiting staff not included in the budget: staff in non-established positions, consultants, temporary staff, specific case of interpreters, etc.

7. Based on his findings, the External auditor makes recommendations to improve the level of economy, efficiency, effectiveness and compliance with the ICC rules and regulations.

### C. Method

8. The audit is based on:

(a) the analysis and review of relevant official sources (rules and regulations, notes to standing bodies – ASP, CBF,<sup>1</sup> etc. – internal recommendations, financial and budget documents, internal audit reports, etc.);

(b) questionnaires sent to the ICC, followed by interviews with the managers concerned, in order to collect and analyze their expectations and observations in terms of Human Resources management, with a view to identifying sources of dissatisfaction and proposing corrective solutions.

9. More specifically, beyond the initial high-level contacts established with the Office of the President, the Office of the Prosecutor, the Registry, and the Major Programme officers, most of the audit involved:

<sup>1</sup> Committee on Budget and Finance.

(a) at the Registry: the Human Resources Section, as well as all “users” of Human Resources, i.e., all section heads of the Court Registry;<sup>2</sup>

(b) at the Office of the President: those responsible for Human Resources issues in Major Programme 1 (judiciary branch) – namely, programmes 1100 (Office of the President), 1200 (chambers), and 1300 (NYLO);<sup>3</sup>

(c) at the Office of the Prosecutor: those responsible for Human Resources issues in Major Programme 2 (OTP),<sup>4</sup> and particularly programme 2100 (IOP),<sup>5</sup> 2120 (Services Section), 2200 (Jurisdiction, Complementarity, and Cooperation Division), 2300 (Investigation Division), and 2400 (Prosecution Division);

(d) other Major Programmes using Human Resources (Secretariat of the ASP, IOM,<sup>6</sup> Secretariat of the Trust Fund for Victims, and Office of Internal Audit).

## D. Timetable

10. A first questionnaire was sent to the ICC on 20 February 2018, and responses were received on 22 March 2018.

11. A launch meeting (3 April) and a closing meeting (12 April) were organized with the heads (or their representatives) of the relevant Major Programmes.

## E. Preparation and communication of the audit report

12. Three phases were planned:

(a) Phase 1 (informal - not binding on the External auditor or the departments): a “briefing note” is sent to the audited departments, which must make comments and suggestions for amendments in writing promptly;

(b) Phase 2 (official): based on the comments and responses of the departments to the briefing note, the External auditor then prepares and sends an interim report to the ICC for objections;

(c) Phase 3 (official): based on the responses to the interim report, the final report is prepared and sent to the ICC. It will then be presented to the Assembly of States Parties at the session usually devoted to the External auditor’s reports. Before this presentation, the final report will be presented to the relevant *ad hoc* committees according to the ICC procedures and timetables (Audit Committee, Budget and Finance Committee), if these presentations are compatible with the audit timetable.

## II. List of recommendations

**Recommendation 1:** In order to adequately address the issue of gender (im) balance at the ICC, the External auditor recommends to the Court, based on a study to be prepared by the Human Resources Section, to introduce additional measures aimed at increasing the representation of female staff, particularly at more senior levels, such as through a mentoring programme and the establishment of a Focal Point for Women.

**Recommendation 2:** The External auditor recommends that all organs strive to apply one set of HR management policies through the same operational rules, with the Registry HRS responsible for maintaining, developing and promoting these unified Court-wide HR rules, in consultation and cooperation with the other organs.

**Recommendation 3:** In the management of professional profiles, the External auditor recommends:

<sup>2</sup> The Heads of Field Offices were not present at Headquarters during the audit period, and the organization of teleconferences did not seem useful to the External auditor.

<sup>3</sup> New York Liaison Office.

<sup>4</sup> Office of the Prosecutor.

<sup>5</sup> Immediate Office of the Prosecutor.

<sup>6</sup> Independent Oversight Mechanism.

(a) organizing management reviews to better identify the development needs and the development potential of ICC employees;

(b) initiating negotiations with a view to achieving the integration of the ICC into the UN Inter-Organization Agreement in order to broaden the career prospects of its staff;

(c) proposing to the Court a limited modification of the rules of appointment by reserving a priority round for staff in place at ICC for a proportion of the positions to be filled that should remain limited to prevent the risk of killing de facto most of the external recruitment (10 per cent for example).

**Recommendation 4:** The External auditor recommends that the appraisers be instructed to ensure that the interview sheets are completed with the definition of training plans.

**Recommendation 5:** In terms of performance appraisal, the External auditor recommends that the new Registrar:

(a) quickly decide on the principle of the proposed change and, in the event of a positive conclusion, approve the procedure with the legal office and implement it;

(b) whatever the chosen performance appraisal system, put in place a mechanism to make the appraisals of the various departments more homogenous.

**Recommendation 6:** The External auditor recommends to the Court to establish:

(a) either an incompatibility between belonging to ICC staff and running for election;

(b) or strict conditions guaranteeing the absence of exposure of the Court's departments to risks of conflicts of interest in the performance of the duties of the internal candidates for elected functions.

**Recommendation 7:** The External auditor recommends that the Court periodically (for example every 2-3 years) carry out an opinion survey to monitor changes in staff perceptions and to identify areas for improvement.

**Recommendation 8:** The External auditor recommends that the ICC finalize its thoughts on the establishment of an Ombudsman function to be shared with one or more nearby institutions.

**Recommendation 9:** The External auditor recommends that the ICC develop and publish an ethics charter.

**Recommendation 10:** The External auditor recommends supplementing the annual report on the Human Resources management presented to the CBF with:

(a) the inclusion of all information relevant to a comprehensive HR report, i.e., a standardized document, addressing all the quantitative aspects (workforce, diversity, absenteeism, performance, training, etc.);

(b) the definition of a stable standard for calculating the number of recruitments done during the year presented in the annual Human Resources report to the CBF;

(c) the improvement of tools for inventory and identification of STA recruitments, by tracking all assessment reports and by precisely measuring the number of STA recruitments to be mentioned in the Human Resources report.

### III. Observations and recommendations

13. On the basis of the terms of reference recalled above, the External auditor focused his analyses on:

(a) the ICC staff structure in 2018;

(b) the organization of the Human Resources function within the ICC;

(c) recruitment;

(d) career prospects at the ICC.

14. The External auditor conducted 25 hearings with the Office of the President, the Chambers, the Office of the Prosecutor, the Trust Fund for Victims, and the Registry, as

well as the heads of Internal Audit and the Independent Oversight Mechanism (IOM). The list is provided in the annex.

## A. ICC staff structure in 2018

### 1. Established and actual headcounts

#### (a) 2018 established headcounts

15. In terms of headcounts, the annual budget documents provide precise figures for established positions, expressed in terms of the number of positions. For General Temporary Assistance (GTA) agreements, the figures in the budget are expressed as full-time equivalents (FTEs).

16. In order to provide the Court with a certain degree of flexibility, other categories of employment as staff do not appear as headcounts in the budget documents, since they are not foreseeable in advance, although some are the subject of budget appropriations. None of these categories requires additional resources other than those approved in the budget:

(a) unapproved GTAs and STAs,<sup>7</sup> which are used to cover urgent and/or temporary needs, such as for instance to fill positions that are vacant but are crucial for the continued running of the Court's operations. These positions are funded from the underspend in the approved budget for staff costs;

(b) a special category, covered by voluntary contributions from the countries concerned: JPOs;<sup>8</sup> their number is currently very limited (5, as of February 2018);

17. In addition, there are other categories of individuals working at the Court, but who are not considered as Court "staff", since they do not perform staff functions:

(a) TAMs<sup>9</sup> and holders of special service agreements (formerly SSA, now replaced by individual consultants and individual service provider agreements) which do appear in the budget;

(b) lastly, two categories for which the compensation accounts for modest amounts in the budget: interns and visiting professionals, which are not budgeted for but entail modest costs and can be funded through voluntary contributions of States.

18. With regard to authorized established positions, on the basis of annex VI to the draft programme budget approved for 2018, the following table can be established:<sup>10</sup>

**Table 1 : Allocation of established positions by body for 2018**

Body	Grade				Total
	ASG/USG	DI	P	G	
Office of the President	0	0	40	13	53
Office of the Prosecutor	2	3	234	80	319
Registry	1	3	243	326	573
Other*		3	15	9	27
<b>Total</b>	<b>3</b>	<b>9</b>	<b>532</b>	<b>428</b>	<b>972</b>

\* SASP, IOM, Office of Internal Audit, STFV.

Source: External auditor on the basis of data provided by ICC.

<sup>7</sup> STA: Short Term Appointment.

<sup>8</sup> Junior Professional Officers.

<sup>9</sup> Temporary assistance for meetings.

<sup>10</sup> This table considers that Major Programme 1 (judiciary) covers the Office of the President and the chambers, programme 2 (OTP) the Office of the Prosecutor, programme 3 (the Court Registry), while the "other" category (SASP, IOM, and Internal Audit) results from the consolidation of programmes 4 (SASP) and 7 (IOM and Internal Audit), with the observation that, although the independent Trust Fund for Victims (TFV) does not constitute an the ICC budget programme, the Secretariat of the Trust Fund for Victims constitutes a programme (No. 6).

19. The figure of 972 corresponds to the approved headcount and concerns employees with “established” agreements.

20. To these 972 established positions are added in 2018 budgetary appropriations to fund, in full-time equivalents (excluding headcount), 165.69 GTAs – the calculating in full-time equivalents obviously does not make it possible to presume the number of individuals concerned on a given date in a given financial year.

(b) *Actual workforce during the audit*

21. At the request of the External auditor, a spreadsheet was provided, listing the significant data relating to anyone working at the ICC as of 4 April 2018,<sup>11</sup> regardless of the nature of his or her agreement.

22. This spreadsheet shows that there are 1,287 persons, including 22 judges, working under agreements of all kinds as of this date, amongst which 1,116 are considered as “staff”. The following table shows the allocation.

**Table 2 : Allocation by agreement type of the workforce present at 4 April 2018**

<i>Agreement type</i>	<i>Office of the President and chambers</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Other*</i>	<i>Total</i>
Established	73	299	519	22	913
GTA	7	70	25	7	109
Unapproved GTAs	4	13	7	0	24
STA	11	17	34	3	65
SSA	0	42	16	1	59
TAM	0	0	0	0	0
JPO	0	2	3	0	5
Interns**	25	39	47	1	112
<b>Total</b>	<b>120</b>	<b>482</b>	<b>651</b>	<b>34</b>	<b>1287</b>

\*SASP, IOM, OIA, STFV; \*\*Under this heading are interns (recent graduates) and visiting professionals (with at least three years of work experience).

Source: ICC.

23. The comparison of budget and actual data at 4 April 2018 provides a clear measure of the actual vacancy rate of the established positions in the Office of the Prosecutor and the Registry: for OTP, 299 positions were actually filled as of this date compared with 319 authorized positions, i.e., an actual vacancy rate of 6.3 percent (versus 8 percent indicated during the budget vote), and 519 positions were filled for 573 authorized for the Registry, a rate of 10.5 percent (versus 10 percent indicated).

24. However, as the spot vacancy rate changes daily, and as the audit took place in the first half of 2018, the situation may well change by the end of the year and the data presented here is only for the orientation of where the Court stands at this moment in the implementation of its staffing budget, rather than an indication where the Court will be by the end of the year.

25. As mentioned above, the number of GTAs present at a given time is not comparable with the full-time equivalent GTAs authorized in the budget, since an FTE can correspond to several employees recruited over less than one year. While it is not relevant to reconcile the 109 GTAs present at 4 April 2018 with the 165.69 FTEs authorized for the 2018 financial year, it can be observed that, to reach the annual established level of 165.69 FTEs

<sup>11</sup> The main data recorded in this comprehensive spreadsheet are surname/first name, nationality, gender, agreement type, function, grade, affiliated body, position location, date of birth, current agreement start date, current agreement end date (where applicable), start date of an initial agreement followed by an interruption, and professional group.

over the entire year, it would be necessary in other periods of the year, earlier or later, for a number significantly greater than 109 individuals to hold this type of position.

26. On the same date, there were 24 “unapproved” GTAs, 65 STAs and 59 SSAs (according to the new terminology, “individual consultants” or “individual contractors”).

27. Although these 148 people do not appear as such in the budget, unapproved GTAs and STAs are funded from the underspend in the approved staff costs and/or from redeployment of resources from non-staff cost. Temporary staff is necessary to address any shortages of staff due to absences (maternity leave, long term sick leave, SLWOP) or any changes in the operational needs (such as higher workload or unplanned projects), whereas SSAs are specifically budgeted for.

28. Lastly, if interns and visiting professionals (112 people) are added, the bodies of the ICC have, beyond the approved headcount, a real flexibility – representing, at the time of the audit, 260 people beyond the established positions and GTAs, despite the vacancy rates of the established positions indicated above.

29. ICC proposes a different approach, underlining that for 2018, the Court has budgeted for 972 established posts and 165.69 GTAs in full-time equivalents, making the hypothetical total *budgeted* headcount of 1,137.69. As indicated above, the actual “staff” headcount is 1,116, with the latter including established posts (913),<sup>12</sup> approved GTAs (109), unapproved GTAs (24), STAs (65) and JPOs (5). ICC considers interns should not be calculated within the staff/headcount, as their functions are different and as they are at the Court as part of a learning experience. On that basis, ICC concludes that there is a rather close correlation between the *budgeted* headcount (1,137.69) and the *actual* headcount of staff at the time of audit (1,116).

(c) *Temporary reassignments*

30. The bodies of the ICC have additional flexibility in that they can, while maintaining the vested rights of their employees (position, agreement type, and grade), temporarily reassign them under STA agreements, often by giving them a higher grade (and therefore a higher salary) under this temporary status. As of 4 April 2018, this situation involved 16 employees, as shown in the following table:

**Table 3 : Temporary reassignments of staff**

<i>Initial position</i>			<i>Current position</i>		<i>Current assignment</i>	
<i>Body</i>	<i>Agreement type</i>	<i>Grade</i>	<i>Financing</i>	<i>Grade</i>	<i>Body</i>	<i>Grade</i>
Registry	Established	G-3	Established	G-4	Registry	P-2
Registry	STA	G-4	Established	G-4	Registry	P-2
Registry	Established	G-4	Established	G-5	TFV	P-2
TFV	GTA	G-3	Established	G-5	TFV	P-2
Registry	GTA	G-3	Established	G-5	Registry	P-1
Registry	GTA	G-3	Established	G-5	Registry	P-2
Registry	GTA	G-5	Established	G-5	Registry	P-2
Registry	Established	G-6	Established	G-6	Registry	P-2
Office of the Prosecutor	Established	G-6	Established	G-6	OTP	P-2
Office of the President	GTA	P-1	GTA	P-2	TFV	P-2
Office of the President	STA	P-2	Established	P-2	Registry	P-3
Office of the Prosecutor	GTA	G-4	Established	P-2	Office of the Prosecutor	P-3
Registry	Established	P-2	Established	P-3	TFV	P-2
Office of the President	GTA	P-2	Established	P-3	Registry	P-3

<sup>12</sup> This figure includes 22 judges.



<i>Initial position</i>			<i>Current position</i>		<i>Current assignment</i>	
<i>Body</i>	<i>Agreement type</i>	<i>Grade</i>	<i>Financing</i>	<i>Grade</i>	<i>Body</i>	<i>Grade</i>
Registry	Established	P-3	Established	P-3	Registry	P-4
Registry	GTA	P-2	Established	P-3	Office of the Prosecutor	P-3

Source: ICC.

31. The 16 STA positions were awarded after external competition. However, all the employees concerned will return to their situation after their temporary assignment – the corresponding positions are therefore not considered “vacant”, although they are not occupied in reality, which leads to putting into perspective the real meaning of the notion of “vacancy” as presented in the budget documents.

**Finding.** With regard to workforce, the difference between the budget data and the actual situation is 20 to 25 percent, which can be explained by:

- (a) the actual vacancy rate of established positions may vary from the budget assumptions;
- (b) the fact that beyond the GTAs, expressed in the budget in FTEs and not in individual positions, there are “unapproved” GTAs, which reduces clarity about the number of employees to be covered by this type of agreement;
- (c) STAs, interns and JPOs are not budgeted for, whereas consultants/service providers and TAM are budgeted for but do not appear in terms of headcount in the budget documents;
- (d) finally, marginally, some employees are temporarily reassigned to STA positions, which allows them to benefit from a higher grade for a few months, while continuing to formally occupy established positions, although these positions are functionally vacant for the duration of the temporary assignment.

In terms of workforce management, none of these four factors is questionable in itself, provided that the recruitment rules and the budget by Major Programme are respected. However, these findings raise questions about the relevance of the limitation on workforce by the budget document.

During the audit, the External auditor suggested another approach, similar to the one implemented by the “coordinated” European organizations, which does not refer to any predetermined budgeted “headcount”. But the ICC considers that implementing such an approach would require a substantial and potentially complete overhaul of the way the Court is presenting and managing its budget in terms of staff costs, which would entail significant costs, as well as consultations with a number of relevant actors, including notably the Committee on Budget and Finance, which could take a long time without a clear indication of the potential outcome.

## 2. Diversity

32. Traditionally, in international organizations, employee diversity has at least two components:

- (a) gender balance;
- (b) equitable geographical representation.

### (a) Gender balance

33. Of 1,287 individuals (including staff and others) identified as working at the ICC as of 4 April 2018, 645 were women – the percentage of women was therefore 50.1 percent, which could give the impression of an almost perfect equality.

34. However, the qualitative analysis of positions reflects a very different picture of the real gender balance at the ICC, as shown in the following data.

35. A first qualitative criterion of gender discrimination is the contract type. The following table shows the percentage of women at the ICC according to the agreement type, ranging from the most stable (established) to the least stable (STA) as well as through the intermediate GTA form, whether it is approved in the budget or not.

**Table 4 : Proportion of women by type of funding of the position**

<i>Financing type</i>	<i>Number of women/total number</i>	<i>percent</i>
STA	41/65	63.1
GTA approved	54/109	49.5
Established	424/913	46.4

Source: External auditor on the basis of data provided by ICC.

36. This table leads to an initial finding: the position of women is balanced with men for GTA positions, and is inferior-in the most stable agreements.

37. A second qualitative criterion of discrimination is the job category – the main statutory categories at the ICC are categories G (general services), P (professional functions), D (management functions), and the special category of judges. As of 4 April 2018, the proportions of women by category were as follows.

**Table 5 : Proportion of women by job category**

<i>Job category</i>	<i>Number of women/total number</i>	<i>percent</i>
G	215/463	46.4
P	316/619	51.1
D	1/9	11.1
Judge	9/22	40.9

Source: External auditor on the basis of data provided by ICC.

38. This table leads to a second finding: the place of men is predominant in the highest employment categories (D and judges), while the allocation for categories G and P appears less unbalanced at first sight.

39. A third criterion of qualitative discrimination, which concerns exclusively categories G and P, is the level within the job category. It qualifies the preceding finding. The following table shows the proportion of women of each level:

**Table 6 : Proportion of women by job level**

<i>Job category</i>	<i>Level</i>	<i>Number of women/total number</i>	<i>percent</i>
G	1 and 3*	12/76	15.8
	4	71/105	67.6
	5	92/177	52.0
	6	32/86	37.2
	7	8/19	42.1
P	1	41/59	69.5
	2	138/224	61.6
	3	92/203	45.3
	4	32/90	35.6
	5	13/43	30.2

\* As of 4/4/2018, there were no G2-grade employees.

Source: External auditor on the basis of data provided by ICC.

40. This table leads to a third observation – apart from the highly male-dominated G1 and G3 positions (maintenance employees, drivers, handymen, etc.), women are predominant at the bottom of the hierarchy and gradually become scarce going up the scale.

41. The External auditor notes, however, that the new Registrar has indicated his intention to introduce a number of measures aimed at addressing this issue, such as through a mentoring programme and the establishment of a Focal Point for Women.

**Finding:** In terms of gender balance, the situation at the ICC is quantitatively satisfactory (almost perfect numerical equality between men and women) but qualitatively unbalanced from the point of view of:

- (a) the contract type (women being mostly holders of the least stable contracts);
- (b) the job category (women have little presence in higher functions);
- (c) the level in the grade hierarchy (women occupy mainly the bottom of the grade scale).

**Recommendation 1:** In order to adequately address the issue of gender (im) balance at the ICC, the External auditor recommends to the Court, based on a study to be prepared by the Human Resources Section, to introduce additional measures aimed at increasing the representation of female staff, particularly at more senior levels, such as through a mentoring programme and the establishment of a Focal Point for Women.

(b) *Equitable geographical representation*

42. With regard to equitable geographical representation, the ICC presents a special case: recruitment is open to applicants from countries that are not party to the Rome Statute, the main criterion for recruitment remaining qualification, with due consideration given to the nationality of applicants when two or more applicants are equally qualified.

43. Although some international organizations provide for, as an exception, the possibility of recruiting non-national staff from Member States, there is no doubt that such a generalized “opening up” severely limits the possibilities, during recruitment, of ensuring rebalancing for the benefit of under-represented States Parties.

44. For this reason, the following observation is limited to a simple overview of the representation of the States Parties in the ICC staff, with no ambition of drawing any recommendations from it.

45. The following data are drawn from the spreadsheet mentioned above, prepared by the Human Resources Section (HRS), which covers the 1,287 individuals working at the ICC under any agreement type (including consultants and service providers), as of 4 April 2018.

46. Across all agreement types combined, the 1,287 individuals identified at the ICC as of 4 April 2018 were distributed among 117 different nationalities.

47. Overall, while 123 States were party to the Rome Statute as of 4 April 2018:

- (a) 85 (69 percent) had nationals within the existing staff (all agreement types combined) as of the same date;
- (b) 162 positions were filled by nationals from 32 States that are not party to the Rome Statute (the main countries concerned being the United States, Cameroon, India, and Egypt).

48. For only established/GTA/STA agreements, i.e., 1,111 employees as of the same date, the number of nationalities was 111.

49. Lastly, for only established agreements, i.e., 913 employees as of the same date, the number of nationalities was 106.

50. The following table summarizes, for all employees holding a grade within the ICC as of 4 April 2018, i.e., employees holding established, GTA (approved or unapproved), or STA agreements, the data on the 30 States with at least 10 nationals on the ICC staff.

**Table 7 : Nationalities represented by at least 10 employees at 4 April 2018**

<i>Rank</i>	<i>Nationality</i>	<i>No. of employees</i>	<i>Rank</i>	<i>Nationality</i>	<i>No. of employees</i>	<i>Rank</i>	<i>Nationality</i>	<i>No. of employees</i>
1	Dutch	141	12	German	24	23	Bosnian	12
2	French	122	13	Romanian	21	24	Georgian	12
3	British	73	14	Ivorian	18	25	Egyptian	11
4	Ugandan	40	15	Irish	16	26	Greek	11
5	Canadian	39	16	Cameroonian	15	27	Indian	11
6	Italian	36	17	Central African	14	28	Tanzanian	11
7	Belgian	31	18	Japanese	14	29	Argentine	10
8	Congolese (DR)	31	19	Sierra Leonean	14	30	Kenyan	10
9	American	30	20	Croat	13			
10	Spanish	26	21	Portuguese	13			
11	Australian	25	22	South African	13			

Nationals of States not party to the Rome Statute are greyed out.

Source: ICC.

51. All other nationalities present had fewer than 10 employees. The three most-represented nationalities held 336 positions, or approximately 30 percent, of the 1,116 positions within a grade in the ICC hierarchy.

52. However, it should be noted that, according to the established UN practice, only established posts at Professional level (excluding language staff) are counted for the purpose of geographical representation, whereas the total of 1,116 positions includes categories that do not count towards geographical representation. As such, out of mentioned 336 positions held by nationals of three most represented states, only 116 staff count towards geographical representation (French 61, United Kingdom 34 and Dutch 21). The large difference, for instance, in the number of Dutch nationals between those working at the Court (141) and those actually counting towards geographical representation (21) can be explained by the fact that the majority of Dutch nationals occupy general service positions which are all recruited locally and thus do not count for the purpose of geographical representation. Furthermore, ICC indicates that, the official representation of 116 staff from the three mentioned States (25.6 per cent of all staff counting towards geographical representation (116 out of 453) should be put in the context of the total target for representation of these States (14.12 per cent), which is based largely on the amount of contributions to the Court's yearly budget (these three States contribute jointly with 18.4 per cent).

53. Looking at possible qualitative factors differentiating the nationalities, it is possible to identify by nationality the employees who are part of middle to top management of the Court (excluding elected officials – Office of the President, Judges, Prosecutor, and Registrar), i.e., D1, P5, and P4 grade employees, all agreement types combined, i.e., 142 employees distributed among 51 nationalities: according to this criterion, there are two nationalities that are clearly over-represented – France (17 positions) and British (16 positions). The other countries are less represented (seven positions for Canada, six for Belgium, Italy, Spain, and the United States, and five for Germany and South Africa). It may be noted that the Host State, the Netherlands, has only three employees at these levels.

54. The Registrar intends to introduce additional measures, at every stage of the recruitment process – from the issuance of vacancy announcements to the selection for job – in order to improve geographical representation at the Court.

**Finding:** While geographical representation is advanced as a subsidiary selection criterion (“where skills are equal, the ICC recruits nationals of the least-represented States Parties”), the actual figures as of 4 April 2018 show that this approach has no tangible effect in reality, whatever the chosen criterion (agreement type, job level, nationality of a State Party or not).

## **B. Organization of the HR function**

### **1. Recent reforms**

#### *(a) The structures established as part of ReVision*

55. In terms of the organization of the HR function within the Court, the *ReVision* project aimed at correcting four deficiencies of the previous arrangements identified in the complete report on the reorganization of the Registry of August 2016, namely:

- (a) a structure considered too complex and uncoordinated;
- (b) lack of strategic direction and policy gaps;
- (c) insufficient capacities in the areas of staff assessment and training;
- (d) inefficient working methods, particularly due the weakness of the computer tools used.

56. To overcome these deficiencies, the reorganization in 2016 focused on six areas:

- (a) establish a more coherent, more efficient structure;
- (b) strengthen the Human Resources policy framework;
- (c) emphasize on performance management;
- (d) strengthen the training and development function;
- (e) make the Human Resources Section the focal point for all staff;
- (f) make better use of computer technology solutions.

57. Keeping in mind that the total payroll represents most of the Organization’s recurring expenditure and that the ICC is above all a service provider whose added value is exclusively based on the skill, vigour, and professionalism of the teams, it can be considered that the Human Resources function remains a relatively junior position within the Organization, in the Division of Management Services, at the same level as the technical sections whose roles are certainly very important but clearly more specific (safety/security, general services, budget, finances).

58. Such a choice of organization clearly assumed that the Director of the Division of Management Services himself appears, with regard to the entire Organization, as the true Director of Human Resources.

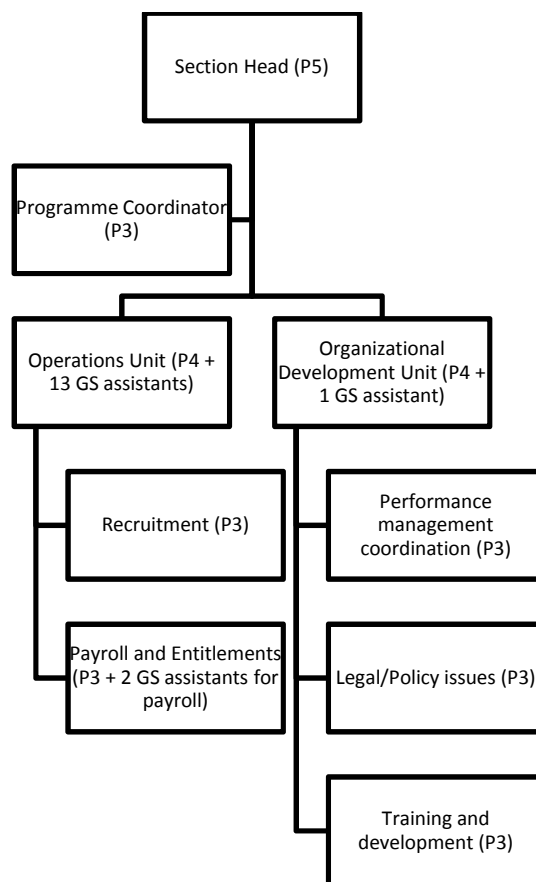
59. Designed as merely a simple specialized support structure, the Human Resources Section consists of two functional units:

- (a) operations: with 19 employees, this unit is responsible for supervising recruitment and managing employee payroll (the latter function having been directly attached to Human Resources and not to the Finance section);
- (b) organizational development: this second unit, which is much small (four employees), is responsible for managing performance management, handling legal/policy issues related to staff, and organizing training and development for the Court’s employees.

60. For recruitment and performance appraisal, a computing tool has been implemented (Success Factors, integrated software package with payroll in the SAP ERP).

61. The Section has a total of 25 officers distributed, through the *ReVision* reform, according to the following organizational chart:

**Figure 1: Organizational chart of the Human Resources Section following the ReVision programme**



Source: ICC.

62. If the size of HR Section is benchmarked against other international organizations, it can be seen that HRS at the ICC has a fairly lean structure. Based on benchmarking of similar organizations and current system resources, the ratio of HR operations staff members to fixed-term staff is 0.0225. Currently, there are more than 1,000 staff, which means that there should be more than 22 staff working in HR operations.<sup>13</sup>

*(b) The “realignment” of autumn 2017*

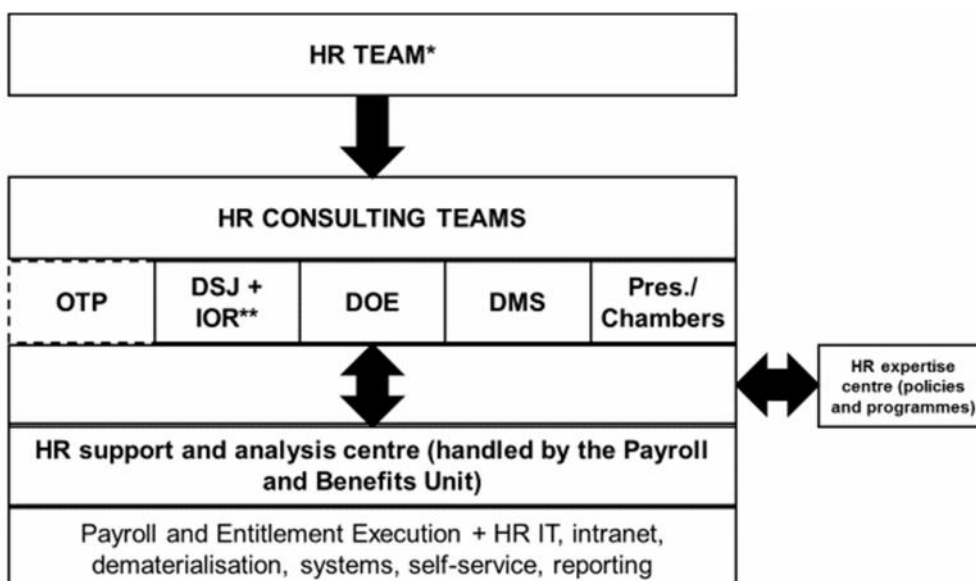
63. After a few months of breaking in the new structure, some deficiencies of the system put in place as part of *ReVision* to meet the expectations of users led the head of the section to have the Registrar approve, on 20 September 2017, a qualified “realignment” initiative, which entered into force on 1 October 2017. These were in line with the *ReVision* team considerations to implement a Front- and Back Office within HRS.

64. This “realignment” consisted in dividing the various employees of the Human Resources Section into four small “HR advisory teams” responsible for providing segmented customer service between the various departments of the Court. A similar HR liaison function exists under the authority of the Office of the Prosecutor, which does not report to the Human Resources Section, but closely consults and cooperates with HRS within the framework agreed as a result of the synergies exercise.

65. This operation replaced the organizational chart presented above with a new organization constructed as follows, with most of the employees now having a dual assignment – functional and relational:

<sup>13</sup> This benchmarking is reported in the Annex X to proposed/approved budget for 2018, page 206.

**Figure 2: Organizational chart of the Human Resources Section as from 1 October 2017**



\*OTP, Office of the Prosecutor; DJS, Division of Jurisdictional Services; IOR, Immediate Office of the Registrar, DEO, Division of External Operations; DMS, Division of Management Services.

Source: ICC.

66. In practice, compared with the organizational chart from *ReVision* mentioned above, the modification mainly concerns the teams of the former operations unit, which, instead of being divided between recruitment and payroll/entitlements, are now divided between “HR consulting teams”, assigned to customer groups and responsible for all HR services, and a “support and analysis” team, which provides shared services.

67. Although we must acknowledge principle of economy that led to this realignment with constant employee numbers, we can question the actual availability of employees now responsible for both a very specialized vertical function and a generalist horizontal function as well as the real visibility of this organization with regard to the other departments of the Court.

## 2. Limits of the current organization

68. In this new organizational chart, the Division of Management Services (DMS) appears as a “client” among others in the Human Resources Section, in the same way as the other divisions of the various bodies of the Court.

69. In practice, recent events have shown the practical limit of this arrangement: the Registrar has made the Human Resources Section responsible for preparing a reform of performance management – since the end of 2016, it has conducted the necessary internal consultations and prepared, in early 2018, a draft new regulation that seemed to be suitable for the other bodies of the Court.

70. As will be detailed in the chapter on performance management, a number of section heads of the Registry opposed the implementation of this reform and have succeeded for the time being, without it being possible for the External auditor to anticipate the decisions of the new Registrar. The External auditor notes that:

(a) Performance Management Project had its own governance structure, as introduced by the previous Registrar, whereby a Project Team was composed by staff members from the Registry, OTP and Judiciary, who developed a proposal and presented it to the Project Board (consisting of the members of OTP, Registry and Chambers), which then endorsed the report for consultation with the RMT, Judiciary, ExCom (OTP), Staff Union and Programmes;

(b) in October 2017, Chief HRS sought feedback from Director DMS in relation to procedure on consultation with him on the Performance Management Project and – given the outlined governance structure – she had proposed that the Director of DMS be consulted at the RMT stage, and not prior to it, to which he then agreed.

71. To the extent that Human Resources issues should be of interest at the highest level of all bodies of the Court, it was conceivable that the Coordination Committee (CoCo), which periodically brings together the Office of the President, the Prosecutor, and the Registrar, could guide, approve, and actively support such a reform – but the External auditor was told that such issues were too “technical” to merit the interest of this body.

72. However, Performance Management Project was just one specific project and, given the peculiar governance framework and the conditions under which the reform was to be undertaken, may not be reflective of HR management in general. Nonetheless, it is important that HRS be in a position to pursue a strong policy, with strong support inside and outside the Registry.

**Finding:** The Human Resources function should be in a position to pursue a strong policy, essential for the Court, with strong support inside and outside the Registry.

**Recommendation 2:** The External auditor recommends that all organs strive to apply one set of HR management policies through the same operational rules, with the Registry HRS responsible for maintaining, developing and promoting these unified Court-wide HR rules, in consultation and cooperation with the other organs.

## C. Recruitment

### 1. General data

#### (a) Priority given to competitive recruitment

73. In its report dated 2 March 2018 to the CBF for its 30<sup>th</sup> session (16 to 20 April 2018), the ICC indicated that its top priority was to “ensure timely recruitment”. It affirmed its priority objective of recruitment of the best possible level to fill vacant positions by targeting a balance between genders and geographical regions of origin.

74. According to this report, the ICC carried out 197 recruitments in 2017 for established and temporary positions (GTA). It also indicated that it recruited 101 STA<sup>14</sup> employees (short-term agreement) the same year. It will be seen later that the accuracy of these figures is to be confirmed, as different amounts appear in other documents produced by the ICC.

75. These recruitments do not all correspond to job creations, because the ICC must fill vacant positions, especially temporary vacancies, implying replacement recruitments. 2016 and 2017 were also marked by recruitments related to the implementation of the reform of the Registry (*ReVision*) to fill new or reformatted positions.

76. The points mentioned in this audit report mainly pertain to the recruitment of employees in three categories – established, GTA and STA – which constitute the core of the ICC staff. However, recruitment issues can also arise, in different terms, for TAM staff. JPOs are not selected by the ICC, but by their sponsoring countries. Lastly, as mentioned above, the recruitment of elected officials (Judges, Prosecutor, Deputy Prosecutor, Registrar) was not within the scope of the audit.

77. The principle of recruitment is based on opening up each vacant position to outside applicants, with the publication of a vacancy notice, particularly on the ICC’s *e-recruitment* website.

<sup>14</sup> However, the External Auditor noted that the acronym STA was sometimes used to refer to “Short-Term Assignment” when the position to be filled was temporarily assigned to an employee already working at the ICC, with this employee returning to his/her original position at the end of his/her temporary assignment (see paragraphs 30 and 31).



78. The process of recruiting and selecting from among applicants follows a similar path for established and GTA staff. A simplified process is in place for STA staff, whose recruitment is in principle based on the urgency and short-term nature of the need.

79. Procedural documents govern these processes, mainly the ICC Recruitment Guidelines of November 2009 for established and GTA staff and the Regulation of 28 January 2016 for STAs, referring to the principles set out in the Staff Regulations and Rules of the Court.

(b) *Uncertainties about the actual number of recruitments*

80. The figures provided by the ICC in the aforementioned annual Human Resources report to CBF for 2017 and 2016 do not match those indicated in the lists of staff obtained in response to the audit questionnaire.

81. In 2017, the differences concern the STA category (see paragraphs 117 to 130). In 2016, they involve the three categories. The following table shows the observed differences.

**Table 8 : Number of annual recruitments by source**

<b>2017</b>	<b>Established</b>	<b>GTA</b>	<b>STA</b>
“Starters” * Staff lists	104	70	101
Report to the CBF	104	70 ( <b>Approved</b> )	118
<b>2016</b>	<b>Established</b>	<b>GTA</b>	<b>STA</b>
“Starters” Staff lists	77	61	133
Report to the CBF	158 (corrected to 115)	43 ( <b>Approved</b> )	-

\*“Starters” are employees recruited from outside the ICC, as opposed to internal recruitments.

Source: ICC.

82. HRS explained that 2016 figures mentioned in the staff list (“77 starters”) were only “external candidates appointed to established posts”, while the 158 recruitments disclosed in the 2016 report to CBF add these 77 starters and movements from GTA to Established and movements inside Established. The 43 “approved GTA” (compare to 61 starters GTA in staff lists) did not include 18 conversions (GTA to Established). STA figures were not requested in the 2016 report to CBF because of recent implementation of STA contracts in 2016.

83. The HR Section informed the External auditor (message dated 4 April 2018) that the number of recruitments (established and GTA) for 2016 was 158: 37 internal formerly *established*, 44 internal formerly “approved” GTA), and 77 external. The figure of 158 mentioned in the 2016 report to the CBF (§ 10) therefore needs to be corrected.<sup>15</sup> For 2017, the actual figure would be 127: 23 internal formerly *established*, 32 internal formerly approved GTA, and 72 external:

(a) in 2016, the information about established employees and GTA employees is not directly consistent, and the reported figure (158) is to be corrected for the conversion of GTA positions to established positions and the inclusion of staff movements within a Major Programme;

(b) in 2017, the conversion of GTA positions into established positions, in principle neutral in terms of recruitment, seems to have been excluded from the calculation. The report to the CBF only mentions the recruitment of approved (i.e., included in the budget) GTA employees, while the ICC can also recruit unapproved GTAs (therefore not budgeted): the reports to the CBF do not mention the recruitment of unapproved GTA employees;

(c) lastly, these reports mention recruitments “in progress” as of 31 December of each year.

<sup>15</sup> Paragraph 10 of the 2016 report to the CBF mentions a total of 201: 158 established and 43 approved GTA.

84. It therefore appears that the only official report from the ICC to its major financial governance body, the CBF, contains inconsistent recruitment data, which should be normalized to put an end to the lack of clarity about the actual number of annual recruitments.

**Finding:** The methods of calculating the figures describing the recruitments appearing in the annual Human Resources reports to the CBF are not clearly defined, and uncertainty affects them. The ICC should adopt a stable reference system defining and specifying the method of calculation of the major concepts necessary for the knowledge and multi-year monitoring of staff movements by the CBF and the States Parties. The information contained in the Human Resources reports presented each year to the CBF should be consistent with the data available in the ICC staff files.

This finding reinforces the need to improve the ICC's reporting on Human Resources in several areas, which is the subject of recommendation 10 below.

## 2. Recruitment of established and GTA staff

85. The recruitment of staff (excluding STA and special cases of JPO and TAM employees) is governed by the recruitment guidelines established in November 2009, applicable to established and GTA positions.

86. These guidelines refer to article 44 of the Rome Statute, resolution 2005/10 of the ASP, and the Staff Rules, in particular 104.18, which set out the principles of merit-based recruitment, taking into account the qualifications and experience of the applicants and a balance between genders as well as between geographical origins, without exclusion of non-States Parties.

87. Since 2015, the process has been subject to the supervision of the Selection Review Board, which is not mentioned in the (previous) guidelines. This supervision was re-instituted by a Registrar's circular of February 2015, after being suspended for several years.

88. For the most part, the recruitment process for established and GTA staff is as follows:

1. Recruitment request
2. Vacancy notice
3. Receipt of applications
4. Screening and shortlisting
5. Panel review
6. Proposal of an applicant
7. Assessment of the process by the Selection Review Board
8. Offer of an employment agreement to the selected applicant
9. Medical clearances and vetting

89. This last phase can be completed after taking up the job during the probationary period if necessary. The recruitment is proposed to the Prosecutor (for OTP employees) or to the Registrar (for other employees). The panel's proposal is generally approved.

90. At first glance, this procedure is robust, since in principle nobody involved in the process is in a position to decide the outcome of a recruitment alone. The recruitment manager is assisted by HRS in the call for applications and applicant selection phases, and then by the "panel", composed of at least three people. The panel includes at most one person in a subordinate position or the immediate superior of the person in charge of the recruitment and a person from HRS. HRS needs to ensure that panels are geographically and gender balanced. The Selection Review Board oversees the conformity of the recruitment process.

91. Some specific procedures concern executives of Independent Major Programmes (IOM, Secretariat of the ASP, internal audit, Secretariat of the TFV, Secretariat of the CBF), reporting directly to the Assembly directly, whose individuals in charge of recruitment are people external to the ICC.

92. The External auditor requested all the assessment reports for 2016 and 2017. A collection of 155 reports was provided, but seven assessment reports were actually on STAs and were therefore excluded from the audit. During the on-site assignment, the External auditor requested two additional reports (one of which was for 2015). The External auditor therefore ultimately relied on 149 panel reports for 2016 and 2017 and one for 2015.

93. As mentioned above, the exact number of recruitments remains uncertain because of the lack of a precise definition of this concept and its method of calculation. The consistency between the number of panel reports and the number of recruitments could not be established. The number of starters on the lists gives 312 cases (2016 and 2017, established and GTA). However, the consultation of these lists shows, among these starters, several cases of direct appointments, limited to 5 in 2016 and 1 in 2017, for GS posts in Field Offices. Several employees appear to have been recruited in the same procedure (single panel report for several employees). The use of rosters and the panel transfers provided for in the guidelines introduce another difficulty in linking the number of panel reports communicated to the External auditor with the actual number of recruitments.

94. Nevertheless, the External auditor believes that the transmitted sample of 150 panel reports provides a representative basis for the analyses of the panel reports.

95. The External auditor takes note of the affirmation that all recruitment processes can be verified and that all relevant information is available for recruitments not included in the sample.

96. Overall, the consultation of these reports confirms compliance with the procedures and the conformity of the recruitments for which they are available, even though a few isolated cases may raise two types of issues:

- (a) The recruitment time frame;
- (b) Fairness between applicants and impartiality of the panel.

(a) *Recruitment time frame*

97. It was noted during the interview that the recruitment time frames were perceived to be long between the vacancy notice and the approval of a recruitment by the Registrar or the Prosecutor.

98. A calculation of the last 20 recruitment procedures finalized by the ICC in April 2018 showed that this period varied between four and 14 months, with an average of nine months. This time frame does not take into account margins before (between the recruitment request made by the recruitment manager and the publication of the announcement) and after (between the recruitment decision signed by the Registrar or the Prosecutor and when the job is taken up). The average figure (nine months) is certainly high but can be explained by a few cases exceeding a year (six cases of 12 to 14 months).

99. The interviewed individuals consider the time frame to be too long but unavoidable, especially for non-generic positions (investigators, VWS<sup>16</sup> or TFV field employees, ASP employees, etc.). These time frames explain in part the high vacancy rate and the frequent use of STA recruitments, which take less time to finalize.

100. The External auditor investigated whether this time frame could be reduced without compromising the conformity of the process.

101. A first major time frame corresponds to the publication of the vacancy notice, which requires an extendable minimum period of four (P) or two (GS) weeks. It is posted on the ICC's *e-recruitment* application and can be extended to applications of the United Nations family. Vacancy notices set a deadline for submission of job applications. Reducing this time frame would reduce the roster of applicants, particularly for potential applicants from

<sup>16</sup> Victims and Witnesses section.

under-represented geographical areas where access to information may be more difficult. It would give a decisive advantage to internal applicants, who are better informed.

102. A second time frame corresponds to the screening of applications to establish the shortlist to be submitted to the panel. One of the main ways to reduce time frames could concern this phase: the time between the application deadline and the dates of the first tests or interviews is rarely less than two months on the sample of the 20 most recent recruitments analysed and can sometimes reach or exceed five or even six months or more.

103. The screening is done in cooperation between HRS or/and the recruitment manager. Some recruitment managers believe that this operation is very onerous (the number of applications often exceeds one hundred), without proposing giving a monopoly to HRS. Others consider that these operations, even those that are time-consuming, are inherent to their responsibility as a recruiter. Improving the applicant screening time would require more effective cooperation between HRS and the recruitment managers or even the implementation of more efficient computerized recruitment tools and adapted training offered to recruiters.

104. An excessive amount of time is sometimes attributed to supervisory work by the Selection Review Board (SRB). In a few cases, several weeks passed between the panel's decision and the SRB's report. However, these cases are few and concentrated on specific periods, such as the months of July and August 2016, impacted by the *ReVision* project at the Registry. The SRB strives to submit its conclusions within one week, which, together with the transmission times, means an average of two weeks, which does not seem reducible. This time frame was maintained on the sample of the last 20 recruitments mentioned above, except in one case involving an employee at a field office (five weeks). Supervision by the SRB is a widespread practice, under various names, in international institutions. It stabilized at the ICC in 2015 in its current format of overseeing compliance with recruitment rules without calling into question the panels' choices.

105. The medical examination is sometimes mentioned as another time factor. There is room for improvement in this area. In the sample of the last 20 recruitments, eight were subject to a medical clearance (the other recruitments were either exempted – internal applicants already cleared – or a clearance application not yet submitted for recent decisions). For six of them, the medical fitness certificate required more than a month. Job offers are made “subject to medical examination” (or certificates), which applicants can undergo with a licensed practitioner near their home, depending on the date when they take up the job. For selected staff already working in the Netherlands, the ICC has an agreement with the KLM Medical Center in The Hague, which is required to provide the results of medical tests within a contractual time frame. However, it would be difficult for the ICC to restrict practices regarding privacy and the medical profession.

*(b) Fairness between applicants and impartiality of panel members*

106. The recruitment process aims to prevent the suspicions inherent in any human selection by providing assurance of perfect fairness between applicants and the impartiality of panel members.

107. The examined files do not show any signs calling into question the equal treatment of applicants. All panel reports are documented using identical analysis and scoring scales as well as an assessment notice approved, generally unanimously, by the panel members.

108. The reports, including the panel's scales and comments, are examined by the SRB, which may make comments, to which HRS must respond. However, these responses are not disputed with the SRB but are intended only for the Prosecutor or the Registrar as the ultimate recruitment decision-maker. The reservations and responses reviewed by the SRB relate to various points. Some relate to the absence of a representative of HRS during interviews, the quality of the record of screening operations, a particular characteristic of an applicant not mentioned in a document, etc.

109. Cases of decreased collegiality in recruitment were noted, such as use of a telephone to conduct interviews by the recruitment manager without the presence of another panel member or a member of the HR section. However, these cases concerned recruitment of GS staff in the field office with particular physical constraints.

110. The desire to increase the share of under-represented countries in the ICC workforce may lead to distortions between applicants. The risk especially concerns applicants with dual or triple nationality, who may present themselves as from an under-represented country while also having the nationality of an overrepresented country. It was thus noted the case of employees presenting themselves under a nationality to the recruitment, then registered, in the file of pay, under another nationality, overrepresented. The risk remains low since the employees in question had the most favourable scores and their nationality of origin was not an assessment criterion but only information given to the panel.

111. Risks of unequal treatment arise upstream, during the application screening phase, carried out by the recruitment manager and HRS to establish the short list. It is theoretically possible to put together an oriented short list, keeping a targeted applicant surrounded by competitors who are obviously not competitive. In this respect, some panel reports lead to very different scores between the proposed applicant and his or her shortlisted competitors, sometimes from non-States Parties. These cases can certainly be explained by a lack of good applicants. The panels and the SRB are informed only about the quantitative aspect of the operations resulting in the short list. Additional information detailing how the short-listing activities were performed would undoubtedly be useful.

112. The composition of the panels is in itself a topic of vigilance. The External auditor identified a case in which the previous Registrar's presence for the recruitment of a P5 position may have affected the independence of judgment of the other panel members, two of whom reported to him, and another was external to the ICC. This recruitment did not mention the identity of the recruitment manager and resulted in an atypical proposal for non-classification, entrusting the Registrar (who was also a member of this panel) with deciding between two unclassified applicants.

113. More generally, the recruitment manager's positioning within the panel is a delicate issue. The recruitment manager may chair the panel, which may consist of lower-ranking employees. To prevent this risk, many OTP panel reports include a clause stating that none of the panel members are in a position of subordination in relation to the chairman of the panel. This good practice could be generalized.

114. There is no automatic way to avoid excessive influence of one panel member on others. There are cases in which the immediate superior of the recruitment manager was a member of the panel, which casts doubt on the objectivity of the discussions. One solution might be to provide for the impossibility, especially for heads of bodies or high-ranking managers (directors, section heads) to chair or be a member of a panel other than for the selection of an employee of an immediately lower rank (with whom the trusted professional relationship implies participation in the selection process).

115. The panels sometimes propose a single applicant and sometimes a list of applicants ranked in order of preference. For example, the No. 2 applicant may be recruited if the No. 1 applicant withdraws, a situation that is always possible because people looking for work generally do not limit themselves to only one job application. If the selected employee was not the top-ranked choice, in the absence of a withdrawal, potential litigation could result for the ICC in case of an internal applicant, as the non selected employee is authorized to request the panel's report should he/she challenge the decision.

116. Panel reports indicate whether applicants are internal or external. Nevertheless, several panel reports apply the "external applicant" label to someone who has actually held a job at the ICC, particularly a temporary job, sometimes recently. Although the notices included in the panel reports sometimes mention, in their summary of the applicant's background, the functions performed in the past at the ICC, this is not always the case. It can be assumed that the panel members obtained full details during oral interviews, but external applicants who have already worked at the ICC should be identified so that the SRB can verify whether any panel member lacks independence due to his or her previous relationship with an applicant.

### 3. Recruitment of STA employees

#### (a) *A more flexible procedure*

117. The recruitment of STA employees is governed by a procedure defined by regulation IA 2016 01 (28 January 2016). This procedure is flexible in relation to fixed-term agreements to cover emergency or temporary needs, due to vacancies, holidays, unavailability, etc., or to cope with peak activity in a unit.

118. In principle, the STA agreement is limited to a few months and cannot exceed one year. The procedure is an exception to the general rules (article 4.5) and gives an increased role to the recruitment manager, who is not required to consult a panel and has discretion in the assessment of tests, interviews, and methods of choosing between applicants. HRS participates in these operations alongside the recruitment manager but is responsible for the proposal, subject to approval by the Prosecutor or the Registrar. The SRB is not involved in STA recruitment processes.

119. The assessment reports consulted from the collection of 92 reports sent by the ICC to the External auditor are presented in a standardized way and include information documenting the selection, but this varies from case to case. The number of applications, the identity of the short-listed applicants, and the scoring tables on the applicants' skills are included in many reports, but not in all of them.

120. There are few comments to be made through the analysis of the transmitted reports. A few details were noted: in one case, the Registrar signed the report without specifying a decision (failure to tick the proposal approval or rejection boxes, report 12201). The recruitment manager is not the only signatory of certain reports that also include the signature of a "panel member", although there was no panel according to the reports (STA selection reports 11641 and 14921). Several panels have been set up for STA recruitments, which is a good practice (report 4721, 9281, 14621, 8801, 5401, etc.).

121. The External auditor consulted the internal audit report dated 23 January 2018, which deals with the management of STA staff agreements (as well as individual contractors and consultants).<sup>17</sup> In accordance with the internal audit and external audit standards, the findings and recommendations contained in this report, finalized on a date very close to this audit, were taken into consideration for the purposes of this audit.

122. The STA agreement is a recently created instrument (January 2016), aimed in particular at unifying, updating, and governing the previous instruments existing at the ICC, which has used various contractual forms since its founding to meet its urgent or short-term recruitment needs. Comparable work was done on agreements of consultants and individual contractors.

123. The January 2018 internal audit report concluded that the STA agreements generally conformed with the defined rules, subject to some imperfections mainly related to the newness of the system and its unequal handling between recruitment managers. In terms of recruitment, the internal audit report recommended modifying the drafting of the regulations on STAs and accompanying it with a guide of Standard Operating Procedures (SOP) and training and support actions to be organized by the HR section.

#### (b) *Statistical uncertainty on the number of STA recruitments*

124. The annexes to the internal audit report provide statistics on STAs, quarter by quarter, from January 2016 to June 2017.

125. As mentioned above, no figures for 2016 are provided in the paragraph on STA employees (status created in January of the same year but not requested at the time) of the report to the CBF. For 2017, the report to the CBF indicates that "118 temporary jobs were filled" (§58), a figure that is not consistent with the internal audit report, which indicates 167 STAs for the first two quarters of 2017 alone.

<sup>17</sup> "Audit report on the management of contracts, individual contractors, consultants and short-term appointments STA" Office of Internal Auditor, 23 January 2018.

126. For 2017, the STA staff movement lists submitted to the External auditor mention 101 starter STAs, a figure that differs from the figure in the 2017 report to the CBF (118) and is inconsistent with the flows identified by the internal audit report for the first two quarters.

127. It is therefore necessary for the ICC not only to make STA recruitment flow knowledge tools and the reporting to the CBF more reliable (see recommendation 10), but also to ensure the internal consistency of these calculations.

128. The ICC provided 85 scanned assessment reports in support of the STA recruitments upon the External auditor's request for all these reports for 2016 and 2017. The External auditor also detected the presence of seven reports attached to the collection of panel reports that actually pertained to STA recruitments, and an additional report was obtained during the on-site audit. Recruitments are therefore documented by assessment reports in 93 cases. However, looking at the figures of 101 starter STAs for 2017, supplemented by a figure of 62 STA "in office" at 31 December 2016, which suggests that they were recruited in 2016, it can be assumed that 92 produced reports (85 +7) do not reflect all the recruitments of 2016 and 2017. This finding is corroborated by the figures mentioned in the internal audit report, which indicates 256 recruitments in 2016, assuming that it details incoming flows.

129. Several assumptions can explain the difference between the number of assessment reports and STA panel reports produced at the request of the External auditor and the number of STA recruitments. It is possible that the ICC was unable to send all the reports within the time permitted by the questionnaire. However, the existence of recruitments that were not the subject of a selection or panel procedure cannot be ruled out at first glance, which would reveal a risk and possible deviations in terms of fairness or control of payroll, given the observation that STA recruitment involves more discretionary decisions than established/GTA agreements.

130. However, the Court maintains that there are selection reports for all selection processes, and has indicated, at the end of the audit, that they could be provided. The External auditor still deems that the ICC should have produced them when requested.

(c) *Much shorter time frames than for established/GTA recruitments*

131. The time frames for finalizing STA agreements are very short compared with established/GTA agreements. These time frames were followed on a comparable sample of the last 20 recruitments reviewed during the audit. In 10 out of 20 cases, the time between the job vacancy announcement and the recruitment decision signed by the Prosecutor or the Registrar was less than a month. Eight cases took one to two months. Only two out of 20 cases have longer time frames (3.5 months and 5 months). There is only one case where the STA recruitment time (the slowest) proved to be longer than that of an established/GTA recruitment (the fastest). Recruitment by an STA agreement thus confirms its responsive nature.

132. However, the ICC must be sure to guarantee that STA recruitments actually obeyed not only emergency criteria but also criteria of merit and fairness between applicants, especially since the STA employees are an important source for later statutory recruitments. The amount of time between the application deadline and the date of the decision of the recruitment manager is sometimes revealing. In one case, this decision comes on the same day as the deadline; in another case, only a few days separate them, including a weekend.

133. STA recruitments are also subject to medical clearance and vetting requirements. For "vetting", 15 decisions (out of 20) were required (exemptions in five cases of STAs filled by movements of employees already recruited as permanent (established or GTA)). The majority of cases were approved in less than two days (8), with only two cases requiring more than 10 days (including one requiring 37 days).

134. Medical formalities require the same amount of time as for established/GTA employees. Only two cases (excluding exempt internal applicants) obtained their medical clearance in less than three weeks. Several cases took several months.

**Finding:** Since January 2016, the STA recruitment procedure has had a general framework for recruitment of this category of employees. This framework is designed to permit quick, more flexible recruitment than for other employees, adapted to emergency situations or occasional needs. The recruitment time frames noted for STA are actually much less than for other employees. The audit of the assessment reports did not show any particular failure and do not call into question the conclusion of the internal audit report on the overall compliance of the process. However, there is lack of clarity as to the number of assessment reports provided to the External auditor compared with the number of STA recruitments. The ICC must also ensure that the CBF gets robust data describing STA recruitments.

This finding is in line with the previous report on the improvements to be made to the ICC's Human Resources report, which is the subject of recommendation 10 below.

## D. Career prospects at the ICC

### 1. Careers at the ICC

135. The Court does not organize any career advancement. In other words, it does not arrange any options for its employees to advance professionally, except applying for recruitment to move from one job to another, particularly to a higher-level job. In addition, there are no open-end contracts. This is why, like most Organizations in the United Nations system, the ICC is described as a “non-career Organization”.

136. This does not mean that it is not possible to stay at the ICC from the initial recruitment until retirement age (65 years). However, it implies that the professional advancement of a given employee, both in terms of level of responsibility and level of remuneration, depends on factors that are largely independent of his or her performance and the appraisal by the supervisors.

137. Further developments devoted to “performance appraisal” at the ICC will show the limits of what is at stake in such an assessment, in the absence of career management tools.

#### (a) *Principles*<sup>18</sup>

138. With a few limited exceptions for certain types of appointments, de facto mostly in lower-level grades, each appointment must undergo the complete recruitment procedure, with the opening of applications, along with the corresponding vacancy notice, to people outside the Organization.

139. In principle, selection panels and decision-makers must treat applicants, whether internal or external, according to the same criteria (see previous chapter on recruitments).

140. The only slight difference in this principle comes from article 4.4 of the Staff Regulations, which provides that “subject to the provisions of article 44 of the Rome Statute and without prejudice to the recruitment of new talent at all levels, the fullest regard shall be paid, in filling vacancies, to the requisite qualifications and experience of staff members already in the service of the Court”.

141. In other words, there is no formal benefit for staff members (job quotas or preferential posting of positions for them), but recruiters are advised to take into account their experience with the Court.

#### (b) *The reality*

142. The table below concerns only holders of established and GTA (approved or not) agreements, i.e., 1,046 people during the audit, it being observed that other agreements cannot be extended, and it is not possible to reach a significant level of length of service (1 to 2 years maximum according to agreement type). Recall that since the ICC's activity only started in 2002, the length of service of the ICC's employees could not exceed 16 years as of 4 April 2018.

<sup>18</sup> The development that follows does not concern elected officials (Office of the President, Judges, Prosecutor, and Court Registrar).



**Table 9 : Length of service by agreement type of employees present at the ICC as of 4 April 2018**

<i>Length of service (years)</i>	<i>Established</i>	<i>GTA</i>	<i>Unapproved GTAs</i>	<i>Total</i>
>15	19	0	0	19
11 to 15	234	7	1	242
6 to 10	283	16	3	302
3 to 5	166	13	0	179
< 3	211	73	20	304
<b>Total</b>	<b>913</b>	<b>109</b>	<b>24</b>	<b>1,046</b>

Source: External auditor on the basis of data provided by ICC.

143. This table shows that, for employees who so wish, job stability is, in fact if not in law, virtually guaranteed for the holders of established positions, corresponding to the “core business” of the ICC.

144. For these functions, the general rule is that an initial agreement is granted for two years. Then, if the holder wants it and has not shown obvious incompetence (which remains exceptional), it is renewed for three years, then indefinitely in successive periods of five years, until retirement age is reached (65 years). This explains why:

(a) for “established” employees, as of 4 April 2018, nearly 59 percent had at least renewed their agreement three times (and therefore had length of service of more than five years and, if they last until the expiry of the agreement in progress at time of the audit, will mechanically reach a length of service of more than 10 years);

(b) the situation is apparently the reverse for GTA positions in the budget (third column of the table), since 2/3 of the employees in this category had a length of service of less than three years as of 4 April 2018, but it must be taken into account that many had previously been converted to “established” positions and are included in the second column (see chapter 1 of this report).

145. The case of “unapproved” GTAs is more anecdotal – in principle, these positions are intended to disappear or, if the need is confirmed, to be transformed into “approved” GTAs or even “established” positions rather quickly. Nevertheless, one employee managed to accumulate, under this transitional system, 14 years of service, and two others more than nine years.

(c) *Proportion of internal recruitments*

146. In recent years, almost half of the people appointed to positions open to recruitment were already working at the ICC, either in an established position or in a GTA position:

(a) in 2016, out of the 158 appointments to an established position mentioned in an HRS e-mail dated 4 April 2018, 37 came from another established position, and 44 came from a GTA position, representing a total of 51 percent;

(b) in 2017, out of 127 established positions that were the subject of a recruitment, 23 came from another established position, and 32 came from a GTA, or 43 percent;

(c) for the first quarter of 2018, 23 recruitments were for established positions (52 percent).<sup>19</sup>

147. There is a slight difference in the notion of career advancement insofar as, for some of the applicants coming from a GTA position, the status is consolidated in established, but, depending on the job, the position occupied under this new status corresponds to a professional promotion or not.

<sup>19</sup> Source: HRS (4 April 2018).

148. In addition, the Court converted positions budgeted as GTAs into positions funded as established positions (79 positions in 2017). Of course, the principle is that this conversion concerns the position and not the person who occupies it. In practice, though, the holder most often benefits from a consolidation of his or her status without competing with other applicants.

149. The table of headcounts as of 4 April 2018 provides an exhaustive list of the employees who, since their recruitment, have benefited from a transformation of their agreement into a more stable category, it being recalled that, by increasing level of stability, the main agreement types may be classified in the following order: STA □ unapproved GTA □ GTA □ Established (excluding employees accessing the subsequent capacity of elected member).

**Table 10 : Improved agreement stability**

<i>Agreement type</i>		<i>No. of beneficiaries of an improvement</i>
<i>At recruitment</i>	<i>At 4/4/2018</i>	
STA	Unapproved GTAs	6
	GTA	14
	Established	25
GTA	Established	343
<b>Total</b>		<b>388</b>

Source: External auditor on the basis of data provided by ICC.

150. Of the staff members with “GTA” or even established agreements as of 4 April 2018, 45 some had joined the ICC in STA positions, in theory for a maximum of one year. In reality, STA agreements thus constitute an important roster of employees called to serve the Court for the longer term.

151. The table of headcounts as of 4 April 2018 also identifies the employees who, since their recruitment, have benefited from a category promotion (for example, from G4 during recruitment to P2 today) or a level promotion in the category (for example, from P2 to P5).

**Table 11 : Category or level promotions**

<i>Move from category G to P</i>		<i>Level move upward in the category</i>		
<i>Agreement type</i>	<i>No. of moves</i>	<i>Category</i>	<i>Agreement type</i>	<i>No. of moves upward</i>
Established	48	G	Established	68
			GTA	67
			STA	10
			<i>Subtotal</i>	<i>145</i>
GTA	61	P	Established	92
			GTA	62
			STA	2
			<i>Subtotal</i>	<i>156</i>
<b>Total</b>	<b>109</b>	<b>Total</b>	<b>301</b>	

Source: External auditor on the basis of data provided by ICC.

152. The number of staff who got a higher level position from category G (*general services*) to category P (*professional*) is relatively high compared with what is observed in United Nations organizations – 109 employees present at the ICC at the time of the audit, approximately 10 percent of the total workforce, had moved from general service positions to professional positions.

153. If level changes within each of the two categories G and P are added to this, there is a total of 410, i.e., approximately 40 percent of the employees who have got a higher level position since joining the ICC – this factor also puts the notion of “non-career Organization” into perspective. However, in most cases, these changes resulted from reopening of competition for the positions concerned.

154. Two questions rose from these figures:

155. Those figures relates only to actual staff. Would it be more relevant to take into account the staff who left ICC during the same period? The idea could be that the reason why they left was the fact that they did not get any upwards move.

156. The table below shows that 19 percent of them had got a higher position before they left. If you add actual staff and former staff for the 2005-2017 period of time, the ratio of staff having got a higher level post becomes 27.8 percent.

157. This being said, the real figure is probably between 27.8 percent and 40 percent, as if a part of the former staff may have left because they could not have the career they expected, others left too quickly to grasp such an opportunity and others left for many different reasons (family reasons, external job opportunity, etc.).

**Table 12 : Level at separation**

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Same level at separation	55	98	106	134	110	71	74	97	70	27	87	56	91	1076
Higher level at separation	8	6	6	17	32	31	21	20	21	20	24	16	26	248
Total separations	63	104	112	151	142	102	95	117	91	47	111	72	117	1324
<b>Percentage at higher level</b>	<b>13%</b>	<b>6%</b>	<b>5%</b>	<b>11%</b>	<b>23%</b>	<b>30%</b>	<b>22%</b>	<b>17%</b>	<b>23%</b>	<b>43%</b>	<b>22%</b>	<b>22%</b>	<b>22%</b>	<b>19%</b>

Source: External auditor on the basis of data provided by ICC.

158. A second question, raised by ICC, is related to the meaning of those upwards moves: can they be called “promotions” as they are the result of a competitive process open to external candidates?

159. It is largely a question of semantic as the result is the same, whether the move is the result of a management choice or of an open competition. In addition to that, although competition gives a real chance to external candidates, as the figures show it, the internal ones can take advantage from their intimate knowledge of the Organization.

160. Lastly, the External auditor had exhaustive data on “returns” of former employees to the ICC. They were used to establish the following table:

**Table 13 : Career development following a departure/return**

	Category		Category change	Change of level in the category		
	Initial	Upon return		Higher level	Maintained	Decreased
G	98	75	-23*	22	48	5
P	27	50	+23*	15	12	0
<b>Total</b>		<b>125</b>	<b>-</b>	<b>37</b>	<b>60</b>	<b>5</b>

The “-” and “+” symbols mean that 23 G-category employees accessed a P position upon their return to the ICC.

Source: External auditor on the basis of data provided by ICC.

161. This table shows that:

(a) because of the large numbers, the practice of “returns” to the ICC is a characteristic specific to this institution and constitutes an objective sign of attractiveness: with 125 persons concerned as of 4 April 2018, these “return to the ICC” situations after an interruption accounted for more than 12 percent of the staff present at the Court on that date;

(b) in 60 cases of returns, or half of the employees concerned, returning to the Court after leaving it allow the people in question to obtain a substantially improved position. In 23 of these cases, the detour through the outside allowed the people to move from the “general services” category to the “professional” category, a proportion (18 percent) that is significantly greater than that of moves from G to P of employees who chose to advance by staying at the Court (10 percent).

162. These characteristics (large numbers of departures/returns and especially frequency and level of promotions accompanying them) could discourage those who choose to collaborate in the institution’s work for the long term, since they could give them the feeling that their merit would be more easily recognized outside than inside the Court.

(d) *Exemptions to competitive candidacy*

163. Several procedures allow certain employees to occupy, with limited competition, functions other than their current position. According to the annual Human Resources report to the CBF, in 2017, 39 employees were assigned for a limited period of 12 months, only to STA positions. Table 3 above shows that there were 16 at the time of the audit (4 April 2018).

164. Although the principle of a call for applicants remains, the need to fill positions quickly and the need to turn to people who are immediately operational, given the brevity of the agreement, provide a clear advantage to employees already working at the ICC.

165. Once the planned time has expired, the individuals concerned return to their previous position. The fact that, during the period of this temporary assignment, the established positions continue to be officially occupied although they are not actually occupied, was examined in the first part of this report (paragraphs 30 and 31).

166. The ICC does not formally participate in the UN Inter-Organization Agreement, which facilitates mobility between these Organizations, even though its employees are part of the same pension system. Some exchanges of employees, for a limited time, sometimes with reimbursement of costs, occur though: two in 2016, for example.

167. The Human Resources Section reports that it is preparing the Court’s Mobility Framework for the first half of 2018. The first project to which the auditors had access is an effort to supplement the existing system with two arrangements with possibilities for mobility internal – and not external – to the Court:

(a) the creation of temporary assignments in which the employee would continue to be funded at his/her starting position;

(b) a system of rotation between networks, in other words between specialists of the same function, with the employee again continuing to be paid in his or her original positions.

(e) *Weak professional incentives*

168. In an institution like the Court, the feeling of contributing to a great cause, as well as interest in the work, cannot be underestimated. However, other motivational tools remain limited:

(a) there are no variable bonuses;

(b) performance appraisals (see paragraphs 175 to 221) are rarely negative, as is the case in most international Organizations: for five possible rating levels, 99 percent of the employees were appraised in 2017 in three highest levels, 1 percent in the next (partially met expectations), and 0 percent in the bottom level (did not meet expectations).

(c) disciplinary measures are rare: three for the two years 2016 and 2017, all at OTP.

169. This is why professional advancement through competitive recruitment remains the main perspective.

*(f) Opportunities for improving career prospects*

170. The items above shows that the reality is certainly not that of a blocked system, especially since almost half of the appointments to established positions are given to internal applicants.

171. Could we go further without the risk of a deficit of external contribution and new ideas? Without prejudging the effects of a “mobility framework” currently under study, three avenues could be pursued:

(a) the first one could be to reserve a priority round for internal applicants for a limited proportion of the positions to be filled, by providing for these jobs a two-step procedure, already practiced in other Organizations: a) a first round reserved for internal applicants during a limited period (for example, one month) and b) in the absence of an applicant deemed satisfactory, a second round open to the outside. Given the already significant share of movements from within the Court, it would be essential for the proportion of positions thus filled to remain limited and not involve exclusively the most interesting positions. A figure of 10 percent could be considered;<sup>20</sup>

(b) a second avenue would be to organize annual management reviews. This involves having the managers of a department collectively examine the performance and prospects of their employees. It would not necessarily be linked to the performance appraisal. This approach exists in many companies: it is an opportunity to take stock of the monitored individuals, provide a dual report from the immediate superior and a Human Resources manager, and think about development needs and possible career advice. It conveys the message to those concerned that their personal case is known beyond their direct contacts and is monitored;

(c) a third avenue, which could be favoured, would be to include the Court in the Inter-Organizational Mobility Agreement. Ad-hoc arrangements between Organizations with repayment and return clauses are a source of lost time in negotiating them and complexity in managing them. They also do not give employees the feeling of belonging to a group where diverse, rewarding careers are available. The ICC, already largely follows UN standards, which are based on ICSC<sup>21</sup> recommendations, on several key issues, such as pay scales, and is part of the same pension system, which would facilitate the organization of transfers.

172. In the past, the ICC had indeed been a member of the United Nations inter-organizational mobility system. It left it when it was given a choice between full alignment, with the corresponding financial participation and limitation of independence, and departure.

173. When this issue is brought up, the ICC’s departments express concern that returning to a system common to the United Nations Organizations does not go hand in hand with an increased demand for financial contribution from this system, for example in the preparation of pay scales. The risk is that, for a staff exchange agreement, the Court would be forced to pay for benefits that it currently receives for free.

174. This fear is not invalid, but many years have passed since then. The Secretary-General of the United Nations has expressed his desire to better coordinate the entities that are part of the system. There is nothing precluding negotiation, pointing out the small size of the ICC as the need for independence attached to the jurisdictional status.

<sup>20</sup> Another solution could be to set objective criteria –number of years of experience, satisfactory job performance, etc. to limit such priority recruitment. However the risk exists that those criteria, which are less clearcut than a percentage, be progressively loosened under the pressure of internal staff, and that the opportunity for external ones become very limited. This is why, from our point of view, with the goal of keeping the door open, a percentage system could be a better solution.

<sup>21</sup> International Civil Service Commission.

**Finding:** In theory, the ICC is an Organization in which the jobs are of a limited duration and in which there are no career prospects. However, the examination of actual data shows that employees remain in the Organization for the long term through renewal of agreements and that, through open recruitments, many of them manage to advance.

On the other hand, the range of performance incentives remains limited, and the perception of growth opportunities is much less positive than the reality, as far as can be assessed in the absence of an opinion survey.

**Recommendation 3:** In the management of professional profiles, the External auditor recommends:

- (a) organizing management reviews to better identify the development needs and the development potential of ICC employees;
- (b) initiating negotiations with a view to achieving the integration of the ICC into the UN Inter-Organization Agreement in order to broaden the career prospects of its staff;
- (c) proposing to the Court a limited modification of the rules of appointment by reserving a priority round for staff in place at ICC for a proportion of the positions to be filled that should remain limited to prevent the risk of killing de facto most of the external recruitment (10 per cent for example).

## 2. Performance appraisal

### (a) Current arrangements

175. The current performance appraisal procedure was defined by a regulation dated 16 July 2012.<sup>22</sup> It applies to all established position holders as well as all GTAs.

176. However, employees under contract for less than six months do not strictly fall under this category. Their superiors must conduct a simplified appraisal of their performance, which will be kept in their file. When the duration of the agreement is between six months and one year, though, the common procedure applies.<sup>23</sup>

(a) The performance appraisal cycle starts on 1 March and ends on 28 February of the following year. It includes six phases:

- (b) an initial interview with the appraiser, who is the employee's immediate superior;
- (c) production of a written document reporting on this interview;
- (d) validation of this document by the appraiser's immediate superior;
- (e) a mid-term interview, usually in September;
- (f) a results appraisal interview conducted approximately four weeks before the end of the cycle between the employee and his/her appraiser;
- (g) the signing of the appraisal document a) by the appraiser (the evaluated employee may include comments), b) by the appraiser's immediate superior, as validation, and c) by the employee in question.

177. Following the initial interview, a performance appraisal form is prepared, indicating:

- (a) the evaluated employee's goals for the year, which must meet the "SMART"<sup>24</sup> criteria;
- (b) the employee's appraisal in view of the Court's core competencies, as defined in the annex to the regulation of 16 July 2012;
- (c) a development (training) plan for the employee.

<sup>22</sup> ICC/AI2012/001.

<sup>23</sup> Regulation ICC/AI/2016/001 of 28 January 2016 on short-term appointments, Section 7.

<sup>24</sup> Specific, Measurable, Achievable, Relevant, and Timed.

178. In case of disagreement between the employee and his or her appraiser on the goals, it is up to the appraiser's immediate superior to decide.

179. At the end of the cycle, following the appraisal interview, the appraiser expresses qualitative assessments of the achievement of the goals and the mastery of skills. The appraiser also includes a numerical rating.<sup>25</sup>

180. In the event of insufficient performance, the appraiser must propose to or even impose on the evaluated employee a PIP,<sup>26</sup> with a particular focus on training.

181. Training in the setting of goals and the evaluation of their achievement is offered to employees. In 2016, some 200 employees participated. Awareness-raising campaigns have also been carried out in the Court since 2016, particularly at key moments in the process: setting goals, mid-year interview, and final results assessment interviews.

182. In addition, a new information system has been implemented for recording performance appraisal data.

*(b) Results*

183. The performance process completion rates have increased significantly in recent years to a high level:

(a) 94 percent of processes initiated, but not necessarily finalized, for the 2016-2017 cycle, versus 77 percent for 2014-2015;

(b) 92 percent of processes initiated and finalized for 2016-2017, versus 64 percent for 2014-2015.

184. However, the completion rates vary greatly between bodies of the Court. They reached 100 percent for the complete processes for the Office of the Prosecutor in 2016-2017, versus 93 percent for the Registry and only 44 percent for the Office of the President.

185. The percentage of processes initiated but not completed represents 100 percent for the Office of the Prosecutor, 95 percent for the Registry, and 64 percent for the Office of the President.

186. Nevertheless, the bodies of the Court show significant variations. The Registry had completed only 71 percent of processes for 2014-2015 and only 61 percent for the following year. The Office of the President's figure was 2 percent for 2014-2015 and 36 percent for the following year.

187. For 2016-2017, the appraisal ratings<sup>27</sup> were as follows:

(a) did not meet expectations: 0 %;

(b) partially met expectations: 1 %;

(c) fully met expectations: 75 %;

(d) exceeded expectations: 20 %;

(e) significantly exceeded expectations: 3%.

188. HRS informed the External auditor that it was difficult for it to produce an extraction for comparison of the appraisals of the various departments for this cycle. For the 2016-2017 and 2017-2018 cycles, it was able to produce such an extraction for the Registry.

189. The examination of the performance plans of several D-level managers reveals goals that are mostly precise, with clear and measurable performance indicators. The appraisals are often detailed. However, none of the records provided to the External auditor provided for a training plan. Even though they involved exclusively goals of Directors, who by definition have reached a high level of skill, it would be normal for them to continue to seek progress and training.

<sup>25</sup> In the 2012 regulation, six rating levels were indicated. This figure has been reduced to five since then.

<sup>26</sup> Performance Improvement Programme.

<sup>27</sup> Source: Report to the CBF dated 2 March 2018; rounded amounts.

**Finding:** The performance interviews are often not completed with regard to the development and training of the employees concerned.

**Recommendation 4:** The External auditor recommends that the appraisers be instructed to ensure that the interview sheets are completed with the definition of training plans.

(c) *Attempted standardization within the Registry*

(i) *Appraisal campaign of the 2016-2017 cycle*

190. During the results appraisal campaign of the 2016-2017 cycle, the Registrar asked his three division Directors to award their ratings in a more consistent manner.

191. The idea was that the majority of the employees should receive an average score of 3 out of 5, reflecting fully satisfactory work while leaving room for improvement, with only 20 percent to 30 percent being statistically able to justify a higher rating through documentation.

192. The concern was also that the average rating of one division would not be different, in one way or the other, from that of the other divisions.

193. The requested result has not been achieved, as the Division of Judicial Support Services continued to award higher ratings than the other two divisions for its executives, as shown in the following tables:

**Table 14 : Differences in performance appraisal between divisions of the Registry (2016-2017 cycle) (Directors)**

<i>Appraiser</i>	<i>Number of appraisals</i>	<i>(percent) Partially met</i>	<i>(percent) Fully met</i>	<i>(percent) Exceeds</i>	<i>(percent) Significantly exceeds</i>
Registry	3	0	33	66	0
D-DMS	8	0	87	13	0
D-DJS	11	9	9	55	27
D-DEO	7	0	71	29	0

Source: ICC.

**Table 15 : Differences in performance appraisal between divisions of the Registry (2017-2018 cycle) (All staff)**

<i>Division</i>	<i>Not met</i>	<i>Partially met</i>	<i>Fully met</i>	<i>Exceeds</i>	<i>Significantly exceeds</i>
DJS	1.1%	0.56 %	71.5%	24.6%	2.2 %
DMS	0.0 %	1.1 %	82.3 %	16.5%	0.0 %
DEO	0.0 %	0.0 %	89.7 %	8.9 %	1.4%
Registry (total)	0.4 %	0.6 %	79.9 %	17.5 %	1.6 %

Source: ICC.

**Table 16 : Differences in performance appraisals between divisions of the Registry for the directors (2017-2018 cycle)**

	<i>Number of appraisals</i>	<i>Did not meet</i>	<i>Partially met</i>	<i>Fully met</i>	<i>Exceeds</i>	<i>Significantly exceeds</i>
D-DMS	9	0	11 %	78%	11%	0
D-DJS	11	0	0	64%	18%	18%
D-DEO	10	0	0	70%	30%	0

Source: ICC.



194. During the appraisal campaign of the 2017-2018 cycle, although it was largely initiated, the Registrar took the initiative, in an e-mail dated 8 February 2018 sent to his three Directors, to ask them not to communicate their appraisal to the section heads before a coordination meeting that he would lead with his three Directors and his Chief of staff.

195. This kind of informal coordination is frequent in many Organizations.

196. However, the Director of Judicial Support Services and his key employees considered this request to call into question the rules being implemented, without prior consultation and in contradiction with the administrative guideline of 16 July 2012. They challenged as illegal the fact that confidential individual appraisals could be communicated to and discussed by other people than the assessed staff and his/her supervisor, specifically by other supervisors.

197. Finally, in an e-mail dated 1 March 2018, the Registrar changed his view on these adjustments, confirming both the timetable and the method used previously.

198. It is difficult to know whether this dispute is linked with the more global planned reform of the appraisal procedure within the Court which was prepared by HRS and the Registrar.

(ii) *The proposed new administrative guideline reforming the appraisal procedure*

199. Starting in late 2016, the Human Resources Section began thinking about reforming the performance appraisal system for the entire Court.

200. The goals were varied: improve how performance goals are set, achieve 100 percent implementation of appraisals, develop the capacity for self-appraisal, better connect appraisal and training, better support under-performing employees, etc.

201. The steering of the project was organized on the establishment of:

(a) at the base, a Project Team of 11 experts from various bodies of the Court, assisted by specialized experts for specific subjects (legal, SAP software, etc.) according to the needs;

(b) at the top, a small Project Board bringing together the Human Resources Section and high-level representatives of the Court's bodies;

(c) a series of workshops, including nine in January 2017, each with between 6 and 10 participants (sometimes the same people);

(d) at the technical level, "test groups", which were particularly tasked with evaluating a new information for performance appraisals. Two sessions were proposed to these groups: for the first one (19 December 2017), out of 14 invited employees, 10 came, and for the second one (31 January and 1 February 2018), out of 52 invited employees, 26 actually participated.

202. The project that resulted from this work was approved by the Project Board on 6 October 2017. It was submitted to the Registry Management Team (RMT, consisting of the Registrar and his three Directors) on three occasions in October and November 2017, to the Executive Committee (ComEx) of the Office of the Prosecutor (OTP) on 29 November 2017, as well as to the Office of the President in October 2017.

203. Representatives of the Staff Union were consulted on the overall discussion starting in 2016 but did not become aware of the final plan until early February 2018. As of the date of this audit, they had not raise any objections in principle, but they wanted another consultation meeting.

204. The main features of the system proposed in February 2018 are as follows:

(a) elimination of numerical ratings, in keeping with a generally observed trend in appraisals;

(b) consultation of the Directors with the Heads of bodies within the Coordinating Committee (CoCo) – periodically bringing together the President, the Prosecutor, and the Registrar – before defining the goals within the divisions;

(c) definition of development plans consistent with the goals of each person at the beginning of the cycle;

(d) at least four recommended intermediate interviews serving as progress updates during the year;

(e) before the end of the cycle, an initial appraisal meeting between the employee in question, his or her appraiser, and the appraiser's immediate superior (reviewer);

(f) possibly, where feasible, collection of opinions from other appraisers;

(g) signing of the final assessment, first by the appraiser, then by his or her superior, before communication of the assessment to the employee in question, and finally signing by the employee. In this respect, the main innovation is that the reviewer may discuss the assessment with the appraiser before it is submitted to the assessed employee.

205. The draft regulation also mentions the possibility, during the year, of self-appraisals and consultation of peers or employees.

206. Each stage of the process, including interim reviews, should be recorded in the new information system.

207. As was the case before, instances of underperformance would lead to the implementation of specific written programmes to improve performance.

208. The draft regulation also recalls that, in accordance with article 103.8 of the Staff Rules, insufficient performance may justify the appraiser and the reviewer to request a stop in pay increases.

209. The intention was to launch the new process starting with the 2018-2019 performance cycle, i.e., from the end of first quarter 2018. Given that it was not physically possible to sign the regulation defining the new procedure before the end of the 2017-2018 cycle, in February 2018, the three bodies (Office of the President, OTP, and Registry) decided that the launch of the new cycle would be delayed by one month to 1 April 2018.

*(iii) Objections to the proposed new guideline*

210. In a letter dated 5 March 2018, a memorandum signed by 17 executives, including 15 from the Division of Judicial Services, but excluding the DJS Director himself, and including two Directors outside the Registry, was sent to all ICC Principals and Directors, with copy to all ICC Judges and the Staff Union Council, to challenge the legality of the proposed regulation on performance management.

211. The reasons were related not to the substance, but to the procedures used:

212. With respect to the end of the 2017-2018 cycle, the signatories felt that the Registrar's request for consultation with the Registry's Directors prior to the release of the ratings to the evaluated employees was tantamount to retroactively changing the applied rule given that it affected a process already initiated and was therefore contrary to the principle of non-retroactivity of texts:

(a) they challenged the idea that the Registrar had the right to postpone the appraisal closing date by one month, as this date was set by the 2013 regulation and could only be changed by a new regulation of the same level validly adopted;

(b) they added that this request came although some supervisors had already conducted some of the 2017-2018 performance appraisal interviews.

(c) With regard to the proposed regulation to reform the performance management system starting with the 2018-2019 cycle, the signatories felt that the necessary consultations had not taken place:

(d) they considered that the President's guideline ICC/PRES/D/G/2003/001 of 2003 required the prior formal consultation of the main units concerned as well as the "section heads" of all the affected divisions, that this consultation was supposed to give

them the opportunity to make comments and possible objections, and that only after this complete process could a regulation be legally promulgated;

(e) they added that it was not because this formality had not always been respected that it could be considered as obsolete.

213. Following this reaction, the proposed regulation was not adopted, and the outgoing Registrar left the decision up to his successor.

214. The Judges, who were the addressees of the letter dated 5 March 2018, did not react.

(iv) *Lessons learned*

215. With regard to the request for coordination of appraisals of the Registry for the 2016-2017 cycle:

(a) the Registrar's request for consultation of the Directors before communicating the ratings undeniably came late in the cycle, even in case the one-month postponement of the deadline would have allowed the new administrative guideline to be formalized;

(b) however, in most Organizations, such a request would have been considered as a secondary management measure, especially since the Registrar did not have the power to change the ratings that any of his directors would have refused to adjust;

(c) given that one of the three Divisions (Division of Judicial Services) statistically rated higher than the others, the Registrar's concern for coordination, or at least an attempt at coordination, appeared legitimate.

216. With regard to the objection to the proposed regulation, the debate pertains to a possible lack of prior consultation, particularly with the section heads. The initiators of the proposal emphasize that:

(a) before the proposal was made, multiple consultations took place, based more on the search for a diversity of opinions than on the formal and systematic consultation of a particular category of managers (section heads). They indicate that the Registrar formally consulted all his Directors in the last quarter of 2017. These points are not disputed;

(b) it was up to the Directors to pass on the message to their own section heads, in line with best practices in cascading;

(c) the formal consultation of the unit heads under the authority of the Directors of the Registry had not been systematically done for years, without calling for any dispute until then, and that the use of such an argument was unexpected.

217. At the time of the audit, the legal department of the Registry was referred to but had not given its conclusions.

218. The External auditor notes that:

(a) of the 17 signatories of the letter of 5 March 2018, 15 belonged to the Judicial Services Division;

(b) two of the members of this division were candidates to take over the Registrar's role;

(c) the External auditor has no reason to suspect anyone's intent. However, from a pure point of view of objective appearance, in the context of an election, it not advisable to accept situations which could be interpreted as potential conflicts of interests.

219. Beyond the consultation questions, the timetable for implementing the proposed reform was not impossible to maintain but very tense: the launch of a new objective-setting procedure in February 2018 for a cycle normally starting on 1 March or even, with the shift of one month, 1 April left little time for communication and training of those involved, which were essential given the number of people concerned; the reform occurred at the end of the Registrar's term of office, with a close election, and therefore in a context not conducive to reform.

**Finding:** The ICC has developed performance appraisal procedures, and their actual implementation is making progress. However, it has not succeeded in making appraisals more uniform between divisions.

In a tense context of a change in leadership with little time before the launch of a new cycle, the proposed regulation reforming the performance appraisal system was disputed, mainly for procedural reasons, and could not be validated.

**Recommendation 5:** In terms of performance appraisal, the External auditor recommends that the new Registrar:

- (a) quickly decide on the principle of the proposed change and, in the event of a positive conclusion, approve the procedure with the legal office and implement it;
- (b) whatever the chosen performance appraisal system, put in place a mechanism to make the appraisals of the various departments more homogenous.

**Finding:** Employees working at the International Criminal Court may be candidates for an elected position at the same Court. There is a risk that the positions that they may be led to take in the run-up to the election will be perceived by third parties, rightly or wrongly, as inspired by electoral concerns and not necessarily by the concern for better cooperation between people in a competitive position. Based on recent experience, it appears necessary to avoid the recurrence of objective conflict of interest situations that are detrimental to the effective functioning of the ICC.

**Recommendation 6:** The External auditor recommends to the Court to establish:

- (a) either an incompatibility between belonging to ICC staff and running for election;
- (b) or strict conditions guaranteeing the absence of exposure of the Court's departments to risks of conflicts of interest in the performance of the duties of the internal candidates for elected functions.

### 3. Atmosphere at the Court

#### (a) *Material data*

220. The premises of the International Criminal Court in The Hague are very recent and provide remarkable comfort to the employees.

221. The Court has a medical service. This service reports to the Division of Management Services (DMS), although the Chief Medical Officer would consider it more logical to report directly to the Registrar, as such a relationship would facilitate the task in emergency situations. It should be noted, however, that the Occupational Health Unit, or the Medical Unit as it was previously called, has already been relocated from the Human Resources to the Office of the Director DMS, in the context of the reorganization in the Registry precisely in order to give it a more prominent role and one with a more direct access to the senior management. Other Organizations have different organizational settings with such units still under HRS or reporting to management.

222. The average duration of leave varies little:

**Table 17 : Duration of leave**

	2015	2016	2017
Independent Oversight Mechanism	-	-	14
Judiciary	24	12	18
Office Internal Audit	-	-	3
Office of the Prosecutor	14	15	14
Project office for permanent premise	7	40	-
Registry	16	15	18
Secretariat-Assembly of States Parties	14	7	16
Trust Fund for Victims	31	58	36
<b>Grand Total</b>	<b>106</b>	<b>147</b>	<b>119</b>

Source: ICC.

223. It should be noted that the head of the medical service does not track statistics on absenteeism. She believes that these statistics – without the ability to cross reference the sick leave with the medical files – are only of limited interest in that they only reflect epidemics (particularly influenza) depending on the year.

224. She is considering establishing, with outside help, a mapping of medical problems at the ICC. At this stage, she has not obtained the necessary appropriations.

225. She believes that many of the ICC’s employees experience specific stress related to the nature of their cases, for which they are ill-prepared, especially with regard to translators and interpreters.

(b) *Qualitative data*

226. The Court does not conduct a staff survey to track the perception of those who work there of their activities and their working conditions.

227. One indicator is the number of employee disputes against the institution, or even the number of “complaints” expressed, it being observed that the interviews that the auditors conducted with various managers were always vague about the procedure for filing such “complaints” (letters to superiors, formal disputes, call to the internal audit team, etc.).

228. Since 1 January 2016, the Administrative Tribunal of the International Labor Organization (ILOAT) has issued 19 judgments on ICC staff disputes. This figure should be viewed in relation to a staff of just over a thousand employees.

229. The Court has won eight of these disputes. It lost in the eleven other disputes, which pertained in particular to the consequences of the “*ReVision*” project and the amount of the pension of two judges appointed before the last pension reform for judges.

230. The External auditor was also alerted to the existence of various complaints, in particular for moral harassment, without having been able to gather any details to estimate the number.

231. The high number of disputes brought before the courts undoubtedly reflects the concentration of lawyers within the institution. However, the sending of a letter to the Judges to dispute a proposed regulation, which is clearly outside any established legal framework, reflects an abnormally tense atmosphere and leads the External auditor to question the prevention of conflicts within the Court.

232. There are currently four methods of conflict resolution within the Court:

(a) recourse to the Staff Union, knowing that 61 percent of the employees contribute to it. The union has created a Staff Union Advisory Council, a group of representatives designated by it, who individually support staff members in their actions or professional complaints;

(b) the Medical Service, when health issues are involved;

(c) several executives who were recently trained in mediation from a Great Britain institute in cooperation with another international Organization based in The Hague. This is a new option, but it has already been used in at least in one case;

(d) the possibility of a complaint of alleged misconduct of an elected official on the basis of article 26 of the Rules of Procedure and Evidence and Rule 120 of the Regulations of the Court.

233. The issue arises as to a better controlled mechanism for resolving internal conflicts in an institution subject to recurrent tensions due to its type of activity, the small number of incentives, and the feeling, which may or may not be justified (cf. the section on careers in the Court, paragraphs 135 to 174), that the professional prospects remain limited.

234. The creation of an Ombudsman function would undoubtedly be an option to consider. The Division of Management Services and particularly the Human Resources Section believe that the ICC's headcount does not warrant a full-time job, which would be a significant cost. However, they feel that sharing the function within another court based in The Hague or the part-time use of the services of the United Nations Ombudsman (based in New York) is worth examining.

**Finding:** The ICC is experiencing internal tensions that are sometimes intense, but there are insufficient data to measure the true extent.

**Recommendation 7:** The External auditor recommends that the Court periodically (for example every 2-3 years) carry out an opinion survey to monitor changes in staff perceptions and to identify areas for improvement.

**Finding:** The ICC has a relatively high number of internal conflicts. The means of attempting to settle them without going to litigation remain limited.

**Recommendation 8:** The External auditor recommends that the ICC finalizes its thoughts on the establishment of an Ombudsman function to be shared with one or more nearby institutions.

(c) *Workplace wellness*

235. Workplace wellness workshops were conducted in 2017. The medical team, the Human Resources Section, and the Staff Union participated.

236. The goal was to define a well-being framework dealing with topics such as working environment, motivation, training, personal development, etc.

237. At the time of the audit, a draft well-being framework has been written. The External auditor, at the time of the audit, had not the opportunity to assess whether it was completely ready or not. At that time, no documents had been presented to the Coordination Council.

*(d) Ethics charter*

238. The Court does not have an ethics charter. This situation may be surprising given its mission.

239. However, the first chapter of the Staff Regulations, in article 1.2 on “fundamental values”, addresses various points that may be covered by such a charter: general rights and obligations, confidentiality, honorary distinctions, gifts or remuneration, conflicts of interest, employment and activities outside the Court, and use of the Court’s property.

240. Although it has real legal significance, it does not have the moral impact of an ethics charter binding the staff.

**Finding:** In its regulations, the International Criminal Court has a series of legal rules regarding ethics but without requiring its staff to adhere to a more complete “ethics charter”, which would add to the statutory aspect a moral message adapted to a jurisdiction.

**Recommendation 9:** The External auditor recommends that the ICC develop and publish an ethics charter.

*(e) Lack of a comprehensive HR yearly report*

241. Each year, the Court publishes an annual report on the management of its Human Resources.

242. This document is comprehensive, but it does not follow a pre-established format. It is more akin to an activity report than a procedure for quantified monitoring of changes in the main social parameters.

243. It would benefit from being supplemented with such data, with a view to providing mainly the same data every year for better monitoring.

**Finding:** The Court does not produce an annual “social report”.

**Recommendation 10:** The External auditor recommends supplementing the annual report on the Human Resources management presented to the CBF with:

(a) the inclusion of all information relevant of a comprehensive HR report, i.e., a standardized document, addressing all the quantitative aspects (workforce, diversity, absenteeism, performance, training, etc.);

(b) the definition of a stable standard for calculating the number of recruitments done during the year presented in the annual Human Resources report to the CBF;

(c) the improvement of tools for inventory and identification of STA recruitments, by tracking all assessment reports and by precisely measuring the number of STA recruitments to be mentioned in the Human Resources report.

#### IV. Follow-up of previous recommendations

244. It was decided during the audit works that the follow up of all previous recommendations would be merged, and would be displayed altogether by the External auditor in his report on the 2017 financial statements, whether the recommendations come from previous performance audits or from previous financial audits, in order to have a single dashboard on recommendations still pending or implemented.

## V. Conclusion

245. After a prolonged period of organizational restructuring, which has had severe negative effects on staff and which has led to low staff morale, HR management should seek stabilization of the environment for the various categories of workforce.

246. Most of External auditor's recommendations are based on that principle – that is why he did not attempt to propose any new structural reforms for the time being.

247. In this respect, the External auditor's recommendations aim at:

- (a) improving gender balance;
- (b) avoiding the adoption of HR operational rules specific to any organ of the Court, by supporting HR section's leading role in this domain;
- (c) encouraging all types of measures to ensure staff professional development and mobility;
- (d) putting in place adequate procedures and rules to prevent conflicts of interest and to resolve potential internal litigations;
- (e) developing a more comprehensive yearly information on HR Management.

## VI. Acknowledgements

248. The External auditor wishes to express deep appreciation to the Directors and staff members of the ICC for their reception and the accuracy of the information that they provided.

*End of audit observations.*



## Annex

### List of interviews

#### Office of the President

- Hiram Abtahi, Legal Adviser and Unit Head
- Mattias Hellman, External Relations Adviser

#### Chambers

- Kimberley Prost, Judge, Chamber

#### Office of the Prosecutor

- James Stewart, Deputy Prosecutor
- Marco Blasi,
- Minako Sugisaki,

#### Secretariat of the Assembly of States Parties

- Renan Villacis, Director

#### Secretariat of the Budget and Finance Committee and the Audit Committee

- Fakhri Dajani, Executive Secretary

#### Trust Fund

- Pieter de Baan, Executive Director of the Trust Fund for Victims

#### Independent Control Mechanism

- Judit Jankovic, Interim Head of the Independent Oversight Mechanism

#### Internal Audit

- Florence Bole, Director

#### Registry

- Ivan Alippi, Director, Division of Management Services
- Marc Dubuisson, Director, Division of Judicial Services
- Juan Escudero, Head of the Office of the Registrar
- Petar Djuric, Special Assistant in the Office of the Registrar
- Thomas Henquet, Head of the Legal Office of the Registrar
- Yuki Daijo, Deputy Head of the Legal Office of the Registrar
- Susanne Seegers, Head of the Human Resources Section
- Étienne Gouws, Head of the Operations Unit of the Human Resources Section
- Merle Kroll, Physician, Head of the OHU Unit
- Lassi Kuusinen, Head of the Security Section
- Tom Cashmore, Head of the Authorization Compliance Unit

#### Selections Review Panel

- Xavier Agirre, Chairman

#### Staff Union

- Ruth Frölich, President
- Géraldine Danhoui, 2nd Vice-President

## 2. Financial statements of the Trust Fund for Victims for the year ended 31 December 2017\*

### *Contents*

	<i>Page</i>
Letter of transmittal.....	491
Letter to the Registrar.....	491
Certification of Financial Statements.....	491
Independent auditor's opinion.....	492
Statement of financial position as at 31 December 2017.....	493
Statement of financial performance for the year ended 31 December 2017.....	494
Statement of changes in net assets/equity for the year ended 31 December 2017.....	494
Statement of cash flows for the year ended 31 December 2017.....	495
Statement of comparison of budget and actual amounts for the year ended 31 December 2017.....	495
Notes to the financial statements.....	496
1. The Trust Fund for Victims and its objectives.....	496
2. Summary of significant accounting and financial reporting policies.....	496
3. Cash and cash equivalents.....	500
4. Prepayments.....	501
5. Receivables.....	501
6. Provisions.....	501
7. Deferred revenue and accrued expenses.....	502
8. Net assets/equity.....	502
9. Revenue.....	502
10. Expenses.....	503
11. Statement of comparison of budget and actual amounts.....	503
12. Segment reporting.....	504
13. Commitments.....	506
14. Related party disclosures.....	506
15. Events after the reporting date.....	506
Annex.....	507
Schedule 1.....	507
Final audit report on the financial statements of the Trust Fund for Victims for the period ended 31 December 2017.....	508

---

Previously issued as ICC-ASP/17/13.

## Letter of transmittal

12 June 2018

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 2017.

Peter Lewis  
Registrar

Michel Camoin  
External Audit Director  
Cour des Comptes,  
13 rue Cambon,  
75100 Paris Cedex 01  
France

## Letter to the Registrar

12 June 2018

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

12 June 2018

The financial statements and supporting notes are approved.

Motoo Noguchi  
Chair, Board of Directors of the Trust Fund for Victims

## Independent auditor's opinion

### Opinion

1. We have audited the Financial Statements of the Trust Fund for Victims (TFV), for the 12 month period ended 31 December 2017. These Financial Statements include a Statement of Financial Position as at 31 December 2017, 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.
2. 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 2017, 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 months period ending 31 December 2017 in conformity with the International Public Sector Accounting Standards (IPSAS).

### Basis for Opinion

3. 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. As required by the Charter of Ethics of the *Cour des comptes*, we guarantee the independence, the fairness, the neutrality, the integrity and the professional discretion of the auditors. Furthermore, we also fulfilled our other ethical obligations in compliance with the Code of Ethics of the International Organization of Supreme Audit Institutions (INTOSAI). The responsibilities of the auditor are more extensively described in the section "Auditor's Responsibilities for the Audit of the Financial Statements".
4. We believe that the audit evidence collected is sufficient and appropriate to constitute a reasonable basis for our opinion.

### Management's Responsibilities for the Financial Statements

5. 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. These statements are in conformity with the 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.

### Auditor's Responsibilities for the Audit of the Financial Statements

6. The goal of the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
7. An audit therefore consists in implementing audit procedures in order to collect audit evidence regarding the amounts and the information presented in the financial statements. The External Auditor takes into account the internal control in effect in the entity, relative to the establishment and preparation of financial statements, so as to define appropriate audit procedures in the circumstances, and not with the aim of expressing an opinion on the effectiveness of this control. The choice of the audit procedures is based on the External Auditor's professional judgment, as is the case for the risk evaluation of the financial statements, for the assessment of the appropriateness of the accounting policies and of the accounting estimates, and for the overall presentation of the financial statements.

(Signed)  
Didier Migaud

## Statement I

### Trust Fund for Victims - Statement of financial position as at 31 December 2017 (in thousands of euros)

	<i>Note</i>	<i>2017</i>	<i>2016</i>
<b>Assets</b>			
<i>Current assets</i>			
Cash and cash equivalents	3	14,650	12,640
Prepayments	4	156	561
Receivables	5	528	76
<i>Total current assets</i>		<i>15,334</i>	<i>13,277</i>
<i>Non-current assets</i>			
Receivables	5	505	586
<i>Total non-current assets</i>		<i>505</i>	<i>586</i>
<b>Total assets</b>		<b>15,839</b>	<b>13,863</b>
<b>Liabilities</b>			
<i>Current liabilities</i>			
Provisions	6	473	364
Deferred revenue and accrued expenses	7	204	-
<i>Total current liabilities</i>		<i>677</i>	<i>364</i>
<i>Non-current liabilities</i>			
Provisions	6	1,302	-
<i>Total non-current liabilities</i>		<i>1,302</i>	<i>-</i>
<b>Total liabilities</b>		<b>1,979</b>	<b>364</b>
<b>Net assets/equity</b>	<b>8</b>	<b>13,860</b>	<b>13,499</b>
<b>Total liabilities and net assets/equity</b>		<b>15,839</b>	<b>13,863</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 2017 (in thousands of euros)

	<i>Note</i>	<i>2017</i>	<i>2016</i>
<b>Revenue</b>			
Assessed contributions	9	2,174	1,885
Voluntary contributions	9	2,878	1,727
Financial revenue	9	6	20
<b>Total revenue</b>		<b>5,058</b>	<b>3,632</b>
<b>Expenses</b>			
Administrative expenses	10	1,435	1,677
Programme expenses	10	3,213	2,224
<b>Total expenses</b>		<b>4,648</b>	<b>3,901</b>
<b>Surplus/(deficit) for the period</b>		<b>410</b>	<b>(269)</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 2017 (in thousands of euros)

	<i>Assistance Programme</i>	<i>Reparations Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total Net assets/equity</i>
<b>Opening balance as at 1 January 2016</b>	<b>8,919</b>	<b>4,800</b>	<b>203</b>	<b>13,922</b>
<b>Movement in net assets/equity in 2016</b>				
Surplus/(deficit)	(491)	-	222	(269)
Credits to States Parties/donors	-	-	(154)	(154)
Transfer to reserve	(200)	200	-	-
<i>Total movements during the year</i>	<i>(691)</i>	<i>200</i>	<i>68</i>	<i>(423)</i>
<b>Total net assets/equity as at 31 December 2016</b>	<b>8,228</b>	<b>5,000</b>	<b>271</b>	<b>13,499</b>
<b>Movement in net assets/equity in 2017</b>				
Surplus/(deficit)	1,354	(1,703)	759	410
Credits to States Parties/donors	-	-	(49)	(49)
Transfer to reserve	(500)	500	-	-
<i>Total movements during the year</i>	<i>854</i>	<i>(1,203)</i>	<i>710</i>	<i>361</i>
<b>Total net assets/equity as at 31 December 2017</b>	<b>9,082</b>	<b>3,797</b>	<b>981</b>	<b>13,860</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 2017 (in thousands of euros)

	2017	2016
<b>Cash flows from operating activities</b>		
Surplus/(deficit) for the period (Statement II)	410	(269)
Unrealized foreign exchange differences	2	1
(Increase)/decrease in time deposits	-	-
(Increase)/decrease in receivables	(371)	(412)
(Increase)/decrease in prepayments	405	(75)
Increase/(decrease) in accounts payable	-	-
Increase/(decrease) in deferred revenue and accrued expenses	204	-
Increase/(decrease) in provisions	1,411	364
Less: interest income	(6)	(20)
<i>Net cash flows from operating activities</i>	<i>2,055</i>	<i>(411)</i>
<b>Cash flows from investing activities</b>		
Plus: interest received	6	20
<i>Net cash flows from investing activities</i>	<i>6</i>	<i>20</i>
<b>Cash flows from financing activities</b>		
Credits to States Parties	(49)	(154)
<i>Net cash flows from financing activities</i>	<i>(49)</i>	<i>(154)</i>
<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>2,012</b>	<b>(545)</b>
Unrealized foreign exchange gains/losses on cash and cash equivalents	(2)	(1)
Cash and cash equivalents at beginning of financial period	12,640	13,186
<b>Cash and cash equivalents at 31 December (Statement I)</b>	<b>14,650</b>	<b>12,640</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 2017 (in thousands of euros)

<i>Object of expenditure*</i>	<i>Appropriation approved</i>	<i>Total expenditure</i>	<i>Total surplus</i>
Staff costs	1,014	746	268
General temporary assistance	479	383	96
<i>Sub-total staff costs</i>	<i>1,493</i>	<i>1,129</i>	<i>364</i>
Travel	300	235	65
Hospitality	3	1	2
Contractual services	310	335	(25)
Training	35	3	32
General operating expenses	20	1	19
Supplies and materials	3	-	3
Furniture & Equipment	10	-	10
<i>Sub-total non-staff costs</i>	<i>681</i>	<i>575</i>	<i>106</i>
<b>Total</b>	<b>2,174</b>	<b>1,704</b>	<b>470</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 (“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:

(c) 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; and

(d) The Trust Fund advances funds to implementing partners on the basis of contractual provisions. The status of funds advanced is disclosed in Schedule 1.

## 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 assessed for funding the activities of the Secretariat, net of expenses incurred against these assessments. 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 with conditions 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 not more or less favourable than those done at arm's length in the same circumstances between the Trust Fund and its related parties will not be considered as related party transactions and therefore will not be disclosed.

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 disclosed. 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 the corresponding revenue is 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 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 three segments: reparations programme, assistance programme and Secretariat of the Trust Fund.

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 11, considering that the full accrual accounting and modified cash basis budget differ.

## 3. Cash and cash equivalents

<i>In thousands of euros</i>	2017	2016
Cash at bank – current account	2,823	816
Cash at bank – savings account	11,827	11,824
<b>Total</b>	<b>14,650</b>	<b>12,640</b>

3.1 Cash and cash equivalents contain restrictions on their availability for use depending upon the segment to which they relate (see note 11 for segment information). Cash and cash equivalents include amounts equivalent to €0 thousand (2016: €35 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 0.05 per cent.

#### 4. Prepayments

<i>In thousands of euros</i>	2017	2016
Advances to implementing partners	156	561
<b>Total</b>	<b>156</b>	<b>561</b>

#### 5. Receivables

<i>In thousands of euros</i>	2017	2016
Voluntary contributions receivable	30	-
Refunds due from implementing partners	19	-
Secretariat's surplus for 2015	-	49
Secretariat's surplus for 2016	476	586
Secretariat's surplus for 2017	505	-
Other receivables from the Court	-	18
Accrued interest	3	9
<b>Total</b>	<b>1,033</b>	<b>662</b>

5.1 For detailed information on receivables from the Court, refer to note 2.19.

5.2 Voluntary contributions receivable represent an amount pledged in December 2017 and transferred to the Trust Fund in January 2018.

5.3 Refunds due from implementing partners represent an unspent balance of the advance paid for a reparations project in DRC to be repaid to the Trust Fund.

#### 6. Provisions

<i>In thousands of euros</i>	2017	2016
Provision for termination benefits	-	364
Provision for Reparation awards	1,775	-
<b>Total</b>	<b>1,775</b>	<b>364</b>

##### Changes in Provisions

<i>In thousands of euros</i>	<i>Termination benefits provision</i>	<i>Provision for reparation awards</i>
Provision as at 1 January 2017	364	-
Decrease due to payments	(111)	-
Decrease due to reversals	(253)	-
Increase in provision	-	1,775
<b>Provision as at 31 December 2017</b>	<b>-</b>	<b>1,775</b>

6.1 Provision for reparation awards pertain to the complementary funding provided by the Trust Fund towards the payment of the reparations awards due to the indigence of the convicted persons. Pursuant to regulation 56 of the Regulations of the Trust Fund for Victims (ICC-ASP/4/Res.3) a decision to complement a reparations award is a

discretionary decision within the sole authority of the Board and is governed by the factors set out in the regulation, such as ensuring a complement does not prejudice its assistance mandate activities and taking particular account of ongoing legal proceedings that may give rise to other reparations awards that may require a complement.

6.2 In 2017 the Board of Directors of the Trust Fund made decisions to complement the reparation awards in the cases of *The Prosecutor v. Thomas Lubanga Dyilo* (ICC-01/04-01/06) in the amount of €1 million and *The Prosecutor v. Germain Katanga* (ICC-01/04-01/07) in the amount of US\$1 million.

## 7. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	2017	2016
Deferred voluntary contributions	200	-
Accrued Expenses	4	-
<b>Total</b>	<b>204</b>	<b>-</b>

7.1 Deferred voluntary contributions revenue represents an earmarked contribution received in December 2017 for the delivery of targeted assistance to victims of sexual and gender-based violence in the countries of Sub-Saharan Africa. The activities funded under this contribution agreement will commence in 2018.

## 8. Net assets/equity

<i>In thousands of euros</i>	2017	2016
Reparations programme	3,797	5,000
Assistance programme	9,082	8,228
Secretariat of the Trust Fund	981	271
<b>Total</b>	<b>13,860</b>	<b>13,499</b>

## 9. Revenue

<i>In thousands of euros</i>	2017	2016
<i>Assessed contributions</i>	2,174	1,885
<i>Voluntary contributions</i>		
Earmarked contributions	383	57
Non-earmarked contributions	2,495	1,670
<i>Sub-total voluntary contributions</i>	2,878	1,727
<i>Financial revenue</i>		
Interest revenue	6	20
<i>Sub-total financial revenue</i>	6	20
<b>Total</b>	<b>5,058</b>	<b>3,632</b>

### Contributions in kind

9.1 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

## 10. Expenses

<i>In thousands of euros</i>	2017	2016
Administrative expenses	1,435	1,677
Reparations expenses	1,903	-
Sexual and gender-based violence project expenses	158	1,262
Other Assistance project expenses	1,152	962
<b>Total</b>	<b>4,648</b>	<b>3,901</b>

10.1 In 2017 one ex-gratia payment for €10,072 was made.

## 11. Statement of comparison of budget and actual amounts

11.1 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.

11.2 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.

11.3 Differences in basis occur when the approved budget is prepared on a basis other than the accounting basis, as stated in paragraph 11.1 above.

11.4 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.

11.5 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.

11.6 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.

11.7 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 2017 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>470</b>	<b>-</b>	<b>-</b>	<b>470</b>
Basis differences	1,355	-	-	1,355
Presentation differences	43	6	(49)	-
Entity differences	188	-	-	188
<b>Actual amount in the Statement of cash flows (Statement IV)</b>	<b>2,055</b>	<b>6</b>	<b>(49)</b>	<b>2,012</b>

11.8 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.

11.9 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 2017.

## 12. Segment Reporting

### Statement of financial position by segment as at 31 December 2017

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
<b>Assets</b>				
<i>Current assets</i>				
Cash and cash equivalents	5,557	9,093	-	14,650
Prepayments	-	156	-	156
Receivables	19	33	476	528
<i>Total current assets</i>	<i>5,576</i>	<i>9,282</i>	<i>476</i>	<i>15,334</i>
<i>Non-current assets</i>				
Receivables	-	-	505	505
<i>Total non-current assets</i>	<i>-</i>	<i>-</i>	<i>505</i>	<i>505</i>
<b>Total assets</b>	<b>5,576</b>	<b>9,282</b>	<b>981</b>	<b>15,839</b>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Provisions	473	-	-	473
Deferred revenue	4	200	-	204
<i>Total current liabilities</i>	<i>477</i>	<i>200</i>	<i>-</i>	<i>677</i>
<i>Non-current liabilities</i>				
Provision	1,302	-	-	1,302
<i>Total non-current liabilities</i>	<i>1,302</i>	<i>-</i>	<i>-</i>	<i>1,302</i>
<b>Total liabilities</b>	<b>1,779</b>	<b>200</b>	<b>-</b>	<b>1,979</b>
<b>Net assets/equity</b>	<b>3,797</b>	<b>9,082</b>	<b>981</b>	<b>13,860</b>
<b>Total liabilities and net assets/equity</b>	<b>5,576</b>	<b>9,282</b>	<b>981</b>	<b>15,839</b>

### Statement of financial performance by segment for the year ended 31 December 2017

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
<b>Revenue</b>				
Assessed contributions	-	-	2,174	2,174
Voluntary contributions	200	2,678	-	2,878
Financial revenue	-	6	-	6
<b>Total revenue</b>	<b>200</b>	<b>2,684</b>	<b>2,174</b>	<b>5,058</b>



<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
<b>Expenses</b>				
Administrative expenses	-	20	1,415	1,435
Sexual and gender-based violence project expenses	-	158	-	158
Other assistance project expenses	-	1,152	-	1,152
Reparations expenses	1,903	-	-	1,903
<b>Total expenses</b>	<b>1,903</b>	<b>1,330</b>	<b>1,415</b>	<b>4,648</b>
<b>Surplus/(deficit) for the period</b>	<b>(1,703)</b>	<b>1,354</b>	<b>759</b>	<b>410</b>

#### Statement of financial position by segment as at 31 December 2016

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
<b>Assets</b>				
<i>Current assets</i>				
Cash and cash equivalents	5,000	7,640	-	12,640
Prepayments	-	561	-	561
Receivables	-	27	49	76
<i>Total current assets</i>	<i>5,000</i>	<i>8,228</i>	<i>49</i>	<i>13,277</i>
<i>Non-current assets</i>				
Receivables	-	-	586	586
<i>Total non-current assets</i>	<i>-</i>	<i>-</i>	<i>586</i>	<i>586</i>
<b>Total assets</b>	<b>5,000</b>	<b>8,228</b>	<b>635</b>	<b>13,863</b>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Provisions	-	-	364	364
<i>Total current liabilities</i>	<i>-</i>	<i>-</i>	<i>364</i>	<i>364</i>
<b>Total liabilities</b>	<b>-</b>	<b>-</b>	<b>364</b>	<b>364</b>
<b>Net assets/equity</b>	<b>5,000</b>	<b>8,228</b>	<b>271</b>	<b>13,499</b>
<b>Total liabilities and net assets/equity</b>	<b>5,000</b>	<b>8,228</b>	<b>635</b>	<b>13,863</b>

#### Statement of financial performance by segment for the year ended 31 December 2016

<i>In thousands of euros</i>	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total</i>
<b>Revenue</b>				
Assessed contributions	-	-	1,885	1,885
Voluntary contributions	-	1,727	-	1,727
Financial revenue	-	20	-	20
<b>Total revenue</b>	<b>-</b>	<b>1,747</b>	<b>1,885</b>	<b>3,632</b>
<b>Expenses</b>				
Administrative expenses	-	14	1,663	1,677
Sexual and gender-based violence project expenses	-	1,262	-	1,262
Other assistance project expenses	-	962	-	962
<b>Total expenses</b>	<b>-</b>	<b>2,238</b>	<b>1,663</b>	<b>3901</b>
<b>Surplus/(deficit) for the period</b>	<b>-</b>	<b>(491)</b>	<b>222</b>	<b>(269)</b>

### 13. Commitments

13.1 At 31 December 2017, the Trust Fund had contractual commitments amounting to €87 thousand based on contracts concluded with implementing partners.

### 14. Related party disclosures

14.1 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.

14.2 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.

14.3 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	7	185	-

14.4 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>
Key management personnel	29	1	95	125

14.5 The Court and the Trust Fund are related parties as they are subject to common control by the Assembly.

14.6 The receivable from the Court at year end amounted to €81 thousand. In 2017, the Assembly approved an appropriation of €2,174 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 €1,704 thousand. The unspent amount of appropriations for the current and prior period is pending credit to States Parties.

14.7 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

### 15. Events after the reporting date

15.1 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.

## Annex

## Schedule 1

## Status of projects as at 31 December 2017

Annual project / PO	Project currency	Budget	Outstanding advances at 1 January 2017	Advances Paid	Advances Justified	Outstanding advances at 31 December 2017 / refunds due	Budget spending (including prior years)
5100095 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	20,545	15,000	35,545	0	100,000
5100096 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	16,507	15,000	31,507	0	100,000
5100097 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	14,856	15,000	29,856	0	100,000
5100098 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	32,567	15,000	47,567	0	100,000
5100099 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	21,773	15,000	36,773	0	100,000
5100101 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	11,286	15,000	26,286	0	100,000
5100110 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	0	85,000	71,631	13,369	71,631
5100111 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	0	85,000	67,581	17,419	67,581
5100112 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	0	85,000	75,890	9,110	75,890
5100113 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	0	85,000	46,877	38,123	46,877
5100114 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	0	85,000	73,610	11,390	73,610
5100115 - Integrated physical and psychological rehabilitation assistance for victims in Northern Uganda	EUR	100,000	0	85,000	71,720	13,280	71,720
5100093 - Provision of the capacity building, advocacy and medical rehabilitation for Northern Uganda victims of war	EUR	245,500	5,483	36,853	42,336	0	245,500
5100109 - Provision of the capacity building, advocacy and medical rehabilitation for Northern Uganda victims of war	EUR	258,870	129,435	129,435	220,040	38,830	220,040
5100106 - Identification et evaluation des prejugices psychologiques, physique et socioeconomique des jeunes ayant participe dans les groupes armes de 2002-2003 en Ituri	USD	15,000	7,500	7,500	15,000	0	15,000
5100090 - Provision of psychological rehabilitation and material support to victims in the DRC	USD	35,000	0	1,750	1,750	0	35,000
5100104 - Provision of psychological rehabilitation to victims in the DRC	USD	44,000	6,556	6,600	13,156	0	44,000
5100103 - Provision of psychological rehabilitation and material support to war victims in DRC	USD	55,000	19,886	8,250	28,136	0	55,000
5100105 - Provision of psychological rehabilitation and material support to victims in the DRC	USD	55,000	22,421	8,250	30,671	0	55,000
5100107 - Provision of psychological rehabilitation and re-scholarship of victims in the DRC	USD	55,000	13,537	8,250	21,787	0	55,000
5100056 - Provision of psychological rehabilitation and material support to victims in the DRC	USD	120,000	9,891	0	9,891	0	52,355
5100092 - Provision of quality substantial mental health services for traumatised war-affected populations in Northern Uganda	USD	340,000	51,000	0	51,000	0	340,000
5100108 - Provision of quality substantial mental health services for traumatised war-affected populations in Northern Uganda	USD	390,000	195,000	195,000	372,711	17,289	372,711
<b>Reparations Mandate</b>							
4701199 - Katanga case reparations - indiv. awards DRC	USD	74,250	0.00	70,000	74,250	0	74,250
5100102 - Identification et evaluation des prejugices psychologiques, physique et socioeconomique des jeunes ayant participe dans les groupes armes de 2002-2003 en Ituri	USD	112,000	10,128	38,983	26,033	23,078	71,595

# Final audit report on the financial statements of the Trust Fund for Victims for the period ended 31 December 2017

## Contents

I.	Audit objectives, scope and approach.....	508
II.	Recommendations.....	508
III.	Follow-up on prior year recommendations.....	509
IV.	Summary of the financial position.....	511
V.	Main findings and recommendations.....	511
	A. Mandates of the TFV.....	511
	B. Reparations mandate.....	512
VI.	Acknowledgements.....	513

## I. Audit objectives, scope and approach

1. We have audited the financial statements of the Trust Fund for Victims (TFV). The audit was conducted in accordance with the International Standards on Auditing (ISSAI and ISA<sup>1</sup>) 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 the Court and all trust funds including The Trust Fund for Victims, disclosed in paragraph 6 (c) of the annex 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 (Assembly), 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.

4. The audit mission consisted of two phases:

(a) An interim audit (from 4 to 15 December 2017) focusing on aspects relating to internal control and International Public Sector Accounting Standards (IPSAS); and

(b) A final audit (from 28 May to 8 June 2018) focusing on the financial statements and IPSAS disclosure requirements, as well as financial and governance controls.

5. A closing meeting with the Executive Director of the Trust Fund for Victims and his staff was held on 7 June 2018. This report has been prepared taking into account the written comments sent by the Trust Fund for Victims on 2 July 2018.

6. We express an **unqualified opinion** on the financial statements of the Trust Fund for Victims for the financial year ended 31 December 2017.

## II. Recommendations

*Recommendation 1:* In order to be able to accurately substantiate all of its commitments related to the enforcement of the reparations awards, the External Auditor recommends that (a) the TFV Secretariat have access to the victim identification software (VAMS) and that (b) additional IT developments be configured to take account of the specific needs of the

<sup>1</sup> International Standards of Supreme Audit Institutions.

reparations activity (eligibility status, individual and/or collective reparations, status of implementation of reparations, justification of granted sums, relations with the victims' legal representative, etc.).

### III. Follow-up on prior year recommendations

7. The External Auditor reviewed implementation of recommendations arising from prior year audits of the financial statements.

**Table 1: Follow-up on previous recommendations**

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
2016-1	Financial statements	The External Auditor recommends that the TFV Secretariat add an extra note to the financial statements giving a fair view of each project's status, detailing the following information : (a) the annual budget allocated to each project; (b) advances paid, including those justified and those yet to be justified; and (c) actual expenditure over the period.  This detailed note would make it possible to reconcile actual amounts paid out during the year with those shown in the financial statements.	X		
2016-2	Monitoring of local partner's audit reports	The External Auditor recommends that the TFV Secretariat systematically require its local partners to provide audit reports, and that it conduct methodical formalized monitoring of recommendations set out in these reports, in order to continually improve the quality of action taken by implementing partners.		X	
2015-2	Field operations	The External Auditor recommends that the TFV Secretariat implement financial training initiatives for field programme officers.		X	
2015-3	Field operations	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.		X	
2015-4	Field operations	To ensure effective project monitoring and control, the External Auditor recommends that the TFV Secretariat strengthen the field teams.		X	
2014/1	Delegation of the Registrar's administrative authority	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: (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; and (ii) 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.  (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 States Parties, to guarantee a smooth decision making process and avoid unnecessary delays and tensions.			X

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Partially Implemented</i>	<i>Not implemented</i>	<i>Not implemented</i>
2014/2	Management roles and responsibilities	The External Auditor recommends putting an end to existing managerial ambiguities within the 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 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 the TFV, which identifies roles and responsibilities and avoids any confusion.	X		
<b>Total number of recommendations: 7</b>			1	5	1

8. Recommendation 2016-1 is considered implemented following the addition of an appendix to the notes presenting the status of projects.

9. Recommendation 2016-2 is considered partially implemented. The TFV decided to use the services of a local auditor to audit all the programmes in Uganda carried out by implementing partners. According to the TFV, the recommendation should be fully implemented starting in 2019.

10. Recommendation 2015-2 is considered partially implemented. The Finance Officer was recruited in April 2018 by the TFV. He is in charge of overseeing internal control, accounting and financial issues, and quality of internal procedures. The TFV plans to organize two training sessions in July 2018 for the teams in charge of field programmes on the themes “Fighting fraud in NGOs” and “Assessing financial health of implementing partners”.

11. Recommendation 2015-3 is considered partially implemented, given that the TFV has established four spot checks on its projects carried out in the Democratic Republic of Congo. The TFV is currently working on harmonizing, strengthening, and formalizing these controls. The External Auditor feels that the documentation of current controls should be reinforced, particularly by repatriating copies of the records tested and analysed by the field programme managers during the controls and sent to the head office. The TFV believes that the implementation of this recommendation will be possible when P2-level Associate Field Programme Officers are recruited in Côte d’Ivoire and Uganda.

12. Recommendation 2015-4 is considered partly implemented, following the budget approval by the Assembly of States Parties in November 2016. It authorizes the establishment of the TFV’s new organizational structure. In May 2018, the TFV considered a significant recruitment plan to fill existing and newly necessary posts. In its 2019 budget proposal, the TFV plans to increase the number of positions to meet the new requirements relating to the payments of reparations to victims.

13. Recommendation 2014-1 is considered not implemented. The TFV and the Registry are considering developing a global framework for delegating the administrative authority of the Registrar of the Court to the Executive Director and to the TFV’s programme managers. When setting up the administrative delegation, the roles and responsibilities of each person will need to be examined, including the new functions provided for in the TFV’s new organizational structure. The implementation of this recommendation will not be possible until the RACI (Responsible Accountable Consulted Informed) matrix has been finalized.

14. Recommendation 2014-2 is considered partially implemented. The TFV’s new structure and the new job descriptions more clearly indicate the reporting relationships and the responsibilities within the Secretariat, but some adjustments are still needed. The RACI matrix is still under development, as it requires the participation of all staff before it can be finalized.

## IV. Summary of the financial position

15. The TFV's statement of financial performance shows a surplus of €0.410 million compared with a deficit of €0.269 million in 2016. This change is mainly due to the increase in voluntary contributions and assessed contributions, which increased by €1.151 million (+66 per cent) and €0.289 million (+15 per cent) respectively in 2017. The TFV had a more proactive approach to mobilize voluntary contributions from donors in order to meet the new needs created by the victim reparations ordered by the Court. Programme expenses increased by €0.989 million (+44.5 per cent), whereas administrative expenses decreased by €0.242 million (-14 per cent). Note that the TFV terminated the first programme cycle of its assistance mandate in the Democratic Republic of Congo in 2017, while completing the procurement process for a new programme cycle of five years in 2018.

16. In addition, for the first time, the TFV is carrying out its reparations mandate in the Democratic Republic of Congo with Mr Katanga's victims. On 24 March 2017, the Court's Trial Chamber II awarded reparations to the victims of crimes committed by Mr Katanga<sup>2</sup> on 24 February 2003 during an attack on the village of Bogoro in the Ituri district of the Democratic Republic of Congo. The Chamber awarded individual reparations to Mr Katanga's 297 victims, with symbolic compensation of US\$250 for each victim, as well as four targeted collective reparations, in the form of a housing assistance, support for an income-generating activity, an educational assistance, and psychological support.

17. In accordance with regulation 56 of the TFV (ICC-ASP/4/Res.3), the Board of the Directors of the Trust Fund decided in 2017 to supplement the proceeds for enforcing the reparations decisions with 'other resources' for the Katanga and Lubanga<sup>3</sup> cases, which resulted in the recognition of a provision of €1.775 million in the financial statements.

18. The statement of financial position improved overall from €13.863 million in 2016 to €15.839 million in 2017.

## V. Main findings and recommendations

### A. Mandates of the TFV

19. The TFV, established by article 79 of the Rome Statute, was created by a decision of the Assembly of States Parties in 2002 and began field operations in 2008.

20. The TFV has the following mandates:

(a) An assistance mandate, which includes three forms of intervention: physical rehabilitation, psychological rehabilitation and material support. Using donors' voluntary contributions, the TFV provides assistance to victims and their families whose situation falls under the jurisdiction of the Court. The assistance mandate is a way of providing an immediate, non-judicial response to the urgent needs of victims (and their communities) who have suffered harm as a result of the commission of crimes falling under the Court's jurisdiction. The assistance mandate makes it possible to help victims without taking into consideration who committed the crimes; and

(b) The reparations mandate, which involves implementing awards for reparations ordered by the Court against a convicted person.

21. With regard to its assistance mandate, the TFV continued its activities in Uganda thanks to its implementing partners, carrying out physical and psychological rehabilitation actions (€0.877 million), while all assistance projects were finalized in the Democratic Republic of Congo (US\$0.120 million) in 2017.

22. With regard to its reparations mandate, the TFV implemented the individual reparations awards ordered to the victims in the Katanga case in the Democratic Republic

<sup>2</sup> ICC-01/04-01/07.

<sup>3</sup> ICC-01/04-01/06.

of Congo in 2017. The collective reparations for the Katanga and Lubanga cases are expected to be implemented in 2018.

23. The TFV is organised as follows: the Secretariat is responsible for managing administrative and financial procedures, searching for donors and controlling project budgets. Field programme managers carry out operational project monitoring. They are responsible for the oversight and guidance of physical and financial project implementation by the Trust Fund's implementing partners, as well as of the quality of financial and operational results reporting by implementing partners.

24. The implementing partners are remunerated according to a standard scheme whereby 50 per cent of the contract amount is granted as an advance upon the signing of the contract, 35 per cent is paid during the project according to the implementation of the programme, and the remaining 15 per cent is paid after final determination of project completion.

25. The External Auditor reviewed all the projects for which expenditure totalled €3.213 million in 2017, compared with €2.224 million in 2016.

26. The External Auditor also assessed the project execution control system set up by the TFV Secretariat over financial year 2017. This approach resulted in a review of procedures, follow-up on prior year recommendations, and detailed testing of all the projects in progress. The External Auditor did not carry out any assignments on the TFV's fields of intervention.

27. The External Auditor generally noted that the prior year recommendations had begun to be implemented, including:

- (a) The decision to use a local auditor's services in the near future to audit the assistance operations implemented by implementing partners for each country;
- (b) The scheduling of training for the teams in charge of field programmes; and
- (c) The drafting of an internal procedure defining the inspection areas and the key controls to be carried out, with a weighting of the conclusions within the framework of spot checks on its projects.

28. The External Auditor encourages the TFV to expand its control manual and to extend the spot check approach to all intervention programmes. The External Auditor feels that the documentation of current controls should also be reinforced, particularly by repatriating copies of the records tested and analysed by the field programme managers during the controls and sent to the Head Office.

## **B. Reparations mandate**

29. Following the issuance of various orders in recent years relating to the Lubanga, Katanga, and Al Mahdi cases, the TFV is now in a position to grant reparations to the victims, taking into consideration the need for sufficient resources.

30. The Regulations of the Trust Fund for Victims provide for two options for identifying eligible victims:

- (a) The Court identifies each beneficiary eligible for reparations and entrusts the list of such beneficiaries to the TFV; or
- (b) The Court does not identify the beneficiaries, leaving the TFV responsible for coordinating with the Public Information and Outreach Section and the Victims Participation and Reparations Section in charge of the screening of beneficiaries to analyse the eligibility of beneficiaries.

31. The TFV is then responsible for paying the reparations either directly or through intermediaries (states, intergovernmental organizations, and national or international non-governmental organizations). The TFV must ensure that the reparations have been received by the beneficiaries and account for them.



Although the reparations activity was incipient in 2017, the External Auditor draws the States' attention to the internal control impacts of implementing individual reparations for the TFV.

They require significant effort in terms of legal expertise, traceability, and documentation of information to be used in the preparation of financial statements (completeness, reality, accuracy of commitments, and rights and obligations). However, the TFV's current structure cannot ensure such a level of rigour, especially given the number of potential victims considered depending on the case (for example, the decision of Trial Chamber II in the Lubanga case mentions hundreds or even thousands of victims<sup>4</sup>).

32. If the current internal controls are not adapted, this situation will create uncertainties as to the completeness, reality, and accuracy of the commitments, which could lead to significant difficulties in terms of certification.

**Recommendation 1:** In order to be able to accurately substantiate all of its commitments related to the enforcement of the reparations awards, the External Auditor recommends that (a) the TFV Secretariat have access to the victim identification software (VAMS) and that (b) additional IT developments be configured to take account of the specific needs of the reparations activity (eligibility status, individual and/or collective reparations, status of implementation of reparations, justification of granted sums, relations with the victims' legal representative, etc.).

## VI. Acknowledgements

33. 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 team during the audit.

*End of audit observations.*

---

<sup>4</sup> ICC-01/04-01/06 of 21 December 2017, para. 280.