

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

**NINETEENTH SESSION  
THE HAGUE, 14 -16 DECEMBER 2020**

**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/19/20  
International Criminal Court publication  
ISBN No. 92-9227-375-2

Copyright © International Criminal Court 2020  
All rights reserved  
Printed by Ipskamp, The Hague

*Content*

Part A		
Proposed Programme Budget for 2021 of the International Criminal Court		<i>Page</i>
.....		4
Part B		
Reports of the Committee on Budget and Finance .....		225
1. Report of the Committee on Budget and Finance on the work of its thirty-fourth session, May and June 2020		
.....		225
2. Report of the Committee on Budget and Finance on the work of its thirty-fifth session September 2020		
.....		244
Part C		
Related documents		304
1. Financial statements of the International Criminal Court for the year ended 31 December 2019		
.....		304
2. Financial statements of the Trust Fund for Victims for the year ended 31 December 2019		
.....		381

## Part A

### Proposed Programme Budget for 2021 of the International Criminal Court\*

<i>Content</i>	<i>Pages</i>	<i>Paragraph</i>
List of abbreviations and acronyms .....	6	
Foreword by the Principals of the International Criminal Court.....	8	
I. Overview of the Proposed Programme Budget for 2021, budget priorities and..... operating parameters.....	10	1-38
A. Introduction .....	10	1-10
B. High-level Court-wide strategic budget priorities and main cost drivers for 2021.....	12	11-30
C. Macroanalysis.....	15	31-33
D. Savings and efficiencies .....	16	34-38
II. Proposed Programme Budget for 2021 .....	19	39-755
A. Major Programme I: Judiciary.....	19	39-105
1. Programme 1100: The Presidency .....	21	44-61
2. Programme 1200: Chambers .....	26	62-105
B. Major Programme II: Office of the Prosecutor.....	34	106-358
1. Programme 2100: Immediate Office of the Prosecutor.....	48	195-283
(a) Sub-programme 2110: Immediate Office of the Prosecutor and Legal Advisory Section.....	49	198-220
(b) Sub-programme 2120: Services Section.....	548	221-258
(c) Sub-programme 2160: Information, Knowledge and Evidence Management Section.....	64	259-283
2. Programme 2200: Jurisdiction, Complementarity and Cooperation Division.....	70	284-305
3. Programme 2300: Investigation Division.....	75	306-329
4. Programme 2400: Prosecution Division.....	82	330-358
C. Major Programme III: Registry .....	89	359-625
1. Programme 3100: Office of the Registrar .....	95	379-393
2. Programme 3200: Division of Management Services .....	98	394-456
3. Programme 3300: Division of Judicial Services .....	107	457-542
4. Programme 3800: Division of External Operations .....	121	543-625
D. Major Programme IV: Secretariat of the Assembly of States Parties.....	137	626-661
E. Major Programme V: Premises .....	148	662-665
F. Major Programme VI: Secretariat of the Trust Fund for Victims .....	149	666-727
G. Major Programme VII-2: Permanent Premises Project – Host State Loan.....	160	728-733
H. Major Programme VII-5: Independent Oversight Mechanism.....	162	734-744
I. Major Programme VII-6: Office of Internal Audit.....	165	745-755

\* Previously issued as ICC-ASP/19/10 and Corr.1.

Annexes .....	168
I. Organizational structure of the Court .....	168
II. Assumptions and parameters for the 2021 Proposed Programme Budget .....	169
III. List of potential developments which could impact the 2021 Proposed Programme Budget .....	171
IV. Strategic Goals.....	172
(a) List of goals from the International Criminal Court Strategic Plan (2019-2021).....	172
(b) List of strategic goals from the OTP Strategic Plan (2019-2021) .....	173
(c) List of strategic goals from the Registry Strategic Plan (2019-2021) .....	174
(d) Major Programme I: Judiciary .....	174
(e) Major Programme II: Office of the Prosecutor .....	176
(f) Major Programme III: Registry .....	184
(g) Major Programme IV: Secretariat of the Assembly of States Parties .....	189
(h) Major Programme VII-5: Independent Oversight Mechanism.....	190
(i) Major Programme VII-6: Office of Internal Audit .....	190
V. Staffing information .....	191
(a) Proposed Court staffing in 2021 by major programme .....	191
(b) Changes to the staffing table .....	191
VI. Salaries and entitlements for 2021 .....	192
(a) Judges' salary and entitlements for 2021 .....	192
(b) Standard salary costs for 2021 - Professional and General Service staff at Headquarters .....	193
VII. Proposed budget for 2021 for the African Union Liaison Office (AULO).....	194
VIII. 2021 estimated income statements .....	195
IX. Information Technology .....	196
(a) Information Technology and Information Management (IT/IM) at the..... International Criminal Court: Five-Year Strategy (2017-2021).....	196
(b) Court-wide Information Technology and Information Management (IT/IM) costs.....	202
X. 2021 Proposed Programme Budget baseline .....	205
XI. Strategic dynamic evolution of judicial activity by situation.....	206
XII. Budget allocation per active investigation in Major Programme II.....	207
XIII. Yearly increases in Approved Programme Budgets 2014-2020 .....	208
XIV. Proposed Capital Investments (2021-2024).....	209
XV. Maintenance, operating costs and mid-term capital replacement plan for the Court's ..... premises in 2021 .....	210
XVI. Savings and efficiencies achieved in 2020 and estimates for 2021 .....	211
XVII. ICC Five-Year Time-Series Assumptions and Parameters: 2017-2021.....	215
XVIII. MP II Resource Allocation by Situation .....	221

## List of abbreviations and acronyms

ASG	Assistant Secretary-General
ASP	Assembly of States Parties
AULO	African Union Liaison Office
AV	Audio-visual
BPC	Business Planning and Consolidation
BS	Budget Section
CAR	Central African Republic (Bangui)
CBF	Committee on Budget and Finance
CIV	Côte d'Ivoire (Abidjan)
CMS	Court Management Section
CMT	Crisis Management Team
CO	Country Offices
CoCo	Coordination Council
CSS	Counsel Support Section
D	Director
DEO	Division of External Operations
DJS	Division of Judicial Services
DMS	Division of Management Services
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
GCDN	Global Communications and Data Network
GEO	Georgia
GRGB	Geographical Representation and Gender Balance
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
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

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
LRV	Legal Representative for Victims
LSS	Language Services Section
LSU	Language Services Unit
MIS	Management information system
MLI	Mali
NGO	Non-governmental organization
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
RMT	Registry Management Team
RSM	Residual Security Measures
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
UGA	Uganda (Kampala)
UNCS	United Nations Common System
UNDSS	United Nations Department of Safety and Security
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
VWS	Victims and Witnesses Section
WCF	Working Capital Fund

## Foreword by the Principals of the International Criminal Court

The Hague, Netherlands, 30 July 2020

We are pleased to present the Proposed Programme Budget for 2021 for the consideration of the Assembly of States Parties (“the Assembly”).

Mindful of the exceptional circumstances presented by COVID-19, the organs of the International Criminal Court (“the Court”) have worked together closely to present the leanest possible, carefully reflected budget request, while also providing a coherent, detailed and self-explanatory budget document, building on past efforts to hone the budget process.

This budget represents the Court’s efforts to demonstrate due sensitivity to the pressure on the global economy caused by COVID-19, balanced by the need to maintain the minimum resources necessary for the Court to conduct its essential operations and discharge its important mandate in 2021.

Notwithstanding the challenges presented by the global pandemic, the Court has managed to remain active and productive, swiftly adapting its operations, resorting to innovative measures, and benefiting from the resilience and dedication of its committed staff. The Court’s response to these challenging times builds on – and has, in many ways, accelerated – its efforts under the Court-wide strategic plan, supplemented by the distinct strategic plans for the Office of the Prosecutor and for the Registry. These strategic plans remain the cornerstone of the Court’s budget planning for 2021 and provide a framework for its implementation.

As Principals, we are resolved to ensure that the Court retains as much of the capacity that it has built over the past two decades, allowing it to continue with its core activities of preliminary examinations, investigations, trials and reparations, based on the resilience and the adaptability of its systems and structures, while safeguarding the independence, fairness and highest legal standards and quality of its proceedings, and protecting the safety and well-being of the persons involved, in particular, victims and witnesses.

The Court has carefully considered how to enhance efficiencies and absorb exogenous, obligatory costs – at times taking very difficult measures – without impeding its operating capabilities. Its progress on this task has largely been achieved through enhanced, close inter-organ consultations that have contextualized Court-wide budgetary priorities and needs properly.

Taking into account the extraordinary circumstances described above, the Court is proposing a budget decrease for 2021 of **€0.7 million**, or **0.5 per cent**, against the approved budget for 2020. This represents a proposed budget amounting to **€148.5 million** to cater 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 the Court’s various facilities.

The Court has exhibited the strictest discipline in requesting only those minimum resources that are absolutely needed for its forecast core activities, which include a sharp increase in judicial proceedings at the trial phase. Moreover, as ever, we have looked Court-wide to maximize flexibility and explore how redeployment, efficiencies and the prioritization of activities can enhance the Court’s use of resources even further. Even in these difficult times, we are fully aware that without adequate resources, there is a risk of slower or less efficient investigations or proceedings, or negative consequences for the quality of Court activities.

Despite the unprecedented challenges the Court has faced in the past months on account of the global pandemic, it remains as committed as ever to discharging its mandate without sacrificing the highest levels of responsiveness and collaboration across the Court, while prioritizing continuous learning and improvement. This budget proposal is a clear, tangible statement of this commitment.

The Court remains available to engage fully with the States Parties and the Assembly on how best to build and retain the Court’s resilience and capacity so that it emerges stronger



from the COVID-19 pandemic, ensuring the continued vitality and strength of the Rome Statute system of international criminal justice.

Conscious of the need to address the unusual environment brought about by COVID-19, we hope that the carefully formulated Proposed Programme Budget for 2021 meets with your approval. We thank you for your consideration.

Yours faithfully,

*[Signed]*

**Chile Eboe-Osuji**  
**President**

*[Signed]*

**Fatou Bensouda**  
**Prosecutor**

*[Signed]*

**Peter Lewis**  
**Registrar**

## I. Overview of the Proposed Programme Budget for 2021, budget priorities and operating parameters

### A. Introduction

1. The International Criminal Court (“the Court”) was established by the Rome Statute – adopted 22 years ago – as the only independent, permanent international court with jurisdiction over the most serious crimes of international concern and the power to award reparations to victims. The Court’s jurisdiction is complementary to that of domestic criminal courts, meaning that it acts only when a State is unwilling or unable genuinely to exercise its primary jurisdiction over Rome Statute crimes.

2. Unlike domestic courts of law, the Court performs various functions and activities which, in national systems, are handled by separate offices, ministries or agencies. The functions and activities of the Court include conducting preliminary examinations, investigations, prosecutions and trials; providing protection for victims and witnesses; managing the courtrooms, which encompasses the provision of interpretation, translation, transcription and security services; overseeing participation, reparations and assistance for victims; guaranteeing legal aid and the rights of the Defence; providing general public information, ensuring the publicity of the proceedings and outreach to victims and affected communities; running the Detention Centre; and managing all Court premises and operations at Headquarters and at the external offices, including in the situation countries.

3. In 2021, the Court is expected to operate in 12 “situations”, geographically designated as follows: Afghanistan (currently subject to an ongoing deferral request under article 18 of the Rome Statute but nonetheless requiring maintenance activities), Bangladesh/Myanmar, Burundi, the Central African Republic (CAR) II, Côte d’Ivoire (CIV), Darfur (Sudan), the Democratic Republic of the Congo (DRC), Georgia, Kenya, Libya, Mali and Uganda. These situations are currently the subject of investigations or of cases at different stages of judicial proceedings (pre-trial, trial, appeals or reparations). In addition, the Office of the Prosecutor (OTP or “the Office”) is currently carrying out preliminary examinations in nine situations; some of these preliminary examinations may be concluded during the remainder of 2020 or in 2021.

4. The Court has prepared its Proposed Programme Budget for 2021 mindful of the exceptional circumstances presented by the COVID-19 pandemic and its impact on the global economy. These extraordinary times are testing the resilience and adaptability of the systems and structures of organizations and institutions around the world, the Court included. Notwithstanding restrictions inherent in the measures taken by governments, the Court has managed to maintain high productivity throughout the crisis through swift adaptations to its operations, innovative measures, and the strength and commitment of its staff.

5. These circumstances have strengthened the Court’s commitment to present the leanest possible budget proposal for 2021. The Court is proposing a total budget of **€144,917.2 thousand**, representing a decrease for 2021 of approximately **€703.3 thousand**, or **0.5 per cent**, against the approved budget for 2020. In particular, and in the light of the decision of the Assembly of States Parties (“the Assembly”) to finance from the 2017 cash surplus the amount of €479.7 thousand in the Approved Programme Budget for 2020, the Court’s proposed budget for 2021 remains at a comparable level to that of the approved budget for 2020. On the recommendation of the Committee on Budget and Finance (“the Committee”) at its twenty-fifth session,<sup>1</sup> the figures for the proposed regular budget are presented separately from interest on the Host State Loan for the Court’s permanent premises. As suggested by the Committee, this is to improve transparency and allow a comparative assessment of the resources needed for the Court’s activities in 2021. 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 2021 amounts to €148,502.3 thousand, or a reduction of 0.5 per cent.

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

6. The level of the Court’s proposed budget for 2021 is the deliberate result of a strong Court-wide commitment to demonstrate sensitivity to the economic pressures faced by the international community due to the global pandemic, while striking a balance with the need to continue to reassert the purpose of the Rome Statute and maintain the minimum resources required to ensure the conduct of the essential operations of the Court in 2021 and its ability to implement its significant mandate.

7. The proposed budget for 2021 has been carefully assessed against the Court’s goals and stakeholder expectations – including those of victims and affected communities of atrocity crimes – regarding its overall performance and effective discharge of its mandate, the complexity of the Court’s operating environments (including matters of security, cooperation and political support) and the significant and increasing volume of demands for intervention by the Court. The proposed budget also factors in the priorities set by the Coordination Committee (“CoCo”) in furtherance of the newly conceived strategic plans for the period 2019-2021.<sup>2</sup> The Court has taken into account the need to contain budgetary increases as much as possible in view of financial constraints on the States Parties and to make sure that funds are requested only after all possible steps have been taken to finance increases through savings and efficiencies.<sup>3</sup> The Court believes that the requested funds will contribute to tangible results and long-term efficiencies, mainly through more expeditious judicial proceedings; enhanced fair-trial safeguards; maintenance of the requisite quality and speed of preliminary examinations, investigations and prosecutions; enhanced impact on the ground; and a more secure information environment for the Court’s operations.

8. In presenting a budget for 2021 at a level comparable to that of the approved budget for 2020, the Court has identified various measures to achieve reductions and savings in order to contain the impact of the contractual increases resulting from the application of the United Nations Common System (UNCS) (€6.4 million) as well as the impact of new requirements for judicial activities in relation to two trial proceedings and one new case at the pre-trial stage, which were not budgeted for in 2020 (approximately €2.0 million). The application of the UNCS allows the Court to operate in all possible situation countries while providing the most efficient system of remuneration for its staff members, in particular with regard to its pension scheme.<sup>4</sup> The revision of the UNCS, as put in place by the United Nations General Assembly in 2017, has made its application more cost-efficient, leading to some decreases in staff costs in the past few years. In October 2019, following an evaluation by the International Civil Service Commission, an increase in the post adjustment was made effective for professional staff with their duty station in The Hague. The previous post adjustment was made seven years ago in 2013. Furthermore, in February 2020, the Court was informed that the UN General Assembly had increased the post adjustment classification for New York, leading to a proportional scaling up of all other duty stations, as New York constitutes the base of the post adjustment system. Salaries adjusted according to the UNCS serve to harmonize compensation with the cost of living per duty station. Accordingly, UNCS adjustments can also result in decreases.

9. The impact of the revised requirements by the UNCS and of the additional requirement to support developments in judicial activities has been fully offset in the proposed budget for 2021. This was achieved through the implementation of rigorous Court-wide measures to reduce costs, ensure organizational resilience and enhance the flexibility and scalability of the Court’s structures and operations. These challenging strategic considerations were guided first and foremost by the Court-wide Strategic Plan for 2019-2021, as complemented by the strategic plans specific to the Office of the Prosecutor (OTP or “the Office”) and the Registry for the same period. As confirmed in the Court-wide strategic plan, this approach will ensure that the best possible use is made of the Court’s resources.

10. While the Court is continuously evaluating its internal processes, consistent with its commitment to continuous improvement, the current global reality presented an opportunity for the Court to evaluate the suitability of some of its structures and working methods for the new environment. In general terms, the Court now, more than ever before, needs to retain its

<sup>2</sup> See Annex IV.

<sup>3</sup> *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. I, part III, ICC-ASP/17/Res.4, Section K, para. 1.

<sup>4</sup> ICC-ASP/15/15, para. 225.

existing capabilities for the future, the capabilities in which States have invested over the years, and which have allowed the institution to show resilience and adaptability in the face of new and unprecedented challenges and ever-increasing demands on its mandate and activities. Some of the measures implemented in preparing the budget for 2021 are expected to ensure further resilience by identifying areas where more flexibility and scalability can be introduced. Signs of this approach can already be seen in the Proposed Programme Budget for 2021, as the Court has taken strategic decisions with policy implications going into next year and has set targets that will give rise to opportunities to re-evaluate some of its models and processes.

**Table 1: Overview of the Proposed Programme Budget for 2021**

<b>Programme Budget 2021</b>		2020 Approved Budget (thousands of euros)	Resource Changes		Proposed 2021 Budget (thousands of euros)
			Amount	%	
MP I	Judiciary	12,081.5	(299.7)	(2.5)	11,781.8
MP II	Office of the Prosecutor	47,383.4	5.2	0.0	47,388.6
MP III	Registry	75,916.9	0.8	0.0	75,917.7
MP IV	Secretariat of the Assembly of States Parties	3,316.7	(479.7)	(14.5)	2,837.0
MP V	Premises	2,270.0	-	-	2,270.0
MP VI	Secretariat of the Trust Fund for Victims	3,226.1	-	-	3,226.1
MP VII-5	Independent Oversight Mechanism	704.7	34.8	4.9	739.5
MP VII-6	Office of Internal Audit	721.2	35.3	4.9	756.5
<i>Subtotal</i>		<i>145,620.5</i>	<i>(703.3)</i>	<i>(0.5)</i>	<i>144,917.2</i>
MP VII-2	Host State Loan	3,585.1	-	-	3,585.1
<b>Total Court</b>		<b>149,205.6</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>148,502.3</b>

## B. High-level Court-wide strategic budget priorities and main cost drivers for 2021

11. The Court's Principals, through the CoCo, have identified a number of strategic budget priorities for the Court's activities in 2021. It is important to note that these priorities and activities reflect what can reasonably be anticipated for 2021 at the time of writing of this document and in view of the COVID-19 pandemic, and may subsequently be affected by the realities of the judicial and prosecutorial work of the Court.

12. In formulating these budget priorities and main cost drivers, the Court's Principals used the Court-wide Strategic Plan for 2019-2021 and the strategic goals stated therein as the guiding principles in their commitment to present the leanest possible budget. These strategic goals are the cornerstone of the Court's planning approach and feature prominently in its budget planning for 2021. The Court-wide strategic plan is complemented by distinct strategic plans for the same period for the OTP and the Registry. Following this strategic cycle, performance and results will be assessed in preparations for the new strategic cycle and plan.

13. The Court's overriding objective is to achieve an effective, efficient and universal system of international criminal justice, under the Rome Statute, in which to independently conduct fair and expeditious investigations and trials when national authorities are unable or unwilling to do so. To this end, the Court has formulated its strategic goals in three main areas which encompass all Court activities and are reflected in the respective strategic plans of each organ. The three areas are:

- (a) judicial and prosecutorial performance,

- (b) cooperation and complementarity, and
- (c) organizational performance.

14. In addition to providing a clear path forward for the Court in terms of mission, vision and specific goals, the strategic plan also provides a framework for implementation. It stresses the importance of performance measurement while insisting on the link between strategic planning, risk management and budgetary planning. In this context, the Court has identified the following action priorities:

## 1. Conduct and support fair and expeditious judicial proceedings

15. The conduct of fair and expeditious pre-trial, trial and appeal proceedings before the Chambers remains an essential facet of the Court's mandate.

16. 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, volume of evidence and the number of languages involved, coupled with the need for security on the ground and cooperation from national jurisdictions, make 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 is therefore crucial, and the Court continues to work tirelessly to expedite proceedings, e.g. through the Chambers' standardized practice manuals and the OTP's continued resolve to focus on making its cases as trial-ready as possible before bringing them before the judges.

17. At the pre-trial level, confirmation of charges proceedings are expected to take place at the end of 2020 in Ali Muhammad Ali Abd-Al-Rahman ("*Abd-Al-Rahman*"), with a decision being handed down in early 2021. If charges were to be confirmed, trial preparations could commence in 2021.

18. Two cases – *Al Hassan* and *Yekatom and Ngaißona* – are expected to be at the trial stage and it is foreseeable that a judgment in *Ongwen* will be entered by the beginning of 2021. That judgment could give rise to proceedings in relation to sentencing and reparations.

19. Final appeals on judgments and decisions in three cases are conceivable in 2021, namely, *Ntaganda*, *Gbagbo and Blé Goudé* and *Ongwen*. In addition, interlocutory appeals could arise from cases that are currently before Trial and Pre-Trial Chambers. Accordingly, the Court will continue to be heavily engaged at the appellate level.

20. Up to 11 defence teams and up to 9 teams of legal representatives of victims will need to be financed by legal aid in 2021.

## 2. Conduct and support, initially, nine active investigations, including operations in the field

21. 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 on which to proceed. The jurisdiction of the Court covers the most serious crimes of concern to the international community, and its operations often take place in very challenging security and cooperation environments. In addition, in nearly all cases, local languages and other operating conditions vary. As a result, in comparison to investigations at the national level, the Court's investigations are extremely complex and resource-intensive. Even an investigation carried out under optimal resource, 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.

22. Recognizing the extraordinary situation that the COVID-19 pandemic has inflicted, while respecting risks to public health and world economies, the OTP is not seeking to increase resources but only, in a responsible and conscientious way, to present a budget that allows the Office to operate under the current circumstances and which preserves its capacity to act when those circumstances improve: the work of the Court has not diminished; rather it is having to adjust the way it operates to the unprecedented challenges the pandemic has presented.

23. In line with the OTP's strategic plan and its Policy on Case Selection and Prioritization, the OTP will prioritize nine active investigations during the first part of 2021, with a view to finalizing activities that have suffered delays on account of the ongoing pandemic. The OTP foresees active investigations throughout 2021 in the following seven situations: Afghanistan (currently subject to an ongoing deferral request under article 18 of the Rome Statute but nonetheless requiring maintenance activities), Bangladesh/Myanmar, Burundi, Côte d'Ivoire (CIV II), Darfur, Libya and Mali. With regard to the respective investigations in the Central African Republic (CAR II.a) and Georgia, the OTP is planning to conclude the investigation phase in the first half of the year, leading to either pre-trial activities or the winding up of the investigations in the second half of 2021. Such prioritization is required to ensure and, where possible, increase the speed, efficiency and effectiveness of operations, taking into account the limited resources available to the OTP and the need to avoid spreading those resources too thin. Nevertheless, all situations will continue to be monitored, e.g. for new leads or prospects of arrest or to continue engaging with witnesses in cases pending arrests.

24. At the time of the submission of this budget document, nine preliminary examinations (Colombia, Guinea, Iraq, Nigeria, Palestine,<sup>5</sup> the Philippines, Ukraine and two situations in Venezuela) are currently under way. As several preliminary examinations are at advanced stages of analysis, it is possible that new investigations may be opened during the remainder of 2020 or in 2021.<sup>6</sup> Should this occur, the Office will manage this through the work that it is doing in relation to prioritization of situations. The details of OTP planning are explained in the budget proposal for Major Programme II.

25. The OTP has carefully reviewed its staff needs in the light of its forecast activities and corresponding workload for 2021. As the Office's ongoing investigative activities and workload continue to remain at a high level, there is little to no further flexibility for staff reallocation beyond what has already been factored into planning for 2021. For the mid- and long-term viability of its operations, it is critical that the OTP be able, at a minimum, to maintain its current level of staffing.

26. The Registry continues to provide the Court with support in administrative and operational matters both at Headquarters and in seven country offices, namely, the Central African Republic (Bangui), Côte d'Ivoire (Abidjan), the Democratic Republic of the Congo (Kinshasa and Bunia), Georgia (Tbilisi), Mali (Bamako) and Uganda (Kampala). Mindful of their respective mandates and of the specific security and confidentiality aspects of their operations, the Registry and the OTP continue to optimize their cooperation and synergies both at Headquarters and in the country offices. Despite increases in operational requirements in some areas and the challenging operational context in the Mali and the CAR situations, the Registry has managed to propose a decrease in resource requirements 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 fluctuations in activity. This approach has enabled the Registry to shift operational and security priorities in the situation countries. In this regard, important reductions have been achieved in the Registry's presences in the DRC and Côte d'Ivoire.

### 3. Continue implementing reparations awards in three cases

27. In 2021, the implementation of reparations by the Trust Fund for Victims (TFV) in *Lubanga*, *Katanga* and *Al Mahdi* is expected to continue, requiring ongoing support from the Registry. In *Lubanga*, it is anticipated that approximately 1,500 beneficiaries of reparations will participate in programming during all four quarters of 2021. In *Al Mahdi*, it is anticipated that reparations programming will be ongoing throughout 2021. Eligibility screening for individual awards in *Al Mahdi* will continue during the first three quarters of 2021 and distribution is likely to be completed by the end of 2021. In *Katanga*, part of the collective reparations programming is expected to continue in 2021. In *Ntaganda*, it is anticipated that the TFV will work on a draft implementation plan and subsequently engage in victim verification and delivery of awards. Reparations activities in 2021 will continue to require

<sup>5</sup> Following OTP's request pursuant to article 19(3) of the Rome Statute, a related decision is pending before the relevant Pre-Trial Chamber.

<sup>6</sup> See <https://www.icc-cpi.int/Pages/item.aspx?name=pr1465>.

significant support from the Registry's country offices and relevant sections, including the Victims Participation and Reparations Section, the Public Information and Outreach Section, the External Operations Support Section, and the Security, Finance, Budget and Procurement Sections. In addition, the continued activity of legal representatives, including the Office of Public Counsel for Victims, is expected during the first half of 2021.

#### **4. Continue the implementation of the Court-wide information management strategy**

28. The Court will continue to implement the five-year strategic plan, which will be in its fifth and final year. The following areas of improvement have been identified for 2021 across the Court:

- Implementation of the minimal viable product for the Judicial Workflow Platform;
- Projects to further enhance forensic data capture and management of evidence for the OTP;
- Further enhancements in information security such as improving management of privileged access to information, protecting cloud-based information and improving threat detection and response.

29. The Information Management Services Section will continue to develop information management strategy and will align with the Court's strategic planning for 2022-2024. Preliminary work has started to assess the changes in technology required for the Court's future forecast needs, and finalization is dependent upon the Court's strategic objectives. Key areas include ensuring that the Court's replacement of end-of-life infrastructure is sustainable from the viewpoint of technology and total cost of ownership; leveraging the Court's investment in core technologies to streamline operational and judicial processes; and continued information security enhancements to protect the Court's staff, all parties to the judicial proceedings and the integrity of the processes and information.

#### **5. Capital replacement plan for the Court's permanent premises**

30. Following the recommendations of the Committee and the resolution of the Assembly,<sup>7</sup> the Court and the main contractor engaged by the Court for the maintenance of its premises submitted, to the Committee for its consideration, a medium-term plan for capital replacements (2021-2024) needed to ensure the smooth functioning of the building. Longer-term budgetary needs are reported in the budget narrative of Major Programme V and in Annex XV of the Proposed Programme Budget for 2021.

### **C. Macroanalysis**

31. The following chart breaks down the Court's Proposed Programme Budget for 2021 by activity. The operations of the Court under "Judicial, Prosecutorial and Investigative Activities" are the main drivers of the Court's Proposed Programme Budget for 2021, amounting to 80.5 per cent of the total budget. "Other Activities" comprises administrative functions (19.5 per cent), governance (5.3 per cent) and maintenance costs related to the premises (3.1 per cent). Estimates related to the interest on the Host State Loan for the permanent premises are excluded from the macroanalysis.

#### **1. Judicial, Prosecutorial and Investigative Activities**

32. Under this category, resources related to "Judicial and Prosecutorial Activities" (49.0 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 conduct and support of judicial proceedings. Activities under "Investigations (Including Field)" are estimated at 29.2 per cent and relate to the nine active investigations to be carried out by the OTP, including activities in the field. The remaining activities, under "Secretariat of the Trust Fund

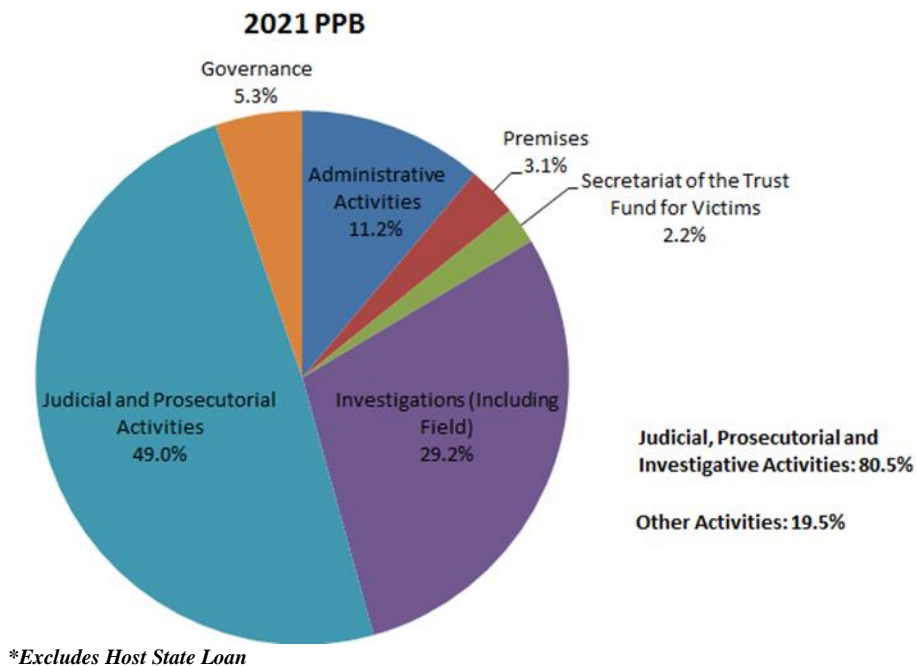
<sup>7</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part 3, ICC-ASP/18/Res 1, Section G, para. 1; and ICC-ASP/18/15, para. 115.

for Victims” (2.2 per cent), relate to the enhancement of that body’s organizational capacity to ensure that it can implement its mandate and activities, including during the implementation stage of reparations proceedings.

## 2. Other Activities

33. The activities under this category include administrative functions, governance and maintenance costs related to the premises. 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 Court’s Liaison Office to the United Nations in New York) are grouped under “Governance”.

**Chart 1: Macroanalysis**



## D. Savings and efficiencies

34. Since its fifteenth session in November 2016, the Assembly has requested the Court to present a sustainable budget proposal for the following year in which proposed increases are requested only after all possible steps had been taken to finance such increases through savings and efficiencies.<sup>8</sup> In addition, the Assembly also requests the Court to present an annex to the programme budget with detailed information about the savings and efficiencies achieved in the current year and estimates for the following year.<sup>9</sup> Subsequently, savings and efficiencies were reported in the 2018, 2019 and 2020 programme budgets.<sup>10</sup>

35. At its eighteenth session in December 2019, the Assembly renewed its request for the Court to present an annex to the 2020 programme budget on the achievement of those efficiency targets as well as detailed information clearly distinguishing, to the extent possible, between savings, efficiencies, non-recurrent cost reductions and additional cost reductions achieved in 2020 and estimates for 2021.<sup>11</sup> These four categories to be employed in the savings and efficiencies report were agreed upon in previous years and continue to be used.

<sup>8</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section L, para. 1.

<sup>9</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section L, para. 2.

<sup>10</sup> *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part A, paras. 38-51 and Annex X; *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part A, paras. 35-41 and Annex XI.

<sup>11</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part III, ICC-ASP/18/Res.1, Section K, para. 6.



36. As indicated in its strategic plan, one of the Court's main goals continues to be the promotion of a culture of continuous improvement with a view to engaging staff in the identification and implementation of savings and efficiencies.

37. In accordance with 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>12</sup>

38. Table 2, below, summarizes all savings and efficiencies achieved in 2020 and in preparation for the Proposed Programme Budget for 2021, according to the agreed categories above. The Court has achieved organization-wide savings and efficiencies in the amount of €3,180.5 thousand (2.1 per cent). This is calculated by, first, taking the sum-total of 2021 reductions in the baseline and 2020 costs avoided thanks to savings and efficiencies; and, second, dividing that sum by the 2020 programme budget (excluding the Host State Loan). In total, the Court's reduction to the baseline, including savings indicated earlier but also taking into account non-recurrent costs and additional cost reductions, amounts to €2,042.2 thousand. Annex XVI provides an overview of the different resource requirements leading to the proposed budget baseline, in the format requested by the Committee.<sup>13</sup>

**Table 2: Total savings and efficiencies for 2021 (thousands of euros)**

<i>Major Programme</i>	<i>Category</i>	<i>2020 Savings</i>	<i>2020 Efficiencies</i>	<i>2021 Costs avoided</i>	
				<i>Reduction in baseline</i>	<i>(baseline maintained)</i>
MP I: Judiciary	Additional cost reductions	-	-	338.0	-
	Non-recurrent costs	-	-	29.5	-
	Savings	-	-	652.5	-
MP II: Office of the Prosecutor	Efficiencies	-	75.0	-	-
	Non-recurrent costs	-	-	32.0	-
	Savings	522.0	-	523.8	21.7
MP III: Registry	Efficiencies	62.4	324.7	-	-
	Non-recurrent cost	-	-	29.5	32.0
	Savings	154.2	-	231.7	-
MP IV: Secretariat of the Assembly of States Parties	Non-recurrent costs	-	-	132.2	-
MP VI: Secretariat of the Trust Fund for Victims	Non-recurrent costs	-	-	73.1	-
<b>Grand total</b>		<b>738.6</b>	<b>399.7</b>	<b>2,042.2</b>	<b>53.7</b>

<sup>12</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section L, para. 1.

<sup>13</sup> ICC-ASP/18/5, para. 15.

**Table 3: Total Court: Proposed budget for 2021**

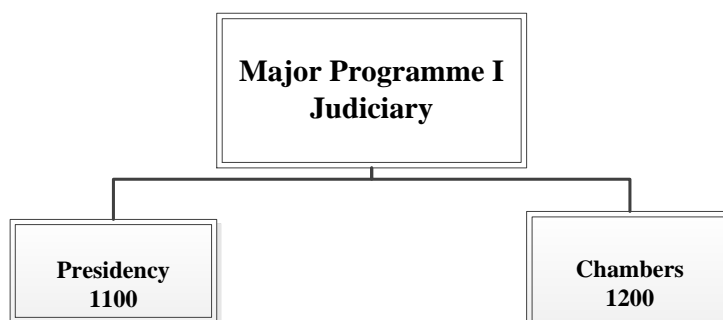
ICC	2019 Expenditures (thousands of euro)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
<i>Judges</i>	5,575.1	-	5,575.1	5,516.9	(805.8)	(14.6)	4,711.1
Professional staff				61,403.7	3,207.0	5.2	64,610.7
General Service staff				26,082.4	(1,073.9)	(4.1)	25,008.5
<i>Subtotal staff</i>	88,755.9	-	88,755.9	87,486.1	2,133.1	2.4	89,619.2
General temporary assistance	17,108.7	171.8	17,280.5	17,341.4	1,414.4	8.2	18,755.8
Temporary assistance for meetings	355.3	60.6	415.8	283.5	228.3	80.5	511.8
Overtime	248.4	259.2	507.6	223.5	13.7	6.1	237.2
<i>Subtotal other staff</i>	17,712.4	491.6	18,204.0	17,848.4	1,656.4	9.3	19,504.8
Travel	5,082.9	279.0	5,361.9	6,332.2	(2,209.8)	(34.9)	4,122.4
Hospitality	18.9	-	18.9	28.0	-	-	28.0
Contractual services	2,300.4	197.5	2,497.9	4,072.7	(16.7)	(0.4)	4,056.0
Training	686.8	-	686.8	1,045.1	(416.5)	(39.9)	628.6
Consultants	891.6	44.9	936.5	689.4	(62.2)	(9.0)	627.2
Counsel for defence	3,446.0	678.7	4,124.7	3,167.5	856.2	27.0	4,023.7
Counsel for victims	1,199.1	88.4	1,287.5	1,300.0	427.1	32.9	1,727.1
General operating expenses	13,760.8	127.2	13,888.0	15,523.9	(1,497.4)	(9.6)	14,026.5
Supplies and materials	946.2	4.3	950.4	1,233.7	(122.7)	(9.9)	1,111.0
Furniture and equipment	1,712.9	14.2	1,727.1	1,376.6	(645.0)	(46.9)	731.6
<i>Subtotal non-staff</i>	30,045.6	1,434.2	31,479.8	34,769.1	(3,687.0)	(10.6)	31,082.1
<b>Total</b>	<b>142,089.1</b>	<b>1,925.7</b>	<b>144,014.8</b>	<b>145,620.5</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>144,917.2</b>
<i>Host State Loan</i>	3,585.1	-	3,585.1	3,585.1	-	-	3,585.1
<b>Total Including Host State Loan</b>	<b>145,674.2</b>	<b>1,925.7</b>	<b>147,599.9</b>	<b>149,205.6</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>148,502.3</b>

**Table 4: Total Court: Proposed staffing for 2021**

Court	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total P-Staff and above	GS-PL	GS-OL	Total GS- Staff	Total Staff
<b>Established Posts</b>														
Approved 2020	1	2	-	9	45	90	185	183	30	545	19	409	428	973
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	(1)	-	-	(1)	-	-	-	(1)
<b>Proposed 2021</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>9</b>	<b>45</b>	<b>90</b>	<b>184</b>	<b>183</b>	<b>30</b>	<b>544</b>	<b>19</b>	<b>409</b>	<b>428</b>	<b>972</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	0.47	8.34	44.63	52.92	13.50	119.86	10.97	58.18	69.15	189.01
Continued	-	-	-	-	0.13	9.08	47.67	54.50	11.00	122.38	4.00	56.92	60.92	183.29
New	-	-	-	-	-	-	1.25	1.50	1.67	4.42	3.38	0.92	4.30	8.72
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.13</b>	<b>9.08</b>	<b>48.92</b>	<b>56.00</b>	<b>12.67</b>	<b>126.79</b>	<b>7.38</b>	<b>57.83</b>	<b>65.22</b>	<b>192.01</b>

## II. Proposed Programme Budget for 2021

### A. Major Programme I: Judiciary



#### Introduction

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

40. The Presidency’s three primary areas of responsibility are: legal, external relations and administrative. In 2021, the Chambers will be managing case work arising from developments which occurred in 2019 and 2020, including (potential) trial preparations, reparations proceedings, several final and interlocutory appeals, and other situations and cases at the pre-trial level. The Judiciary will continue its efforts to improve the transparency of the International Criminal Court (“the Court”), strengthen the cooperation of States Parties and enhance the flexible and efficient use of available resources.

41. The budget for Major Programme I is based on the judicial activities required under the Court’s budget assumptions for 2021, which were determined as part of an inter-organ effort.

42. Major Programme I has prepared its budget for 2021 mindful of the exceptional circumstances presented by the COVID-19 pandemic and its impact on global economies. To demonstrate the sensitivity of Major Programme I to this reality, this budget aims to present only the bare minimum of what is needed, implementing all possible savings and efficiencies, resulting in a decrease of €0.6 thousand as compared with the approved budget for 2020. It is important to recall in this regard, and in line with the Court’s budgeting practice, that the priorities and assumptions on which this proposal is built reflect what can reasonably be anticipated for 2021 at the time of writing of this document. In the light of the unpredictability of the COVID-19 pandemic, in addition to the usual challenges presented by the uncertainty of judicial proceedings, the resources that will actually be required may subsequently be affected by the realities of the Court’s judicial and prosecutorial work. This is especially so in the case of Ali Muhammad Ali Abd-Al-Rahman (“*Abd-Al-Rahman*”).<sup>14</sup>

43. The sensitivity to the effects of the COVID-19 pandemic described above is balanced by the need for the Presidency and the Chambers to discharge their respective mandates in full. Mindful that this need is paramount, the resources requested are crucial to ensure that the essential operations of the Judiciary, including the conduct of fair and expeditious pre-trial, trial and appeal proceedings before the Chambers, continue without unnecessary delay.

<sup>14</sup> See paragraphs 81 and 86 below.

**Table 5: Major Programme I: Proposed budget for 2021**

Major Programme I Judiciary	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
<i>Judges</i>	5,575.1	-	5,575.1	5,516.9	(805.8)	(14.6)	4,711.1
Professional staff				4,458.6	407.4	9.1	4,866.0
General Service staff				883.3	(2.1)	(0.2)	881.2
<i>Subtotal staff</i>	4,649.0	-	4,649.0	5,341.9	405.3	7.6	5,747.2
General temporary assistance	1,224.1	-	1,224.1	1,078.2	100.8	9.3	1,179.0
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	0.0	-	0.0	-	-	-	-
<i>Subtotal other staff</i>	1,224.1	-	1,224.1	1,078.2	100.8	9.3	1,179.0
Travel	118.9	-	118.9	100.7	-	-	100.7
Hospitality	7.9	-	7.9	11.0	-	-	11.0
Contractual services	5.3	-	5.3	-	-	-	-
Training	12.2	-	12.2	27.8	-	-	27.8
Consultants	-	-	-	5.0	-	-	5.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	144.4	-	144.4	144.5	-	-	144.5
<b>Total</b>	<b>11,592.6</b>	<b>-</b>	<b>11,592.6</b>	<b>12,081.5</b>	<b>(299.7)</b>	<b>(2.5)</b>	<b>11,781.8</b>

**Table 6: Major Programme I: Proposed staffing for 2021**

I	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 2020	-	-	-	-	3	3	21	12	-	39	1	11	12	51
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	-	4.00	6.00	-	10.00	-	-	-	10.00
Continued	-	-	-	-	-	-	4.00	6.00	-	10.00	-	-	-	10.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.00</b>	<b>6.00</b>	<b>-</b>	<b>10.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10.00</b>

## 1. Programme 1100: The Presidency

### Introduction

44. The Presidency's strategic priorities, according to its three primary areas of responsibility, are as follows:

(a) Legal: to carry out its legal and judicial functions under the Rome Statute, pursuant to its responsibility to see to the proper administration of the Court. This includes the preparation and approval of Court-wide administrative issuances; judicial review of certain decisions of the Registrar; timely assignment of situations and constitution of Chambers;<sup>15</sup> procedural and substantive coordination of judges' plenary sessions, retreats and meetings; and international cooperation, in particular with regard to enforcement responsibilities under Part X of the Rome Statute, including the negotiation and conclusion of Court-wide cooperation agreements with States and the enforcement of sentences of imprisonment and fines.<sup>16</sup>

(b) External relations: to build and maintain relations with States, the Assembly of States Parties ("the Assembly") and its subsidiary organs, intergovernmental organizations, international and regional courts and civil society in order to enhance cooperation with, awareness of and support for the Court.<sup>17</sup> As the public face of the Court, the President (or the Vice-Presidents, on his or her behalf) engages with senior representatives of such entities and delivers speeches, gives interviews and issues public statements on pertinent issues concerning the Court. The Presidency also leads the inter-organ coordination of Court-wide external relations matters and steers the Court's efforts to promote the universal ratification of the Rome Statute.

(c) Administrative: as part of the Presidency's overall responsibility to see to the proper administration of the Court (with the exception of the Office of the Prosecutor), to contribute actively to the governance of the Court, under the Presidency's own strategic leadership; to interact with various oversight bodies on matters related to the supervision of the Court's administration by the Assembly, as provided by the Rome Statute; to discharge the administrative functions of the Judiciary; and to coordinate on Court-wide matters of common concern, including both external and internal governance matters, budget matters, oversight mechanisms, risk management and strategic planning.

### *Presidency objectives*

45. The Presidency's objectives are:

- (i) Within its areas of responsibility, to contribute to ensuring the efficient conduct of pre-trial, trial and appeal proceedings.
- (ii) To engage in effective Court-wide efforts on international cooperation and to discharge all its responsibilities related to the enforcement of sentences of imprisonment and fines, as provided under Part X of the Rome Statute.
- (iii) To advance the "Lessons Learned" review of judicial processes – focusing on procedures in the trial preparation and hearing stages, victim processes and the conclusion of trials and appeals – and consulting States Parties, participants and other stakeholders, as appropriate.

<sup>15</sup> Pursuant to Strategic Goal 1 of the Court-wide Strategic Plan for 2019-2021: "Increase the expeditiousness and efficiency of the Court's core activities of preliminary examinations, investigations, trials and reparations, while preserving the independence, fairness and highest legal standards and quality of its proceedings, and protecting the safety and well-being of the persons involved, in particular victims and witnesses."

<sup>16</sup> Pursuant to Strategic Goal 4 of the Court-wide Strategic Plan for 2019-2021: "Further foster political support and develop the modalities of cooperation and operational support for all parties as regards preliminary examinations, investigations, protection of witnesses, implementation of arrest warrants and judicial proceedings."

<sup>17</sup> In line with Strategic Goal 5 of the Court-wide Strategic Plan for 2019-2021: "Discuss and devise with States and other stakeholders new strategies to increase the ability of the Rome Statute System to address the shared responsibility to close the impunity gap, including through encouraging domestic implementation of the Rome Statute and other measures of complementarity by States Parties (including providing support and assistance to victims), as well as developing a strategy for the completion of situations under investigation."

- (iv) Together with the other organs, to further improve dialogue between the Court, the Assembly and its sub-bodies.
- (v) 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.
- (vi) To ensure effective resource management, including by 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.
- (vii) To further improve the Court's budget processes as part of a Court-wide effort.
- (viii) To ensure effective risk management.
- (ix) To fully integrate the relevant strategic goals from the Court-wide Strategic Plan for 2019-2021 into the functioning of the Presidency, in particular goals 1, 4 and 5 on cooperation and complementarity and goals 6 to 9 on organizational performance.

*Judicial priorities – cooperation and transparency*

46. The Presidency will continue working to enhance and encourage the cooperation of States Parties. Robust and effective State support is essential to the effective discharge of the Court's mandate. States give weight and effect to the Court's work by implementing its decisions (for example, executing warrants of arrest), providing financial and logistical support and enforcing sentences.

47. The Presidency will spearhead efforts, rooted in the Court's standards of ethical conduct, to promote a culture of fiscal responsibility, transparency and accountability that inspires trust in the Judiciary and in 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 attaching to judicial and prosecutorial work, matters of prosecutorial independence and certain major programmes in the Court's budget.

48. The Presidency will undertake its work in 2021, including on the above priorities, bearing in mind the results of the Independent Expert Review process currently being conducted at the Court. These efforts will involve engaging with the concrete, achievable and actionable recommendations from the process with a view to enhancing the performance, efficiency and effectiveness of the Court and the Rome Statute system as a whole.<sup>18</sup>

**Budget resources**

**€1,367.6 thousand**

49. The requested amount has increased by €76.8 thousand (5.9 per cent), as compared with the 2020 Approved Programme Budget. This increase is wholly due to increases in staff entitlements linked to the United Nations Common System (UNCS). The staffing structure and requests for funding of non-staff costs for the Presidency remain identical to those in 2020.

*Presidency allowances*

*€28.0 thousand*

50. The Proposed Programme Budget for 2021 includes €28.0 thousand to cover the special allowance of the President<sup>19</sup> and that of the First or Second Vice-President when acting as President.<sup>20</sup> The regular salaries of the Presidency's three members are included in Sub-programme 1200.

<sup>18</sup> ICC-ASP/18/Res.7.

<sup>19</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), part III.A.I.B., para. 2.

<sup>20</sup> *Ibid.*, part III.A.I.C., para. 3.

**Staff resources** **€1,216.6 thousand**

51. The amount requested for established posts has increased by €76.3 thousand (6.7 per cent). The Presidency comprises 11 established posts. No new posts are proposed.

*Established posts: Professional and General Service*

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

53. 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 working, strategic and senior levels at inter-organ and external meetings.

54. 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, who are responsible for coordinating and providing substantive legal support to the Presidency. The external relations functions of the Presidency are currently performed by one External Relations Adviser (P-3), assisted by one Administrative Assistant (External Relations) (GS-OL). The administrative functions of the Presidency are performed by one Policy and Administration Adviser (P-3) (formerly Special Assistant to the President (P-3)) and one Associate Administrative Officer (P-2). 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** **€123.0 thousand**

55. Non-staff resources are required for travel, hospitality, training and consultants. The proposed amount remains the same as that approved for 2020.

*Travel* *€100.7 thousand*

56. The requested amount remains the same as the amount requested and approved for 2020. In 2021, all three members of the Presidency will continue working to build confidence in the Court, which requires travel to engage with States Parties, civil society, professional associations and other stakeholders.

57. The Presidency's travel funds are required for all official travel by judges and by staff of the Presidency and Chambers, including the President, the Vice-Presidents and other judges to represent the Court at important external events. These funds also cover two judicial retreats, the costs associated with the opening of the judicial year and a limited amount of necessary travel by Presidency and Chambers staff to support the Presidency's external role or to provide expert contributions to external events where funding from the organizers is unavailable. These costs are recurrent.

58. Certain funds were requested for travel in 2020, which included a provision for travel to New York for the nineteenth session of the Assembly. While these funds are no longer needed and have been removed from Major Programme I's request, a corresponding amount has been included to cover increased travel during the first year of the new Presidency's mandate to enable the new Presidency to engage intensively with States Parties and international and regional organizations, such as the United Nations and the African Union.

*Hospitality* *€10.0 thousand*

59. The requested amount remains unchanged and is required for goodwill and hospitality costs associated with visits by Heads of State or government, ministers and other senior representatives of States (including ambassadors) and intergovernmental organizations to meet with 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**€7.3 thousand*

60. The requested amount has increased by €0.5 thousand (7.4 per cent). This has been offset by a corresponding decrease in Chambers' budget. The Presidency continues to require this budget item in 2021, mainly to provide its staff with specific training relevant to their legal and external relations functions and in the areas of management and, to a lesser extent, language skills. These costs are recurrent.

*Consultants**€5.0 thousand*

61. The requested amount remains unchanged from the amount approved for 2020. The resources are required to cover the costs of external consultants' advice on matters within the mandate of the Judiciary, including enforcement-related matters. These costs are recurrent.



**Table 7: Programme 1100: Proposed budget for 2021**

1100 The Presidency	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Judges	15.5	-	15.5	28.0	-	-	28.0
Professional staff				835.4	75.2	9.0	910.6
General Service staff				304.9	1.1	0.4	306.0
<i>Subtotal staff</i>	<i>918.1</i>	<i>-</i>	<i>918.1</i>	<i>1,140.3</i>	<i>76.3</i>	<i>6.7</i>	<i>1,216.6</i>
General temporary assistance	5.9	-	5.9	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>5.9</i>	<i>-</i>	<i>5.9</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Travel	118.9	-	118.9	100.7	-	-	100.7
Hospitality	7.4	-	7.4	10.0	-	-	10.0
Contractual services	4.2	-	4.2	-	-	-	-
Training	-	-	-	6.8	0.5	7.4	7.3
Consultants	-	-	-	5.0	-	-	5.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>130.5</i>	<i>-</i>	<i>130.5</i>	<i>122.5</i>	<i>0.5</i>	<i>0.4</i>	<i>123.0</i>
<b>Total</b>	<b>1,070.0</b>	<b>-</b>	<b>1,070.0</b>	<b>1,290.8</b>	<b>76.8</b>	<b>5.9</b>	<b>1,367.6</b>

**Table 8: Programme 1100: Proposed staffing for 2021**

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 2020	-	-	-	-	1	1	3	2	-	7	1	3	4	11
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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

62. Pursuant to articles 34(b) and 36(1) of the Rome Statute, the Chambers are composed of 18 judges and 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>21</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 to workload allocation among the judges will continue to be adopted to allow for the most effective use of resources and to avoid requests for new resources even if the workload in some divisions and Chambers increases. Depending on the workload in a given division, 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 there is a conflict of interest or where other circumstances require the temporary replacement of an appeals judge.

63. The Chambers form 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>22</sup> In fulfilling their functions, the Pre-Trial, Trial and Appeals Chambers receive support from legal and administrative staff.

#### *Chambers’ objectives*

The Chambers’ objectives are:

- (i) To ensure the expeditious, fair and efficient conduct of pre-trial, trial and appeal proceedings.
- (ii) To continue to reduce the length of proceedings by implementing the numerous reforms undertaken in recent years, such as the continuing “Lessons Learned” review of judicial processes, with a focus on trial procedures including trial preparation, presentation of evidence, sentencing and reparations stages. This includes updating the Chambers Practice Manual.
- (iii) To continue operating in line with the performance indicators developed for judicial processes.
- (iv) To continue developing and implementing effective victim application and representation systems in consultation with the Registry.
- (v) To ensure effective management of staff and non-staff resources.
- (vi) To provide effective and efficient support to the various Chambers by the legal and administrative staff.
- (vii) To further improve the management of staff performance through the new Court-wide performance appraisal system.
- (viii) To continue to fully integrate the relevant strategic goals from the Court-wide Strategic Plan for 2019-2021 into the functioning of the Chambers, in particular goals 1 to 3 on judicial and prosecutorial performance and goals 6 to 9 on organizational performance.

#### *Chambers’ priorities – improving practices to enhance efficiency*

64. Pursuant to Strategic Goal 1 of the Court-wide Strategic Plan for 2019-2021, the Chambers have been and will continue to be closely engaged in practice improvements to enhance the efficiency of judicial proceedings. At the conclusion of several cycles of cases, Chambers has maintained its focus on consolidating judicial practice in the pre-trial, trial

<sup>21</sup> Rule 4 *bis* of the Rules of Procedure and Evidence.

<sup>22</sup> Article 64(2) of the Rome Statute.

(including the reparations phase) and appeals phases. Reparations are essential to the discharge of the Court's mandate and to furthering Strategic Goal 2 of the Court-wide Strategic Plan for 2019-2021.<sup>23</sup> Significant practical experience has been gained from the reparations proceedings in *Katanga*, *Lubanga* and *Al Mahdi*. The judges are carrying on important work to amend and improve practices relating to judicial proceedings generally while already implementing the best practices identified collaboratively at judicial retreats. At the staff level, trial working methods were recently updated with a team-based model to render the provision of support more efficient.

65. While work takes place throughout the year to enhance the efficiency of the Chambers, the judicial retreats organized by the Judiciary provide the ideal forum to concentrate efforts to refine and set out new best practices. The judicial retreat in October 2019 and subsequent updates to the Chambers Practice Manual on, *inter alia*, recommended deadlines for various proceedings, provide a recent illustration of the benefits of these retreats in enhancing efficiency.

*Chambers' priorities – collective reflection on the Court's case law*

66. Cognizant of Strategic Goal 1 of the Court-wide Strategic Plan for 2019-2021,<sup>24</sup> the Chambers will prioritize a process of continuous reflection on case law and procedural matters at the Court. This process will encompass various training activities for judges focused on improving the understanding of the various legal systems represented at the Court and taking on board experiences of other jurisdictions on matters related to the Court's case law.

67. As with the judicial priorities put forward under Sub-programme 1100, the Chambers' activities with respect to these priorities will include the results of the Independent Expert Review process.

*Judges' costs*

*€4,683.1 thousand*

68. The Rome Statute requires the Court to have 18 judges. However it is the Presidency, pursuant to article 35(3) of the Rome Statute, that determines the number of full-time judges necessary for the proper functioning of the Judiciary.

69. A new Presidency will be elected on 11 March 2021. On the basis of the forecast workload and other factors, all of which will be more accurate at that time, the new Presidency will decide how many of the judges elected at the nineteenth session of the Assembly in December 2020 will be called to full-time service and when they will be called.

70. Determining factors could include geographical representation and gender balance within the college of judges and a consideration of which cases the full-time judges have heard previously to avoid their disqualification from sitting on trials or appeals of related cases, as contemplated in regulation 12 of the Regulations of the Court. It will also include consideration of which judges would be appointed to the Appeals Division (thereby disqualifying them from serving in any other division of the Judiciary or from serving on appeals of cases on which they had worked earlier).

71. In the preparation of the Proposed Programme Budget for 2021, the current Presidency relied on Court-wide assumptions of the forecast judicial workload in 2021. These are set out in further detail in paragraphs 77-94 below.

72. Mindful of the need to budget for the forthcoming year, cognizant of the fact that it is the new Presidency which will determine how many judges will be called to full-time service and on the basis of this Presidency's assessment of the forecast workload, the Proposed Programme Budget for 2021 provides for the remuneration of 14 full-time judges.

<sup>23</sup> Strategic Goal 2: "Further develop the Court's approach towards victims in all phases of the judicial proceedings, including reparations, the latter in cooperation with the Trust Fund for Victims."

<sup>24</sup> Strategic Goal 1: "Increase the expeditiousness and efficiency of the Court's core activities of preliminary examinations, investigations, trials and reparations, while preserving the independence, fairness and highest legal standards and quality of its proceedings, and protecting the safety and well-being of the persons involved, in particular victims and witnesses."

73. The arrival of new judges will require a provision for assignment grants, travel for onboarding and commencement of full-time service, and the shipment of personal effects. These costs typically arise every three years (subject to the calling of judges to service) following the election of new judges to the Court; the next occasion will be in 2024. The remuneration and allowances of judges are detailed in Annex VI (a).

74. In the Proposed Programme Budget for 2017, a request was made to update the judges' salaries to align them with increases in the cost of living in The Hague and 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>25</sup> After consideration of this matter at the fifteenth session of the Assembly, the decision was taken to request the Bureau "to consider a revision of the judges' remuneration [...] and to report to the Assembly at its sixteenth session".<sup>26</sup> The Bureau subsequently decided that the facilitation on this issue would be led by a designated facilitator. At its seventeenth session, the Assembly "[requested] the Registry to commission, in coordination with the Working Group on the Revision of the Judges' Remuneration, an expert in international remuneration systems to undertake a study on the judges' remuneration, including the salary structure and benefits package, and to consider the possible terms of reference for a mechanism to review the remuneration of judges, taking into account the cost implications and the suggestions put forward in the report of the Working Group on the Revision of the Judges' Remuneration".<sup>27</sup>

75. At its eighteenth session, the Assembly decided to amend the conditions of service and compensation of the Court's judges and to establish a panel, appointed by the Bureau, to facilitate the consideration by the Assembly of possible adjustments to the judges' remuneration, in accordance with article 49 of the Rome Statute.<sup>28</sup> That panel will submit a report for consideration by The Hague Working Group, after which it will be submitted to the Assembly for final approval or rejection of the recommended adjustment.<sup>29</sup>

76. As the above process remains ongoing and its outcome will not be known before the presentation of the Proposed Programme Budget for 2021, an amount has been entered in Annex VI (a) without prejudice to the ongoing process and subject to a determination, by the States Parties, of the appropriate level of any increase in remuneration.

#### *Forecast judicial activities*

77. The overall workload of the Chambers in 2021 is forecast to be at least at a similar level as in 2020, with an increase in workload predicted in particular as regards trial activities. The Pre-Trial Division is currently seized of 18 situations. Furthermore, 15 warrants of arrest issued for 14 persons remain unexecuted. The confirmation of charges hearing in the case of *Abd-Al-Rahman* is scheduled to take place on 7 December 2020. Subject to whether charges are confirmed, work in the Trial Division could commence on the case in 2021. Issues requiring the intervention of the Pre-Trial Chambers arise regularly in various situations and cases before the Court. In the Trial Division, two cases, involving a total of three suspects, are currently at the trial preparation stage. The trial in one case is currently scheduled to start in July 2020. The trial date in the other case is currently pending. Developments in these cases are subject to the successful implementation of measures to manage the COVID-19 pandemic given its impact on judicial hearings and witness-related issues. One further case is at the deliberations stage and a judgment pursuant to article 74 of the Rome Statute is expected in late 2020 or early 2021. The implementation of reparations orders in three cases will continue to be subject to judicial oversight in 2021, while a reparations order is expected to be issued in another case, and reparations proceedings may start in a fifth case, subject to a finding of guilt, in 2021. The workload of the Trial Division is therefore expected to increase in 2021, in particular as a result of the start of two new trials. Appeals against final decisions of the Trial Chambers will continue into 2021. Throughout the year, interlocutory appeals from ongoing pre-trial and trial proceedings will also come before the Appeals

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

<sup>26</sup> *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section O.

<sup>27</sup> *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. I, part III, ICC-ASP/17/Res.1, para. 3.

<sup>28</sup> ICC-ASP/18/Res.2.

<sup>29</sup> ICC-ASP/18/Res.2, annex I.

Chamber, making its 2021 workload likely to equal, if not exceed, its 2020 workload, and probably require several complex matters to proceed simultaneously.

### Activity assumptions

#### *Pre-Trial Division*

78. The Pre-Trial Division handles all applications made in the course of 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 and including the decision whether to confirm the charges and send a case to trial.

79. Six judges are currently assigned to the Pre-Trial Division. Five of the six pre-trial judges are at the same time temporarily attached to the Trial Division and involved in trial hearings and reparations matters. Like trial judges, pre-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 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 cope with the current workload.

80. The Pre-Trial Chambers are currently actively seized of 18 situations: 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; Palestine, Venezuela I, Bangladesh/Myanmar and Venezuela II.

81. The *Abd-Al-Rahman* case is currently pending at the confirmation of charges stage before Pre-Trial Chamber II, with the confirmation of charges hearing scheduled for 7 December 2020. The case is expected to remain before that Chamber until at least early 2021, when a decision on the confirmation of charges will be handed down. Subject to that decision, trial preparation may take place in that case in 2021, with the possibility of hearings starting in 2021.

82. The nature of proceedings before the Pre-Trial Chambers is such that some major filings and developments, such as applications for the initiation of investigations on the basis of preliminary examinations conducted by the Office of the Prosecutor, applications for warrants of arrest, initial appearances and confirmation proceedings, cannot be predicted. The situations currently under investigation or which may come before the Pre-Trial Chambers in 2020 may result in applications to the Pre-Trial Chambers by parties and participants to the various proceedings in 2021. 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 on short notice, as has happened on a number of occasions in recent years, e.g. in the cases of *Al Hassan* and *Yekatom and Ngaïssona*. Ultimately, therefore, the Pre-Trial Division can only draw on the experience of previous years to arrive at its assumptions for 2021.

#### *Trial Division*

83. 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.

84. The Trial Division is currently composed of seven judges, assigned in various combinations to nine Trial Chambers. An additional five 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.

85. Major Programme I forecasts that there will be trial hearings in two cases in 2021. The *Al Hassan* case in the situation in Mali, and the *Yekatom and Ngaïssona* case in the

situation in the Central African Republic II, are currently at the trial preparation stage. The trial in *Al Hassan* is scheduled to start in 2020 and run for the full 12 months of 2021. The trial date in *Yekatom and Ngaissona* has not yet been set because of the impact of the COVID-19 pandemic on trial preparation. The trial is expected to run throughout 2021. These trials will generate a considerable workload, given the volume of evidence expected to be presented, the complexity of the cases and, in the case of *Yekatom and Ngaissona*, the fact that there are two accused. As a result, a significant number of hearings are expected to take place during 2021, engaging the Court's courtrooms and other relevant resources.

86. As discussed in paragraph 81 above, there is the possibility, subject of course to the outcome of confirmation of charges proceedings, of trial preparation and thereafter hearings in *Abd-Al-Rahman* in 2021. This would place increased pressure on the budget of Major Programme I. This increase in workload may require additional staff resources and the calling to full-time service, by the Presidency, of additional judges, especially given that two other trials are forecast to be running concurrently. However, the arrival of the suspect in *Abd-Al-Rahman* took place after the Judiciary had committed to presenting a zero nominal growth budget. In keeping with that commitment, and in line with the Court's policy of budgeting only for activities that are certain, no request for additional resources has been made with respect to a possible trial in *Abd-Al-Rahman*. In the event of such a trial, it may become necessary to make a request for additional resources, in line with the relevant provisions of the Financial Regulations and Rules.

87. In addition to the two trials above (with the possibility of a third), it is also forecast that the Trial Division will have active proceedings in five other cases before four Chambers.

88. Deliberations continue in *Ongwen* with a judgment pursuant to article 74 of the Rome Statute expected in late 2020 or early 2021, potentially resulting in sentencing and reparations proceedings in that case in 2021.

89. Reparations proceedings will also be ongoing in 2021. The reparations proceedings in *Ntaganda* will continue throughout 2021. In *Katanga, Lubanga* and *Al Mahdi*, the monitoring and supervision of the implementation phase are also expected to continue throughout 2021.

90. As a result of the above, several cases may be ongoing at the same time before the Trial Chambers.

#### *Appeals Division*

91. 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 of acquittal or conviction and sentence, and against decisions relating to reparations, and interlocutory appeals against some decisions of the Pre-Trial and Trial Chambers rendered in the course of proceedings. Final appeals involve a substantial workload, since 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, interlocutory appeals may raise complex and important issues, and their outcome may have a significant impact on the Court as a whole.<sup>30</sup> The Appeals Chamber may also be seized of other matters, such as requests for a review of a sentence.

92. Following the decisions on conviction and sentence by Trial Chamber VI in *Ntaganda*, it is forecast that the appeals in that case will continue into 2021, as will the appeal against the final decision of Trial Chamber I in *Gbagbo and Blé Goudé*. In addition, any appeals against the final decision(s) of Trial Chamber IX in respect of *Ongwen* would be heard in 2021. As each of these cases represents years of pre-trial and trial proceedings and the respective decisions of the Trial Chambers deal with vast quantities of evidence, appeals are likely to be complex and entail a heavy workload in 2021.

93. The Appeals Chamber is also expected to hear several interlocutory appeals from cases which are presently before the Pre-Trial and Trial Chambers.

<sup>30</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.

94. Given the above, and in view of current trends, the various final and interlocutory appeals expected in 2021 are forecast to give rise to an increase in workload compared to 2020, and several complex matters are expected to be put before the Appeals Chamber at the same time.

**Budget resources** € 10,414.2 thousand

95. The requested amount has decreased by €376.5 thousand (3.5 per cent).

**Staff resources (total for three divisions)** €5,709.6 thousand

96. The amount requested has increased by €429.8 thousand (8.1 per cent). This increase is due to increases in staff entitlements linked to the UNCS. The staffing structure for the Chambers remains identical to that in 2020.

97. Mindful of Strategic Goal 9 of the Court-wide Strategic Plan for 2019-2021,<sup>31</sup> 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, which reflects the Court's commitment to the disciplined use of resources. Under this policy of operational flexibility, legal support staff are assigned on a needs basis, taking into account the workload of each team, Chamber and division, and 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 of the Judiciary. To the extent possible, operational staff shortages are addressed with available resources by flexible deployment between the divisions and simultaneous assignment to cases or applications at the pre-trial, trial or appeal stages.

98. The ongoing flexible assignment of established and GTA staff is expected to continue, leading to greater synergy between judicial operating requirements and the Chambers' pool of knowledge and expertise, and will be essential to ensuring that the Chambers' workload (with high levels of trial and appeals activities, in particular) can be handled with existing resource levels. Accordingly, for 2021, the staff resource requirements for Chambers remain at the same level as those approved for 2020. 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 will prevent the expeditious completion of tasks.

99. The staffing structure of the Chambers comprises 40 established posts and 10 GTA positions, as in 2020. 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* €4,530.6 thousand

100. The workload of established staff will remain at approximately the same level as in 2020, especially in the light of the complexity of pending cases. Extensive additional support will be required to conduct activities at the pre-trial level and for several interlocutory and final appeals.

101. The Chambers are served by 40 established posts. The Head of Chambers' Staff (P-5) is responsible for strategic planning and work processes in the Chambers. The incumbent oversees and leads coordination and communication between divisions, and provides support to the judges and overall managerial leadership to legal and administrative staff of the Chambers. The Head of Chambers' Staff 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 cases. The Chambers are further staffed by: 18 Legal Officers (P-3), who provide high-level legal advice and support to the Chambers and judges to whom they are assigned and coordinate the legal support teams of their respective Chambers, as necessary; 10 Associate Legal Officers (P-2), who assist

<sup>31</sup> Strategic Goal 9: "Manage resources in an effective, coherent, transparent, responsible and adaptable manner and further develop the sustainability and resilience of the Court against identified risks."

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*

*€1,179.0 thousand*

102. The work of the divisions remains critically dependent on the availability of sufficient GTA support at the P-3 and P-2 levels. The continuation of previously approved GTA resources is therefore 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, the same level of GTA resources is requested as was approved in the 2020 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 to assist with specific assignments in cases, such as in-depth legal research and analysis, preparation of draft decisions on issues emerging during the proceedings and provision of in-court support.

(b) Six *Associate Legal Officers (P-2)*, funded for a total of 72 months. *Continued. Multi-year.* These staff provide necessary legal support for the judicial work of the Chambers. The requested GTA P-2 positions are required, *inter alia*, to provide the following specific support: analysis and summarization of large volumes of evidence and submissions; in-court note-taking and summarization of hearings; liaison with the Registry, parties and participants where needed; analysis of applications for reparations; and performance of any other relevant tasks necessary to ensure the proper functioning of the divisions.

**Non-staff resources**

**€21.5 thousand**

103. Non-staff resources are required for hospitality and training. The requested amount remains the same as the approved amount for 2020.

*Hospitality*

*€1.0 thousand*

104. The requested amount remains unchanged and is necessary to cover 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*

*€20.5 thousand*

105. The requested amount has decreased by €0.5 thousand (2.4 per cent). Funding is composed of €13.3 thousand for staff training and an additional €7.2 thousand for judges' training. The amount for staff training is required for the development of professional skills, including legal writing and linguistic capacity-building, specialized training on new developments in international humanitarian law, international criminal law, human rights law and evidence (e.g. digital forensics), and further development of coordination, communication, managerial and leadership skills. The amount earmarked for judges' training will be used to fund language immersion programmes for the judges. These costs are recurrent.



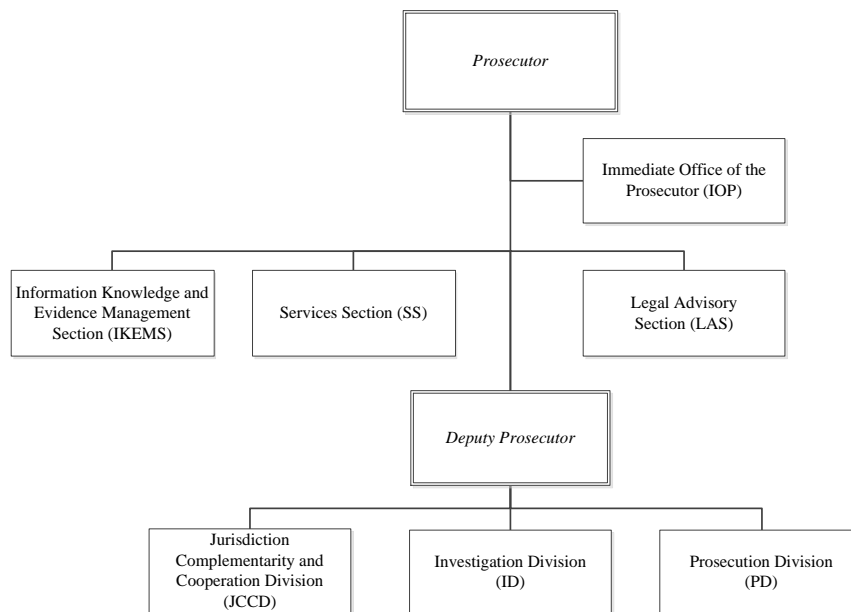
**Table 9: Programme 1200: Proposed budget for 2021**

1200 Chambers	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Judges	5,559.6	-	5,559.6	5,488.9	(805.8)	(14.7)	4,683.1
Professional staff				3,623.2	332.2	9.2	3,955.4
General Service staff				578.4	(3.2)	(0.6)	575.2
<i>Subtotal staff</i>	<i>3,730.9</i>	<i>-</i>	<i>3,730.9</i>	<i>4,201.6</i>	<i>329.0</i>	<i>7.8</i>	<i>4,530.6</i>
General temporary assistance	1,218.3	-	1,218.3	1,078.2	100.8	9.3	1,179.0
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	0.0	-	0.0	-	-	-	-
<i>Subtotal other staff</i>	<i>1,218.3</i>	<i>-</i>	<i>1,218.3</i>	<i>1,078.2</i>	<i>100.8</i>	<i>9.3</i>	<i>1,179.0</i>
Travel	-	-	-	-	-	-	-
Hospitality	0.5	-	0.5	1.0	-	-	1.0
Contractual services	1.1	-	1.1	-	-	-	-
Training	12.2	-	12.2	21.0	(0.5)	(2.4)	20.5
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>13.8</i>	<i>-</i>	<i>13.8</i>	<i>22.0</i>	<i>(0.5)</i>	<i>(2.3)</i>	<i>21.5</i>
<b>Total</b>	<b>10,522.6</b>	<b>-</b>	<b>10,522.6</b>	<b>10,790.7</b>	<b>(376.5)</b>	<b>(3.5)</b>	<b>10,414.2</b>

**Table 10: Programme 1200: Proposed staffing for 2021**

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 2020	-	-	-	-	2	2	18	10	-	32	-	8	8	40
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	-	4.00	6.00	-	10.00	-	-	-	10.00
Continued	-	-	-	-	-	-	4.00	6.00	-	10.00	-	-	-	10.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4.00</b>	<b>6.00</b>	<b>-</b>	<b>10.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10.00</b>

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



### Introduction

106. The mission of the Office of the Prosecutor (OTP or “the Office”) embraces the effective and efficient conduct of preliminary examinations, investigation and prosecution of perpetrators of genocide, crimes against humanity, war crimes and the crime of aggression, in accordance with its mandate under the Rome Statute. The Office will pursue this mission independently, impartially and objectively, consistent with its core values of *Dedication, Integrity and Respect*.

107. The proposed budget of the OTP for 2021 is based on three main interlinked sources:

- (a) the Court-wide Strategic Plan for 2019-2021;
- (b) the OTP Strategic Plan for 2019-2021 and related policies; and
- (c) a careful and realistic assessment of the resources that will be needed by the OTP in 2021 to properly discharge its mandate under the Rome Statute, while mindful of the exceptional COVID-19 related circumstances. The Office espouses and practices a strict, judicious and responsible approach to budget planning and fiscal management.

108. The OTP Strategic Plan for 2019-2021 takes stock of the Office’s experience in the previous three years of activities and sets the path for achieving the goals on which the OTP will focus in the coming months and years. Under the leadership of the Prosecutor, who assumed office in 2012, the OTP has undertaken a number of managerial, strategic and policy initiatives intended to enhance effectiveness and efficiency in the exercise of its mandate and, in so doing, further strengthen public confidence in the OTP. Many of these initiatives have been regularly reported on, such as through the OTP’s report on the implementation of its Strategic Plan for 2016-2018, and have resulted in internal institutional and operational enhancements. In the same spirit, the Strategic Plan for 2019-2021 is a further contribution by the Prosecutor and her Office towards that aim, driven by a candid commitment to continuous improvement and excellence and to make adjustments where needed. This commitment continues to guide the Office’s actions throughout the implementation of its strategic plan and in anticipation of the next three-year plan.

109. 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 depend on various factors, 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.

110. 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, fairness, 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 to ensure continuous improvement.

111. Results are measured on a regular basis via a set of performance indicators that were introduced in the Strategic Plan for 2012-2015 and continuously fine-tuned over subsequent strategic periods. In 2019, the indicators were aligned with the Strategic Plan for 2019-2021 to support its implementation. A total of 31 indicators<sup>32</sup> – grouped under the six strategic goals – will continue to be monitored through a dashboard, which serves as an internal management tool to evaluate the Office’s performance against its strategic commitments.

### **OTP activities in 2021 – preliminary examinations, investigations and prosecutions**

112. The activities planned for 2021 build upon the combined results and experience of implementing the previous OTP strategic plans and on the goals of the 2019-2021 plan.

113. The OTP has adjusted to the new operational environment, being both adaptable and resilient in the face of the COVID-19 pandemic: the ban on travel has not brought OTP operations to a halt in 2020 but only prompted the OTP to modify the way it carries out its activities; staff have been working from home, interacting and meeting remotely, drafting and filing legal briefs, preparing for judicial proceedings, employing innovative investigative methods, pursuing arrest opportunities, and finding ways to continue both investigative and prosecutorial activities that mitigate the impact of the pandemic.

114. Irrespective of the operational modality the OTP implements to conduct investigative or prosecutorial activities, the key “production asset” of the Office – the key to its operational capacity and resilience – is its staff.

115. The continuation of activities in 2020 means that a high budget implementation rate is forecast for the OTP in 2020, with staff costs being the main cost driver. These activities will have to extend into 2021 and the OTP will need to preserve the capacity and flexibility to take rapid advantage of every investigative opportunity, including where sudden limited deployment possibilities occur. The Court’s budget should therefore take this into account.

116. The planned activities for 2021 are driven by (1) the impact of the COVID-19 pandemic, which is shifting certain activities foreseen for 2020 into 2021, and (2) the effort of the Office to further prioritize activities in the second half of 2021 as indicated in its strategic plan, which should result in increasing the expeditiousness of its activities.<sup>33</sup> The alternative approach for the second half of 2021 would be to plan for more investigations, which would be justified by the existence of cases meriting investigation in situations that are open; however, this would mean overstressing limited resources.

117. The Office has managed to remain active during the COVID-19 restrictions and has continued to make progress, but there has been an unavoidable impact in terms of speed and

<sup>32</sup> *Strategic Goal 1: to achieve a high rate of success in court* – 1.1 AWA issued/requested (public); 1.2 Persons confirmed/presented; 1.3 Persons convicted/presented; 1.4 Cases with Final Appeals; 1.5 Counts granted/presented (AWA, DCC and Trial); 1.6 Art.15(3) applications authorized/requested (public); 1.7 Applications for Leave to Appeal granted/requested; 1.8 Interlocutory Appeals; 1.9 Cases with Evidence Review; 1.10 Critical Submissions Review. *Strategic Goal 2: to increase the speed, efficiency and effectiveness [...]* – 2.1 Individual Risk Assessments; 2.2 Source Evaluations Completed/Key Witness Interviews; 2.3 Security Assessment Status; 2.4 Investigation Plan Review; 2.5 Art. 15 Communications - Response Rate; 2.6 Art. 15 Communications WFA - Processing Rate; 2.7 Yearly Efficiency Gains (as % of the OTP budget); *Strategic Goal 3: [...] to increase the arrest rate of persons subject to outstanding ICC arrest warrants* – indicators under development. *Strategic Goal 4: to refine and reinforce its approach to victims, in particular for victims of SGBC and crimes against or affecting children* – 4.1 SGBC; 4.2 Crimes against and affecting children. *Strategic Goal 5: to increase the Office’s ability to manage its resources in an effective, responsible and accountable manner* – 5.1 Completion of Mandatory Training; 5.2 Implementation of the Annual Training Plan; 5.3 Quality Level of Training; 5.4 Performance Appraisal Compliance; 5.5 Recruitment Timelines; 5.6 Gender Balance - P-Staff; 5.7 Geographical Representation - P-Staff (excl. language); 5.8 Budget implementation – OTP; 5.9 Budget implementation - Staff costs; 5.10 Budget implementation - Non-staff costs; 5.11 Financial Compliance. *Strategic Goal 6: to strengthen the ability of the Office and of its partners to close the impunity gap* – 6.1 Incoming Requests For Assistance (RFAs) - Response Rate.

<sup>33</sup> Strategic Goal 2 in the OTP Strategic Plan for 2019-2021.

scope of activities. It needs the existing resources in order to catch up during the first part of 2021, and to be able to swiftly react to what may be unique and limited collection and other evidentiary opportunities. The wisdom of this approach is demonstrated by the recent successful operation to secure the surrender and transfer to the Court of Ali Muhammad Ali Abd-Al-Rahman (“*Abd-Al-Rahman*”), who was a fugitive for whom arrest warrants were outstanding for crimes allegedly committed in connection with the situation in Darfur (Sudan).

118. In its plan for 2021, the Office will work on three main areas: (a) prioritization of the preparation of cases going to trial; (b) focus on active investigations where there is potential for tangible results in the form of (sealed) warrants of arrest; and (c) in parallel, preservation of evidence and development of a completion strategy for two situations.

119. The OTP has closely cooperated with the Registry to present the leanest possible budget proposal for 2021, given the economic strain on States Parties: for 2021, no increase in resources has been proposed in the budget, but the OTP will seek to maintain the same level as in 2020 to sustain its capacity in 2021 to deliver on its mandate.

120. The OTP, together with the Registry and Presidency/Chambers, understands the seriousness of the economic situation faced by States Parties because of the COVID-19 pandemic, and will continue to work cooperatively to find solutions that take into account both the concerns of States Parties and the need to sustain the future resilience of the Court they created.

121. Consistent with its mission and strategic goals, the Office – while continuing to systematically identify efficiency gains and cost savings – focuses on optimizing preliminary examinations, further prioritizing investigations and prosecutions, developing a clear completion strategy for situations under investigation, developing narrower cases where appropriate, preparing and advocating for more expeditious court proceedings, and optimizing cooperation with partners.

122. The Office is committed to improving its governance by continuing to develop its practices in the fields of performance and risk management, further investing in leadership development and optimizing its decision-making structure and processes, always ensuring due oversight and informed decision-making.

123. Finally, the Office will continue to develop its ability to communicate more effectively, both internally and externally: timely and clear communications are crucial to maximize transparency and ensure that stakeholders and the public have an accurate and up-to-date picture of the Office’s actions and decisions, including the progress of its investigations and prosecutions, where appropriate.

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

124. The OTP conducts preliminary examinations of all situations that come to its attention and which merit further such assessment, so as to determine, on the basis of the legal criteria established by the Rome Statute and the information available, whether those situations warrant investigation. The OTP is currently conducting preliminary examinations in nine situations: Colombia, Guinea, Iraq/UK, Nigeria, Palestine,<sup>34</sup> the Philippines, Ukraine, Venezuela I and Venezuela II.

125. On 20 December 2019, the Prosecutor announced that, following a thorough, independent and objective assessment of reliable information available to her Office, she was bringing the preliminary examination of the situation in Palestine to a close and she applied to the Pre-Trial Chamber, pursuant to article 19(3) of the Rome Statute, for a ruling on her position with respect to the territorial scope of such an investigation. On 28 January 2020, Pre-Trial Chamber I issued an order setting the procedure and the schedule for the submission of observations on the Prosecutor’s request under article 19(3) of the Rome Statute related to the scope of the Court’s territorial jurisdiction in the situation in the State of Palestine. Pre-Trial Chamber I is expected to make a decision on this matter in due course.

<sup>34</sup> Following OTP’s request pursuant to article 19(3) of the Rome Statute, a related decision is pending before the Chamber.

126. Some of the Office's preliminary examinations might be concluded during the remainder of 2020 and in 2021.

127. The criteria set out in article 53(1)(a)(b)(c) of the Rome 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 a situation, the Prosecutor must consider jurisdiction, admissibility and the interests of justice.

128. 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.

129. 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 Rome Statute provides no timeline for such a determination. The Office ensures that no preliminary examination takes longer than is necessary to reach a proper assessment of whether the criteria are met that would justify opening an investigation, or not, as the case may be, and where an investigation is indicated, to complete any necessary forward planning.

130. Preliminary examinations are not only crucial to deciding whether 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 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. Furthermore, in line with its strategic plan, the Office has most recently integrated the preliminary examination process into its core activities of investigation and prosecution to ensure a smooth transition from the preliminary examination phase, should an investigation be justified in accordance with the statutory criteria, or judicially authorized, as the case may be.

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

131. The OTP Executive Committee ("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.

132. The 2021 proposed budget provides for the essential resources to finalize important investigative activities and operations, while also catering for prosecutorial and appellate activities related to ongoing proceedings.

133. After thorough consideration, and in line with its strategic plan and its policy on case selection and prioritization, in 2021 the OTP will initially prioritize active investigations in nine situations, followed by further prioritization after the first half of 2021, as follows: Afghanistan (currently subject to an ongoing deferral request under article 18 of the Rome Statute, but nonetheless requiring maintenance activities), Bangladesh/Myanmar, Burundi, the Central African Republic (CAR) II.a (first half of 2021 only), Côte d'Ivoire (CIV) II, Darfur, Georgia (first half of 2021 only), Libya and Mali. The forecast of active

investigations in 2021 is presented as accurately as possible, as of the preparation of the approved programme budget. Owing to the inherently dynamic nature of the OTP's mandate and activities, it is possible that additional investigations may be opened during the remainder of 2020 or in 2021, taking into account, in particular, the progress of the OTP's preliminary examinations. Should this occur, then the Office will determine how to best manage this through the work that it is doing on the prioritization of situations.

#### **Situation in the Islamic Republic of Afghanistan**

134. On 5 March 2020, the Appeals Chamber decided unanimously to authorize the Prosecutor to commence an investigation into alleged crimes under the jurisdiction of the Court in relation to the situation in the Islamic Republic of Afghanistan.

135. The Appeals Chamber's judgment amended the decision of Pre-Trial Chamber II of 12 April 2019, which had rejected the Prosecutor's request for authorization for an investigation of 20 November 2017 and had found that the commencement of an investigation would not be in the interests of justice. The Prosecutor filed an appeal against that decision.

136. The Appeals Chamber held that the Prosecutor is authorized to investigate, within the parameters identified in the Prosecutor's request of 20 November 2017, the crimes alleged to have been committed on the territory of Afghanistan since 1 May 2003, in addition to other alleged crimes that have a nexus to the armed conflict in Afghanistan and are sufficiently linked to the situation in Afghanistan and were committed on the territory of other States Parties to the Rome Statute since 1 July 2002.

137. While the OTP has been authorized to investigate, it has also received a request from Afghanistan pursuant to article 18 of the Rome Statute. On 12 June, the OTP received material from the Government of Afghanistan in support. The Office is currently carefully analysing the information and considering whether the information the Government provided has an impact on its own intended investigation. In view of this ongoing assessment, in addition to practical restrictions due to the world health crisis, the Office is not currently taking active investigative steps, but meeting its obligations under the Statute. Further litigation under article 18 is a possibility, but some maintenance activities must continue, such as necessary preparatory work, which includes the identification, analysis and management of risks; assessment of security and logistical issues; preservation of evidence; and development of an effective cooperation framework, as necessary, especially with the Government of Afghanistan. Subject to the outcome of the article 18 process, the start-up phase will be more complex and time-consuming than it has been for investigations in the past. All these considerations have been factored into the assessment of the level and kind of resources to be allocated to Afghanistan in 2021. While the investigation will be shown, for budget purposes, as continuing for the whole year, the Office will use its capacity flexibly and this situation will likely not be resource-intensive.

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

138. On 9 November 2017, Pre-Trial Chamber III 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 was also authorized to extend her investigation to crimes which were committed before 26 April 2015 or continued after 26 October 2017, as long as the investigation or prosecution relates to the crimes allegedly committed during the time Burundi was a State Party to the Rome Statute.

139. Resources in relation to, *inter alia*, investigations, cooperation and situation-specific languages, will continue to be required in 2021. The Office plans to continue its active investigation in the situation with a full integrated team, and in that context to conduct various missions to a number of countries as it continues efforts to build and maintain cooperation networks in the region to facilitate the investigation.

### **Situation in the Central African Republic (II.a and II.b)**

140. Investigations in the CAR II situation concern crimes allegedly committed during renewed violence in the country from 2012 onwards with a focus on the crimes allegedly committed by the different parties to the conflict, including by (groups linked to) the Séléka (CAR II.a) and (groups linked to) the anti-Balaka (CAR II.b).

141. Following extensive investigative and cooperation efforts, the CAR II.b investigations led to the arrests of two suspects in 2018. Pursuant to a warrant of arrest issued by Pre-Trial Chamber II on 11 November 2018, Mr Alfred Yekatom was handed over to the Court by the CAR authorities on 17 November 2018. On 7 December 2018, Pre-Trial Chamber II also issued a warrant of arrest for Mr Patrice-Edouard Ngaïssona, who was arrested by the French authorities on 12 December 2018 and transferred to the Court on 23 January 2019. On 20 February 2019, Pre-Trial Chamber II decided to join the two cases, scheduling the hearing on the confirmation of the charges for 18 June 2019. The confirmation of charges hearing was held from 19 to 25 September and on 11 October 2019. On 11 December 2019, Pre-Trial Chamber II partially confirmed the charges of war crimes and crimes against humanity brought by the Prosecutor against Mr Yekatom and Mr Ngaïssona and committed them to trial, which will start on 9 February 2021.

142. Other investigative activities in CAR II will continue in 2021, in particular to finalize the present focus of the OTP investigations. Investigative activities in CAR II.a are centred on the finalization of warrants of arrest, with the aim of issuing them during the first half of 2021. The Office will work with local authorities and the Special Criminal Court as part of the completion strategy.

143. While a good cooperation environment has helped the OTP to make substantive progress in its investigations, the security environment has been and remains extremely unstable, causing challenges for OTP activities and requiring increased security measures and logistical support for the Court's operations.

### **Situation in Côte d'Ivoire**

144. Post-election violence erupted in Côte d'Ivoire in 2010-2011 after results in the presidential election, involving Laurent Gbagbo and 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 (CIV I) and pro-Ouattara (CIV II) forces.

145. The joint case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, resulting from the CIV I investigation, concluded its trial phase on 15 January 2019 when Trial Chamber I acquitted Mr Gbagbo and Mr Blé Goudé of all charges brought against them following a submission of no case to answer. Subsequently, following the submission of no case to answer motions, the OTP indicated that it would decide whether to appeal once the Chamber had provided its reasons for acquitting the accused (by a majority), and submitted that it would be appropriate to order the conditional release of Mr Gbagbo and Mr Blé Goudé, which was granted on 1 February 2019 by the Appeals Chamber. The terms of conditional release have recently been relaxed. The OTP filed a notice of appeal on 16 September 2019 and the *Gbagbo and Blé Goudé* case is pending at the appeals stage at the time of submission of this budget document. The warrant of arrest for Simone Gbagbo remains to be executed.

146. In 2021, the Office will continue to focus its active investigation in relation to those crimes committed during the post-election violence from the side opposed to former President Laurent Gbagbo (CIV II). The Office expects to reach the point where a warrant of arrest is issued.

### **Situation in Darfur**

147. 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 Rome Statute.

148. On 6 June 2005, the OTP opened an investigation into the situation in Darfur in relation to crimes within the Court's jurisdiction, 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.

149. On 9 June 2020, *Abd-Al-Rahman* was transferred to the Court's custody further to the Court's warrants of arrest. A first warrant of arrest was delivered on 27 April 2007 and listed 50 counts on the basis of his individual criminal responsibility for war crimes and crimes against humanity. A second warrant of arrest was initially issued as secret on 16 January 2018. It added three new charges of war crimes (murder) and crimes against humanity (murder and other inhumane acts) allegedly committed in Deleig and surrounding areas between on or about 5 to 7 March 2004. His first appearance before the Single Judge of Pre-Trial Chamber II took place on 15 June 2020, and the confirmation of charges hearing has been provisionally scheduled for 2 December 2020. These pre-trial proceedings may continue into 2021.

150. In this situation, several warrants of arrest 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. Former President Omar Al Bashir faces five counts of crimes against humanity, two counts of war crimes and three counts of genocide allegedly committed against the Fur, Masalit and Zaghawa ethnic groups in Darfur from 2003 to 2008. Ahmad Muhammad Harun is facing 20 counts of crimes against humanity and 22 counts of war crimes. Abdel Raheem Muhammad Hussein is facing seven counts of crimes against humanity and six counts 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.

151. The Office considers that, with recent developments in Sudan, investigative opportunities and efforts to engage and galvanize cooperation with the new authorities must continue to be explored, including through possible missions to the field, depending on the evolution of the situation. The Office cannot responsibly halt investigations at this stage and must maintain this investigation active. The Office, in coordination with the Registry as appropriate, continues to call on States Parties to ensure the execution of the warrants of arrest, which are the result of the Office's investigations in this situation since the United Nations Security Council referral in 2005.

### **Situation in Georgia**

152. 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.

153. The OTP will continue active investigations in the Georgia situation throughout 2021 with a dedicated integrated team and within the available resources. As part of its completion efforts, the Office is aiming to conclude the investigation phase in the first half of 2021, resulting in either pre-trial activities or the winding up of the investigation. Given the complex cooperation and security environment, 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.

### **Situation in Libya**

154. Through resolution 1970 of 26 February 2011, the United Nations Security Council referred the situation in Libya as of 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 alleged crimes within the jurisdiction of the Court allegedly committed since 15 February 2011.

155. Several warrants of arrest remain to be executed for suspects in the situation in Libya: Saif Al-Islam Gaddafi, Al-Tuhamy Mohamed Khaled and Mahmoud Mustafa Busayf Al-Werfalli.

156. Despite the challenging security and political situation in Libya, the OTP has continued to make progress in the existing and potential new cases, and continues to collect, receive and process evidence concerning alleged crimes. In 2021, the Office will continue to conduct active investigations, in relation to allegations of continued crimes committed by militias and armed groups in Libya, including in cooperation with other States and organizations in furtherance of its Strategic Goal 6, emphasizing those crimes committed against migrants (Libya III), which fall under the jurisdiction of the Court, to capitalize on leads and opportunities presented to the Office, and contribute to closing the prevailing impunity gap.

### **Situation in the Democratic Republic of the Congo**

157. On 3 March 2004, the Government of the Democratic Republic of the Congo (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. Three important proceedings are expected to take place throughout 2020: the reparations proceedings and the implementation of reparations awards in the *Lubanga* and *Katanga* cases, and the drafting of judgments pursuant to article 74 and, if appropriate, article 76, in the *Ntaganda* case. In relation to the proceedings in the *Ntaganda* case, closing hearings took place in August 2018. Trial Chamber VI handed down its decision on 9 July 2019, finding Mr Ntaganda guilty beyond reasonable doubt of 18 counts of war crimes and crimes against humanity. The warrant of arrest for Sylvestre Mudacumura remains to be executed.

158. The OTP has continued to receive information on the situation in the DRC, including crimes allegedly committed in the Kasai region and elsewhere. It will continue to closely follow these developments and encourage and assess the measures taken at the domestic level to address them.

### **Situation in Kenya**

159. 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.

160. 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.

161. 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.

162. 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.

163. 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 Court witnesses. 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 with limited OTP resources still required.

### **Situation in Mali**

164. 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.

165. 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 of nine years' imprisonment were issued on 27 September 2016 and were not appealed.

166. 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 and crimes against humanity in Mali, with the aim of gathering evidence which could lead to additional cases.

167. This resulted, as a first outcome on 31 March 2018, in the arrest and surrender to the Court of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud ("*Al Hassan*"). The confirmation of charges hearing, initially scheduled for 24 September 2018, opened on 8 July 2019.

168. The opening of the trial of Mr Al Hassan is scheduled for 14 July 2020 and the beginning of the Prosecution's presentation of evidence for 25 August 2020. The trial is expected to continue throughout 2021. Trial proceedings will require a high level of dedicated resources in the integrated team, including trial lawyers and other members of the Prosecution Division, constant support from investigators and analysts, and cooperation efforts.

169. Instances of criminality are rife in Mali – with almost daily reporting. The expectation of the Government of Mali – with little capacity of its own – is for the Court to continue its work following their referral in 2012. The team will continue investigations into the situation and pursue identifying additional cases on the basis of the evidence gathered.

170. The Office's own assessment is that more work is required in Mali, as part of its completion strategy in the situation, with adjustments to be made as necessary depending on progress and immediate demand.

### **Situation in Uganda**

171. 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).

172. 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, on charges of crimes against humanity and war crimes. The Chamber terminated proceedings against Raska Lukwiya and Okot Odhiambo following their deaths. The warrants of arrest for Mr Kony and Mr Otti remain unexecuted.

173. 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.

174. On 12 December 2019, the presiding judge declared the closing of the submission of evidence in the case. The closing briefs were filed on 24 February 2020. The closing statements took place from 10 to 12 March 2020. Trial Chamber IX is deliberating on the proceedings before pronouncing its decision on conviction or acquittal.

175. The OTP will continue to require dedicated resources in anticipation of the decision and possible next steps with further litigation.

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

176. 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 exercise jurisdiction 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 OTP were established. Nonetheless, the OTP notes that 2021 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, the Court and the Rome Statute as a whole.

177. As has always been the practice, staff resources at the Office are allocated and redeployed flexibly between cases to maximize their effective use and the quality of outcomes while ensuring the completion of ongoing work. Wherever staff members have fungible skills (that is, expertise that can be used in more than one case, such as analysis, investigative and prosecutorial skills), they can be effectively and efficiently redeployed to new situations and cases.

178. 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. 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.

179. On the other hand, the Office always strictly scrutinizes and evaluates the possibility of reducing financial impact by reprioritizing and reallocating existing resources, and by identifying savings and efficiencies before requesting any increase. In preparing its proposal for 2021, the Office has minimized the financial impact by maximizing the flexibility in the use of staff funds and available posts where possible.

180. Because of the nature of its mandate and operations, most of the resources used by the Office are staff related. Owing to the evolving nature of its operations, the Office performs an evaluation of its existing roles and positions on a regular basis. In the 2021 proposed budget, total staff costs account for 93.5 per cent of the funds requested by the Office.<sup>35</sup>

181. As the Court-wide savings and efficiencies exercise has been performed for some years already, the possibility of achieving substantial additional material savings is in general

<sup>35</sup> The total OTP Approved Programme Budget for 2020 was €47,383.4 thousand, of which total staff costs were €42,511.7 thousand, or 89.7 per cent.

limited.<sup>36</sup> The OTP – in the context of its commitment to continuous improvement – constantly reviews its processes with the aim of performing 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.<sup>37</sup>

182. The total savings and efficiencies included in the 2021 budget proposal are €652.5 thousand. Of this amount, savings in the form of cost avoidance represent 88.5 per cent and efficiencies, 11.5 per cent.

183. 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 approved budget. The table below shows the OTP results since 2012.

	2012	2013	2014	2015	2016	2017	2018	2019
Budget (€ '000)	27,723.70	28,265.70	33,220.00	39,612.60	43,233.70	44,974.20	45,991.80	46,802.50
Savings and Efficiencies (€ '000)	183.96	848.18	442.67	366.1	375.52	367.7	240.6	652.5
Savings + Efficiencies over Budget	0.7%	3.0%	1.3%	0.9%	0.9%	0.8%	0.5%	1.4%

184. Similar to what was done for previous submissions, the 2021 proposal is based on both estimates for 2021 activities and trends in the implementation of specific budget items in past years, which are available to the Office’s management.<sup>38</sup>

185. The Office’s 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 2021, in accordance with its mandate.

<sup>36</sup> The output (savings and efficiencies) eventually follows the law of diminishing returns as, over time, the number of processes that have not yet been improved diminishes.

<sup>37</sup> The Court has presented its methodology to the Committee and the following categories have been agreed upon: 1. *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. 2. *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. 3. *Non-recurrent costs*: one-off decreases in resource requirements attributable to non-continuation of activities, resulting in a reduction in the baseline. 4. *Additional cost reductions*: workload-related changes resulting in a reduction in the baseline.

<sup>38</sup> Using the data prepared by the Financial Planning and Control Unit (FPCU), the Senior Manager provides monthly updates on the 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>. Thanks to the project by FPCU with the assistance of the Registry’s SAP and Budget teams, data on the implementation of budget lines’ is now updated as of midnight of the previous working day.

<i>Parameter</i>	<i>2020</i>	<i>2021</i>
Number of situations	11	12 <sup>39</sup>
Number of active investigations	9	9 <sup>40</sup>
Unsealed warrants of arrest pending execution	16	15 <sup>41</sup>
Number of preliminary examinations	9	9 <sup>42</sup>
Number of (pre-)trial teams (OTP)	2	3 <sup>43</sup>
Number of final appeals	1	4 <sup>44</sup>

186. 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.

187. The OTP's budget proposal includes the impact of the implementation of the 2021 United Nations Common System (UNCS), following increases in the UNCS since 2019, equal to €3.1 million. The UNCS adjustments include changes in local salaries and/or changes in duty station. In order to offset such increases and minimize the financial impact of the activities the Office and the Court have to carry out in 2021, the OTP has worked on two fronts: (a) careful scrutiny of internal requests in relation to both staff and non-staff resources; and (b) enhancement of synergies and coordination with the Registry's functions.

188. The OTP conducted a thorough assessment of the positions that have been requested and approved in the past submission but that were not filled in 2020 as part of the measures taken at the beginning of the year to mitigate the UNCS increases not taken into account in the approved budget. Wherever possible, the OTP has committed to leaving such posts unfilled for 2021 or to fund them for few months only, deliberately delaying recruitment to the last part of the year. These measures have allowed for a reduction in staff costs of about €1.3 million.

189. Since the gap to be closed amounted to €3.1 million, and there is a limit to the number of vacancies that are available or simply feasible in the light of the high level of activities of the OTP, substantial reductions have been applied to the non-staff costs part of the budget. These reductions amount to a total of €1.7 million and represent a decrease of over 36 per cent of the funds approved in the 2020 budget for activities and items under non-staff costs.

190. The largest reduction has been applied to travel. The OTP, however, seeks to maintain its capacity to conduct missions to support and progress with investigative and prosecutorial activities.<sup>45</sup> The COVID-19 health crisis has had an impact on the actual feasibility of deployment in the field in 2020, reducing the possibility to gain access to many countries where the OTP conducts its operations and putting additional pressure on the need to conduct the planned missions as soon as the situation allows. Since the start of the emergency, the inter-organ Crisis Management Team has been in contact with host State authorities and other United Nations and international organizations to devise plans concerning the health and safety of the Court and its staff, including providing guidelines and

<sup>39</sup> Afghanistan, Bangladesh/Myanmar, Burundi, CAR II, CIV, DRC, Darfur, Georgia, Kenya, Libya, Mali, Uganda.

<sup>40</sup> Nine active investigations, but CAR II.a and Georgia account for 12 months in total.

<sup>41</sup> CIV I *bis*(1); Darfur I (2), 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>42</sup> Colombia, Guinea, Iraq/UK, Nigeria, Palestine, the Philippines, Ukraine, Venezuela I and Venezuela II.

<sup>43</sup> CAR II.b (*Yekatom and Ngaiissona*), and Mali II (*Al Hassan*). In 2021 these cases are included as trials. At the time of the submission of the 2020 proposed budget, these cases were awaiting confirmation of charges. Therefore, they were included in the parameters as pre-trials. Sudan (*Abd-Al-Rahman*) is in the pre-trial phase following the surrender of the suspect in June 2020.

<sup>44</sup> The nature of the appeals process is such that, until a judgment is issued by a Trial Chamber, it cannot be said that a final appeal is certain. However, it is highly likely that a judgment of a Trial Chamber (be it a conviction or an acquittal) will result in at least one appeal from one or more of the parties.

<sup>45</sup> The Office 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.

directives on work-related missions. On the basis of the information available, most travel restrictions should be lifted in the last quarter of 2020.

191. The travel budget requested for 2021 has been formulated considering several factors and requirements, carefully trying to strike a balance between the need to safeguard the effectiveness of operations and the desire to minimize their financial impact. The Office has done so: firstly, and most importantly, by minimizing the risks for the Office's staff involved in missions and for those interacting with its staff both at Headquarters and in the field; secondly, by ensuring that sufficient progress is made in the Office's operations, in particular in relation to the cases where a trial will be conducted in 2021 and to the investigations where prospects to issue warrants of arrest and move to the pre-trial phase are promising; and thirdly, by maximizing the value for money of the missions benefitting from the efficiency measures devised and implemented during the 2020 emergency. These measures include, *inter alia*, increased utilization of video-assisted remote interviewing (Audio Video Link or AVL), increased presence of staff in the field, alternative accommodation solutions during missions and increased recourse to Headquarters-based interviews for witnesses who can travel to the Netherlands. The Office has thus been able to propose a significant reduction in the funds allocated to travel. While this reduced pace of activities is likely to have an impact on the speed at which cases will progress in 2021, the Office believes that this temporary reduction is the most sensible budgetary proposal that it can make to try to address the numerous challenges – such as guaranteeing staff health and safety, delivering concrete results and managing the financial pressure coming from other budget lines – that it will face in 2021.

192. In the preparation of the 2021 budget proposal, the OTP and the Registry have paid particular attention to finding the most effective and efficient ways to plan for activities that require the support of the Registry's functions (the so-called Service Requests). Benefitting from the experience gained generally in recent years, and from the lessons learned in managing operations differently during the COVID-19 emergency in particular, the OTP and the Registry have been able to identify alternative ways to perform certain activities, and thus make savings, such as in relation to the handling of witness testimony at trials by more frequent use of AVL as mentioned in the previous paragraph.

193. The table below summarizes the approach undertaken by the Office to achieve the leanest possible budget proposal, offsetting the exogenous increases through a rigorous review of all the budget components for 2021:

<i>Major Programme II</i>	2021
<i>Office of the Prosecutor</i>	(€ '000)
UNCS increase	3,085.6
Staff costs reductions	(1,311.4)
Non-staff costs reductions	(1,769.0)
<i>Subtotal reductions</i>	<i>(3,080.4)</i>
<b>Total</b>	<b>5.2</b>

194. On the basis of planned required activities for 2021, and in furtherance of its Strategic Plan for 2019-2021, the OTP proposed budget shows a marginal increase of €5.2 thousand (0.01 per cent), from €47,383.4 thousand to €47,388.6 thousand. The proposed budget is therefore built to achieve zero nominal growth compared to 2020. The table below summarizes the net increase per major budget item:

<i>Major Programme II</i>	2020	<i>Resource Change</i>		2021
	(€ '000)	<i>Amount</i>	<i>%</i>	(€ '000)
Staff costs	32,150.9	881.0	2.7%	33,031.9
Other staff costs	10,360.8	893.2	8.6%	11,254.0
Non-staff costs	4,871.7	(1,769.0)	(36.3%)	3,102.7
<b>Total</b>	<b>47,383.4</b>	<b>5.2</b>	<b>0.0%</b>	<b>47,388.6</b>

**Table 11: Major Programme II: Proposed budget for 2021**

Major Programme II Office of the Prosecutor	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				26,721.5	1,277.8	4.8	27,999.3
General Service staff				5,429.4	(396.8)	(7.3)	5,032.6
<i>Subtotal staff</i>	<i>32,351.8</i>	<i>-</i>	<i>32,351.8</i>	<i>32,150.9</i>	<i>881.0</i>	<i>2.7</i>	<i>33,031.9</i>
General temporary assistance	9,936.4	0.2	9,936.6	10,360.8	893.2	8.6	11,254.0
Temporary assistance for meetings	1.1	-	1.1	-	-	-	-
Overtime	0.1	-	0.1	-	-	-	-
<i>Subtotal other staff</i>	<i>9,937.6</i>	<i>0.2</i>	<i>9,937.8</i>	<i>10,360.8</i>	<i>893.2</i>	<i>8.6</i>	<i>11,254.0</i>
Travel	2,755.4	-	2,755.4	3,095.7	(1,122.0)	(36.2)	1,973.7
Hospitality	2.1	-	2.1	5.0	-	-	5.0
Contractual services	51.3	-	51.3	527.0	(157.0)	(29.8)	370.0
Training	164.8	-	164.8	290.0	(280.0)	(96.6)	10.0
Consultants	69.3	-	69.3	50.0	-	-	50.0
General operating expenses	898.3	-	898.3	640.0	(200.0)	(31.3)	440.0
Supplies and materials	64.2	-	64.2	90.0	(10.0)	(11.1)	80.0
Furniture and equipment	152.1	-	152.1	174.0	-	-	174.0
<i>Subtotal non-staff</i>	<i>4,157.5</i>	<i>-</i>	<i>4,157.5</i>	<i>4,871.7</i>	<i>(1,769.0)</i>	<i>(36.3)</i>	<i>3,102.7</i>
<b>Total</b>	<b>46,446.9</b>	<b>0.2</b>	<b>46,447.1</b>	<b>47,383.4</b>	<b>5.2</b>	<b>0.0</b>	<b>47,388.6</b>

**Table 12: Major Programme II: Proposed staffing for 2021**

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 2020	1	1	-	3	18	36	77	79	25	240	1	79	80	320
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>18</b>	<b>36</b>	<b>77</b>	<b>79</b>	<b>25</b>	<b>240</b>	<b>1</b>	<b>79</b>	<b>80</b>	<b>320</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	0.42	6.25	32.05	22.92	10.00	71.63	2.50	28.10	30.60	102.23
Continued	-	-	-	-	0.08	7.00	34.58	24.50	9.00	75.17	1.00	28.25	29.25	104.42
New	-	-	-	-	-	-	-	0.50	-	0.50	-	-	-	0.50
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.08</b>	<b>7.00</b>	<b>34.58</b>	<b>25.00</b>	<b>9.00</b>	<b>75.67</b>	<b>1.00</b>	<b>28.25</b>	<b>29.25</b>	<b>104.92</b>

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

### Introduction

195. Programme 2100 comprises all staff functions that support and provide advice to the Prosecutor and the entire Office. For budgeting purposes, information is presented under three sub-programmes:

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

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

(c) Sub-programme 2160: 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.

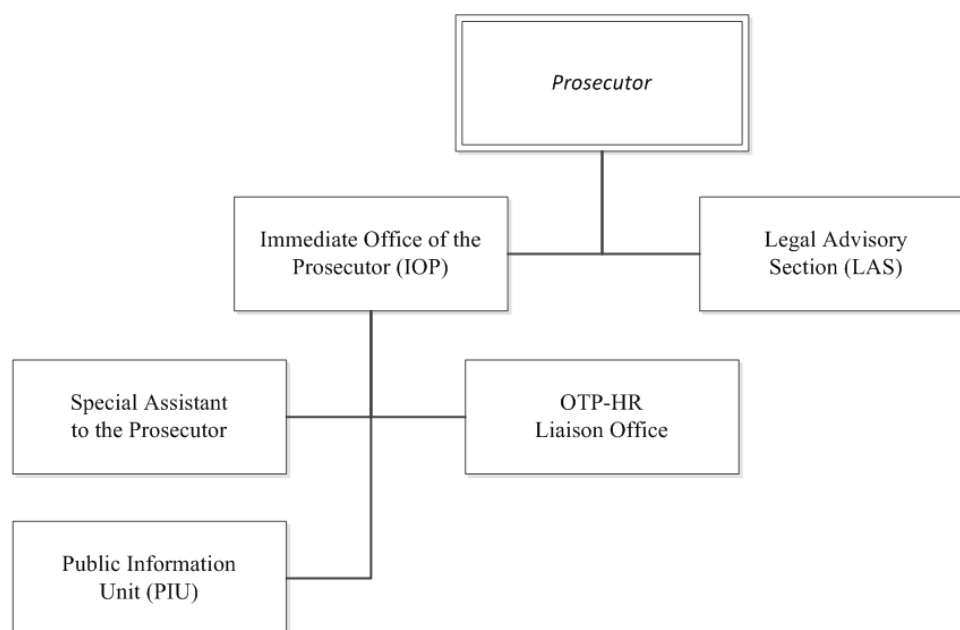
196. Following the terminology adopted in the inter-organ project for savings and efficiencies, most of the efficiencies achieved fall into the category of “review and standardization of policies, operations and procedures”. This has led to greater productivity with the same resources and allowed the increased workload to be absorbed with limited need to request additional resources in the Proposed Programme Budget for 2021 for the processes concerned.

197. Wherever possible, however, actual savings have been identified.<sup>46</sup> 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).

---

<sup>46</sup> Most of the savings fall under the category 1. Savings (ii) increases in costs avoided through newly-introduced policies, procedures and/or negotiations with suppliers or service providers, resulting in the same baseline. See Section D, Savings and Efficiencies, para. 38.



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

198. 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 in the overall management and quality control of the OTP's work, in line with the Office's set strategic goals. IOP processes, prepares and reviews for the Prosecutor's final approval all correspondence, speeches, reports, specific categories of OTP filings and other documents; facilitates the agenda of the OTP's ExCom, meetings and decision-making and related records and archiving, as well as communication with the divisions, sections and integrated teams; manages inter-organ matters and Court-wide initiatives on behalf of the Prosecutor; supports the OTP's participation in inter-organ activities; manages and supports the public information activities of the OTP to ensure effective and strategic information dissemination and public relations; manages the human resources needs of the OTP in a continuum of services with the Human Resources Section (HRS) of the Registry to ensure a well-qualified and motivated workforce; manages all OTP human resources staff requests requiring the Prosecutor's approval pursuant to the Staff Regulations and Rules and closely coordinates and liaises with HRS on human resources policy formulation and implementation; and provides general support to the Prosecutor and ExCom.

199. IOP provides critical services to the Prosecutor and the Office with relatively marginal resources. IOP contributes to the Office's overall aims of being an effective and efficient organ which upholds the highest standards of the profession by participating in the implementation of best practices and performing a number of critical support, review and advisory functions, such as assisting the Prosecutor in making fully informed decisions in the exercise of her mandate and administrative decision-making authority. IOP also works closely with the Legal Advisory Section of the Office in the development and maintenance of the Office's professional and ethical standards and their application in the day-to-day functioning of the Office. IOP ensures that recruitment processes foster the objective of balanced gender and geographical representation at all post levels in the Office, in furtherance of its internal performance targets, Strategic Goal 5 of the OTP Strategic Plan for 2019-2021 and the Court-wide Strategic Goal 8. IOP also works with the Services Section to support the Prosecutor's management of the Office budget by implementing synergies and ensuring coordination on a wide-range of inter-organ institutional matters, and harmonization of practices in relation to human resources and public information, as appropriate. IOP further contributes to projects and initiatives aimed at streamlining processes and to the overall oversight and quality control of the Office through the assistance it provides to the Prosecutor and the Office. In the 2021 budget cycle, IOP will also be contributing to the legacy report, handover and related activities of the incumbent Prosecutor as she winds down her mandate.

200. The Legal Advisory Section (LAS), working with other parts of the OTP as necessary, responds to requests for legal advice from the Prosecutor and the OTP's divisions, sections and teams. These requests concern the OTP's investigations and prosecutions, core operations, the general functioning of the OTP as an independent organ and other internal matters. LAS also represents the OTP in the development and revision of Court-wide policies and administrative issuances, and other regulatory instruments. LAS has developed an electronic system to assist in identifying and recording lessons learned so as to enhance the quality and efficiency of operations, as also addressed in Strategic Goal 5. LAS also facilitates the development and maintenance of the OTP's professional and ethical standards, and coordinates the development of the OTP'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.

201. LAS manages and maintains the online legal tools, commentaries and databases for the OTP. It also provides related training as needed. LAS is additionally responsible for the development of a legal-academic network for the OTP, which includes organizing a series of guest lectures by external experts.

202. 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. In that same context, LAS is responsible for advising the Prosecutor on staff-related, administrative law matters, including cases involving litigation, the application and interpretation of Staff Regulations and Rules, as well as administrative instructions, in consultation with the OTP HR Liaison Office and IOP as appropriate.

**Budget resources** **€2,149.5 thousand**

203. The requested amount has been reduced by €265.2 thousand (11.0 per cent).

**Staff resources** **€1,928.4 thousand**

204. The requested amount for established posts has increased by €2.9 thousand (0.2 per cent). The requested amount for general temporary assistance has increased by €65.2 thousand (53.4 per cent). There are no changes in the number of established posts and there is an increase of 0.5 FTE in GTA positions in Sub-programme 2110. IOP and LAS comprise 16 established posts and 1 GTA position.

*Established posts: Professional and General Service* *€1,758.7 thousand*

205. The Prosecutor (USG) is supported by Sub-programme 2110 through IOP and LAS.

206. IOP is led by one Chef de Cabinet (P-4) and comprises the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Chef de Cabinet	P-4	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
<b>Total</b>		<b>10</b>

207. LAS is led by one Senior Legal Adviser (P-5) and comprises 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
<b>Total</b>		<b>5</b>

*General temporary assistance* €122.1 thousand

208. One GTA position (1.0 FTE) is requested to meet crucial resource needs for 2021 to address high demands placed on IOP. This resource was approved in previous budget submissions and is hence a multi-year request. One new GTA position (0.5 FTE) is requested to address the high demands placed on the OTP HR Liaison Office.

<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
Associate HR Liaison and Coordination Officer	P-2	1	6	0.5	New

**Non-staff resources** €222.1 thousand

209. In order to compensate for the increases in staff costs (e.g. UNCS and the six months of a new GTA position), the requested amount is substantially lower than in the 2020 budget (60.1 per cent). Non-staff resources are requested for travel, hospitality, contractual services, training and consultants. The requested resources are recurrent unless otherwise indicated.

*Travel* €146.1 thousand

210. The requested amount continues to decrease and is €33.3 thousand (18.6 per cent) less than in the approved 2020 budget. The amount is intended to cover projected missions of the Prosecutor and her staff.

211. 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 many instances, personal, high-level engagement directly by the Prosecutor has yielded positive results in further advancing investigations and prosecutions, and generally building critical diplomatic and political support, 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 independently of the Office. The travel budget also covers limited missions by representatives of LAS, the Public Information Unit and OTP HR Liaison Office, and 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

212. The requested amount is the same as in the 2020 approved budget.

213. 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 2021.

*Contractual services*

*€10.0 thousand*

214. The requested amount has decreased by €20.0 thousand (66.7 per cent). The limited resources are needed to support independent public information missions in countries of operation, for the rental of appropriate facilities for press conferences and for the production and distribution of informational material.

*Training*

*€10.0 thousand*

215. The discretionary items that the Office can use to offset budget increases are limited. The overall non-staff costs part in the Office’s funds accounts for about 10 per cent of the yearly budget. 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. As part of the measures undertaken to compensate for the UNCS increases not included in the 2020 approved budget, the OTP had already frozen most of the training projects in 2020. However, in the light of the extraordinary situation, the Office has resolved to dramatically reduce its request for training funds for 2021 as well. The requested amount has thus decreased by €280.0 thousand (96.6 per cent) compared with the 2020 approved budget.

216. For general training, the Office will rely on online training courses made available through the Court’s HR e-learning platform (e.g. LinkedIn). The Office is however mindful of the fact that it must also provide adequate training, enhancing the skills of its staff as required, and that the e-learning platform does not provide all the specific training that may be necessary.

217. 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. These training sessions will have to be postponed.

218. The Office will continue to work with the other organs, organizations and national authorities to ensure maximum cost-effectiveness, for example, by looking for synergies and opportunities to engage in joint training, 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*

*€50.0 thousand*

219. The requested amount is unchanged compared with the previous year. 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 IOP to ensure coordination across operational divisions.

220. In accordance with article 42(9) of the Rome Statute, the Prosecutor continues to engage the services of (external) special advisers and consultants on issues such as sexual and gender-based crimes, crimes against children and crimes against cultural heritage. While these experts generally contribute their services on a pro bono consultancy basis, their appointments entail travel and DSA expenses which are absorbed within the travel budget. These centralized funds are also used when expert consultants are hired by other divisions in the Office (e.g. Prosecution Division and Investigation Division). All efforts are nevertheless made to keep such costs to a minimum through planning and scrutiny of such costs.

**Table 13: Sub-programme 2110: Proposed budget for 2021**

2110 Immediate Office of the Prosecutor / Legal Advisory Section	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,443.0	1.9	0.1	1,444.9
General Service staff				295.2	1.0	0.3	296.2
<i>Subtotal staff</i>	<i>1,523.9</i>	<i>-</i>	<i>1,523.9</i>	<i>1,738.2</i>	<i>2.9</i>	<i>0.2</i>	<i>1,741.1</i>
General temporary assistance	114.0	-	114.0	122.1	65.2	53.4	187.3
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>114.0</i>	<i>-</i>	<i>114.0</i>	<i>122.1</i>	<i>65.2</i>	<i>53.4</i>	<i>187.3</i>
Travel	112.2	-	112.2	179.4	(33.3)	(18.6)	146.1
Hospitality	2.1	-	2.1	5.0	-	-	5.0
Contractual services	2.0	-	2.0	30.0	(20.0)	(66.7)	10.0
Training	8.9	-	8.9	290.0	(280.0)	(96.6)	10.0
Consultants	0.0	-	0.0	50.0	-	-	50.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>125.2</i>	<i>-</i>	<i>125.2</i>	<i>554.4</i>	<i>(333.3)</i>	<i>(60.1)</i>	<i>221.1</i>
<b>Total</b>	<b>1,763.1</b>	<b>-</b>	<b>1,763.1</b>	<b>2,414.7</b>	<b>(265.2)</b>	<b>(11.0)</b>	<b>2,149.5</b>

**Table 14: Sub-programme 2110: Proposed staffing for 2021**

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 2020	1	-	-	-	1	2	3	5	-	12	1	3	4	16
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>-</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>16</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
Continued	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	0.50	-	0.50	-	-	-	0.50
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>0.50</b>	<b>-</b>	<b>1.50</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.50</b>

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

221. The Services Section's main objective is to facilitate the full implementation of legislative mandates and compliance with the Court's policies and procedures with respect to: (a) the management of financial resources of Major Programme II ensuring the prudent stewardship of funds; and (b) the management of the linguistic support required for the effective delivery of the programme of work and staff of the Office as foreseen in the budget assumptions.

222. In performing its activities in a professional, effective, efficient and accountable manner, the Section contributes to the achievement of the Office's Strategic Goal 2 and Strategic Goal 5, and of the Court-wide Strategic Goal 6, Strategic Goal 7, Strategic Goal 8 and Strategic Goal 9.<sup>47</sup>

223. The Section is made up of two units: the Financial Planning and Control Unit (FPCU) and the Language Services Unit (LSU). These 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.

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

225. 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 budget of Major Programme II, through collection, evaluation and consolidation of the resources requests from the Office's divisions and sections based on the agreed budget assumptions;

(b) finalization of the budget of Major Programme II, through collection, evaluation and consolidation of the services requests placed with the Registry's service providers by the Office's divisions and sections based on the agreed budget assumptions;

(c) preparation of standard and ad hoc reports, documents and files in relation to areas under its responsibility, and in cooperation with the external relations team in the Jurisdiction, Complementarity and Cooperation Division, for management and oversight bodies (the Assembly, its Bureau and its working groups, the Committee, the Audit Committee, External Auditors), the Court's internal governing bodies (Coordination Council, inter-organ committees, Office of Internal Audit) and the Office's internal clients (ExCom, senior management, etc.);

(d) 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;

(e) management of OTP requests for provision of goods and services that require support by the Procurement Unit and other Registry entities;

(f) management of the administrative and financial aspects of all OTP staff positions, including GTA, short-term appointments (STA) and individual contractors;

(g) careful administration of funds dedicated to field operations and witness-related activities, and official travel;

---

<sup>47</sup>*OTP Strategic Goal 2: to increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions. OTP Strategic Goal 5: to increase the Office's ability to manage its resources in an effective, responsible, and accountable manner. Court-wide Strategic Goal 1: Increase the expeditiousness and efficiency of the Court's core activities of preliminary examinations, investigations and trials and reparations, while preserving the independence and fairness of its proceedings and protecting the safety and well-being of the persons involved, in particular victims and witnesses. Court-wide Strategic Goal 6: Further strengthen professionalism, dedication and integrity in all of the Court's operations. Court-wide Strategic Goal 7: Create and ensure a safe and secure working environment in which staff wellbeing and continuous improvement is at the centre. Court-wide Strategic Goal 8: Achieve more equitable GRGB, particularly at higher level posts. Court-wide Strategic Goal 9: Manage resources in an effective, coherent, transparent, responsible and adaptable manner and further develop the sustainability, and resilience of the Court against identified risks.*

- (h) expert advice and technical assistance to divisions and sections in the Office on the application of the Financial Regulations and Rules, procedures and policies;
- (i) effective monitoring and control of the use of resources in compliance with the Court's Financial Regulations and Rules, aiming at the most effective stewardship of the funds granted to the Office;
- (j) policy guidance on request, management and analysis of extrabudgetary resources for unforeseen and/or unbudgeted activities;
- (k) organization and conduct of annual training workshops on financial matters and on IPSAS developments for country office administration staff;
- (l) expert advice on accounting and financial matters and related systems to OTP divisions and sections, including non-Headquarters offices;
- (m) expert advice, acting as focal point for the Office, in close interaction with the relevant sections and units in the other organs of the Court on:
  - (i) review and evaluation of current policies and procedures concerning administrative, financial, interpretation, transcription and translation matters; and
  - (ii) preparation of proposals for updates and improvements in policies and procedures concerning administrative, interpretation, transcription and translation matters;
- (n) assessment of interpretation, transcription and translation needs to support investigative and prosecutorial activities of the Office, in a timely, cost-conscious and efficient manner;
- (o) expert advice on linguistic issues arising in the course of legal proceedings and of internal OTP consultations on matters of policy and procedure;
- (p) organization and conduct of joint practitioner/service-provider workshops to maximize procedural outcomes; and
- (q) provision of timely and high-quality:
  - (i) field, event, and telephone interpretation;
  - (ii) transcription and quality control of audio and video evidence;
  - (iii) translation and revision of OTP evidence and core Office policy and outreach documentation;
  - (iv) review of material either outsourced to vetted, external language professionals or in languages of lesser diffusion where formal technical expertise is scant; and
  - (v) summary translation, redaction, editing, subtitling, language identification and other support activities for projects requiring language expertise within the Office.

226. The Section also represents the OTP in financial, budgetary and resource-related matters before the Assembly, its Bureau and working groups, the Committee, 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 in this field.

#### **Budget resources**

**€5,535.8 thousand**

227. The requested resources have increased by €174.8 thousand (3.3 per cent). This is the net effect of the implementation of the new UNCS rates and the reductions that could be achieved in non-staff costs.

228. Thanks to continuing efforts to streamline processes and workflows, FPCU has been able to manage the additional workload and achieve substantial efficiencies within the same basic structure. FPCU has promoted and has been actively involved in the review of the procedures and processes where its expertise and functions are required. Efficiencies have been achieved and reported in the past years. This Unit expects to continue to maintain the

quality of its deliverables as well as the efficiencies identified and implemented in previous years in a number of areas such as:

- (a) providing checklists for travel claims to improve accuracy and expediting processing time;
- (b) automating the process for printing pre-registration numbers to reduce the time taken to reconcile country office accounts and operations reports;
- (c) working with the SAP team and the Budget Section of the Registry to standardize the budget implementation dashboard based on the template and data format developed by FPCU, thus reducing the time needed to prepare management reports and increasing accuracy and consistency of information across the Court; and
- (d) the FPCU Online Request System that supports paperless processing and reduces the need for time-consuming email exchanges. In addition, the 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.

229. 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. The increasing complexity of operations (e.g. need to devise and implement efficient and effective solutions to increase security of staff deployed on mission by reducing the footprint of the Office's operations while ensuring full compliance with the regulatory framework of the Court) and the increase in the volume of transactions to be managed are stretching the capacity of the resources available to FPCU.

230. Mindful of the financial environment in which this budget proposal is being presented, FPCU is not requesting additional resources for 2021. However, as proven by the assessment presented with the 2020 budget,<sup>48</sup> there is the risk that if the mismatch between workload and resources available is not addressed in future years, the ability of FPCU to properly perform its critical functions will be jeopardized.<sup>49</sup>

231. FPCU plays a fundamental role, above all, in ensuring that the key functions of monitoring and controlling proper budget implementation and relevant reporting are performed to a high standard.<sup>50</sup> It ensures such controls on all OTP financial transactions whose volume grows yearly (e.g. certification of close to 1,400 travel requests per year along with the relevant verification of the travel report, and close to 400 requests for purchase order creation along with relevant verification and certification of goods/services received) – before they are transmitted to the Registry's functions for administrative finalization.

232. In addition, FPCU provides the Senior Manager and the ExCom with analysis, evaluation of 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.

233. FPCU also supports the Senior Manager in engagements with internal and external stakeholders by providing data, reports and analysis on the financial aspects of OTP activities.

234. FPCU consolidates requests for equipment and software from business users in an OTP procurement plan, verifies budgetary compliance and coordinates with the Procurement Unit in the Registry to ensure timely and effective delivery of goods and services.

<sup>48</sup> See ICC-ASP/18/10, *Proposed Programme Budget for 2020 of the International Criminal Court*.

<sup>49</sup> This risk has been identified in the Risk Assessment exercise performed with the facilitation of the Office of Internal Audit and is included in the Section's Risk Register.

<sup>50</sup> Policies and procedures developed by FPCU are often used as a standard for the Court. For instance, the Office of Internal Audit suggested that, in preparing the Standard Operating Procedure for Miscellaneous Obligor Documents, the Court could use the internal guidelines developed by the OTP as a reference. See Audit on Miscellaneous Obligor Documents (MOD) usage, OIA.06.19.



235. FPCU is engaged in the continuous improvement of the quality of its processes and in the timeliness and accuracy of the information it provides to the Office to assist management in the decision-making process. With the technical assistance of the Registry's SAP team, FPCU has further improved the dashboard it developed to monitor the implementation of the various budget lines. Data is now available with updates as of the midnight of the previous day, instead of at the end of each month.<sup>51</sup> The model has been extended to the rest of the Court after a pilot period. This improved dashboard enhances transparency in the utilization of funds and provides a common view of budget implementation across the Court.

236. FPCU is also looking into possible standardization and automatization of additional reports used within the OTP. The Business Solutions Development Unit (BSDU) was asked to evaluate software alternatives that can lead to the provision of data analytics applications to support FPCU and reduce manual intervention in processing the available information. Priorities have had to be revised because of the COVID-19 crisis and BSDU has not finalized the analysis in 2020.

237. LSU has a key role in meeting the language-service support needs of IOP, primarily related to, among others, its public information, reporting and policy activities, and filings and communications. However, it also continues to advise and operate closely alongside the integrated teams from the moment a preliminary examination is opened until, typically, the moment the Defence case is brought to a close. In doing so, it ensures continuity of service (including with more challenging languages) and the even application of sound linguistic policy and practice across the various teams and divisions, while respecting the oftentimes strict but varying physical and information security constraints imposed.

238. LSU continues to provide services in a broad spectrum of both standard and non-standard languages, in over 70 working, official, cooperation or situation languages. Some languages, such as English, French and Arabic, continue to see high levels of activity (amplified in 2020 by the concentrated disclosure obligations in the *Yekatom and Ngaissona* case), while other languages phase in and out with the ebb and flow of the different situations and specific lines of investigation pursued by the Office. LSU endeavours at all times to judiciously measure the effort needed to source, test and recruit language professionals and to optimize the contractual options available to determine the specific resources required and the deadlines to be able to deliver services efficaciously and strike the optimal balance between financial prudence and judicial preparedness. With a mind precisely on such budget conscientiousness, LSU explores the options for recruiting locally in-country and making judicious use of freelance resources where quality and information security can be upheld.

239. In 2020, the Assembly approved a Reviser (Arabic) post to meet the increasing and ever-challenging workload between Arabic and both working languages, requiring a diverse linguistic and cultural understanding of the multi-dialectal Arabic landscape covered by the CAR II, Darfur, Mali, and Libya situations and the Palestine preliminary examination being looked into by the OTP. This post is requested to be continued. The core function would be to enforce consistent and appropriate translation and terminology quality standards in order to ensure the reliability of OTP translations used in pursuing lines of investigation and presenting timely, courtroom-ready evidence at the prosecution phase. At the time of writing, LSU has concluded its translation and transcript services in preparation for the *Al Hassan* trial. Because of the volume and complexity of the evidence to be processed and the scope of the languages involved, this project proved extremely time- and resource- intensive. With, among other things, the recent surrender of *Abd-Al-Rahman*, the Arabic team remains a core component of LSU.

240. In 2020, LSU pursued its close collaboration with BSDU and service users to refine and streamline live with its purpose-built transcription and translation workflow system, resulting in a number of significant upgrades in the system. With further functionality and features, LSU hopes to future-proof its existing resourcing levels against rising demand, without having to request additional resources. Moreover, by interfacing with Ringtail and Records Manager (RM) to enhance the efficiency of its document management, access

---

<sup>51</sup> See footnote 38 above. This is one of the analysis tools that the Section has developed to monitor the implementation of budget lines and to provide advice to the Prosecutor to ensure sound management of the resources allocated by the Assembly to achieve the goals of the OTP.

controls, client coordination and service delivery, thereby among other things eliminating duplicate evidence submissions, automating information security and reporting tasks, and providing a real-time service dashboard, capacity is created for other previously de-prioritized tasks. In 2020, LSU has continued with its plans to additionally extend process automation by further integrating its already existing contacts management interface and developing a refreshed interpretation request and planning system (linked to the Court-wide mission planning system currently under development).

241. The Services Section has demonstrated a high level of adaptability and resilience to the COVID-19 crisis. The Court's Crisis Management Team (CMT) has been conducting regular productivity assessments. Both FPCU and LSU reported coping well in terms of workload processed. Some equipment-related and connectivity issues were encountered, and the remote modality has increased the need to ensure timely and accurate communication with the teams in the Office and other business partners in the Court.

242. As far as the areas of responsibility of the specific units are concerned, the situation is as follows:

- (a) *Budget preparation:* Most of the information needed to work on budget preparation requires exchanges with the OTP divisions and sections. Without the possibility to meet in person, FPCU has organized WebEx meetings, phone calls and file exchanges to collect information. This modality has put FPCU under higher than usual pressure for the collection and consolidation of divisional resource requests for the 2021 Proposed Programme Budget and the submission of the proposal. However, FPCU had already fostered more intensive utilization of electronic exchange of documents and of common folders in RM before the COVID-19 crisis. This proactive approach means that the real initial issues were linked to connectivity problems more than to the procedures applied by the Unit. The team has the necessary skills to work in the remote environment. Its ability to optimize its resources eventually depends on the capability of the business partners across the Office to submit documentation in a digital format.
- (b) *Reconciliations:* The Travel Expense Report (TER) supporting documentation normally requires interaction and feedback from various OTP staff members with a final paper submission. Operational Expenditure Reports (OER) supporting documentation is also generally paper-based. The processes require some interaction with staff involved in the missions, the focal point(s) and Miscellaneous Obligor Documents (MOD) account holder(s) in order to ensure a complete report. Without the possibility of face-to-face contact, interaction has taken place via email to ensure TER and OER are submitted within the usual established deadlines. In lieu of paper copy submission, new RM folders were created by FPCU. FPCU has easily adapted to using Nitro and RM to substitute paper submission. During the adaption phase, pictures of receipts have been accepted as supporting documents as well as email approval to replace signature, or electronic signature for PDF documents used when scanning is not available. Clients have experienced some challenges in the submission of reports owing to the lack of printers and scanners at home or the inability to send originals from the country offices, which are necessary as part of evidence collection and submission or reports. When issues have arisen, the use of email or phone for clarification has always been possible and FPCU has continued to demonstrate its commitment to providing high quality advice and business support.
- (c) *Implementation reporting and monitoring:* The budget activity planning meeting and other specific meetings have been replaced by WebEx, WhatsApp and Skype meetings; other interaction has been replaced by emails. Constant communication ensures the reports are circulated within the usual established deadline. Thanks to the internal OTP online request system developed by FPCU and the centralized approach implemented by the Office, all requests related to HR (GTA, SSA, STA) and non-staff related matters (outsourcing, procurement, etc.) are made electronically by the requesters, and processed and certified by FPCU. Clarifications, when necessary, take place using the same online request

system, or in some cases, by email or telephone. Access through Citrix to the FPCU online request system, SAP and RM allow these activities to be performed seamlessly.

- (d) *Translation and transcription:* The technical work processes of the translation and transcription teams (be they internal to LSU or external-facing, with for instance integrated teams, Information and Evidence Unit and outsourcers) are almost fully managed through IT systems, such as RM, Ringtail, LSRS, email and SharePoint. No major adjustments have been required. In the absence of in-person meetings, communication with internal LSU staff, other OTP staff, other Court partners and external partners/contractors has been managed using the range of available IT means of phone, email, Signal/WhatsApp or WebEx. To adapt to the COVID-19 related loss of productivity (e.g. due to child-care/education issues) and to manage the enduring demands of a heavy workload, the transcription and translation teams have continued to prioritize the ongoing work on the basis of the Office's most critical (typically courtroom-related) activities. The sustained, unrelenting high level of demand for core transcription and translation services (combined with the pressure to meet deadlines, especially in respect of *Al Hassan* and *Yekatom and Ngaiissona* trial-related activities and for the activities in preparation for the *Abd-Al-Rahman* confirmation hearing) has meant that LSU resources have been fully focused on their primary functions. The shortfall in internal translation and transcription capacity has been managed through targeted outsourcing. One LSU Translator has assisted the Language Services Section of the Registry with translating non-confidential, urgent COVID-19 material from Dutch into English. Translation and transcription processes have proved themselves to be shock resistant in very large part. As part of ongoing process improvements, the transcription team is currently advising the divisions on practical implementation, feasibility and best practice in relation to transcribing recorded interviews conducted remotely. Specific translator and transcriber working modalities have, at times, given rise to specific challenges proven to be problematic as reported in the impact-assessment report to the CMT (e.g. script and font display issues in the Citrix environment, lack of integration of transcription software and hardware (pedal), small screens or unavailability of a second screen, inability to print out documents). In addition, various staff with external-facing responsibilities (including staff of the translation and transcription teams) do not have Court-issued mobile phones to communicate most effectively and rapidly with external translation and transcription contractual suppliers, which can result in slower delivery time. Currently, this means communication is largely carried out by slower email interaction.
- (e) *Interpretation:* Interpretation missions in the field essentially ceased with immediate effect after the introduction of the COVID-19 measures. Conversely, demand for remote interpretation (typically over the phone) has grown. The services requested by the integrated teams to date have therefore all been fully met with systems and procedures already in place. In anticipation of persisting travel complexities, the interpretation team continues to prioritize the identification of interpretation resources in-country/local to the mission destination (a long-term consideration already in place for financial reasons). The interpretation team also continues to liaise actively with the integrated teams and field interpreters (by phone, email, Signal/WhatsApp or WebEx) to anticipate need and ensure best possible preparedness for when missions resume. The interpretation team some years ago anticipated the need for and researched policy and practice in relation to an increased demand for more numerous (and more complex) remote interpretation activities. It remains in ongoing consultation with the integrated teams and is currently advising the divisions on the practical implementation, feasibility and best practice in relation to interpreting interviews conducted remotely. In the same vein, the interpretation

team continues to expand and develop fresh remote testing material as well as means for performing remote recruitment activities.

**Staff resources** **€4,902.7 thousand**

243. The requested amount for established posts has increased by €126.2 thousand (5.3 per cent). The requested amount for GTA positions has increased by €356.9 thousand (17.6 per cent). The increases are the effect of the UNCS as there are no new requests for staff. In 2021, the Section will comprise 26 established posts, 27 recurrent GTA positions including Field Interpreters (20.76 FTE).

*Established posts: Professional and General Service* *€2,521.0 thousand*

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

245. FPCU is led by one Administration Officer (P-3) and comprises the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Administration Officer	P-3	1
Associate Administration Officer	P-2	1
Finance and General Administration Assistant	GS-OL	3
<b>Total</b>		<b>5</b>

246. LSU is led by one Language Coordinator (P-4) and comprises the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Language Coordinator	P-4	1
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
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
<b>Total</b>		<b>20</b>

*General temporary assistance* *€2,381.7 thousand*

247. 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.

248. Through regular meetings with its clients, the Section closely analyses and evaluates the best ways to match efficiency and effectiveness in the delivery of its services within the approved resources limits.

249. The breakdown of requested GTA positions for 2021, in descending order of grades in the Section, is as follows. Unless otherwise indicated, GTA resources are recurrent and multi-year:

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
Reviser (Arabic)	P-4	1	12	1.00	Continued
Translation Officer	P-3	1	12	1.00	Continued
Translator	P-3	7	84	7.00	Continued
Associate Translator	P-2	1	12	1.00	Continued
Associate Interpretation Coordinator	P-2	1	12	1.00	Continued
Associate Administration Officer	P-2	1	12	1.00	Continued
Assistant Translator	P-1	2	24	2.00	Continued
Administrative Assistant	GS-OL	1	12	1.00	Continued
Transcript Reviewer	GS-OL	3	36	3.00	Continued
Language Services Assistant	GS-OL	1	12	1.00	Continued
Field Interpreter	GS-OL	8	38	3.16	Continued
<b>Total</b>		<b>27</b>	<b>266.0</b>	<b>22.16</b>	

**Non-staff resources****€633.1 thousand**

250. The requested amount has decreased by €308.3 thousand (32.7 per cent). Non-staff resources are used for travel, contractual services, and supplies and materials. Unless otherwise indicated, the resource requested is recurrent.

251. The Office continues to centralize some non-staff budget items – such as consultants, supplies and materials, furniture and equipment, and training<sup>52</sup> – so that it can respond quickly and flexibly to changing needs during budget implementation. The funds requested in the 2021 budget are required to provide support and materials needed for the business activities of other sub-programmes within the Office.

*Travel**€245.6 thousand*

252. The requested amount has decreased by €168.8 thousand (40.7 per cent) from the 2020 approved budget. Missions in the field require 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.

*Contractual services**€360.0 thousand*

253. The amount requested has decreased by €137.0 thousand (27.6 per cent).

254. LSU has been engaging with other internal stakeholders in continuing to seek viable options for automating, accelerating and reducing the costs of at least part of the transcription process; while current technology remains insufficiently mature to cope with the full scope of complex linguistic requirements generated by OTP activities, LSU has recently agreed with the front-line integrated teams on a simpler set of transcription guidelines which should both streamline the transcription process itself and generate knock-on benefits downstream in the translation process.

255. 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.

<sup>52</sup> Training and consultants are included in Sub-programme 2110 (Immediate Office of the Prosecutor). Some funds for supplies and materials, along with furniture and equipment, are included in Sub-programme 2160 (Information, Knowledge and Evidence Management Section).

*Supplies and materials**€27.5 thousand*

256. The requested amount has decreased by €2.5 thousand (8.3 per cent). This is a centralized budget item; funds are used for operational purposes.

257. 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 the Information Management Services Section (IMSS).

258. The remaining €7.5 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.

**Table 15: Sub-programme 2120: Proposed budget for 2021**

2120 Services Section	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,484.8	131.4	8.8	1,616.2
General Service staff				910.0	(5.2)	(0.6)	904.8
<i>Subtotal staff</i>	<i>2,385.3</i>	<i>-</i>	<i>2,385.3</i>	<i>2,394.8</i>	<i>126.2</i>	<i>5.3</i>	<i>2,521.0</i>
General temporary assistance	1,839.0	0.2	1,839.2	2,024.8	356.9	17.6	2,381.7
Temporary assistance for meetings	1.1	-	1.1	-	-	-	-
Overtime	0.0	-	0.0	-	-	-	-
<i>Subtotal other staff</i>	<i>1,840.1</i>	<i>0.2</i>	<i>1,840.4</i>	<i>2,024.8</i>	<i>356.9</i>	<i>17.6</i>	<i>2,381.7</i>
Travel	371.1	-	371.1	414.4	(168.8)	(40.7)	245.6
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	497.0	(137.0)	(27.6)	360.0
Training	9.6	-	9.6	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	9.1	-	9.1	-	-	-	-
Supplies and materials	32.3	-	32.3	30.0	(2.5)	(8.3)	27.5
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>422.1</i>	<i>-</i>	<i>422.1</i>	<i>941.4</i>	<i>(308.3)</i>	<i>(32.7)</i>	<i>633.1</i>
<b>Total</b>	<b>4,647.5</b>	<b>0.2</b>	<b>4,647.7</b>	<b>5,361.0</b>	<b>174.8</b>	<b>3.3</b>	<b>5,535.8</b>

**Table 16: Sub-programme 2120: Proposed staffing for 2021**

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 2020	-	-	-	-	1	3	5	4	-	13	-	13	13	26
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>-</b>	<b>13</b>	<b>-</b>	<b>13</b>	<b>13</b>	<b>26</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	0.50	7.01	3.00	2.00	12.51	-	7.93	7.93	20.44
Continued	-	-	-	-	-	1.00	8.00	3.00	2.00	14.00	-	8.17	8.17	22.17
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>8.00</b>	<b>3.00</b>	<b>2.00</b>	<b>14.00</b>	<b>-</b>	<b>8.17</b>	<b>8.17</b>	<b>22.17</b>

(c) **Sub-programme 2160: Information, Knowledge and Evidence Management Section**

259. Following the amalgamation of the Information and Evidence Unit, the Knowledge-Base Unit (now Business Solutions Development Unit), the Data Processing Unit and the pool of Information Management Assistants into the Information, Knowledge and Evidence Management Section (IKEMS) in January 2019, the Section continues to take steps towards optimizing the processes and systems surrounding these critical business functions.

260. Given that the OTP is an information-driven organization, this new holistic and centralized approach allows it to devote the necessary business focus to deal with information and evidence in a manner that strategically positions it to:

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

(b) reduce the IKEM burden on OTP divisions, sections and units, thereby streamlining and increasing business focus in OTP core business areas;

(c) ensure that OTP initiatives in the areas of client-need identification, requirements gathering, project management and solutions identification and 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 coordinated and unified manner.

261. As part of its mission to innovate, modernize and ensure the best possible IKEM-related services are provided to all areas of the OTP, as well as in an effort to increase inter-Organ collaboration and ensure the optimization of effort in identifying and implementing business solutions, IKEMS is preparing vital staff-related restructuring initiatives as part of a multi-year modernization initiative aimed at increasing its efficacy, efficiency and responsiveness. The proposed changes will seek to leverage process review and technological innovation, in parallel with the Court's next IT Strategy, in an effort to increase innovation and automation over the coming years. The accompanying necessary structural changes will be presented as part of the 2022 Proposed Programme Budget.

262. IKEMS, headed by an Information Management Coordinator, comprises two Units: the Information and Evidence Unit (IEU) and the Business Solutions Development Unit (BSDU).

263. 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.

264. IKEMS 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.

265. For example, in its first year of operation, IKEMS identified and was able to cancel or modify incomplete or unnecessary information technology-related capital expenditure initiatives. Similarly, in 2020, following a stringent needs analysis and selection process, it was also able to avoid €65.0 thousand in expenditures over the next three years and an additional €100.0 thousand in software-related expenses. IKEMS also provided a solution developed in-house valued at €75.0 thousand to the Registry in early 2020, and IMSS did the same later in the year with a similar tool, also valued at €75.0 thousand, thereby allowing both IKEMS and IMSS to each avoid consultancy and development expenses while further strengthening inter-organ collaboration with respect to solutions developed in-house.



266. The Section also aims to optimize the provision of information management, evidence processing and solutions development services in a more unified, coordinated and efficient manner both internally and in coordination with IMSS.

267. Specifically BSDU which, as a result of the recent consolidation has absorbed the Information Management Assistants who were formerly part of the Investigation Division, is responsible for:

- (a) ensuring a strategic, coordinated, balanced and transparent approach to OTP information management, business development and innovation;
- (b) conducting comprehensive business analyses, process mapping, needs assessments and requirements gathering exercises on behalf of the Prosecutor, for all OTP business streams;
- (c) leading and coordinating – in close collaboration 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 monitoring to ensure the seamless provision of IKEM services;
- (d) advancing a more stringent approach to stewarding OTP business development initiatives by ensuring continuous and recurring in-house programme and project evaluation, as well as intra- and inter-organ sharing of IKEM lessons learned;
- (e) drafting and maintaining the OTP’s IKEMS strategic plan, including forecast assessments of IKEM-related developments which may have an impact on OTP core business operations;
- (f) 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; and
- (g) maintaining direct (embedded) operational data and information management support to OTP integrated teams, from preliminary examinations to the pre-trial stage.

268. 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 disclosure in support of the OTP’s Prosecution Division;
- (c) provision of 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 for missions, including safe storage and transfer of evidence; and
- (f) implementation of 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.

269. The OTP’s Information Management Coordinator plays a critical role in leading both IKEMS Units and, by extension, acts as the Office’s central focal point for all IKEMS issues. The essential functions of the post 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 IKEMS strategic plan and harmonizing that plan with the Registry’s Court-wide IT strategy; and
- (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** **€3,826.6 thousand**

270. The requested funds have decreased by €145.9 thousand (3.7 per cent).

**Staff resources** **€3,583.8 thousand**

271. In 2021, the Section will comprise 32 established posts and 12 recurrent GTA positions (10.0 FTE).

*Established posts: Professional and General Service* *€2,546.4 thousand*

272. The Section, comprising two Units, is overseen by one Information Management Coordinator (P-5).

273. BSDU comprises the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Systems Architect	P-4	1
Information Officer (Evidence and Analysis Systems)	P-2	2
Database Coordinator	P-1	3
Assistant Information Officer	P-1	1
<b>Total</b>		<b>7</b>

274. IEU comprises 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	5
Information Management Assistant	GS-OL	7
Information Storage Assistant	GS-OL	3
Disclosure/Search Assistant	GS-OL	1
Senior Evidence Assistant	GS-OL	1
Evidence Assistant	GS-OL	4
<b>Total</b>		<b>24</b>

*General temporary assistance* *€1,037.4 thousand*

275. The Section requires GTA positions to support the activities of the Office. Unless otherwise indicated, the requested resource is multi-year. The breakdown of requested GTA positions for 2021 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	1.	0.08	Continued
Technical Assistant (Information Systems)	GS-OL	1	12	1.00	Continued
Information Management Assistant	GS-OL	1	1.	0.08	Continued
<b>Total</b>		<b>12</b>	<b>122</b>	<b>10.17</b>	

**Non-staff resources****€242.8 thousand**

276. The requested amount has decreased by €18.5 thousand (7.1 per cent). Non-staff resources are recurrent and are used for travel, general operating expenses, supplies and materials, as well as furniture and equipment.

*Travel**€8.8 thousand*

277. The requested amount of €8.8 thousand provides for a limited number of missions for technical staff to provide support to field deployments, manage, repatriate or write off IKEMS equipment and supplies currently located in country offices and to participate in professional symposiums and conferences.

*General operating expenses**€7.5 thousand*

278. The €7.5 thousand requested is needed for annual maintenance of OTP-specific software applications.

*Supplies and materials**€52.5 thousand*

279. This is a centralized budget item; funds are used for operational purposes.

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

*Furniture and equipment**€174.0 thousand*

281. The requested amounts 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 Coordination Committee. Furniture and equipment figures in Sub-programme 2160 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.

282. These initiatives relate to increasing in-house efficiencies through meticulous business process reviews and the development and/or identification of solutions aimed at investigation and witness management, automated transcription, contract management, interpretation coordination and project management workflows within OTP. These initiatives directly support investigative and prosecutorial needs as well as the OTP's overall service and support capacity for core business activities.

283. The second group of initiatives consists of the broad-scope implementation of the forensic toolkit, which is composed of three sub-projects: Web Anonymized Searching Platform (WASP) for anonymous web browsing; forensic capture and triage of digital materials requiring additional processing, analysis and review before registration; and, lastly, development and enhancement of the OTP's tools and abilities to collect and process open-source information and conduct online investigations in support of its core investigative and prosecutorial activities.

**Table 17: Sub-programme 2160: Proposed budget for 2021**

2160 Information, Knowledge and Evidence Management Section	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,126.6	103.2	9.2	1,229.8
General Service staff				1,470.0	(153.4)	(10.4)	1,316.6
<i>Subtotal staff</i>	<i>2,248.1</i>	<i>-</i>	<i>2,248.1</i>	<i>2,596.6</i>	<i>(50.2)</i>	<i>(1.9)</i>	<i>2,546.4</i>
General temporary assistance	962.1	-	962.1	1,114.6	(77.2)	(6.9)	1,037.4
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	0.0	-	0.0	-	-	-	-
<i>Subtotal other staff</i>	<i>962.1</i>	<i>-</i>	<i>962.1</i>	<i>1,114.6</i>	<i>(77.2)</i>	<i>(6.9)</i>	<i>1,037.4</i>
Travel	8.9	-	8.9	17.3	(8.5)	(49.1)	8.8
Hospitality	-	-	-	-	-	-	-
Contractual services	12.4	-	12.4	-	-	-	-
Training	11.7	-	11.7	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	10.0	(2.5)	(25.0)	7.5
Supplies and materials	32.0	-	32.0	60.0	(7.5)	(12.5)	52.5
Furniture and equipment	152.1	-	152.1	174.0	-	-	174.0
<i>Subtotal non-staff</i>	<i>217.0</i>	<i>-</i>	<i>217.0</i>	<i>261.3</i>	<i>(18.5)</i>	<i>(7.1)</i>	<i>242.8</i>
<b>Total</b>	<b>3,427.2</b>	<b>-</b>	<b>3,427.2</b>	<b>3,972.5</b>	<b>(145.9)</b>	<b>(3.7)</b>	<b>3,826.6</b>

**Table 18: Sub-programme 2160: Proposed staffing for 2021**

2160	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 2020	-	-	-	-	1	1	1	4	4	11	-	21	21	32
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>11</b>	<b>-</b>	<b>21</b>	<b>21</b>	<b>32</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	1.00	5.00	2.00	8.00	-	4.00	4.00	12.00
Continued	-	-	-	-	-	-	1.00	5.00	2.00	8.00	-	2.17	2.17	10.17
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>5.00</b>	<b>2.00</b>	<b>8.00</b>	<b>-</b>	<b>2.17</b>	<b>2.17</b>	<b>10.17</b>

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

### Introduction

284. The Jurisdiction, Complementarity and Cooperation Division (JCCD) conducts preliminary examinations and facilitates the Office's investigations by fostering cooperation and judicial assistance under Part IX of the Rome Statute, and providing external relations support for the Office's mandate and activities. Cooperation and political support are vital to ensuring the timely investigation and prosecution of cases as the Court has no enforcement powers of its own. They also play an important part in the preventive and complementary functions of the Court. Therefore, and in furtherance of the Court-wide Strategic Goals 1 and 4, optimizing cooperation with partners has also been identified as a priority objective in the OTP Strategic Plan for 2019-2021, as it will contribute to the OTP's strategic goal to increase the speed, efficiency and effectiveness of the OTP's core activities (Strategic Goal 2). 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 stakeholders. JCCD's ultimate objective is to facilitate the effective fulfilment of the OTP's investigative and prosecutorial mandate and to galvanize general support for the Office's work by engaging in advocacy and delivering key messages.

285. The Division is also responsible for conducting preliminary examinations of all situations brought to the Office's attention, whether as a result of a referral by a State Party or the United Nations Security Council 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 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. The optimization of preliminary examinations is another key objective in line with the Court-wide Strategic Goal 1 and the OTP Strategic Goal 2, and the OTP will endeavour to further exploit their value and build upon their momentum.

286. The Division comprises two Sections: the International Cooperation Section (ICS) and the Preliminary Examination Section (PES).

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

288. *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. The number of incoming requests for cooperation has also seen an increase in recent years, further adding to the workload for the Section. It should be noted that, in recent years, ICS has not requested additional resources despite the heavier workload. As cooperation is absolutely vital to investigations, the lack of adequate staffing within ICS can be an impediment to the facilitation of timely and tangible cooperation for effective investigations. These operational realities and challenges make it imperative for ICS to have at a minimum the same level of resources available in 2021 as in 2020.

289. *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 members 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 including in furtherance of the OTP's Strategic Goal 6, aimed at strengthening of the ability of the OTP and its partners to close the impunity gap. The judicial cooperation component of ICS also plays a critical role, in conjunction with other colleagues in ICS as well as in the Investigation Division, in the development of enhanced strategies and methodologies to increase the arrest rate of persons subject to outstanding warrants, which has been promulgated as Strategic Goal 3 in the OTP's strategic plan.

290. *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. In particular with a view to galvanizing political support, optimizing cooperation and enhancing communication with States Parties and other stakeholders, such as international organizations and NGOs, in furtherance of the Court-wide and OTP strategic plans, 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; 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.

291. Within JCCD, one Legal Adviser (P-4) provides legal advice on specific 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. The 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 and Prosecution Legal Coordination Section on written and oral submissions as required. Furthermore, the 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 PES on ongoing investigation/prosecutions and preliminary examinations.

292. PES 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 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 PES feeds into the analysis that is essential to successful investigative operations should the Prosecutor decide to open an investigation into a situation.

293. PES functions, which are now closely integrated with the core OTP activities of investigation and prosecution, include:

- (a) receiving and processing information on alleged crimes submitted under article 15 of the Rome Statute, including building crime analysis databases;
- (b) requesting information from a number of 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; and
- (e) reporting on its findings to the Prosecutor and explaining the Office's preliminary examinations to relevant stakeholders and the public.

294. All of these tasks – pertaining to up to 10 preliminary examinations and an average of 500 new communications yearly – are performed by a small team of three Situation Analysts, six Associate Situation Analysts, two Assistant Situation Analysts and one Head of Section. No additional resources have been allocated since 2014, despite the ever-increasing workload and, in particular, the high volumes of information required to be processed in some of the more complex situations.

#### **Budget resources**

**€4,214.9 thousand**

295. Resources are requested for the continuation of GTA positions previously approved in the 2020 budget. These resources are crucial to enabling the Division to continue conducting its mandate effectively in 2021. The requested funds have increased by €185.4 thousand (4.6 per cent). This is the combined effect of the implementation of the new UNCS rates and a reduction in the travel budget.

#### **Staff resources**

**€3,909.2 thousand**

296. The requested amount for established posts has increased by €258.9 thousand (8.1 per cent). The amount requested for GTA positions has increased by €39.9 thousand (9.3 per cent). The increase in staff resources is the effect of the implementation of the new UNCS rates. The Division comprises 30 established posts and four GTA positions (3.50 FTE).

*Established posts: Professional and General Service*

*€3,441.9 thousand*

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

298. ICS is led by one Head of Section (P-5) and comprises a total of 16 established posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, International Cooperation Section	P-5	1
International Cooperation Adviser	P-4	2
Judicial Cooperation Adviser	P-4	1
International Cooperation Adviser	P-3	6
External Relations Adviser	P-3	1
Associate International Cooperation Adviser	P-2	1
Judicial Cooperation Assistant	GS-OL	2
Administrative Assistant	GS-OL	2
<b>Total</b>		<b>16</b>



299. PES is led by one Head of Section (P-5) and comprises a total of 12 established posts:

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

*General temporary assistance*

*€467.3 thousand*

300. Four GTA positions (equivalent to 3.5 FTE) are requested to be continued in the 2021 budget to support the preliminary examinations, investigations and trials anticipated in 2020, 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.

301. 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, has caused many International Cooperation Advisers to regularly cover multiple situations simultaneously, thus limiting the possibility for the future application of such flexibility.

302. The breakdown of approved GTA positions 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	1.0	Continued
Situation Analyst	P-3	2	24	2.0	Continued
Legal Officer – UN based (New York)	P-3	1	6	0.5	Continued
<b>Total</b>		<b>4</b>	<b>42</b>	<b>3.5</b>	

303. The Legal Officer – UN based (New York) (P-3) (0.51 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.

**Non-staff resources**

**€305.7 thousand**

304. Requested non-staff resources have decreased by €113.4 thousand (27.1 per cent). These resources are dedicated to travel and are recurrent.

*Travel*

*€305.7 thousand*

305. 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 requested budget, despite the increased number of planned missions.

**Table 19: Programme 2200: Proposed budget for 2021**

2200 Jurisdiction, Complementarity and Cooperation Division	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				2,833.0	260.9	9.2	3,093.9
General Service staff				350.0	(2.0)	(0.6)	348.0
<i>Subtotal staff</i>	<i>2,981.0</i>	<i>-</i>	<i>2,981.0</i>	<i>3,183.0</i>	<i>258.9</i>	<i>8.1</i>	<i>3,441.9</i>
General temporary assistance	663.7	-	663.7	427.4	39.9	9.3	467.3
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>663.7</i>	<i>-</i>	<i>663.7</i>	<i>427.4</i>	<i>39.9</i>	<i>9.3</i>	<i>467.3</i>
Travel	238.0	-	238.0	419.1	(113.4)	(27.1)	305.7
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-
Training	7.7	-	7.7	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>245.8</i>	<i>-</i>	<i>245.8</i>	<i>419.1</i>	<i>(113.4)</i>	<i>(27.1)</i>	<i>305.7</i>
<b>Total</b>	<b>3,890.4</b>	<b>-</b>	<b>3,890.4</b>	<b>4,029.5</b>	<b>185.4</b>	<b>4.6</b>	<b>4,214.9</b>

**Table 20: Programme 2200: Proposed staffing for 2021**

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 2020	-	-	-	1	2	3	10	7	2	25	-	5	5	30
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>10</b>	<b>7</b>	<b>2</b>	<b>25</b>	<b>-</b>	<b>5</b>	<b>5</b>	<b>30</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	3.50	-	-	3.50	-	-	-	3.50
Continued	-	-	-	-	-	-	3.50	-	-	3.50	-	-	-	3.50
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3.50</b>	<b>-</b>	<b>-</b>	<b>3.50</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3.50</b>

### 3. Programme 2300: Investigation Division

#### Introduction

306. The Investigation Division (ID) aligns its work with the goals of the OTP Strategic Plan for 2019-2021 as follows: (1) to achieve a high rate of success in court, ensure high-quality investigations, a culture of critical thinking development of investigative standards and systematic quality control over the evidence and the investigative activities; (2) to increase the speed, efficiency and effectiveness of investigations through the required high recruitment standards, the management and planning of investigative activities, the development of new procedures, investigative tools and technical standards; (3) to increase the rate of arrests through specific fugitive tracking activities; and (4) to refine and reinforce the approach to victims through measures of psychological, welfare and security support for victims, particularly for children, victims of sexual crimes and other vulnerable victim witnesses.

307. In 2020, ID has been able to adapt and continue its operations in line with the OTP strategic goals in spite of the COVID-19 outbreak by proactively taking a number of measures: (1) remote working by staff through secure access and communication platforms; (2) increased online investigations; (3) increased analysis work, to enhance the exploitation of collected evidence; (4) remote witness interviewing with appropriate technology and guidelines; (5) increased and more integrated field deployment of investigators; (6) enhanced strategies for remote outreach with the affected communities; and (7) better coordination with national law enforcement agencies and other local partners. To adapt to this new environment ID has redirected resources, developed new guidelines and delivered additional training as appropriate. ID has also led the OTP contribution to the Court-wide Crisis Management Team, providing support with operational, managerial and analytical expertise. These measures are also likely to be necessary in 2021, which will allow the Office to continue effectively its investigations under the expected “new normal”.

308. ID continues to work on improvements in several areas: Investigations 3.0 project, gathering input from staff and management to outline the future of its investigations; review and update of Standard Operating Procedures for evidence collection and analysis; research on investigative techniques and jurisprudence in collaboration with external partners (national and international law enforcement agencies, universities and NGOs); increased coordination and training with INTERPOL, EUROPOL and national war crimes units, in collaboration with JCCD as appropriate; increased coordination with first responders to advise on best evidentiary standards and to encourage their contributions; launch of new resources for internal online training and intranet shared resources; and greater support for staff welfare, including a working group on gender issues and briefings to manage health and stress in the COVID-19 context.

309. ID comprises the Office of the Director and the following four Sections:

- (1) The Investigation Section (IS) ensures evidence collection and all other required investigative activities. Team Leaders and Investigators develop investigative strategies, and plan and implement investigative activities, including the handling and interviews of witnesses and the collection of all other types of evidence. Investigators conduct field operations where they also interact with local authorities and external partners as required;
- (2) The Investigative Analysis Section (IAS) ensures the factual analysis of information and evidence for investigations and prosecutions, including crime patterns, organizational structures and networks, telecommunications and implementation of the Fact Analysis Database (all-source collation database to support investigations);
- (3) The Forensic Science Section (FSS) ensures the collection and analysis of forensic evidence with three units: Forensic Unit for crime scene examinations, exhumations, autopsies, clinical examinations and criminalistics; Cyber Unit for digital forensics and specialized online investigations; Imagery Unit for Geographic Information Systems, 3D reconstruction, satellite, drone and other imagery techniques; and

- (4) The Planning and Operations Section (POS) with four Units: the Operational Risk and Support Unit (ORSU) provides operational and security support for field missions; the Protection Strategies Unit (PSU) protects witnesses and other persons interacting with the Office; the Gender and Children Unit (GCU) assists with vulnerable witnesses and investigates sexual and gender-based crimes and crimes against children; and the Administration and Planning Team provides administrative support.

310. The Director, Investigation Division, leads areas that require cross-sectional strategic cooperation, such as online investigations, fugitive tracking, some working groups for innovation, and adapting to the COVID-19 environment.

311. The number of parallel investigations (nine) remains the same, and ID will also be supporting two trial teams and one pre-trial team, which continues to place a significant strain on the allocation of resources to the teams, the speed of investigations and the well-being of staff.

#### **Budget resources**

**€19,865.5 thousand**

312. The requested amount has increased by €82.6 thousand (0.4 per cent).

313. As in previous years, the Division has made a significant effort to identify savings and efficiencies and expects to achieve savings of around €400.0 thousand. Throughout 2020, in coordination with the other divisions of the OTP and the other organs of the Court, ID has continued to identify savings and efficiencies through, where possible and more efficient, the deployment of permanent investigative capacity in the field; the increased ability to operate remotely, including the exploitation of information and evidence available on online repositories; the use, whenever possible, of remote investigative interviews and the development of outreach campaigns aimed at engaging with the affected communities from afar; having European-based witnesses travel to Headquarters for interviews; and, whenever possible, by relying on national authorities to conduct or support some of the investigative activities.

314. In all Sections, current capacity falls very short of identified needs. The persistent consequences of understaffing are as follows: more time required for the completion of planned activities; inability to react appropriately to important unforeseen events without removing or significantly reducing resources allocated to other priority activities; insufficient analysis of the collected evidence and backlogs in analytical databases; reliance on interns and visiting professionals for significant tasks; diminished capacity to conduct lessons learned exercises, develop standards and ensure adequate training; limited capacity to track and monitor fugitives and develop arrest strategies; and highly 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.

315. Within FSS, the Cyber Unit remains heavily overstretched and the Forensic and Imagery Units are lacking in core capacity. There is currently no in-house expertise for forensic medicine, including for medical monitoring of witnesses, or for forensic video and image analysis, including video and image authentication, identified as a need to support investigations, or for dedicated quality management.

316. Within POS, PSU remains highly overstretched but has continued to manage a heavier workload and more challenging environments from a witness protection and management perspective. Within ORSU, the field component is at a bare minimum, if not below, and while the pandemic has currently reduced the ability of the Office to make deployments, as they fully resume, there will be a very limited ability to rapidly react to complex and shifting operational environments. GCU continues as in previous years to maintain a roster of Psychosocial Experts, contracted by GCU when parallel investigative activities require simultaneous support beyond GCU’s capacity. An effort has been made to identify more local expertise, reducing the need for experts to travel and reducing the associated travel costs. The small Administration and Planning Team is able to currently cope with administrative support; the essential collection, collation and production of management information; monitoring of efficiency and risk management; support for priority projects; and

assistance with the Division's complex resource management requirements. No additional resources are requested for 2021.

**Staff resources** **€18,364.6 thousand**

317. The amount requested for established posts has increased by €606.4 thousand (4.8 per cent) and the amount requested for GTA positions has increased by €329.3 thousand (6.9 per cent). The increased amounts under established posts and GTA are the result of the implementation of the new UNCS rates. In 2021, the Division will comprise a total of 128 established posts and 53 recurrent GTA positions (53 FTE), for a total of 181 staff (181 FTE).

*Established posts: Professional and General Service* *€13,235.0 thousand*

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

319. IS is led by one Investigations Coordinator (P-5) and comprises a total of 56 posts:

<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	P-2	25
<b>Total</b>		<b>56</b>

320. IAS is led by one Head of Section (P-5) and comprises a total of 20 posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Head, Investigative Analysis Section	P-5	1
Analyst (Crime Pattern)	P-4	1
Analyst	P-3	6
Associate Analyst	P-2	6
Associate Analyst (Data Analysis)	P-2	1
Data Processing Assistant	GS-OL	3
Analysis Assistant	GS-OL	2
<b>Total</b>		<b>20</b>

321. FSS is led by one Head of Section (P-5) and comprises a total of nine posts:

<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
<b>Total</b>		<b>9</b>

322. POS is led by one Head of Section (P-5) and comprises a total of 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
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*

*€5,129.6 thousand*

323. ID continues to require the GTA provision to support the OTP's increased activity. For 2021, the Division will comprise 50.67 FTE GTA positions. All GTA resource requests are multi-year. The GTA resources requested for Programme 2300 in 2021 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	1.0	Continued
Investigator	P-3	12	96	8.0	Continued
Associate Investigator	P-2	12	96	8.0	Continued
Situation-Specific Investigation Assistant	GS-OL	6	72	6.0	Continued
<i>Investigative Analysis Section</i>					
Analyst	P-3	7	84	7.0	Continued
Analysis Assistant	GS-OL	8	84	7.08	Continued
<i>Forensic Science Section</i>					
Head, Cyber Unit	P-4	1	12	1.0	Continued
Forensic Officer	P-3	2	24	2.0	Continued
<i>Protection Strategies Unit</i>					
Associate Protection Strategies Officer	P-2	4	48	4.0	Continued
<i>Operational Risk and Support Unit</i>					
Operations Risk and Field Officer	P-3	1	0	0.08	Continued
Field Operations Coordinator	GS-OL	4	48	4.0	Continued
<i>Gender and Children Unit</i>					
Psychosocial Expert	P-2	1	6	0.50	Continued

<i>Title</i>	<i>Grade</i>	<i>Number</i>	<i>Months</i>	<i>FTE</i>	
<i>Administration and Planning Team</i>					
Project Officer	P-3	1	12	1.0	Continued
Assistant Planning and Control Officer	P-1	1	12	1.0	Continued
<b>Total</b>		<b>53</b>	<b>606</b>	<b>50.67</b>	

**Non-staff resources****€1,500.9 thousand**

324. The requested amount has decreased by €853.1 thousand (36.2 per cent) and is required for travel and general operating expenses. Unless otherwise indicated, the resource request is recurrent.

*Travel**€1,068.4 thousand*

325. The amount requested for 2021 is lower than what was approved in 2020 by €655.6 thousand (38.0 per cent).

326. ID continues to pay considerable attention to identifying savings and efficiencies related to travel. Unfortunately, the 2019 and 2020 approved travel budgets remained lower than actual requirements. In addition, the full impact and implications of the COVID-19 pandemic on the ability of the Division to fully deploy missions is difficult to estimate at this time. It is envisaged that, whatever the evolution of the pandemic and the global response, including possible vaccines, international travel may be more complicated and possibly more expensive. However in reacting to the pandemic, the Division has taken a raft of measures (highlighted previously – such as increased online investigation and remote interviewing to name but two) to allow continuation of activity and also some reduction of travel costs. These activities, in combination with focusing on essential travel to countries where it is permitted and lengthening the duration of those deployments, will allow the Division to reduce its travel budget by 38 per cent. While perhaps more radically implemented to cope with the current constraints of the COVID-19 pandemic, these measures are in effect a process that has been ongoing since 2017 to evaluate and reduce costs, adapt the design of operations and improve operating conditions. The Division has also continued to reduce accommodation and DSA costs in the situation countries where teams are deployed for missions. The increase in field presences and an even more flexible approach to the use of resources will help to offset a reduction in the volume of mission deployments. It is anticipated that, by maintaining this approach, savings in operation costs can be made in 2021. The evolution of the pandemic and the impact this will have on the global travel infrastructure will affect the routes, their frequency and their costs, which as yet remain an unknown. However, the measures the Division has implemented will ensure that the Office will continue to be as efficient as possible, adapting travel arrangements to maintain the most effective balance between flight and DSA costs and the efficiency and progress of the investigations.

*General operating expenses**€432.5 thousand*

327. The requested amount is lower than the amount in the 2020 approved budget by €197.5 thousand (31.3 per cent).

328. This budget item is a recurrent cost necessarily incurred by witnesses' attendance at interviews and the Office's fulfilment of its duty of care to witnesses during all phases of activities (preliminary examinations, investigations, trials and the remaining residual cases). While remote interviewing and better coordination with local partners may have allowed the Division to reduce its travel budget, it is estimated the COVID-19 environment may have a negative impact on related witness-associated costs. 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 witnesses to be interviewed, even if remotely) and low-cost/low-impact security measures taken by the OTP in the light of the protocol in place between it and VWS.

329. Part of the general operating expenses is attributable to the contract related to accommodation in the CAR, which provides an economical solution compared to expensive

hotel accommodation for ongoing operations. The accommodation also provides a safe and healthy controlled environment for staff members in a location with very limited medical facilities. Given the stage of the investigation and the measures implemented by the Division to maximize the efficiency of travel, the contract for accommodation has been reduced by €73.2 thousand (33.0 per cent).



**Table 21: Programme 2300: Proposed budget for 2021**

2300 Investigation Division	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				10,784.4	770.8	7.1	11,555.2
General Service staff				1,844.2	(164.4)	(8.9)	1,679.8
<i>Subtotal staff</i>	<i>13,829.0</i>	<i>-</i>	<i>13,829.0</i>	<i>12,628.6</i>	<i>606.4</i>	<i>4.8</i>	<i>13,235.0</i>
General temporary assistance	4,455.0	-	4,455.0	4,800.3	329.3	6.9	5,129.6
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	0.1	-	0.1	-	-	-	-
<i>Subtotal other staff</i>	<i>4,455.0</i>	<i>-</i>	<i>4,455.0</i>	<i>4,800.3</i>	<i>329.3</i>	<i>6.9</i>	<i>5,129.6</i>
Travel	1,819.1	-	1,819.1	1,724.0	(655.6)	(38.0)	1,068.4
Hospitality	-	-	-	-	-	-	-
Contractual services	30.0	-	30.0	-	-	-	-
Training	85.0	-	85.0	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	889.2	-	889.2	630.0	(197.5)	(31.3)	432.5
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>2,823.4</i>	<i>-</i>	<i>2,823.4</i>	<i>2,354.0</i>	<i>(853.1)</i>	<i>(36.2)</i>	<i>1,500.9</i>
<b>Total</b>	<b>21,107.4</b>	<b>-</b>	<b>21,107.4</b>	<b>19,782.9</b>	<b>82.6</b>	<b>0.4</b>	<b>19,865.5</b>

**Table 22: Programme 2300: Proposed staffing for 2021**

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 2020	-	-	-	1	4	13	40	40	1	99	-	29	29	128
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>40</b>	<b>40</b>	<b>1</b>	<b>99</b>	<b>-</b>	<b>29</b>	<b>29</b>	<b>128</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	1.75	16.54	12.17	1.00	31.46	2.00	15.67	17.67	49.13
Continued	-	-	-	-	-	2.00	18.08	12.50	1.00	33.58	-	17.08	17.08	50.67
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.00</b>	<b>18.08</b>	<b>12.50</b>	<b>1.00</b>	<b>33.58</b>	<b>-</b>	<b>17.08</b>	<b>17.08</b>	<b>50.67</b>

#### 4. Programme 2400: Prosecution Division

##### Introduction

330. The activities of the Prosecution Division (PD) are central to implementing the core mandate of the Court, namely the conduct of fair, effective and expeditious prosecutions in accordance with the Rome Statute. The Division comprises the Prosecution Section and the Appeals and Prosecution Legal Coordination 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.

331. The name of the Appeals Section was changed at the beginning of 2020 to the Appeals and Prosecution Legal Coordination Section. The change was authorized by the Prosecutor to properly reflect the work performed by the Appeals Section beyond its specific appeals litigation mandate, including the critical tasks of ensuring consistency and soundness of the legal positions advanced by PD teams, and providing all teams with valuable legal advice on both substantive and procedural law. In addition, the Appeals and Prosecution Legal Coordination 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.

332. The Prosecution Section and the Appeals and Prosecution Legal Coordination Section also organize extensive training and lectures for staff within the 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, 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.

333. The Division is led and managed by its Director (D-1), who oversees the effective deployment of resources, standardization of case preparation and filings. Moreover, the Director fulfils a vital role in the alignment and coordination with the other divisions and sections in the OTP. The Director, together with the Senior Appeals Counsel (P-5), reviews the vast majority of 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 PD in the execution of all administrative matters, including the processing of travel claims and leave requests.

334. The integrated teams are responsible for investigating and prosecuting cases before the Court. Before the decision to start an investigation, lawyers from PD are already involved in the article 15 process, which is led by JCCD. This practice has been established to address technical legal issues as well as evidence preservation activities as early in the process as possible. 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.

335. As soon as the investigation has progressed to a firm case hypothesis, the Division increases its capacity to form a pre-trial team. 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 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. This evidence review process was revisited in 2019 and amendments to the process were implemented. The amended guidelines for the evidence review sessions were promulgated in December 2019. 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 Rome 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. In accordance with 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 months leading up to the confirmation hearing (typically around four to six months from the first appearance) are a very resource-intensive phase for the Division. Between the initial appearance and the hearing on the confirmation of charges, the prosecution team will begin disclosure to the defence, an intensive 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, and an internal testing of the oral submissions (peer review or "murder board") will take place.

336. On average, 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. Experience has shown that more resources are needed in the months between the initial appearance and the confirmation hearing. 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 two cases at trial for 2021, similar to the number that was expected for 2020. The team composition as described in this paragraph is appropriate for most cases before the Court at this stage. However, variations in investigations and prosecutions may occur as a result of the complexity of the case and/or the number of suspects and accused, including increasing teams for larger, more complex cases, and downsizing them for less complex cases.

337. As for the trial phase, accumulated experience has shown that, while there are no more court hearing days for the case after the closing statements are delivered and until the delivery of the judgement and sentencing, work on the case continues. Activities include responding to defence requests for disclosure, review of lesser redacted versions of transcripts of testimonies, and filing the public redacted version of the closing brief and responses. In addition, where possible, the team will start the review of the processes followed and experiences gained to identify lessons learned for the Office and prepare the case for handover to the Appeals and Prosecution Legal Coordination Section. Accordingly, there is a functional need to maintain a core team of PD lawyers assigned to the case until all case-related tasks have been completed.

338. The Appeals and Prosecution Legal Coordination Section is managed by the Senior Appeals Counsel (P-5). It currently comprises eight appeals lawyers (one P-5 Senior Appeals Counsel, three P-4 Appeals Counsel, three P-3 Appeals Counsel and one P-2 Associate

Appeals Counsel), a Case Manager and a Trial Support Assistant. Over the years, the Appeals and Prosecution Legal Coordination Section has been conducting an increasing volume of complex appellate work, both in written filings and oral hearings on final and interlocutory appeals before the Appeals Chamber, which is expected to continue in 2021 and beyond. This also extends to post-appellate work such as on reparations, compensation, revision, and enforcement and reduction of sentence proceedings, and ancillary litigation such as that relating to article 19 and article 53. The Section, as reflected in its new name, is also the primary legal advisory and legal coordination section in the Office for all trial teams in their pre-trial and trial work; for the Preliminary Examination Section in several aspects of its preliminary examination and article 15 work; and for ID in aspects of its investigatory work. The legal advisory and coordination work for trial teams includes providing legal advice on complex issues, drafting and settling charges and documents containing the charges, attending formalized evidence review sessions, drafting on multiple legal and procedural issues in pre-trial and closing briefs and trial filings, and coordinating legal positions among trial teams. As the centre of legal research in the Office, the Section also keeps updated case digests of all decisions from the three Chambers, which trial teams use in their work; analyses Chambers' decisions; provides memos on procedural and substantive issues, and organizes legal training and meetings for prosecutors, investigators and others in the Office. To enable it to perform this ever-increasing legal coordination role and its busy appellate and post-appellate practice, a second P-5 Senior Appeals Counsel was approved in last year's budget. That post has not yet been filled because of the COVID-19 related lockdown and virtual working arrangements, but it is intended to be filled in the coming months so that the Section can continue to meet its many and heavy responsibilities within the Office.

339. As litigation before the Pre-Trial, Trial and Appeals Chambers becomes increasingly voluminous and complex, trial teams have a major need for coordinated legal advice and positions, and assistance in their written submissions. The Senior Appeals Counsel and the Section's lawyers are ever more called upon by trial teams to assist in those tasks. At the same time, the appeals and post-appeals work conducted by the Section has been ever increasing in volume, size and complexity: in 2020 and continuing into 2021 it is expected that the Section will be handling several final appeals (*Ntaganda* article 74 and article 76 appeals, *Gbagbo and Blé Goudé* article 74 appeal and, very likely, appeals in the *Ongwen* case) and complex interlocutory appeals and post-appeal matters. The Section also monitors the numerous and often very voluminous Court decisions issued each year, reviews them for possible appeal, brings requests to appeal as necessary, and responds to defence requests. The Appeals Chamber now holds lengthy oral appeal hearings for most final and interlocutory appeals, involving numerous questions raised before and during the hearings, and this also increases the work handled by the Senior Appeals Counsel and Section lawyers. The Section also drafts and provides significant input on policies and guideline documents produced by the Office. At the request of the Director, Prosecution Division, the Section has been preparing a comprehensive set of internal guidelines on charging which will be of use to PD and ID more generally. The Section also often takes the lead, in conjunction with JCCD, ID and LAS colleagues, in preparing policy papers of wider importance to the OTP. For example, at present the Senior Appeals Counsel and several Appeals Counsel are chairing and participating in a working group on a completion strategy for situations before the Court. Additionally, as a member of the Prosecutor's ExCom, the Senior Appeals Counsel participates in discussions and decision-making in relation to all legal, policy and strategic matters in the Office, and reviews the most significant filings and other documents presented by all trial teams, PES and other sections of the Office. The Senior Appeals Counsel also acts as deputy to the Director, Prosecution Division and, in this role, has additional functions in reviewing filings produced by trial teams and management functions with respect to running the Division, ensuring provision of training to staff and participating in various working groups designed to improve performance within the Division, both in cases and related to the development of staff.

340. In 2021, the Division will remain engaged in trial activities in *Yekatom and Ngaiissona* and *Al Hassan*, and in the pre-trial activities in *Abd-Al-Rahman*. PD teams will remain engaged in investigative activities in Georgia, CIV II, CAR II, Libya, Darfur, Burundi, Mali, DRC, Myanmar and Afghanistan. The Appeals and Prosecution Legal Coordination Section will have to deal with final appeals which may be filed in the trials

ending in 2019 and 2020, plus additional interlocutory appeals in other cases (for example, including on admissibility and other issues that may arise).

341. At the moment, it is uncertain to what extent the COVID-19 crisis will affect the Court's core activities in 2021. However, in 2020 the OTP has already started to implement changes trying to minimize the effect of the COVID-19 crisis on the Court's ability to start the two scheduled trials. For both cases, OTP has made all efforts to ensure that the current travel restrictions do not effectively derail the start of proceedings and has been actively seeking viable solutions. For these purposes, the OTP has rearranged the order of presentation of evidence to start with witnesses who can be reached by the Court or may be able to travel soon (chiefly, witnesses located in Europe), and it is exploring various options to ensure testimony from witnesses located in the field, either through video link or, where appropriate, written depositions, in accordance with the Court's legal framework.

342. The Division continues to explore creative means of successfully presenting its cases in court, including further developing its use of new techniques and technologies in the courtroom.

343. The Division also ensures 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, PD strives to ensure that charges brought by its teams cover sexual and gender-based crimes and crimes against children, where such crimes have occurred in the situation under investigation, as well as the most representative forms of victimization in the situation. PD is particularly attentive to forms of victimization that have been traditionally undercharged internationally or domestically.

344. The 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 standardization of processes, advocacy training, information management and staff well-being. Lastly, the Division has improved the system of internal evidence reviews – and reviews of critical instances of presentation of cases in court and review of critical filings – to perform continuous critical assessments of the quality of its work and ensure high-quality output. PD is further standardizing and optimizing other core processes in the Division, such as charging and disclosure. It must be noted however that the increased pressure on resources has an adverse effect on the pace of the advancement of quality improvement projects. The effective reduction of resources creates increased pressure on the team to deliver more with less. This has a knock-on effect in that there is less time available in the Division to focus on quality improvement and staff well-being projects.

#### **Budget resources**

**€11,796.3 thousand**

345. The requested amount has decreased by €26.5 thousand (0.2 per cent).

346. The Division's activities are characterized by, and dependent upon, the use of professionals specialized in the field of international criminal law. The vast majority of the Division's budget (98.3 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.

347. Although it must be considered that the workload of the 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 recent years, the Division has committed resources and time to identifying such savings and efficiencies. The hope is that finding efficiencies will alleviate work pressure and reduce the long hours faced by prosecution staff.

348. Mindful of the impact of COVID-19 on the States Parties, the Division is not requesting additional human resources for 2021. In addition, the Division will continue to focus efforts on increasing staff mobility within the Division where possible and further

optimizing alternative methods to address human resource issues. In this regard, the Division is very grateful for the support already provided by several governments via the Junior Professional Officer scheme and via individual secondment agreements.

349. The Division is conscious of the adverse effect of the net reduction of resources in PD. As the work is largely determined by judicial obligations and deadlines, the Division has limited flexibility in making adjustments to the volume or pace of its work. The Division should not be placed in a position where the expected quality of its work in judicial proceedings cannot be achieved because of a lack of resources. The reduction of resources available, for example, limits the options for the Division to effectively deploy additional resources when needed. In addition, already in 2019 and 2020, reductions in funding led to a decrease in training and development opportunities for staff members. In the long term, this can prove to be counterproductive, as it limits the possibilities for quality improvements both at the Division and individual levels. At some point, investments in further developing the Division and its staff will be needed.

350. The Division continuously reviews its staffing needs, including the resource structure needed to anticipate expected events. A minor realignment of the Division will therefore be implemented. The realignment concerns post titles and grades to better reflect the tasks assigned to staff and does not lead to any increase in the funds needed (budget neutral).

351. The 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 2160. A specific allotment, however, is approved for travel and is included in the Division's budget. The requested amount has decreased by €142.4 thousand (41.7 per cent) compared to the 2020 approved funds.

#### Staff resources

**€11,597.2 thousand**

352. For budgetary purposes only, and owing to the original allocation of the post, the Deputy Prosecutor (ASG) is assigned to the Division. His role, however, is to act in full as deputy to the Prosecutor. In such capacity, the Deputy Prosecutor is responsible to the Prosecutor, as her deputy, for the coordination of JCCD, ID and PD. The Personal Assistant to the Deputy Prosecutor is also assigned to the Division.

*Established posts: Professional and General Service*

*€9,546.5 thousand*

353. No additional established posts are requested.

354. PD comprises the following posts:

<i>Title</i>	<i>Grade</i>	<i>Number</i>
Deputy Prosecutor (Prosecution)	ASG	1
Director, Prosecution Division	D-1	1
Senior Trial Lawyer	P-5	8
Senior Appeals Counsel	P-5	1
Trial Lawyer	P-4	11
Appeals Counsel	P-4	3
Trial Lawyer	P-3	14
Legal Officer	P-3	1
Appeals Counsel	P-3	3
Associate Trial Lawyer	P-2	19
Assistant Legal Officer	P-1	10
Case Manager	P-1	8
Trial Support Assistant	GS-OL	5
Administrative Assistant	GS-OL	2
Personal Assistant	GS-OL	1
<b>Total</b>		<b>88</b>

*General temporary assistance*

€2,050.7 thousand

355. To enable the Division to effectively carry out the activities provided for in the budget assumptions, 19 GTA positions are requested (16.92 FTE) on a multi-year basis, as follows:

<i>Title</i>	<i>Grade</i>	<i>Number Months</i>		<i>FTE</i>	
Senior Appeals Counsel	P-5	1	1	0.08	Continued
Trial Lawyer	P-4	4	48	4.00	Continued
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	24	2.00	Continued
Associate Appeals Counsel	P-2	1	12	1.00	Continued
Case Management Coordinator	P-2	1	12	1.00	Continued
Assistant Legal Officer	P-1	4	36	3.00	Continued
Case Manager	P-1	1	12	1.00	Continued
Personal Assistant to the Deputy Prosecutor	GS-PL	1	12	1.00	Continued
Trial Support Assistant	GS-OL	1	10	0.83	Continued
<b>Total</b>		<b>19</b>	<b>203</b>	<b>16.92</b>	

356. All existing resources have been assigned to cases and situations, including to absorb the needs relating to new investigations to the extent possible.

**Non-staff resources****€199.1 thousand**

357. The requested amount has decreased by €142.4 thousand (41.7 per cent). Within the Office, most non-staff resources needed to support the Division's activities are provided (and budgeted for) under Sub-programmes 2110 and 2120. The non-staff costs of travel, however, are included in the Division's budget.

*Travel*

€199.1 thousand

358. Prosecution staff regularly go on mission as part of the integrated teams to support ongoing investigations. Travel of PD 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, Prosecution 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. Travel costs are recurrent.

**Table 23: Programme 2400: Proposed budget for 2021**

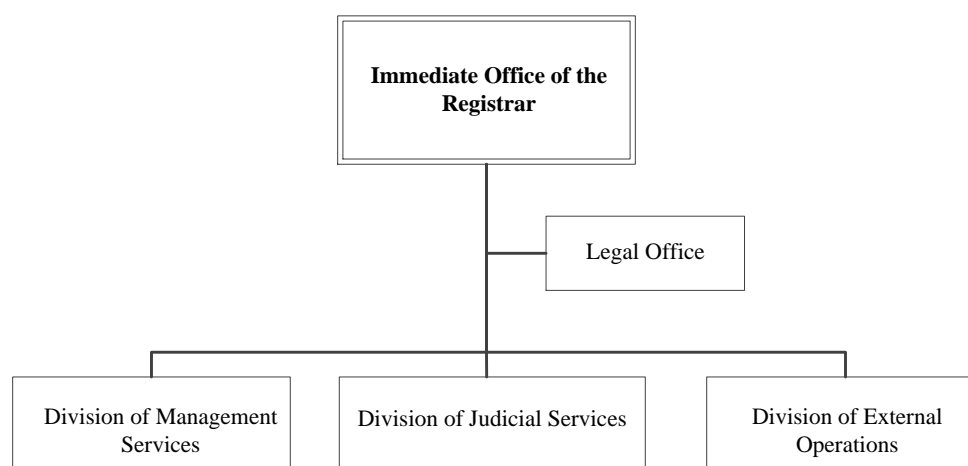
2400 Prosecution Division	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				9,049.7	9.6	0.1	9,059.3
General Service staff				560.0	(72.8)	(13.0)	487.2
<i>Subtotal staff</i>	<i>9,384.5</i>	<i>-</i>	<i>9,384.5</i>	<i>9,609.7</i>	<i>(63.2)</i>	<i>(0.7)</i>	<i>9,546.5</i>
General temporary assistance	1,902.6	-	1,902.6	1,871.6	179.1	9.6	2,050.7
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,902.6</i>	<i>-</i>	<i>1,902.6</i>	<i>1,871.6</i>	<i>179.1</i>	<i>9.6</i>	<i>2,050.7</i>
Travel	206.0	-	206.0	341.5	(142.4)	(41.7)	199.1
Hospitality	-	-	-	-	-	-	-
Contractual services	6.9	-	6.9	-	-	-	-
Training	41.9	-	41.9	-	-	-	-
Consultants	69.3	-	69.3	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>324.0</i>	<i>-</i>	<i>324.0</i>	<i>341.5</i>	<i>(142.4)</i>	<i>(41.7)</i>	<i>199.1</i>
<b>Total</b>	<b>11,611.2</b>	<b>-</b>	<b>11,611.2</b>	<b>11,822.8</b>	<b>(26.5)</b>	<b>(0.2)</b>	<b>11,796.3</b>

**Table 24: Programme 2400: Proposed staffing for 2021**

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 2020	-	1	-	1	9	14	18	19	18	80	-	8	8	88
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>9</b>	<b>14</b>	<b>18</b>	<b>19</b>	<b>18</b>	<b>80</b>	<b>-</b>	<b>8</b>	<b>8</b>	<b>88</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	0.42	4.00	3.00	2.75	5.00	15.17	0.50	0.50	1.00	16.17
Continued	-	-	-	-	0.08	4.00	3.00	4.00	4.00	15.08	1.00	0.83	1.83	16.92
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.08</b>	<b>4.00</b>	<b>3.00</b>	<b>4.00</b>	<b>4.00</b>	<b>15.08</b>	<b>1.00</b>	<b>0.83</b>	<b>1.83</b>	<b>16.92</b>



## C. Major Programme III: Registry



### Introduction

359. The Registry is headed by the Registrar, the principal administrative officer of the Court, and is the organ responsible for the non-judicial aspects of the administration and servicing of the Court. 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). Within the Office of the Registrar, the Immediate Office helps the Registrar provide strategic leadership, coordination and guidance to all Registry divisions and sections, while the Registry Legal Office is responsible for supporting the performance of the Registrar's legal functions.

360. 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 is responsible for supporting judicial proceedings through functions such as 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, ensuring the public nature of the proceedings, communication (in particular with 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 the 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 structures to ensure fair and expeditious judicial proceedings. The Registry's resource requirements with regard to these functions are directly driven by judicial and prosecutorial developments.

361. The administrative and managerial services provided by the Registry are crucial to the smooth functioning of the Court as a whole. The Registry manages human resources, budgeting, finance, procurement, facilities, travel, security and staff well-being, and coordinates Court-wide executive functions such as risk management, reporting to governing bodies, audit and compliance. In addition, the Registry's administrative services support the expeditious conduct of judicial proceedings with regard to witness transport, courtroom security and courtroom equipment required by the parties. While resource requirements in relation to these Registry functions directly depend on the service needs of all areas of the Court, the Registry has over the years maintained a relatively stable capacity to cope with emerging needs.

## Overview of Registry budget requirements for 2021

362. The proposed 2021 budget for the Registry amounts to €75,917.7 thousand, representing a 0.0 per cent variance and thus remaining at a level comparable to that of the Approved Programme Budget for 2020.

363. Faced with the serious effects of the COVID-19 pandemic and the potential for continued global economic impact going into 2021, the Registry has redoubled its efforts to present a proposed budget for 2021 that demonstrates sensitivity to the continued pressures on States Parties' finances while ensuring that the essential judicial and prosecutorial operations of the Court are not in any way compromised. The harsh context has given rise to a number of challenges, including in particular the need to re-evaluate the suitability of some of the Registry's operational models and structures against a new and more restrictive operational reality. In view of these challenges, and with an eye to producing the leanest possible budget for 2021, the Registry sought guidance first and foremost in the Court-wide Strategic Plan for 2019-2021, as complemented by the Registry's strategic plan for the same period. Accordingly, the Registry's strategic priority of identifying opportunities for continuous improvement is grounded in Court-wide Strategic Goal 9 concerning Organizational Performance, which is to: "Manage resources in an effective, coherent, transparent, responsible and adaptable manner and further develop the sustainability and resilience of the Court against identified risks." In other words, the proposed budget for 2021 was driven by measures aimed at adapting the Registry's operations, processes and systems to the requirements of enhanced flexibility and scalability, with a view to ensuring the sustainability and resilience of the organization. While some of the solutions anticipated will require gradual changes and development, the Registry is, already in 2021, introducing methods that will provide opportunities for enhanced flexibility and scalability.

364. Two main factors were identified as having the most impact in terms of increased requirements in the Registry for 2021: an increase in staff costs of approximately €2,500.0 thousand resulting from the application of the United Nations Common System (UNCS); and an increase in resource requirements of approximately €2,000.0 thousand to support developments in judicial activities, including trial hearings throughout 2021 in two cases, *Al Hassan* and *Yekatom and Ngaïssona*, and pre-trial proceedings in the new case of Ali Muhammad Ali Abd-Al-Rahman ("*Abd-Al-Rahman*").<sup>53</sup> The Registry proactively sought to mitigate the impact of these anticipated surges in resource needs by implementing a series of measures aimed at increasing flexibility and scalability, and by reassessing the required level of support for projected activities in 2021, alongside a temporary reprioritization of infrastructure improvements.

365. In an effort to set internal targets that will, over time, increase flexibility by promoting processes aimed at enhanced scalability of resources and operations, the Registry's proposed budget for 2021 presents an increase in its vacancy rate from 10 to 12 per cent. This measure will enable the Registry to capitalize, as appropriate, on existing and new vacancies with a view to devising more suitable and sustainable ways to provide services and conduct operations in a manner consistent with the operational realities the Court faces. The net impact of this measure in the proposed budget for 2021 amounts to a reduction of approximately €1,100.0 thousand. Similarly, the Registry has factored into its planning the fact that the restrictions in place in 2020, in particular in relation to travel and training, may continue to have an impact in 2021. Accordingly, the Registry has applied cross-cutting reductions of 15 per cent to travel and training. The approximate reductions achieved by the implementation of these targets in travel and training amount to €260.0 thousand and €120.0 thousand, respectively. Similarly, reductions amounting to approximately €1,200.0 thousand have been applied in the light of reduced operational requirements estimated for 2021 in relation to country offices, in-country activities and witness protection and support. Further reductions were also achieved in the Registry by postponing a number of planned infrastructure improvements, both at the country offices and at Headquarters (approximately

<sup>53</sup> The increase in resources of approximately €2,000.0 thousand corresponds to an increase of €1,283.3 thousand in legal aid to fund requirements in the *Al Hassan*, *Yekatom and Ngaïssona* and *Abd-Al-Rahman* cases; operational increases in the Office of Public Counsel for Victims to provide representation to victims participating in proceedings; and additional requirements in respect of language support, court management, victim participation, security and witness support for 200 days of planned trial hearings.

€1,120.0 thousand), and by reducing or eliminating funding for certain staff positions in 2021 (approximately €700.0 thousand).

366. These reductions, which amount to approximately €4,435.4 thousand, have allowed the Registry to fully offset a total increase of approximately €4,436.2 thousand, resulting mainly from the two factors identified above, as against the 2020 approved budget. Requests for additional resources are very limited and are presented only where strictly necessary for the purposes of the Registry's mandated activities in the context of 2021 budgetary assumptions and priorities and, as evidenced, only after all efforts have been made to fund the additional requirements through internal savings, reductions and reallocation of resources.

**Table 25: Calculation of high-level variances based on approximate increases and reductions in the Registry proposed budget for 2021**

<b>Increases</b>	
Impact of application of UNCS in 2021 proposed staff costs	€2.5 million
Support for developments in judicial proceedings in two new trials and one pre-trial case	€2.0 million
<i>Subtotal</i>	<i>€4.5 million</i>
<b>Reductions</b>	
<b>Measures aimed at increasing flexibility</b>	
Increase in vacancy rate to 12 per cent	€1.1 million
Unfunded positions and other reductions in staff costs	€0.7 million
<b>Measures to factor in continued impact of operational restrictions in 2021</b>	
Cross-cutting 15 per cent reduction in travel	€0.3 million
Cross-cutting 15 per cent reduction in training	€0.1 million
<b>Other reductions</b>	
Reduced operational requirements in country offices, field activities and witness protection	€1.2 million
Postponement of planned infrastructure improvements	€1.1 million
<i>Subtotal</i>	<i>€4.5 million</i>
<b>Net variance</b>	<b>€0.0 million</b>

367. As detailed in Annex XVI, the Court-wide savings and efficiencies exercise has identified approximately €0.8 million in costs avoided for 2020 and 2021 as well as efficiencies, savings and non-recurrent costs that have reduced the Registry's baseline by €0.3 million. The efforts made by the Registry to present a proposed budget similar to last year's while ensuring proper support for increases in judicial and prosecutorial activity has led management to implement short-term solutions, weighing operational and strategic risks for 2021. Such short-term solutions are nevertheless not sustainable in the long term and are

therefore not reported as structural efficiencies and savings as defined by the Committee on Budget and Finance for the Court-wide exercise.

### **Support for judicial activities**

368. An increased level of support for judicial activities will be required from the Registry in 2021, in particular with regard to the provision of legal aid, victim representation, court management, witness support and language support. These services will be required for cases at the trial stage<sup>54</sup> and at the pre-trial stage in *Abd-Al-Rahman*. Other judicial activities in connection with appeals and reparations will also continue to have a significant impact on the level of resources requested. As indicated in the introduction above (paragraph 364), the Court will continue to be heavily engaged in final and interlocutory appeals, which will require support for defence teams and courtroom hearing activities. In addition, reparations proceedings will be in the implementation phase in 2021 in four cases, requiring the Registry to provide counsel to victims, support to the Trust Fund for Victims (TFV) (including support for field activities) and, where applicable, assistance to Chambers.<sup>55</sup>

369. The level of courtroom support activity is expected to increase in 2021, with 200 planned hearing days. Numerous innovative solutions have been sought to align the increase in courtroom hearing days with the Registry's resource requirements while ensuring continuity of operations. The Registry continues to strategically prioritize efficiency and savings and, as a result, will continue to be able to provide full support to judicial activities in 2021 and implement the Registry Strategic Plan for 2019-2021. A second courtroom team will not be budgeted for in 2021.

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

370. In 2021, the Registry will continue to operate in most of the open situations before the Court. The OTP is expected to focus its efforts on active investigations in nine situations, two of which are expected to be concluded in the first half of 2021, leading to either pre-trial activities or the winding up of those investigations by the second half of 2021. Active OTP investigations and other situations will continue to require support from the Registry, both at Headquarters and in situation countries, in areas such as victim and witness support, victim participation, reparations and outreach to affected communities, languages, security and logistics. The Registry will maintain its country offices in seven locations – Kinshasa and Bunia (Democratic Republic of the Congo), Bangui (Central African Republic), Abidjan (Côte d'Ivoire), Tbilisi (Georgia), Bamako (Mali) and Kampala (Uganda) – but has also started taking steps towards scaling down the operations and resources of some of its offices, e.g. in Kinshasa and Abidjan.

371. Country offices are envisaged as time-bound scalable presences with the necessary flexibility to calibrate their requirements to the extent of operational necessities on the ground. This approach has enabled the Registry to redeploy staff resources from one country presence to another, in a manner consistent with shifting operational and security priorities in situation countries. In this regard, despite enhanced requirements regarding support for judicial and investigative activities in Mali and the Central African Republic (CAR), a substantial reduction has resulted from the downsizing of the country office in Kinshasa, Democratic Republic of the Congo (DRC) and the prioritization of resources in the Côte d'Ivoire country office. The country offices in the DRC will scale down presence in Kinshasa to a skeleton office and will redeploy staff and non-staff resources to other duty stations where needs arise, including duty stations in Mali and the CAR. Further reductions result from a stringent approach to expenditures based on a systematic trend analysis of expenditure over the past three years, as well as measures anticipating the continued impact of COVID-19 restrictions in 2021 on in-country operations and mission support.

<sup>54</sup> *Al Hassan and Yekatom and Ngaïssona*.

<sup>55</sup> The *Lubanga*, *Katanga* and *Al Mahdi* cases will be in the reparations phase and, subject to final judgments, the *Ntaganda* and *Ongwen* cases may also reach this phase in 2021.

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

372. The Court has undertaken a thorough analysis of its existing information technology and information management (IT/IM) infrastructure across the organs and of the associated immediate and long-term requirements. Since the Court became operational more than 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 and 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 existing systems.

373. 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, with the aim of meeting the Court's essential needs while maintaining better control of invested resources and maximizing their impact.

374. In 2021, the Court will continue to implement the Five-Year IT/IM Strategy, which will be in its fifth and final year. The following areas of improvement have been identified for 2021 across the Court:

- implementation of the minimal viable product for the Judicial Workflow Platform;
- projects to improve forensic data capture and management of evidence for OTP; and
- further enhancements in information security such as improving management of privileged access to information, protecting cloud-based information and improving threat detection and response.

375. The Information Management Services Section (IMSS) will continue to develop an information management strategy and will align it with the Court's strategic planning for the 2022-2024 horizon. Preliminary work on assessing technological changes in the light of the Court's forecast future needs has begun; finalization will depend on the Court's strategic objectives. Key areas of work include ensuring that the Court's replacement of end-of-life infrastructure is sustainable from a technology and total cost of ownership point of view; leveraging the Court's investment in core technologies to streamline operational and judicial processes; and continued information security enhancements to protect Court staff, parties and participants in judicial proceedings and the integrity of processes and information.

### **Strategic priorities in 2021 and relation to the Proposed Programme Budget for 2021**

376. In 2019, the Registry published its Strategic Plan for 2019-2021. The strategic priorities under that plan continue to guide the Registry's proposed budget for 2021. In particular, pursuant to the plan, the Registry has embarked on a three-year programme to maximize productivity and strive for excellence in all the essential services it delivers to the Court. This approach is derived from the Court-wide strategic plan, which states that the Court is an organization which strives for continuous improvement: the common objective is to create a culture and working environment that motivate and enable all staff to achieve their objectives by continuously identifying efficiencies and savings. This fundamental principle is also applied in the Registry. To meet those goals, the Registry's three-year programme is organized around the following three strategic priorities:

- (a) continuous improvement (excellence);
- (b) staff engagement (cultural change and productivity); and
- (c) geographical representation and gender balance.

377. These priorities are echoed in the division objectives for the 2021 proposed budget, alongside Key Performance Indicators (KPIs) developed according to the principles of the strategic plan to determine the impact of the changes implemented. The present circumstances brought about by the pandemic mean that some of the objectives may be reprioritized, but the overall goal remains the full implementation of the Registry's strategic plan by the end of 2021.

## Conclusion

378. The proposed budget of the Registry for 2021 is the result of a rigorous approach whereby all additional pressures have been fully offset by reductions, savings and efficiencies elsewhere. In particular, since 2018, the Registry has continuously reduced the level of its programme budget, and the proposed budget for 2021 is now below the level of the Registry's approved budget for 2017.

**Table 25 bis: Major Programme III: Proposed budget for 2021**

Major Programme III Registry	2019 Expenditures (thousands of euro)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total Incl. CF		Amount	%	
Professional staff				27,710.0	1,221.9	4.4	28,931.9
General Service staff				19,108.4	(718.4)	(3.8)	18,390.0
<i>Subtotal staff</i>	<i>48,525.7</i>	<i>-</i>	<i>48,525.7</i>	<i>46,818.4</i>	<i>503.5</i>	<i>1.1</i>	<i>47,321.9</i>
General temporary assistance	3,968.1	171.5	4,139.6	3,577.8	201.3	5.6	3,779.1
Temporary assistance for meetings	204.9	60.6	265.5	189.3	172.5	91.1	361.8
Overtime	226.4	259.2	485.7	209.5	13.7	6.5	223.2
<i>Subtotal other staff</i>	<i>4,399.4</i>	<i>491.3</i>	<i>4,890.8</i>	<i>3,976.6</i>	<i>387.5</i>	<i>9.7</i>	<i>4,364.1</i>
Travel	1,499.2	279.0	1,778.2	2,058.2	(559.4)	(27.2)	1,498.8
Hospitality	3.0	-	3.0	4.0	-	-	4.0
Contractual services	1,657.0	197.5	1,854.5	2,785.5	297.9	10.7	3,083.4
Training	463.0	-	463.0	642.8	(118.1)	(18.4)	524.7
Consultants	748.5	44.9	793.4	260.8	246.0	94.3	506.8
Counsel for defence	3,446.0	678.7	4,124.7	3,167.5	856.2	27.0	4,023.7
Counsel for victims	1,199.1	88.4	1,287.5	1,300.0	427.1	32.9	1,727.1
General operating expenses	11,056.6	127.2	11,183.8	12,584.5	(1,291.4)	(10.3)	11,293.1
Supplies and materials	877.1	4.3	881.4	1,126.0	(106.5)	(9.5)	1,019.5
Furniture and equipment	1,560.3	14.2	1,574.4	1,192.6	(642.0)	(53.8)	550.6
<i>Subtotal non-staff</i>	<i>22,509.8</i>	<i>1,434.2</i>	<i>23,944.0</i>	<i>25,121.9</i>	<i>(890.2)</i>	<i>(3.5)</i>	<i>24,231.7</i>
<b>Total</b>	<b>75,435.0</b>	<b>1,925.5</b>	<b>77,360.5</b>	<b>75,916.9</b>	<b>0.8</b>	<b>0.0</b>	<b>75,917.7</b>

**Table 25 ter: Major Programme III: Proposed staffing for 2021**

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 2020	-	1	-	3	22	44	83	90	5	248	15	312	327	575
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	(1)	-	-	(1)	-	-	-	(1)
<b>Proposed 2021</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>22</b>	<b>44</b>	<b>82</b>	<b>90</b>	<b>5</b>	<b>247</b>	<b>15</b>	<b>312</b>	<b>327</b>	<b>574</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	1.00	4.50	12.00	2.50	20.00	8.47	27.00	35.47	55.47
Continued	-	-	-	-	-	1.00	5.00	12.00	1.00	19.00	3.00	25.00	28.00	47.00
New	-	-	-	-	-	-	1.25	1.00	1.67	3.92	3.38	0.92	4.30	8.22
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>6.25</b>	<b>13.00</b>	<b>2.67</b>	<b>22.92</b>	<b>6.38</b>	<b>25.92</b>	<b>32.30</b>	<b>55.22</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).

380. 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.

381. The LO is responsible for performing the legal functions arising from the duties assigned to the Registrar under the legal framework of the Court, both as a criminal court and an international organization. The LO ensures the quality and consistency of legal approaches throughout the Registry and across a range of subject matters. In so doing, it coordinates the Registry legal network. Its practice areas, which broadly correspond to the Registry's three divisions, are regulatory and compliance, judicial matters, and external operations. Thus, for example, the LO handles staff litigation issues and advises on procurement matters and administrative issuances. It also coordinates Registry submissions in judicial proceedings and advises on detention and counsel matters. Furthermore, the LO negotiates and prepares agreements and arrangements between the Court and third parties, and advises on the interpretation and application of the Headquarters Agreement and other agreements.

### Operating environment and priorities

382. The IOR will continue to ensure that the Registry as a whole is able to successfully perform the administrative and operational tasks demanded of it in 2021. In this regard, the IOR ensures appropriate inter-organ coordination, provides the required support to the work of the Registry Management Team (RMT), 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. In addition to these tasks, the main priority in the work of the IOR in 2021 will be to support the Registrar in implementing the goals and commitments set in the Registry Strategic Plan for 2019-2021.

383. The LO's strategic priorities for 2021, apart from providing routine legal services across the Registry, will include continuing to revise the administrative legal framework of the Court, including, as a priority, alternative resolution mechanisms for staff disputes. The LO will also finalize a new disciplinary process for the Court which harmonizes the role of the Independent Oversight Mechanism with that of the Disciplinary Advisory Board.

### Budget resources

**€1,666.2 thousand**

384. The proposed amount represents an overall decrease of €31.8 thousand (1.9 per cent), resulting from a decrease in staff costs of €20.9 thousand (1.3 per cent) and a decrease in non-staff costs of €10.9 thousand (23.6 per cent) as a result of reductions in travel and training.

### Staff resources

**€1,630.9 thousand**

385. The OTR comprises 13 established posts.

*Established posts: Professional and General Service*

*€1,630.9 thousand*

386. The proposed amount for established posts represents an overall decrease of €20.9 thousand (1.3 per cent), resulting from a decrease in staff costs of €117.5 thousand due to the redeployment of the Special Assistant to the Registrar from the Immediate Office of the

Registrar to the Office of the Director of the DJS. This decrease is partly offset by an increase of €96.6 thousand arising out of application of the UNCS.

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

**€35.3 thousand**

387. The overall amount requested for non-staff resources for the OTR has decreased by €10.9 thousand (23.6 per cent). By reason of the current budget constraints, reductions have been made in travel and training to minimize the amount required. Non-staff resources are required for travel, hospitality, training and consultants.

#### *Travel*

*€19.5 thousand*

388. The proposed resources for travel in the OTR have decreased by €14.7 thousand (43.0 per cent), corresponding to a decrease in the IOR as well as in the LO.

389. The proposed travel budget of the IOR has decreased by €9.3 thousand (44.3 per cent) from 2020. The resources are required by the Registrar to travel for the purpose of increasing support and cooperation at the highest levels among State Parties and key external partners such as the United Nations, other IGOs and NGOs. The Registrar also plans to visit one country office as part of his staff engagement strategy and to strengthen the Court's relationship with situation countries and local authorities so as to ensure smooth cooperation with the Court.

390. The requested amount for the LO has decreased by €5.4 thousand (40.9 per cent). The LO's proposed travel budget of €7.8 thousand will cover travel and related expenses incurred in the performance of its 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) outside the Netherlands, provision of advice on and assistance in the certification of prior recorded testimony pursuant to rule 68(2)(b) of the Rules of Procedure and Evidence.

#### *Hospitality*

*€4.0 thousand*

391. The amount requested for hospitality remains unchanged. The Registrar has proposed limited hospitality efforts aimed at increasing support and cooperation among States Parties and key external stakeholders. These resources are recurrent.

#### *Training*

*€6.8 thousand*

392. The amount requested for training has decreased by €1.2 thousand (15.0 per cent). The proposed amount is required to cover the training needs of LO staff. In the light of the LO's complex and broad mandate, it is imperative to invest in both substantive and technical training including, in particular, the improvement of legal drafting skills. These resources are recurrent.

#### *Consultants*

*€5.0 thousand*

393. The proposed amount remains unchanged and continues to be required in the LO to cover consultancy and specific legal expertise needed at Headquarters and in the field, in particular concerning matters involving domestic legislation and jurisdictions. Securing timely, sound and accurate legal advice and assistance on such issues is essential in order to manage the Court's legal risk and defend its position in legal proceedings. These resources are recurrent.



**Table 26: Programme 3100: Proposed budget for 2021**

3100 Office of the Registrar	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				1,500.0	(19.3)	(1.3)	1,480.7
General Service staff				151.8	(1.6)	(1.1)	150.2
<i>Subtotal staff</i>	<i>1,567.3</i>	-	<i>1,567.3</i>	<i>1,651.8</i>	<i>(20.9)</i>	<i>(1.3)</i>	<i>1,630.9</i>
General temporary assistance	136.9	-	136.9	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>136.9</i>	-	<i>136.9</i>	-	-	-	-
Travel	53.1	-	53.1	34.2	(14.7)	(43.0)	19.5
Hospitality	3.0	-	3.0	4.0	-	-	4.0
Contractual services	5.0	-	5.0	-	-	-	-
Training	-	-	-	8.0	(1.2)	(15.0)	6.8
Consultants	213.6	-	213.6	-	5.0	-	5.0
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	0.6	-	0.6	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>275.2</i>	-	<i>275.2</i>	<i>46.2</i>	<i>(10.9)</i>	<i>(23.6)</i>	<i>35.3</i>
<b>Total</b>	<b>1,979.4</b>	-	<b>1,979.4</b>	<b>1,698.0</b>	<b>(31.8)</b>	<b>(1.9)</b>	<b>1,666.2</b>

**Table 27: Programme 3100: Proposed staffing for 2021**

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 2020	-	1	-	-	2	2	5	2	-	12	1	1	2	14
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	(1)	-	-	(1)	-	-	-	(1)
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	-	<b>1</b>	-	-	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	-	<b>11</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>13</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-

## 2. Programme 3200: Division of Management Services

### Introduction

394. 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).

395. 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 as well as Court-wide efforts to meet the reporting requirements of oversight bodies including the Committee on Budget and Finance and the Audit Committee. It provides the strategic framework and operational support for the use of the Court's Enterprise Resource Planning (ERP) system, SAP, through its SAP team, and supports the delivery of SAP-related projects aimed at automating work processes. 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).

396. 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 automatic submission of pension contributions to the United Nations Joint Staff Pension Fund, to enhance efficiencies. 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.

397. Furthermore, the Division provides financial management services and coordinates and produces the financial statements of the Court and the TFV. It manages, monitors and reports on all Court funds. It is also responsible for all disbursement activities, the management of 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.

398. 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 for witnesses at Headquarters), mail operations, asset management and warehousing. All of the Court's official travel, visa and residency permit services in The Hague, and administrative functions related to privileges and immunities, are also arranged by DMS.

399. DMS 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 security and safety policy development, 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

400. The Division has been able to effectively adjust to its dynamic environment and to evolving operational needs. Adjustments made by DMS have enabled the Division to contain the impact of contractual cost increases such as those related to the application of the UNCS and those related to the prices of goods and services for the entire Court which fall under the remit of DMS.

401. DMS will continue to provide services in the areas of budget, finance, human resources, general services and security and safety. It will also continue to coordinate the provision of information to oversight bodies and other stakeholders, including The Hague Working Group, the Committee on Budget and Finance, the Audit Committee, the External Auditor and the Office of Internal Audit, so that they can discharge their mandates efficiently and effectively.

## Strategic priorities in 2021 and relation to the Proposed Programme Budget for 2021

402. The overarching objective of DMS is to provide the necessary administrative and operational services to the entire Court. To that end, in 2021, DMS will focus on solutions to enhance its services in order to support the Court in achieving its high-level priorities for 2021 in relation to the conduct of judicial and prosecutorial activities. It will also focus on supporting the implementation of the Registry Strategic Plan for 2019-2021. In this regard DMS will continue to work on the Registry's three priorities: continuous improvement, increasing staff engagement and geographical representation and gender balance. This will include projects to streamline processes and procedures, reinforcement of internal controls, and improvement of Court-wide processes such as procurement, travel and recruitment. DMS will likewise support the Registry's priorities with regard to the mandates of the Court and the Registry, and the continuous improvement and promotion of staff engagement, geographical distribution and gender balance.

### *Judicial and prosecutorial activity in 2021 and focus on the mandates of the Court and the Registry*

403. 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 for judicial and prosecutorial activities. The Division will support activities with respect to final appeals and trial activities in two cases. 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 in the field. Furthermore, in 2021, implementation of reparations will continue in the *Lubanga*, *Katanga* and *Al Mahdi* cases and will begin in the *Ntaganda* case, requiring DMS to provide support both at Headquarters (e.g. travel-related services, financial services and procurement) and in the field (e.g. local transportation and facilities management), including for the TFV.

404. Similarly, the active investigations that the OTP will continue to conduct in 2021 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.

### *Continuous improvement*

405. 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).

406. In order to support the implementation of this strategy of continuous improvement, DMS will continue working 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. Particular focus will continue to be placed on Court-wide processes such as procurement, travel and recruitment as specified in the Registry Strategic Plan for 2019-2021.

407. In 2021, DMS will continue to assist 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. These areas involve information systems pertaining to human resources, finance and budget. In 2020, DMS started preparing a roadmap to perform a substantial upgrade of the current version of SAP, which is planned to take place between 2025 and 2027. As the current version of SAP will be phased out by 2027, the implementation of the latest version, SAP S/4HANA, requires a detailed impact analysis and a clear roadmap for implementation. The upgrade to the latest version of SAP will not only affect the administration of the Court but will also require replacing the SAP hardware and databases which are managed by IMSS. In view of the size and impact of this project, internal resources will be deployed in 2021 for the preparation of a detailed roadmap for implementation of SAP S/4HANA and for replacement of the SAP hardware and databases as a prerequisite for the implementation of the latest version of SAP.

*Increasing staff engagement and geographical representation and gender balance*

408. Increasing staff engagement and team building will involve embarking on activities to develop cohesion and facilitate internal communication; implementing training programmes (including programmes 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, with communication and ongoing feedback playing 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 organizational performance.

409. Initiatives related to staff engagement and staff well-being also include the Secondary Trauma Prevention project, the elaboration and implementation of HR-related policies and the review of the recruitment process.

**Budget resources**

**€18,151.7 thousand**

410. Despite increases related to the application of the UNCS and price index increases on goods and services for which DMS is a Court-wide provider, DMS has managed to achieve an overall decrease of €1,047.6 thousand (5.5 per cent). Solutions have been identified to address changes in operational needs through efficient allocation of resources. As detailed in Annex XVI, savings, efficiencies and non-recurrent costs amount to €219.2 thousand.

**Staff resources**

**€14,525.9 thousand**

411. For 2021, DMS proposes 179 established posts and 7 GTA positions (7.0 FTE).

*Established posts: Professional and General Service*

*€13,562.5 thousand*

412. The requested staff costs have increased slightly by €7.1 thousand (0.1 per cent) as a result of the application of the UNCS.

*General temporary assistance*

*€760.2 thousand*

413. Given the operational needs expected in 2021, funding for the full year is requested for continued GTA positions. The application of the UNCS has resulted in a proposed net increase of €52.4 thousand (7.4 per cent).

414. One *Human Resources Officer (Legal & Policy) (P-3), 12 months. Continued. Multi-year*. The HR Officer is required to continue supporting the Court's policy developments, act as Secretary to the Advisory Board on Compensation Claims and support early resolution of

contract-related disputes. These responsibilities were transferred from the Registry Legal Office in 2018.

415. One *Associate ERP Systems Officer (P-2), 12 months. Continued. Multi-Year.* The position continues to be required to assist with the implementation of projects under the IT/IM Strategy that were endorsed by the Information Management Governance Board; the implementation of SAP automation projects; and SAP knowledge management and training, including the publication of SAP training materials in the new Learning Management System to facilitate online and remote SAP learning. Additionally, preparatory work is needed for the migration of the current Oracle database to a HANA database, which is a prerequisite for the transition to the new SAP S/4HANA platform. The transition is recommended for all SAP customers as the current ERP system reaches end-of-life between 2025 and 2027, after which it will no longer be supported by the supplier. SAP S/4HANA is expected to better support administrative business processes with increased usability and performance.

416. One *Associate Procurement Officer (P-2), 12 months. Continued. Multi-year.* The position is needed owing to the transfer of the role of Procurement Review Committee Secretary from the Registry Legal Office to the Procurement Unit, the need to track contracts, the expansion and improvement of the vendor database and the increase in the number of complex procurements, including those related to reparations.

417. One *Associate Administrative Officer (P-2), 12 months. Continued. Multi-year.* The position is needed to continue supporting the activities of OD-DMS, including those related to coordination, guidance and oversight of audit compliance, strategic resource planning, preparation of the annual budget and risk management; and to provide support in addressing the requirements of external stakeholders such as the Committee on Budget and Finance, The Hague Working Group, the Assembly of States Parties, the External Auditor and the Audit Committee.

418. One *Staff Counsellor (P-3), 12 months. Continued. Multi-year.* The position is needed as additional staffing for the OHU to deliver on the Secondary Trauma Prevention project. In carrying out their duties and responsibilities, many staff members are directly or indirectly exposed to evidence or accounts of crimes committed in cases before the Court. Studies have shown that intense exposure to potentially traumatizing material can lead to the development of psychological or physical symptoms similar to those of Post-Traumatic Stress Disorder (PTSD), such as numbness, sadness, anxiety, sleep and concentration problems, muscle pain and headaches. As part of the measures taken to fulfil the Court's duty of care towards its staff, a Secondary Trauma Prevention project is being conducted in three phases: (a) survey preparation and administration; (b) data analysis, discussions on mitigating measures and report writing; and (c) implementation of measures to reduce the risk of developing PTSD, including training and workshops. To run this project, the Court has been drawing from the experience of United Nations organizations and will be partnering with universities for technical support (data analysis and statistical methods).

419. One *Senior Nurse (GS-PL)* and one *Field Paramedic (GS-OL), 12 months each. Continued. Multi-year.* The Senior Nurse will address pressing health issues and implement 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.

420. These last two GTA positions are fundamental to OHU business continuity and to the timely and efficient provision of occupational health services both at Headquarters and in the field. They have enlarged the capacity of the Unit to provide the required medical and welfare services, which has resulted in new efficient workflows. Engaging an in-house Field Paramedic has had a positive impact on the Court, as the incumbent is able to mobilize quickly and efficiently when medical emergencies arise in the field or when critical missions are taking place.

*Overtime**€203.2 thousand*

421. The requested amount has increased slightly by €8.7 thousand (4.5 per cent). Overtime resource requests are recurrent and fluctuate to cope with operational needs. Overtime requirements are reassessed annually.

422. In the area of general services, overtime is required mainly for out-of-hours driver services but also for facilities staff, travel assistants and, occasionally, procurement buyers. Overtime will still be needed mainly for the local transport of 90 witnesses expected to appear at hearings at the Court in 2021. The recurrent amount has been reduced by €16.0 thousand (17.8 per cent) as against the 2020 approved budget.

423. Overtime requirements in SSS have increased by €25.2 thousand (25.7 per cent) owing to Court hearings planned in 2021 (200 days of non-simultaneous hearings). Overtime is required (i) to cover extended hours for Court hearings in 2021; (ii) to provide security and safety services during Court official holidays; and (iii) for the night differential for GS-OL staff working evenings and nights. Overtime is the preferred and most cost-efficient way to provide these services.

424. The requested amount has decreased slightly to €6.0 thousand for both BS and FS and continues to be 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****€3,625.8 thousand**

425. Non-staff resources are required for travel, contractual services, training, consultants, general operating expenses, supplies and materials, and furniture and equipment. Non-staff resources in DMS include provisions for contracts for goods and services provided to the entire Court that are subject to consumer price index adjustments. All budget items taken together show an overall decrease of €1,115.8 thousand (23.5 per cent).

*Travel**€129.7 thousand*

426. The requested amount is recurrent and has decreased by €78.5 thousand (37.7 per cent).

427. The amount of €9.0 thousand is required for OHU in order to respond to service requests from the country offices, OTP, Registry clients and the TFV. The Field Paramedic is required to visit the country offices and assist on forensic missions, operations involving witnesses in the field (video links and transportation) and other critical missions such as accompanying Principals on VIP visits. The Medical Officer and the Senior Nurse will visit the country office in Georgia and medical facilities in Johannesburg for a post-COVID-19 Health Risk Assessment.

428. The proposed amount of €17.7 thousand will cover travel to attend meetings of relevant United Nations system networks on finance (accounting standards/IPSAS, treasury services, etc.), budget, management and HR developments, and meetings with relevant United Nations bodies to keep abreast of the latest inter-agency developments on ERP projects, SAP initiatives and efficiency efforts, especially with a view to preparing the Court to transition to the new SAP S/4HANA platform. For inter-agency meetings, alternative methods of participation such as videoconferencing and the exchange of written information will be considered.

429. In 2021, GSS staff will travel to field locations to conduct a physical inventory of the Court's assets in country offices, and to carry out an assessment of facilities and fleet maintenance for the purposes of capital replacement planning and to ensure that vehicles are maintained to standard.

430. In the area of security, the amount requested has decreased by €50.5 thousand (37.5 per cent). SSS continues to ensure security support for the Presidency, the Prosecutor and the Registrar during official travel to situation countries and other locations. In addition, resources will cover travel by the Field Security Coordinator to country offices for the purposes of operational support for inspections, compliance verification and policy assurance, and travel for

participation in security management and coordination meetings with the United Nations Department of Safety and Security (UNDSS), the Inter-Agency Security Management Network and INTERPOL. These resources are recurrent.

*Contractual services*

*€240.4 thousand*

431. The requested amount has decreased by €150.1 thousand (38.4 per cent) owing mainly to reductions in the number of planned SAP projects to be managed by the SAP team as set out in the Five-Year IT/IM Strategy.

432. In the area of general services, the proposed amount of €94.0 thousand is required to cover the costs of United Nations laissez-passer renewals, the contracting of a provider of conference and logistics support (reduced from €50.0 thousand to €30.0 thousand owing to the expected reduced need for conference services in the post-COVID-19 situation); building management software maintenance; and external printing and postage. These resource requirements are recurrent.

433. As SAP projects require a range of functional and technical expertise that is not always available in-house, resources in the amount of €33.7 thousand are required. These resources are predominantly required for technical expertise to support the migration of the existing SAP databases to HANA databases, and for some additional work to further enhance remote and digital working methods to accommodate increasing demands in the area of remote working.

434. In the area of security, resources are required for the payment of an annual fee under the formal agreement between the Court and INTERPOL (€12.0 thousand), services related to key-holding for the residences of elected officials and the rental of the shooting range to conduct firearms training and certification of SSS personnel. The amount of €24.0 thousand is proposed. These resource requirements are recurrent.

435. The Digital Medical filing system (healthcare management software), at a cost of €20.0 thousand, is essential in order to perform health risk assessments (one of OHU's core mandates) and consequently recommend prevention programmes to mitigate the identified risks, and so as to provide key up-to-date and validated information to management.

436. The network of United Nations Medical Directors (UNMD) works on implementing best practices and international guidelines within the United Nations system and its affiliated agencies. The Court is a member of the UNMD network, with a yearly mandatory cost-sharing contribution of €4.1 thousand.

437. Finally, DMS also requires €43.3 thousand primarily for United States tax reimbursement administrative fees and mandatory actuarial valuation for IPSAS-compliant financial statements.

*Training*

*€364.3 thousand*

438. The requested amount has increased by €2.9 thousand (0.8 per cent). An amount of €231.3 thousand is requested for HRS purposes, 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 on personal and professional goal achievement, leadership development, performance management and languages. The requested amount also includes the Court's onboarding programme for new staff. The Court continues to provide the majority of its corporate training and knowledge sharing online, and the amount includes HRS's technical training budget to ensure that the technical skills of HR staff are kept up-to-date. These resource requirements are recurrent.

439. An amount of €93.6 thousand is required to ensure the provision of mandatory training for security staff and other staff members with emergency response roles, in full compliance with Court and host State regulations. In addition to first aid, fire and emergency response and firearms, mandatory training covers specialized topics such as transport of accused persons and close protection. Furthermore, training on safe and secure approaches in the field environment will continue to be delivered in collaboration with the host State military.

440. An amount of €22.4 thousand is required for OHU. The Medical Officer, the Senior Nurse, the Occupational Health Nurse and the Field Paramedic are required to maintain medical accreditation, authorizations, skills and BIG registration in the Netherlands. This is facilitated by participation in several mandatory specialized training courses.

441. An amount of €3.8 thousand is required for the anticipated move to the new ERP system SAP S/4HANA. Technical training for one SAP team member is needed. This will enable the Court to leverage best practices and lessons learned when preparing for the transition to the SAP S4/HANA platform.

442. Furthermore, an amount of €13.2 thousand is required for specialized training on financial reporting, management issues and enhancements to the PBC module which BS plans to implement in 2021, and mandatory training for drivers.

*Consultants*

*€25.5 thousand*

443. The requested amount has decreased by €7.5 thousand (22.7 per cent).

444. For HRS, the amount of €24.0 thousand represents a decrease of €6.0 thousand (20 per cent). The amount requested is required in 2021 for an expert consultant to provide support for the administration of the Court's insurance programmes, and to initiate the transition to more generic job profiles and competency mapping so as to support the workforce planning and mobility required for a flexible workforce. These resource requirements are recurrent.

445. An amount of €1.5 thousand is required to engage limited outside expertise to assist with the executive functions of OD-DMS.

*General operating expenses*

*€2,623.6 thousand*

446. The proposed amount has decreased overall by €454.7 thousand (14.8 per cent). All resource requirements below are recurrent.

447. For general services, an amount of €2,057.4 thousand is required for building operations in The Hague and in country offices, including cleaning costs at Headquarters (€715.0 thousand); utilities (€829.0 thousand); maintenance of equipment including vehicles (€68.5 thousand); commercial insurance policies (€157.0 thousand); and, for the remainder, sundry expenses such as courier services, freight, postage, fuel, and supplies for facilities management and logistics operations.

448. The requested amount of €332.2 thousand for SAP systems represents a decrease of €20.3 thousand (5.8 per cent) from 2020, mainly as a result of renegotiation of the yearly SAP SuccessFactors cloud service subscription fees for recruitment and performance management. Resources are required to cover fixed costs related to SAP software maintenance and SAP SuccessFactors cloud service subscription fees. These costs are fixed and recurrent, directly related to the number of users at the Court, and optimized on the basis of the most economical user license type per user.

449. The requested amount of €164.0 thousand for security represents an increase of €51.2 thousand (45.4 per cent). The requested amount covers the United Nations Security Management System (UNSMS) membership fee (€114.0 thousand, an increase of €29.0 thousand from 2020 due to staffing levels in the field) and costs related to the mandatory inspection of security screening equipment. Resources are included for the preventive and corrective maintenance of security screening equipment (X-ray machines, walk-through metal detectors and handheld metal detectors); maintenance of firearms and security and training equipment; and maintenance and update of a computer-based X-ray machine (training) system required for the recertification of security officers (€27.0 thousand, as in 2020).

450. Costs related to the use, maintenance and upgrade of SCAAN (the Security, Communications and Analysis Network) are also included in 2021 (€22.0 thousand). SCAAN is an application which provides a reliable and comprehensive digital solution for timely, effective and efficient communication and assistance to staff members in any situation, especially during an emergency or crisis.



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

*Supplies and materials*

*€232.2 thousand*

452. The proposed amount has decreased by €59.4 thousand (20.4 per cent). All resource requirements are recurrent and are reassessed every year.

453. An amount of €169.0 thousand is required in the area of general services for the framework contract covering supplies, stationery, toner and paper; building management supplies; building management hardware and electrical supplies; uniforms for drivers and other GSS staff; paper for printers; fuel and supplies for vehicles; and Court robes. The reduction is in the cost of safety clothing and hardware supplies.

454. Resources related to security and safety amount to €63.3 thousand and are required for the replenishment of first aid kits and the maintenance of emergency equipment (evacuation chairs, etc.). SSS continues to replace protective equipment – concealed body armour for Headquarters security officers and personnel involved in liaison or close protection in situation countries – as it comes to the end of its life cycle.

455. Resources are also required to cover essential provisions for the Pass and ID Office to issue passes, for supplies and materials for firearms training, and for the replacement of uniforms, safety footwear and other materials and equipment used by security officers.

*Furniture and equipment*

*€10.0 thousand*

456. The requested amount has decreased by €368.5 thousand (97.4 per cent). All resources are recurrent and are required for the replacement of furniture at Headquarters and in the field.

**Table 28: Programme 3200: Proposed budget for 2021**

3200 Division of Management Services (DMS)	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				3,869.1	247.2	6.4	4,116.3
General Service staff				9,686.3	(240.1)	(2.5)	9,446.2
<i>Subtotal staff</i>	<i>13,611.0</i>	<i>-</i>	<i>13,611.0</i>	<i>13,555.4</i>	<i>7.1</i>	<i>0.1</i>	<i>13,562.5</i>
General temporary assistance	602.5	-	602.5	707.8	52.4	7.4	760.2
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	205.2	259.2	464.4	194.5	8.7	4.5	203.2
<i>Subtotal other staff</i>	<i>807.7</i>	<i>259.2</i>	<i>1,066.9</i>	<i>902.3</i>	<i>61.1</i>	<i>6.8</i>	<i>963.4</i>
Travel	143.1	42.1	185.2	208.2	(78.5)	(37.7)	129.7
Hospitality	-	-	-	-	-	-	-
Contractual services	248.4	-	248.4	390.5	(150.1)	(38.4)	240.4
Training	229.2	-	229.2	361.4	2.9	0.8	364.3
Consultants	144.7	-	144.7	33.0	(7.5)	(22.7)	25.5
General operating expenses	2,851.0	-	2,851.0	3,078.3	(454.7)	(14.8)	2,623.6
Supplies and materials	155.6	-	155.6	291.7	(59.4)	(20.4)	232.3
Furniture and equipment	123.5	-	123.5	378.5	(368.5)	(97.4)	10.0
<i>Subtotal non-staff</i>	<i>3,895.5</i>	<i>42.1</i>	<i>3,937.7</i>	<i>4,741.6</i>	<i>(1,115.8)</i>	<i>(23.5)</i>	<i>3,625.8</i>
<b>Total</b>	<b>18,314.2</b>	<b>301.4</b>	<b>18,615.6</b>	<b>19,199.3</b>	<b>(1,047.6)</b>	<b>(5.5)</b>	<b>18,151.7</b>

**Table 29: Programme 3200: Proposed staffing for 2021**

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 2020	-	-	-	1	5	9	11	6	-	32	8	139	147	179
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>9</b>	<b>11</b>	<b>6</b>	<b>-</b>	<b>32</b>	<b>8</b>	<b>139</b>	<b>147</b>	<b>179</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	2.00	3.00	-	5.00	1.00	1.00	2.00	7.00
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2.00</b>	<b>3.00</b>	<b>-</b>	<b>5.00</b>	<b>1.00</b>	<b>1.00</b>	<b>2.00</b>	<b>7.00</b>

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

#### Introduction

457. The Division of Judicial Services (DJS) is responsible for providing support for the judicial proceedings of the International Criminal Court (“the Court”) and corporate information technology/information management and language services. 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).

458. 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 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 proceedings, and facilitates the appointment of reparations experts where appropriate. The Division strives to increase the effectiveness of the process of collecting victim applications, e.g. with the help of information technologies. Through CSS, it 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.

459. The Division’s services are not limited to courtroom activities. DJS provides two corporate services – language services and information technology and information management support – to the entire Court and to parties and participants in proceedings before the Court, in both courtroom and administrative contexts. Pursuant to article 87(2) of the Rome Statute, translation from and into more than 30 languages is provided for the purposes of judicial cooperation, enabling the Court to communicate its requests to States Parties. Translation and interpretation services are provided to assist in the conduct of Court proceedings, and to safeguard the right of suspects and accused persons to understand the proceedings and the right of witnesses to testify in their own language. IT services and systems support all of the Court’s daily judicial, administrative, investigative and governance activities. Support for library services available to all Court staff and external counsel is also part of the Division’s mandate. In view of the nature of the Court’s activities, an important type of support provided by DJS is information security, which ensures that the Court’s IT systems are secure. DJS is responsible for educating the Court’s elected officials, staff and parties on good information security practices. These services are also made available, both at Headquarters and in the field, to a variety of stakeholders, including defence counsel, legal representatives of victims and the Trust Fund for Victims (TFV). The scalable delivery of information technology and information management services, together with the implementation of relevant and innovative IT solutions, has proven to be a cornerstone of the Court’s capacity to adapt its operations to the challenges posed by the COVID-19 crisis, enabling the continuity of the Court’s operations and consolidating its overall resilience.

460. 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 legal support to victims and defence teams, respectively. Upon appointment by a Chamber of the Court, OPCV may represent victims in Court proceedings, a practice which has been expanding since 2012. Of the approximately 11,000 victims involved or participating in proceedings before the Court, 6,204 are represented by OPCV counsel. Approximately 5,000 victims are represented solely by external counsel. As regards the effective representation of accused persons, OPCD plays a crucial role in protecting, representing and promoting the rights of suspects pending the appointment of defence teams and, as appropriate, assists those defence teams, once they are assigned, with case management and legal research throughout the proceedings.

## Operating environment

461. In 2021, DJS will be directly affected by the expected increase in support required for judicial activity and, in particular, courtroom activity. New judicial requirements in relation to trial proceedings and one new case at the pre-trial stage (*Abd-al-Rahman*), which did not appear in the budget for 2020, will significantly impact the Division, as will the estimated 200 days of Court hearings in 2021 as indicated in the budget assumptions. DJS continues to strategically prioritize efficiency and savings and, as a result, will continue to be able to provide full support for judicial activities in 2021 while implementing the Registry Strategic Plan for 2019-2021. It will be able to do so, as previously, by identifying and putting into practice customized solutions.

462. As noted in the 2020 budget, no budget provision will be made for a second courtroom team in 2021. Following the recommendation of the Committee on Budget and Finance to look into “flexible use of courtroom teams”,<sup>56</sup> DJS will put in place cost-reducing measures for 2021, as it did for the previous year, notwithstanding the increased level of activity in 2021. These measures will continue to ensure a budget level consistent with the expected increase in courtroom support requirements while helping to secure sufficient capacity to meet support needs through the continuous use of one courtroom team.

463. In line with the aforementioned recommendation, DJS will continue to achieve these results by keeping the second courtroom support team unfunded in 2021,<sup>57</sup> thus managing one courtroom support team in a flexible manner and redeploying existing resources according to expected workload requirements and optimal planning of courtroom capacity. The Registry, as ever, relies heavily on the continued capabilities and strong commitment of its staff members, which is why it remains crucial to foster, develop and maintain this important source of support. Through cross-training of its staff, DJS continues to seek to promote both increased staff engagement, as staff will be retrained and encouraged to engage across sections, and the realization of the Registry’s strategic priority of continuous improvement within the Division. Ultimately, cross-training will further prompt an increase in staff multifunctionality and ability to multitask, continuously enhancing staff engagement and stimulating greater efficiency and savings as a result, while also promoting a more scalable and flexible use of existing capacity.

## Pre-trial proceedings, including investigations

464. Active investigations carried on simultaneously by the Office of the Prosecutor (OTP) in existing situations in 2021 will continue to require DJS support in terms of language services, IT assistance, management of legal aid and processing of victim applications.

465. Interpretation and translation services are expected to be required for proceedings and to cover the languages relevant to the situations in question. Language support, including support for languages of lesser diffusion, will also be required for field activities (communication with victims, witness protection, etc.) in other situations. Approximately five hundred victims are expected to file their applications for participation in the situation in the Central African Republic (CAR II). Additional applications are also expected in other situations under investigation with no cases ongoing as yet, depending on the progress of those investigations. Of note are the languages expected to be required in Court proceedings in *Abd-al-Rahman*, namely Arabic, Fur and Zaghawa.

## Trial proceedings

466. In 2021, a total of four cases at trial will continue to require judicial support.

467. 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. A total of 4,095 victims are participating in these proceedings and are being represented by two teams of legal representatives: one external team representing 2,594 victims and one OPCV team representing 1,501 victims. Language support will be required in Acholi, in particular in the

<sup>56</sup> *Report of the Committee on Budget and Finance on the work of its thirty-second session*, ICC-ASP/18/5, para. 57.

<sup>57</sup> On this rationale, in 2020, seven established posts and one GTA position were approved as unfunded in DJS, and the same are requested as unfunded in 2021.

context of the hearings on judgment and sentence, if any, which are expected in the first quarter of 2021, to provide the accused with adequate interpretation and to translate judicial and public information documents into Acholi.

468. In the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, the accused is in the Court's custody and his defence team is funded through legal aid. A total of 882 victims participated in the confirmation hearing, which took place from 8 to 17 July 2019, and another 800 individuals are expected to apply for participation in the trial proceedings, which are scheduled to commence on 14 July 2020. For this case, language support in Arabic, Bambara and Tamasheq will be required in 2021 to meet both translation and operational interpretation needs.

469. In the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, both accused are in the Court's custody and both of their defence teams are funded through legal aid. A total of 1,085 victims, divided into two groups, have been granted participating status at the pre-trial stage: OPCV represents 88 victims who are former child soldiers; OPCV and external counsel jointly represent 997 victims. Up to 2,000 victims are expected to participate in the trial proceedings in 2021, with a minimum of 500 applying in 2021. For this case, language support in Sango and Arabic will be required in 2021 to meet both translation and operational interpretation needs.

470. In the case of *The Prosecutor v. Ali Muhammad Ali Abd-al-Rahman*, proceedings on the confirmation of charges are expected to take place at the end of 2020 and beginning of 2021, with decisions being rendered in early 2021. If the charges are confirmed, trial preparations could commence immediately thereafter.

### Appeal proceedings

471. Final appeals arising from the *Ntaganda* and *Gbagbo and Blé Goudé* cases are currently before the Appeals Chamber.

472. The *Ntaganda* proceedings are expected to continue throughout 2020, with the final judgment anticipated in the first quarter of 2021. The proceedings in the *Gbagbo and Blé Goudé* case continued throughout the first half of 2020, with an oral appeal hearing taking place from 22 to 24 June 2020 and final judgment expected in the first quarter of 2021. The *Ongwen* case is expected to come before the Appeals Chamber in the first quarter of 2021. The Appeals Chamber is also expected to hear several interlocutory appeals over the course of 2021.

473. DJS support will be required to assist the defence and victims teams by providing legal aid, logistical support and legal research. Appeal hearings will be supported by existing capacity.

### Reparations proceedings

474. Four cases are currently at the reparations stage: *Lubanga*, *Katanga*, *Al Mahdi* and *Ntaganda*. In *Katanga*, the implementation of reparations continues. In *Al Mahdi*, following the confirmation on appeal in March 2018 of Trial Chamber II's reparations order, and in *Lubanga*, the relevant implementation activities are ongoing. In the *Ntaganda* case, the Chamber is presently gathering relevant information, in part through Chamber-appointed reparations experts, with a view to issuing a reparations order in early 2021. The conviction is also presently under appeal, subject to which the implementation of reparations is set to commence in 2021. A total of 2,132 victims have participated in the *Ntaganda* proceedings and have been represented by two OPCV teams. Applications for reparations from approximately 1,000 more victims are expected to be collected in 2021 by the Registry.

475. Reparations proceedings in these four cases will be ongoing in 2021. In *Lubanga*, *Katanga* and *Al Mahdi*, the implementation of reparations awards is expected to continue in 2021. The Registry will require adequate resources to be able to render a number of services to the Chambers, the TFV and the parties involved in the reparations process. Effective representation will require counsel, including OPCV and Registry counsel, to be active in the field, collecting relevant victim-related information and consulting with clients. VPRS will be required to identify victim applicants, collect and process application forms for

reparations, perform the requisite legal review to support the TFV and provide adequate reports and other assistance to the Chamber. Field activities will also require language support.

### **Strategic priorities in 2021**

476. In addition to the provision of judicial support and the implementation of Court-wide strategic priorities, DJS planning for 2021 incorporates the implementation of the three priorities in the Registry Strategic Plan for 2019-2021 – continuous improvement, staff engagement, and geographical distribution and gender balance – while taking into account the Court’s Risk Management objectives. Furthermore, additional resources are required to strengthen the efficient and effective support provided for reparations proceedings and to implement the Court’s Five-Year Information Technology and Information Management Strategy.

### **Running and supporting judicial activities**

477. In 2021, the Division will provide all necessary support – in the courtroom and for missions – for ongoing judicial proceedings, including the 200 days of trial hearings planned in the *Yekatom and Ngaissona* and *Al Hassan* cases. In addition, DJS will continue to manage Court records and the functioning of the eCourt system. It will continue to support and facilitate victim participation in the various phases of ongoing Court proceedings and will manage legal aid for indigent victims and defendants. Up to six individuals are expected to remain in detention throughout 2021, depending on the outcome of the confirmation of charges hearing in *Abd-al-Rahman*.

### **Implementation of the Five-Year Information Technology and Information Management (IT/IM) Strategy**

478. In 2021, 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 fifth 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 victims’ and defence teams. In 2021, the largest portion of funding is allocated to the Judicial Workflow Platform. The total investment required for the fifth year of the strategy is €1,563.0 thousand for non-staff resources in IMSS and €158.0 thousand for the eCourt Project Manager.

### **Budget resources**

**€34,892.0 thousand**

479. The Division’s proposed budget presents an overall net increase of €2,829.5 thousand (8.8 per cent), mostly attributable to an increased level of judicial activity (new requirements in relation to trial proceedings and one new case at the pre-trial stage, *Abd-al-Rahman*, not budgeted for in 2020, and an estimated 200 days of Court hearings in 2021 as indicated in the budget assumptions) and the vacancy rate (12 per cent). As stated above, the Division is responsible for providing support for judicial proceedings, its core business, in addition to corporate IT/IM and language services. There is little turnover in staff as a result of the need for these core services and thanks to cross-training, through which the Division seeks to increase staff engagement. Requirements also represent an increase resulting from the United Nations Common System (UNCS) framework, amounting to €677.5 thousand in DJS.

480. The overall required investment within the Division for the continued implementation of the Court-wide Five-Year IT/IM Strategy in 2021 is €1,721.0 thousand. This consists of €158.0 thousand under staff resources (in the form of GTA) for the eCourt Project Manager in CMS and €1,563.0 thousand in non-staff costs for IMSS investments. Of the total €1,563.0 thousand in investments earmarked for the Strategy, €230.0 thousand is intended for the implementation of solutions in the OTP, mainly in relation to the processing, registration and analysis of evidence; €1,141.0 thousand is required for the continued development of the Judicial Workflow Platform; €142.0 thousand is required for continued

improvements in information security for threat detection and monitoring of and response to cyberattacks and an update of the Court's Information Security Management System (ISMS); and €50.0 thousand is required 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 at the Court.

**Staff resources** **€19,315.6 thousand**

482. The staff resources requested for 2021 amount to €19,315.6 thousand and represent a net increase of €1,134.0 thousand, corresponding to an overall increase of €740.2 thousand in established posts and an increase of €393.8 thousand in GTA, temporary assistance for meetings (TAM) and overtime. The amount requested for General Service staff represents a decrease of €132.4 thousand. The increase in the amount requested for established posts also reflects the redeployment of a P-3 post from the Immediate Office of the Registrar (IOR) to OD-DJS where the incumbent's support as Judicial Coordinator (P-3) is crucial to the implementation of judicial decisions; procedural, policy-related and corporate governance advice to the Director of DJS; and overall coordination of the Division and of critical projects and strategic support. The impact of the UNCS on DJS's approved staff resources for 2021 represents an overall increase of €1,079.3 thousand. Furthermore, a reduction amounting to €397.0 thousand results from the increase in the vacancy rate of established posts from 10 to 12 per cent.

*Established posts: Professional and General Service* *€17,446.1 thousand*

483. The total increase in staff costs amounts to €740.2 thousand (4.4 per cent), reflecting an increase of €622.7 thousand linked to the effect of the UNCS and a reduction resulting from the increase in the vacancy rate to 12 per cent. The total number of established posts within the Division has increased from 187 to 188 as a result of the proposed redeployment, in view of operational requirements, of a P-3 post from IOR to OD-DJS where the incumbent will serve as Judicial Coordinator (P-3). No changes to the Division's staffing table other than the said redeployment are proposed.

484. One Judicial Coordinator (P-3) in OD-DJS, redeployed, formerly Special Assistant to the Registrar (P-3) in IOR: in the light of the high volume of the Court's daily judicial support work, it is requested that the currently vacant post of Special Assistant to the Registrar (P-3) in IOR be repurposed as that of Judicial Coordinator (P-3) in OD-DJS. The post will enhance the capacity of OD-DJS to advise the Director and will facilitate communication between the Director and the sections and offices of the Division. The Judicial Coordinator will strategically coordinate and follow up on agreed outcomes and deadlines, and will review information and documents submitted by the sections. The incumbent will play a critical role in coordinating between Registry sections, particularly as regards judicial decisions and orders that require action from the Registry, and will be one of the Division's focal points in relation to the Chambers.

*General temporary assistance* *€1,572.5 thousand*

485. On the basis of the anticipated increase in judicial activity in 2021, the net increase of €301.1 thousand (23.7 per cent) in the amount requested for GTA in the Division corresponds mostly to the increased requirements, set out in detail below, in LSS, OPCD, OPCV, CMS, DS and VPRS, which represent an overall additional requirement of €241.5 thousand over and above the €59.6 thousand increase in accordance with the UNCS.

486. The requested GTA resources in CMS have increased by €10.9 thousand owing to the UNCS. The amount of GTA resources requested for CMS is required to fund the positions set out below. Of note is that there is no change from 2020 in terms of the funded positions requested.

487. One *eCourt Project Manager (P-4), 12 months. Continued.* CMS is mandated to oversee 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, which is to be in place by 2022. This project is a core, essential element of the Strategy and requires a dedicated manager. Given the duration and extent of the project, this GTA position continues to be more cost-effective for the Court than the use of external resources.

488. One *Associate Legal Officer/Courtroom Officer (P-2)*, 12 months. *Continued, unfunded*. While this position continues to be required in CMS to support hearings, it has been proposed as unfunded in the light of the number of hearing days planned for 2021.

489. The GTA resources proposed for IMSS have decreased by €0.4 thousand compared to the 2020 approved programme budget.

490. One *Information Management Assistant (Web-based Collaboration) (GS-OL)*, 12 months. *Continued*. As part of the Court-wide synergies exercise, the position of Web Developer was transferred in 2018 from the Secretariat ("the Secretariat") of the Assembly of States Parties ("the Assembly") to the Registry to consolidate IT expertise, giving rise to the present position. The incumbent is responsible for maintaining the IT systems which provide documentation and information for the Assembly and its subsidiary bodies via the Secretariat's website. This position is required to ensure accurate and timely provision of information and documentation to the Secretariat and the public, including information on nominations to Assembly bodies.

491. The amount requested for GTA resources in DS has increased by €107.1 thousand compared to the 2020 approved programme budget.

492. One *Associate Legal Officer (P2)*, 12 months. *New, multi-year*. The Associate Legal Officer (ALO) is required to support the DS in implementing three active monitoring orders. The ALO is required to review the translated summaries or transcripts of non-privileged telephone calls and non-privileged visits and to submit legal filings to each issuing Chamber on a regular basis. Any suspected breaches of these Chambers' orders for active monitoring of non-privileged telephone calls and non-privileged visits of the three detained persons who are the subject of the orders must be brought to the Chamber's attention in a timely manner. All redactions ordered by the Chambers must be made and maintained.

493. One *Administrative Assistant (G-5)*, 12 months. *Continued, multi-year*. The Administrative Assistant is required to support the DS in coordinating and implementing interpretation resources and technical solutions, while maintaining accurate and up to date physical records in various databases in compliance with the three judicial orders in respect of active monitoring of non-privileged telephone calls and non-privileged visits of three detained persons.

494. The amount proposed for GTA resources in LSS has increased by €93.1 thousand (14.6 per cent). The increase is due to the requirement of four Sango-speaking interpreters for five months each, the five months representing 100 court hearing days as indicated in the 2021 budget assumptions, in addition to three Arabic-speaking interpreters. Other recurring costs under the heading of GTA are related to the continued need for two Language Assistants, one each for Sango and Tamasheq.

495. Four *Paraprofessional Interpreters (Sango) (P-1)*, 5 months each. *New. Yekatom and Ngaïssona – Court capacity*. The Sango team interpret from and into Sango and French for the accused and, during judicial proceedings, for the Chamber, parties and participants. They also take on translation assignments when not interpreting. It is not possible to provide interpretation from and into Sango through a team of freelancers.

496. Three *Court Interpreters/Translators (Arabic) (P-3)*, 5 months each. *New. Al Hassan – Court capacity*. These interpreters will be recruited for proceedings in *Al Hassan* on GTA contracts as a more economical option than freelance interpreters. They will provide interpretation from and into Arabic and take on such translation and other special projects as may be required.

497. One *Language Assistant (Tamasheq) (G-7)*, 12 months. *Continued. Al Hassan – Court capacity*. The Language Assistant (Tamasheq) will continue to provide Tamasheq language support, as required, to DS and the Victims and Witnesses Section (VWS). Without this position it would not be possible to continue providing language services in accordance with the relevant judicial orders. The recruitment of GTA resources is more cost-efficient



than TAM and ensures better staff availability for other tasks such as translation, in view of the ongoing high level of demand.

498. One *Language Assistant (Sango) (G-7)*, 12 months. *Continued.* *Yekatom and Ngaïssona – Court capacity.* The Language Assistant will continue to provide field and operational interpretation and translation services to meet a high level of demand for Sango language assistance from DS, VWS, VPRS, CSS, OPCV and the TFV. The recruitment of GTA resources is more cost-efficient than TAM and ensures better staff availability for other tasks such as translation, in view of the ongoing high level of demand.

499. Field interpretation requirements continue to be included in GTA costs. Accredited field and operational interpreters (GS-PL or G-7/1) are necessary for 40.6 months, representing a decrease of 13 months as compared to the 2020 approved budget. Field interpreters are recruited on special service agreement (SSA) contracts. All requested funds are based on service requests from clients, which change every year, in addition to the requirement to provide field and operational interpretation for situations and cases.

500. The proposed GTA requirements in VPRS have increased by €8.8 thousand (5.0 per cent) from 2020. The proposed GTA positions in VPRS remain unchanged.

501. One *Assistant Legal Officer (P-1)*, 12 months. *Continued.* VPRS expects to receive a volume of participation- and/or reparations-related victim applications requiring legal analysis comparable to that of 2020. In addition, the need for comprehensive legal responses to external requests submitted to the Section in relevant situations has become more pressing on account of: (i) increased situation-related activity in the OTP; (ii) the TFV's need for legal analysis services in multiple cases; and (iii) the role of VPRS in facilitating Court-ordered assignments of reparations experts (e.g. in the *Ntaganda* case). The continued assistance of the Assistant Legal Officer as the key resource dispatcher in a number of cases will be essential to meeting the deadlines set by Chambers in victim-related matters in all ongoing proceedings.

502. One *Data Processing Assistant (GS-OL)*, 12 months. *Continued.* This position continues to be required to carry out processing (scanning, registering, filing, etc.), data entry and redaction of the high volume of victim applications expected in connection with participation and reparations proceedings. In addition, increased VPRS assistance to the TFV as referenced above will require a similar data processing workforce as in 2020 to cover TFV needs.

503. While the GTA resources requested in OPCD remain unchanged, increased funding of €72.4 thousand (118.5 per cent) is proposed for the continuation of the following position:

504. One *Legal Officer (P-3)*, 12 months. *Continued.* This position is requested as a continued GTA position, first approved in the 2016 budget, which continues to be required on account of increased workload. In the light of the increase in judicial activity, resulting mainly from the commencement of trial proceedings in *Al Hassan* and *Yekatom and Ngaïssona* and proceedings in the new *Abd-al-Rahman* case, OPCD requires this position for the entirety of 2021 to maintain continuity of service. The position is key to the timely update of defence manuals and general resources and to the timely provision of assistance to all defence teams. As in previous years, the Legal Officer will, in conjunction with the Associate Legal Officer (P-2), undertake the tasks of conducting legal research and preparing manuals to assist defence teams, and will perform policy functions where needed. The incumbent will also continue to assist Principal Counsel (P-5) and Counsel (P-4) with policy and management duties, supervision of the work product of the OPCD and tasks arising at the direction of a Chamber of the Court, which became more frequent in 2020.

505. The proposed GTA requirements for OPCV represent an increase of €9.2 thousand (9.4 per cent) from the 2020 approved programme budget. The proposed GTA positions in OPCV remain unchanged from the positions approved in 2020.

506. One *Associate Legal Officer (P-2)*, 12 months. *Continued.* This position (approved in the 2016 budget) continues to be essential for the satisfactory fulfilment of OPCV's mandate. OPCV teams now represent victims in two ongoing trials, two appeals, two cases at the reparations stage and several specific proceedings in which victims can present observations at early stages. The incumbent assists counsel in a variety of situations and cases depending on the workload of other staff and priorities in the proceedings. It is crucial to

recall that hearing days represent only the tip of the iceberg that is OPCV's workload. The composition of written submissions and preparatory work for reparations proceedings are far more demanding and time-consuming tasks than the number of hearing days planned indicates. In 2021, the workload of OPCV staff will remain identical in terms of written submissions and regular consultations with victims, and will in fact increase during reparations proceedings as OPCV undertakes to help substantiate victims' claims. Accordingly, each OPCV team will continue to work on its current situations and cases (more than one simultaneously) and will not be in a position to absorb workload incurred in other situations and cases.

*Temporary assistance for meetings*

€277.0 thousand

507. The resources requested for TAM represent an increase of €87.7 thousand (46.3 per cent), reflecting an increase of €97.7 thousand (54.5 per cent) in LSS due to the estimated 200 days of Court hearings in 2021, partially offset by a reduction of €10.0 thousand in IMSS.

508. While the need to supplement the in-house resources of LSS will continue in 2021, efficiencies will also continue to be achieved: the French Translation Unit has two staff members who can translate into other languages (English and Arabic), and other staff will continue to assist with occasional interpretation assignments. In-house interpreters will cover most events and freelancers will be recruited when needed. Service requests indicate a need to recruit translators on a short-term basis for several situation languages including Arabic, Bambara, Georgian, Sango and Tamasheq. The three translation units (French, English and Situation Languages) will recruit short-term Translators and Revisers to absorb the additional workload at peak times.

*Overtime*

€20.0 thousand

509. The amount proposed has increased by €5.0 thousand (33.3 per cent) from the 2020 approved programme budget. This is to accommodate IMSS's enhanced information security practice of vulnerability scanning across the Court's IT infrastructure, which requires additional out-of-hours maintenance by technicians. The remaining amount is required to compensate staff needed to complete complex work such as upgrades to core Court systems and security fixes that must be performed outside business hours so as not to disrupt Court activities.

**Non-staff resources**

**€15,576.4 thousand**

510. The proposed net increase in non-staff resources amounts to €1,695.5 thousand (12.2 per cent). This increase is the direct result of the increase in judicial activity in 2021 and corresponds principally to an increase of €1,283.30 thousand in legal aid requirements to fund the *Al Hassan, Yekatom and Ngaïssona* and *Abd-al-Rahman* proceedings and €403.0 thousand in additional requirements in OPCV attributable to increases in costs for travel and consultants, explained below, of 357.5 per cent and 223.5 per cent respectively. Other increases, including an increase of €42.9 thousand in CMS to support the 200 hearing days planned for 2021 and an increase of €134.6 thousand in IMSS, have been offset by reductions elsewhere, including in OD-DJS (31.8 per cent), DS (6.0 per cent) and OPCD (5.6 per cent), amounting to €132.2 thousand. As the 2020 approved programme budget did not include planning of hearing days, those costs did not appear in the regular budget.

511. The majority of non-staff resources required in DJS are needed to continue providing for the Court's IT/IM services and systems. Included are €5,070.2 thousand in operational lights-on costs and €73.5 thousand for non-current investments in end-of-life infrastructure. Non-staff resources requested for 2021 are also required for the continuation of the Court's IT/IM strategic investments, carried out by IMSS. The amount earmarked for such investments is €1,563.0 thousand, of which €230.0 thousand is intended for the implementation of solutions in the OTP, mainly for the processing, registration and analysis of evidence; €1,141.0 thousand is required for improvements in the judicial process, including the management of victim information; €142.0 thousand is required for improvements in information security, including protection from cyberattacks and secure

communications; and €50.0 thousand is required for the optimization and renewal of virtual infrastructure.

*Travel*

€461.2 thousand

512. The resources requested for travel have increased by €136.9 thousand (42.2 per cent), reflecting an increase in requirements mainly in OPCV (€102.6 thousand or 357.5 per cent), CMS (€30.9 thousand or 100 per cent) and VPRS (€29.0 thousand or 27.8 per cent). The resources required by OPCV have been adjusted to reflect the anticipated increase in judicial activity in 2021 (specifically in reparations proceedings, which require increased support from legal representatives) and continue to be required to support the discharge of OPCV's mandate in ongoing trial, appeal and reparations proceedings and to enable necessary consultations with clients. This increase is required to enable appointed counsel to fulfil their mandate in the proceedings, both at the seat of the Court and in the field. Notably, travel resources have been impacted by the application of a cross-cutting measure to reduce travel costs by 15 per cent in the Registry.

513. Reductions in travel requirements amounting to €32.4 thousand in total have been presented in OD-DJS, IMSS, DS, OPCD and CSS. In the case of IMSS, owing to the COVID-19 pandemic and the need to absorb staff cost increases, missions planned to maintain country office IT infrastructure have been deferred to 2021. These reductions partially offset the additional requirements amounting to a total of €169.3 thousand in CMS, LSS, VPRS and OPCV resulting directly from the increase in judicial support expected to be required in 2021.

514. Travel resources are required in CSS for the travel of members of the disciplinary boards for counsel to attend hearings in The Hague, and 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*. The requested amount of €55.8 thousand represents a reduction of €21.7 thousand as compared to the 2020 approved programme budget.

515. DJS also requires travel resources for missions undertaken to provide relevant judicial services. In CMS, travel resources of €32.0 thousand are required in 2021 for seven missions (four concerning *Al Hassan* and three concerning the situation in the CAR) to enable witnesses to testify via video link. This represents an increase of €30.9 thousand (100.0 per cent) as compared to the 2020 approved programme budget, due to the substantial increase in the number of hearing days. Other relevant judicial services requiring travel include language interpretation provided by LSS and facilitation of victim participation by VPRS. The increase of €63.1 thousand (39.3 per cent) in travel resources required by LSS is attributable to field interpretation requirements.

*Contractual services*

€1,716.7 thousand

516. The amount proposed has increased by €480.0 thousand (38.8 per cent) as the result of an increase of €491.0 thousand in IMSS requirements concerning the Court's Five-Year IT/IM Strategy. A reduction of €11.0 thousand is proposed in VPRS for 2021. The amount proposed for LSS, as regards requirements for the outsourcing of judicial translation services in official and situation languages, as detailed below, remains the same as in the 2020 approved programme budget.

517. The €1,456.0 thousand requested for the Court's Five-Year IT/IM Strategy is required to implement OTP, judicial and information security projects. This figure has increased by €475.0 thousand from the €981.0 thousand included for the Strategy in 2020. This increase is primarily due to the investment required in the third year of implementation of the Court's Judicial Workflow Platform. The detail of contractual services required in relation to IT strategic investments is as follows:

(a) OTP – For 2021, IMSS requires €230.0 thousand to co-fund three initiatives with the OTP: €106.0 thousand for continued improvements in forensic evidence processing and management; €64.0 thousand for central evidence processing and the remaining €60.0 thousand for investigation workflows, including witness management.

(b) Judicial – €1,141.0 thousand will be required in 2021 for the third year of implementation of the Judicial Workflow Platform, of which €367.0 thousand will be

allocated to implementing the litigation platform; €132.0 thousand to the Unified Information Repository; €480.0 thousand to the Case Management Platform; and €162.0 thousand to the Evidence and Case Record Gateway.

(c) Information Management – €15.0 thousand is required to improve the Court’s capacity to search and retrieve archived judicial records.

(d) Information Security – €70.0 thousand is required for two initiatives: €50.0 thousand to expand the operations of the Court’s Security Operations Centre (SOC) from a business-hours basis to 24/7 monitoring; and €20.0 thousand for external consultancy to enhance the Information Security Unit’s threat monitoring and incident response capabilities.

518. The remaining €81.0 thousand requested for contractual services will serve to augment IMSS’s staff for the purposes of ongoing courtroom, network, data centre and archival operations. An increase of €16.0 thousand is due to the expansion of the Court’s virtual remote infrastructure. Wherever possible, to control costs, IMSS utilizes existing staff resources to build solutions for the Court. External vendors are used where there is a specialized need concerning a particular technology which cannot be addressed solely by staff resources.

519. An amount of €123.7 thousand continues to be required in LSS to outsource translation services where full capacity has been reached or where particular languages are not available in-house, such as languages needed for judicial cooperation purposes or certain official and situation languages including Acholi, Bambara, Georgian, Kinyarwanda, Sango, Swahili (Congolese), Swahili (standard) and Tamasheq.

520. The amount requested for VPRS has decreased by €11.0 thousand (64.7 per cent), reflecting the transfer of some resources to general operating expenses, a more appropriate allocation. Contractual service funds continue to be required for: (i) specialized external services concerning certain aspects of VPRS database development (software improvement); and (ii) specialized contractual services related to interaction with victims and intermediaries in relevant countries.

521. The amount proposed for OPCV (€50.0 thousand) remains at the level approved in 2020 and continues to be needed for OPCV’s activities in ongoing judicial proceedings and to transport victims from their places of residence to a safe location to meet with counsel.

#### *Training*

*€60.6 thousand*

522. The amount proposed has decreased by €30.5 thousand (33.5 per cent), partially as a result of the implementation of a cross-cutting reduction of costs in the Registry. The staff training resources requested for 2021 are essential to enabling DJS to cope with changes in its workload and to cover any additional expertise required. 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 Chambers and the OTP. Training is proposed for the following sections under their recurring expenses: CMS (€5.2 thousand), IMSS (€50.4 thousand), VPRS (€4.5 thousand) and OPCD (€0.5 thousand). As the most cost-efficient solution, and where possible, it is recommended that training be completed online or that a trainer be engaged to conduct programmes on the Court’s premises. While certain aspects of the respective tasks which are incumbent on OD-DJS and DS require specific training, those sections have decided not to provide for such training in 2021, owing to the current economic situation. These costs (€16.8 thousand for DS and €4.8 thousand for OD-DJS) were recurrent.

523. The amount of €50.4 thousand proposed in respect of training for IMSS staff represents a decrease of €8.6 thousand (14.6 per cent) from the amount of €59.0 thousand in the 2020 approved programme budget. Training continues to be focused on providing IMSS staff with the technical skills and knowledge required to maintain certifications, in particular those necessary for the mandatory upgrade of core Court infrastructure such as the network, firewall, email, operating systems and SharePoint, which equips the Court’s Intranet with content repositories and custom applications. If IMSS fails to keep staff certifications and training up to date it will increasingly have to rely on vendors for routine maintenance and upgrades, thus increasing contractual service costs. Wherever possible, IMSS uses online or local training.

*Consultants*

€470.8 thousand

524. The amount proposed has increased by €243.0 thousand (106.7 per cent). The increase is attributable to an increase in OPCV of €300.4 thousand (223.5 per cent). Net reductions amounting to €50.0 thousand in CSS and €7.4 thousand in LSS have been achieved.

525. The amount of €434.8 thousand proposed for OPCV is required for the appointment of field counsel based in situation countries as directed by the relevant Chambers. Such appointments are essential to maintaining continuous contact with the victims represented, keeping them updated on proceedings, recording their views and concerns and collecting evidence. The collection and completion of applications and the collection of evidence are particularly important at the reparations stage of proceedings. Costs are calculated on the basis of actual contracts with consultants.

526. The remaining resources proposed under consultants remain unchanged and are required for the following: (i) monitoring of the required list of Experts in OD-DJS (€5.0 thousand); (ii) situation- or project-specific consultancies in OPCV arising from assignment of the case to the relevant Chamber (€20.0 thousand); (iii) the provision of psychological or psychiatric services for the well-being of detained persons in DS (€6.0 thousand); and (iv) victim participation- or reparations-related expertise in VPRS (€5.0 thousand).

*Counsel for defence*

€4,023.7 thousand

527. This budget item is highly dependent on judicial assumptions. The requested amount has increased by €856.2 thousand (27.0 per cent) as a result of the application of the Court's legal aid system to planned judicial activities and related assumptions for 2021. The proposed budget for defence counsel will fund the defence teams of Mr Ongwen, Mr Al Hassan, Mr Ngaïssona, Mr Yekatom, Mr Gbagbo, Mr Blé Goudé, Mr Ntaganda and Mr Abd-al-Rahman (on the basis of six further months at the pre-trial stage from the end of February 2021 after the hearing on the confirmation of charges provisionally scheduled for 7 December 2020) and includes provisions for reduced funding in the cases of Mr Al Mahdi and Mr Banda.

528. An additional sum is required for duty and ad hoc counsel, appointed by the Registrar and Chambers, respectively, under the conditions established in the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court.

*Counsel for victims*

€1,727.1 thousand

529. This budget item is highly dependent on judicial assumptions. The amount requested has increased by €427.1 thousand (32.9 per cent) as a result of the application of the assumptions on which the 2021 Proposed Programme Budget is based. The amount requested is required to fund existing external teams of legal representatives for victims currently participating in proceedings before the Court. This figure includes 2,599 victims in the *Ongwen* case and the common legal representatives of victims in *Lubanga* (two teams), *Katanga*, *Al Hassan*, *Al Mahdi* and *Yekatom and Ngaïssona*. It also includes reduced funding for the common legal representatives of victims in the *Banda* case.

*General operating expenses*

€6,291.2 thousand

530. The amount proposed has decreased by €163.8 thousand (2.5 per cent). This is mostly attributable to a proposed decrease of €76.8 thousand in IMSS and a reduction of €106.0 thousand in DS as compared to the 2020 approved programme budget.

531. Of the proposed amount of €6,291.2 thousand, €4,305.2 thousand is attributable to resources required in IMSS, €1,956.0 thousand in DS, €11.0 thousand in OPCV and €19.0 thousand in VPRS.

532. The amount proposed for IMSS is €4,305.2 thousand and represents a 1.8 per cent decrease of €76.8 thousand from the €4,382.0 thousand approved for 2020. The proposed budget includes annual recurrent costs for the rental of furniture and equipment (€142.6

thousand), communication (€1,010.4 thousand) and maintenance of furniture and equipment (€3,157.2 thousand) at Headquarters and country office locations. Funds required in 2021 for the rental of furniture and equipment remain consistent with the 2020 approved budget. Communication costs represent a decrease of €71.8 thousand from the 2020 approved budget, achieved through renegotiation of internet services contracts. Annual recurrent costs for maintenance of furniture and equipment have not increased despite the addition of new systems to support the Court's Five-Year IT/IM Strategy, and have in fact decreased by €55.2 thousand from the amount of €3,212.4 thousand included in the 2020 approved budget.

533. Requirements for DS have decreased by €106.0 thousand (5.1 per cent) despite the yearly indexing of the rental prices of cells as per the Product Price Agreement. While these recurrent costs generally increase in line with the consumer price index used in the Netherlands, the Detention Centre expects to absorb the expected increase thanks to the commencement of Kosovo Specialist Chambers detention operations in Building 4 in 2020, which has allowed DS to reduce the number of FTE Custody Officers. Other costs include medical care and items specific to ensuring respect for detained persons' religious and cultural backgrounds as part of their well-being, and costs for indigent detained persons to call family and make privileged calls to defence teams. These costs are recurrent.

534. The requirement of €11.0 thousand proposed for OPCV is unchanged. The resources will cover the cost of renting premises where victims can be met safely and in a way that preserves the privileged relationship between counsel and client.

535. The requirement of €19.0 thousand proposed for VPRS has been partly reallocated from contractual services (in the amount of €11.0 thousand) owing to changing requirements. Resources are required, particularly where country offices cannot assist, for special facilities needed by VPRS staff to carry out relevant activities during field missions such as reaching out to victims and victim groups in a secure and conducive environment. This includes facility rental costs, in-country travel and victim-related expenses, and explanatory materials for victims regarding participation and reparations.

#### *Supplies and materials*

*€314.6 thousand*

536. The amount proposed represents a net decrease of €3.9 thousand (1.2 per cent). Most resources in the Division's budget for supplies and materials are required by IMSS (€285.3 thousand), DS (€7.5 thousand), LSS (€7.0 thousand) and VPRS (€2.0 thousand). In CMS, the amount proposed includes an increase of €12.8 thousand for the purchase of cartridges designed for daily backup of the courtroom audio-visual recording and distribution system.

537. The amount proposed for IMSS in 2021 is comprised wholly of recurrent costs, of which €285.3 thousand is for the continued provision of library references and resources such as digital and print subscriptions to serials and monographs, used daily by the OTP, Chambers and the Registry for legal research. The majority of that (€193.8 thousand) consists of €57.5 thousand for library serials in various languages on international criminal law, human rights, genocide studies, and defence and security analysis which are mainly used by Office of the Deputy Prosecutor, the Investigation Division and the Preliminary Examination Section of the OTP, and Chambers Legal Officers on behalf of the Judges; €87.6 thousand for subscriptions to Westlaw and the United Nations System Electronic Information Acquisitions Consortium, which includes LexisNexis, Factiva, the Oxford Reports on International Law, LegalTrac, the HeinOnline Foreign and International Law Resources Database and other databases used by Legal Officers and researchers; €46.2 thousand for print and electronic book purchases in various languages for use by Chambers, litigating parties and investigators for legal research; and €2.5 thousand for supplies to preserve the Court's archival records in paper format. The remaining expenditure of €91.5 thousand serves to meet core needs such as printing (toner cartridges and paper), replacement of memory chips, archival supplies to preserve legacy records, audio-visual supplies for courtrooms and offices and end-user requests for language-specific keyboards, encrypted drives and laptop batteries.

538. For LSS, DS and VPRS the proposed amounts remain unchanged from those approved for 2020 and include: €7.0 thousand for up-to-date dictionaries and materials, €7.5 thousand for uniforms and €2.0 thousand for supplies to store original victim applications and materials for field missions, respectively.

*Furniture and equipment*

€510.5 thousand

539. The resources proposed for furniture and equipment in 2021 represent a decrease of €249.5 thousand (32.8 per cent) from the amount of €760.0 thousand approved for 2020. The proposed amount is required for recurrent items which vary year-to-year owing to obsolescence and wear and tear, non-recurrent investment in strategic initiatives under the Five-Year IT/IM Strategy and non-recurrent end-of-life infrastructure.

540. Annual recurrent costs estimated at €330.0 thousand in 2021 represent an increase, reflecting a one-time decrease in 2020 in the operational budget for storage expansion and the required replacement, between 2021 and 2025, of network components dating from the construction of the Court's permanent premises. Similar annual storage expansion is accordingly included as recurrent. This recurrent cost increase is offset by a decrease in year five of the Court's IT/IM Strategy. The total of €330.0 thousand breaks down as follows:

(a) €200.0 thousand exclusively earmarked for the annual replacement of end-user workstations, laptops and mobile devices. This is included in the calculation of 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. There is no change from 2020.

(b) €60.0 thousand for annual increases in the Court's server capacity, needed as supporting infrastructure for core systems such as document management, evidence management, enterprise resource planning (SAP) and witness management.

(c) €50.0 thousand to replace network and telecommunications infrastructure suffering from wear and tear or obsolescence.

(d) €20.0 thousand to increase capacity for archive-tier storage. This expansion is based on historical use and trend forecasting of data growth.

541. In 2021, a total of €107.0 thousand in non-recurrent investments will be required for necessary strategic initiatives under the Five-Year IT/IM Strategy. This amount represents a decrease of €413.0 thousand from the €520.0 thousand in the 2020 approved budget and is to be apportioned between the following initiatives:

(a) Information Security – an investment of €57.0 thousand for data-centric security control software providing data loss prevention and information rights management capabilities.

(b) Optimizing IT – an investment of €50.0 thousand is required to replace the Court's Storage Area Network (SAN), which has reached its end-of-life and is a critical component of the Court's storage infrastructure.

542. The final component of the amount proposed for furniture and equipment in IMSS is €73.5 thousand to replace end-of-life infrastructure, specifically €57.0 thousand for the Court's internal firewall and the remaining €16.5 thousand to replace the Cisco Unified Communication Server for the Court's data centre. Failure to replace end-of-life infrastructure risks the disruption of the Court's operations which rely on these infrastructure components.

**Table 30: Programme 3300: Proposed budget for 2021**

3300 Division of Judicial Services (DJS)	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				11,744.3	872.6	7.4	12,616.9
General Service staff				4,961.6	(132.4)	(2.7)	4,829.2
<i>Subtotal staff</i>	<i>18,078.2</i>	<i>-</i>	<i>18,078.2</i>	<i>16,705.9</i>	<i>740.2</i>	<i>4.4</i>	<i>17,446.1</i>
General temporary assistance	1,411.6	128.3	1,539.9	1,271.4	301.1	23.7	1,572.5
Temporary assistance for meetings	196.2	60.6	256.8	189.3	87.7	46.3	277.0
Overtime	13.3	-	13.3	15.0	5.0	33.3	20.0
<i>Subtotal other staff</i>	<i>1,621.2</i>	<i>188.9</i>	<i>1,810.0</i>	<i>1,475.7</i>	<i>393.8</i>	<i>26.7</i>	<i>1,869.5</i>
Travel	235.1	102.0	337.1	324.3	136.9	42.2	461.2
Hospitality	-	-	-	-	-	-	-
Contractual services	432.1	-	432.1	1,236.7	480.0	38.8	1,716.7
Training	115.7	-	115.7	91.1	(30.5)	(33.5)	60.6
Consultants	366.9	44.9	411.8	227.8	243.0	106.7	470.8
Counsel for defence	3,446.0	678.7	4,124.7	3,167.5	856.2	27.0	4,023.7
Counsel for victims	1,199.1	88.4	1,287.5	1,300.0	427.1	32.9	1,727.1
General operating expenses	5,926.8	15.4	5,942.2	6,455.0	(163.8)	(2.5)	6,291.2
Supplies and materials	381.5	0.3	381.8	318.5	(3.9)	(1.2)	314.6
Furniture and equipment	1,362.3	14.2	1,376.5	760.0	(249.5)	(32.8)	510.5
<i>Subtotal non-staff</i>	<i>13,465.5</i>	<i>943.8</i>	<i>14,409.4</i>	<i>13,880.9</i>	<i>1,695.5</i>	<i>12.2</i>	<i>15,576.4</i>
<b>Total</b>	<b>33,164.8</b>	<b>1,132.7</b>	<b>34,297.5</b>	<b>32,062.5</b>	<b>2,829.5</b>	<b>8.8</b>	<b>34,892.0</b>

**Table 31: Programme 3300: Proposed staffing for 2021**

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 2020	-	-	-	1	7	23	33	42	5	111	2	74	76	187
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	1	-	-	1	-	-	-	1
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>7</b>	<b>23</b>	<b>34</b>	<b>42</b>	<b>5</b>	<b>112</b>	<b>2</b>	<b>74</b>	<b>76</b>	<b>188</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	1.00	0.50	2.00	2.50	6.00	7.47	3.00	10.47	16.47
Continued	-	-	-	-	-	1.00	1.00	2.00	1.00	5.00	2.00	3.00	5.00	10.00
New	-	-	-	-	-	-	1.25	1.00	1.67	3.92	3.38	-	3.38	7.30
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>2.25</b>	<b>3.00</b>	<b>2.67</b>	<b>8.92</b>	<b>5.38</b>	<b>3.00</b>	<b>8.38</b>	<b>17.30</b>



#### 4. Programme 3800: Division of External Operations

##### Introduction

543. The Division of External Operations (DEO) is responsible for the Registry's functions in the areas of cooperation, analysis, external communication, protection of and assistance to witnesses, and field operations. In addition to the Office of the Director (OD-DEO), DEO comprises three sections at Headquarters, namely the Victims and Witnesses Section (VWS), the External Operations Support Section (EOSS) and the Public Information and Outreach Section (PIOS). DEO also includes the external representations of the International Criminal Court ("the Court") in situation countries (country offices) and at United Nations Headquarters in New York.

544. The Court's country offices are established, as appropriate, in situation countries to carry out the Registry's mandated tasks in relation to witnesses, victims and communication, and to provide support for the activities of the Office of the Prosecutor (OTP), counsel for the defence and for victims and the Trust Fund for Victims (TFV). In 2021, the Court will continue to maintain offices in six situation countries, namely the Central African Republic (CAR), Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Georgia, Mali and Uganda. The size and staffing composition of each country office is determined on a case-by-case basis, taking into account the stage of the Court's engagement in the situation country and the specific circumstances of the situation. Country offices are time-bound, scalable representations in situation countries. Multiple factors are considered in assessing the best way to provide in-country support for investigative and judicial activities. Depending on the stage of proceedings, the situation and the context on the ground, presences vary between small representation offices and more complex operations needed to address multifaceted requirements. The Court's Liaison Office to the United Nations in New York ("Liaison Office") supports external relations with diplomatic representations to the United Nations and the cooperation activities of all organs of the Court in relation to the United Nations itself.

545. Through coordination and support from the Court's Headquarters in The Hague, the Division ensures that administrative, logistical and security issues concerning the Court's external representations are addressed effectively and efficiently. In this regard, DEO centralizes the Court's mission planning capacity and supports its crisis management procedures. DEO also provides its clients with high-quality targeted analysis of security and socio-political developments relevant to the Court's work. Through VWS, DEO is responsible for providing 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.

546. The Division is also responsible for the Court's external communications and, in this regard, ensures the timely and accurate delivery of information on the mandate and activities of the Court through a variety of media to both key stakeholders and the general public. This includes, notably, outreach activities aimed at victims and affected communities in situation countries. The Registry's statutory responsibilities regarding international cooperation and judicial assistance, for example in relation to the arrest and surrender of persons subject to warrants of arrest, are also discharged by DEO.

##### Operating environment

547. Since much of DEO's work takes place away from Headquarters, it is largely governed by the stage of the Court's engagement in a given situation. In many cases, operational support outside Headquarters begins in the form of support for OTP investigations, but that support may later need to be maintained or even enhanced for the wider purposes of trial proceedings, e.g. for victim participation, outreach activities, witness protection, and defence missions and investigations. Continued support may also be required for the activities of the TFV, especially during the reparations phase, including activities related to the implementation of reparations orders.

548. In this regard, in 2021, DEO will continue to perform its mandated tasks and to provide services to its clients in relation to a number of situation countries. The high level of

activities and the challenging operational context in the situations in Mali and the CAR will require the allocation of additional resources to manage operational requirements. DEO has identified both staff and non-staff savings and efficiencies within existing operations to offset the increases for its work in Mali and the CAR. This approach has enabled the Registry to redeploy staff resources from one country presence to another, in a manner consistent with shifting operational and security priorities concerning situation countries. Specifically, significant reductions have been achieved in the Registry's presence in the DRC, Uganda and Côte d'Ivoire, mainly through the redeployment of resources. This has made it possible to fund the required increased investments in country operations, in particular in Mali and the CAR, where additional resources are needed particularly in the light of security conditions and increased operational demands. By utilizing existing capacities to meet those increasing demands, the Registry has ensured sufficient and flexible capacity to cope with trial support in the *Al Hassan* and *Yekatom and Ngaïssona* cases. Furthermore, DEO, through its country offices, will also continue to support the OTP's active investigations and the activities of the TFV. Owing to the global travel restrictions prompted by the COVID-19 pandemic, DEO has had to adapt its working methods, and this will result in savings in 2020. Anticipating the continuation of the pandemic in 2021, DEO has been prudent in its request for resources, taking into consideration the travel restrictions which may still be in place in 2021.

549. In addition to the six situation countries where DEO will maintain external representations in 2021, the sections at Headquarters and certain country offices also provide support for a variety of activities – ranging from witness protection to outreach – in relation to the other situation countries, where offices are not established, namely Afghanistan, Bangladesh/Myanmar, Burundi, Libya, Palestine and Sudan. DEO will focus on developing its approach and operational concept with respect to the situation in Sudan, in which the arrest of Ali Muhammad Ali Abd-Al-Rahman in June 2020 may lead to further judicial proceedings in 2021.

#### *Central African Republic (CAR)*

550. The budgetary requirements for the Registry's operations in the CAR will be driven mainly by the *Yekatom and Ngaïssona* trial. Resources will be required to perform activities with respect to facilitating witness testimony, outreach to affected communities and victim participation. The country office in the CAR will also be providing security, administrative and logistical support for an increased number of missions by its various clients. The high number of referrals to VWS by the OTP in the CAR II situation will require a continued investment to ensure the necessary protection for witnesses.

551. The CAR, with its tense security situation and volatile political landscape, continues to be one of the most demanding environments in which the Court operates. This has a direct impact on the resources needed to manage the security, health and welfare of staff based in the country, notably in the context of the COVID-19 pandemic.

#### *Mali*

552. The level of activity expected in Mali in 2021, in the light of the *Al Hassan* trial and the country's challenging operational environment, will require continued limited investments in both staff and non-staff resources to perform the Registry's mandated tasks and support the work of its clients. Witness protection will continue to be one of the key cost drivers for the Registry's operations in Mali. Likewise, commencement of the *Al Hassan* trial will require the country office in Mali to undertake active outreach to victims and affected communities, while also continuing to inform the general public about the work of the Court.

553. The operating environment in Mali continues to be characterized by a volatile security situation in which international actors may be targeted by extremist groups. In 2021, the office in Bamako will continue to operate from the premises of the United Nations peacekeeping operation in Mali (MINUSMA). This allows the country office to benefit from an increased level of security and enables it to streamline many of its processes by having access to the United Nations' administrative services, thus achieving a more efficient running of its operations.

*Côte d'Ivoire*

554. DEO has reviewed its operations in Côte d'Ivoire with a view to prioritizing resources and will, as a result, reduce the related resources, in particular to support the workload increase in Mali and the CAR. The country offices in Côte d'Ivoire and Mali will continue to be overseen by one Chief of Country Office, thus further facilitating the flexible allocation of resources to respond to emerging needs.

555. The country office in Côte d'Ivoire will continue to provide logistical and security support to the OTP's active investigation in the Côte d'Ivoire II situation. With respect to the Registry's mandated tasks, the country office in Côte d'Ivoire will continue to communicate with the affected communities and the general public on the Court's mandate and work in Côte d'Ivoire.

*Democratic Republic of the Congo (DRC)*

556. The country office in Kinshasa will be significantly downsized in 2021. The country office in Bunia will, however, continue to support the activities of its clients, especially in the eastern part of the country, in relation to the reparations proceedings in the *Lubanga*, *Katanga* and *Ntaganda* cases. This work will be done in a difficult environment where adequate measures need to be taken to ensure the safety and security of staff.

557. Only a skeleton office will be maintained in the capital, Kinshasa, to provide for residual functions. The Chief of Country Office will oversee both the DRC and Uganda offices. Managerial functions for security, outreach and victim participation and reparations in the DRC will be conducted by staff based in Kampala who also cover Uganda. No significant changes in operational needs are planned for the country office in Bunia.

*Uganda*

558. In 2021, the country office in Uganda will continue to focus on activities relating to the *Ongwen* case, as the deliberations of the Trial Chamber and writing of judgments are expected to come to completion in January 2021, leading to either appeals or reparations proceedings. The country office will also continue to provide logistical and security support in relation to the TFV's assistance projects in northern Uganda.

559. In the light of the downsizing of the country office in the DRC, and the logistical links and relative proximity of Kampala to the Court's operations in eastern DRC, the operations in the two countries will continue to be overseen by a single Chief of Country Office based in Kampala. In addition, management of security, outreach and victim participation and reparations activities for both Uganda and the DRC will be overseen from Kampala.

*Georgia*

560. The country office in Georgia will continue in 2021 to provide logistical and security support for the OTP's active investigations into the situation and for the TFV's planned activities. The country office will also continue to communicate to the affected communities and the general public on the Court's mandate and work in Georgia, as the situation develops. It is proposed that the resources allocated to the country office be maintained at a moderate level in line with previous budgets, given the stage of the situation, in which no judicial proceedings are yet taking place.

*Liaison Office of the International Criminal Court to the United Nations (New York)*

561. The Liaison Office of the International Criminal Court to the United Nations in New York ("Liaison Office") ensures accurate and timely reporting on developments relevant to the work of the Court and assists in keeping diplomatic missions and other key stakeholders in New York abreast of developments at the Court. The Liaison Office also supports the work of the Assembly of States Parties ("the Assembly") and of its Secretariat, and represents the Court in meetings of the Bureau and other subsidiary bodies of the Assembly. In 2021, the Liaison Office will focus its efforts on supporting the needs of the Court in its relations with

the United Nations Secretariat, the other principal organs of the United Nations and diplomatic missions based in New York. The Liaison Office plays a leading role by maintaining close contact with key interlocutors and by representing the Court at meetings.

### **Strategic Priorities for 2021**

562. The overarching objective of the Division is to ensure strategic coordination and effective execution of the Registry's external operations. In addition to furthering the Registry's objectives in accordance with its strategic plan, DEO will focus in 2021 on enhancing support for the *Al Hassan* and *Yekatom and Ngaiïssona* trials and reparations-related activities in the DRC with respect to the *Ntaganda*, *Katanga* and *Lubanga* cases as well as in Mali with regard to the *Al Mahdi* case, and on garnering political and operational support and reinforcing the Court's capacity to effectively communicate about its mandate and work in the face of political attacks.

563. DEO will continue to implement its strategic approach to field operations in line with the Registry's strategic priority of undertaking a programme of continuous improvement, while taking into account the Court's Risk Management objectives. With regard to 2021 this will be manifested in the redeployment of both staff and non-staff resources from situations at the end of the field operations life cycle to situations in which judicial proceedings are creating a heavy workload. The Division has taken steps in the current budget proposal to redeploy posts from the country offices in Kinshasa and Abidjan to Mali, the CAR and Uganda, where the need for those functions will increase, and DEO will continue to implement policies that allow for increased flexibility in the use of both staff and non-staff resources while fully taking into account staff welfare and mobility. This flexibility is a crucial enabler for DEO to manage field operations sustainably and to ensure adequate security for its work, including the protection of those at risk on account of their involvement with the Court.

564. The new challenges faced by the Court will require DEO to continue, within its current resources, to enhance its efforts to provide timely and accurate information about the Court and its work to both the general public and key stakeholders. PIOS will lead these efforts, using both social and traditional media to communicate the Court's value and achievements, with the aim of strengthening its positive reputation and image and correcting misinformation about the Court. Communication efforts will target a wide range of different audiences, including affected communities in situation countries, lawyers, researchers, students and civil society activists in those countries and beyond.

565. The Court's communication efforts must be complemented by effective external relations strategies to foster political support. EOSS and the Liaison Office will play a key role in 2021 in maintaining a constructive dialogue between the various organs of the Court, on the one hand, and States and international organizations on the other, with a view to continuing to strengthen political support for the Court and identifying concrete areas of cooperation for the ultimate benefit of the Court's investigations and judicial proceedings. DEO will also continue to support the Presidency and the Assembly in promoting the universality of the Rome Statute and thereby the legitimacy of the Court.

566. The experience of the Court to date has shown the importance of concluding framework agreements with States on witness relocation and interim and final release of accused and convicted persons, and also of supporting the Presidency in the conclusion of further agreements on the enforcement of sentences. Without the appropriate framework enabling States to cooperate with the Court, the Court cannot effectively discharge its mandate. Lack of cooperation also has severe budgetary implications because it means that witnesses are not able to exit the Court's protection programme. Likewise, the Registry has been obliged to establish ad hoc arrangements at considerable cost when no State is willing to accept on its territory persons granted interim release.

567. DEO, in coordination with the OTP, will also continue to focus on garnering support from States for the arrest of suspects currently at large. The recent successful arrest and transfer operations in relation to the situation in Darfur demonstrate the results that can be achieved through focused but limited (primarily regarding travel) investments in this area. However, 16 persons for whom warrants of arrest have been issued by the Court remain at large, thus necessitating continued efforts to bring fugitive persons to justice.

**Budget resources****€21,207.8 thousand**

568. The overall proposed budget for 2021 for DEO amounts to €21,207.8 thousand, which represents a decrease of €1,749.3 thousand (7.6 per cent) as compared to the 2020 approved budget, while absorbing the impact of the United Nations Common System (UNCS) amounting to an increase of €874.8 thousand in staff costs. A reduction of approximately €350.8 thousand has resulted from increasing the vacancy rate of established posts from 10 to 12 per cent. Additional net reductions amounting to €2,273.3 thousand have resulted from other staff costs reductions within the Division, including the defunding or abolishment of certain posts.

569. Despite the enhanced requirements in support of judicial and investigative activities in Mali and the CAR, the associated increase in required resources for 2021 has been fully offset by the decrease in the total resources requested by DEO, owing mainly to the redeployment of resources from other duty stations to the country offices in the CAR and Mali and the reprioritization of resources within the Division. A large portion of the reduction in DEO's resource requirements results from: (1) downsizing of the country office in Kinshasa, DRC; (2) prioritization of resources in the country office in Côte d'Ivoire; (3) a stringent approach to expenditures based on actual data and systematic trend analysis over the last three years, which has enabled VWS to present a significantly reduced budget; and (4) adaptation of working methods as a result of experience gained during the COVID-19 pandemic so far. Among other initiatives, the DRC country office in Kinshasa will scale down its presence to a skeleton office and will redeploy both staff resources and non-staff resources to other duty stations where needs arise, including Mali and the CAR. Accordingly, it is proposed that a number of posts located in the country office in Kinshasa be defunded or redeployed to other duty stations. The country office in Kinshasa also plans to move its premises to a smaller location in 2021 and has already started planning the redeployment of its assets, including equipment and vehicles, to other country offices to reduce their resource requirements for 2021.

**Staff resources****€16,213.6 thousand**

570. Proposed staff resources for DEO represent a decrease of €290.3 thousand (1.8 per cent) as compared to the 2020 approved budget, owing to the application of the UNCS salary increase, which was offset by the increase in the vacancy rate and other measures aimed at reducing staff costs.

*Established posts: Professional and General Service**€14,682.4 thousand*

571. The amount requested for established posts presents a decrease of €222.9 thousand (1.5 per cent) as compared to the 2020 approved budget. The UNCS salary increase totalling €832.4 thousand has been offset by the increase in the vacancy rate to 12 per cent and the significant decreases proposed in resources for established posts, whereby nine posts are to be defunded, one post is to be abolished and eight posts are to be redeployed to other duty stations owing to the adjustment of resource needs in 2021 to avoid requesting additional resources.

572. As indicated above, owing to the downsizing of the country office in Kinshasa, DRC, the Court will maintain a skeleton country office in Kinshasa in 2021 to provide for residual functions, which will be overseen by professional staff in the country office in Uganda. Therefore a number of posts will no longer be required in the country office in Kinshasa. As a result, those posts can be defunded or redeployed to Mali, the CAR and Uganda, where country offices will have to support expanding judicial activity. Resources have also been prioritized in the country office in Côte d'Ivoire and thus one post there is to be redeployed to Mali. In addition, owing to the restructuring of the working methods of VWS, it is possible in 2021 to defund a number of VWS posts located at Headquarters, while ensuring that key business objectives can be met with fewer staff. However, with a reduced number of VWS posts at Headquarters to support heavy trial activity in 2021, there will be little or no room for inefficiencies and remaining staff will inevitably be utilized in positions of highest demand and criticality. Therefore, if trial activity is to remain at the same level in

2022, VWS intends to request again in its 2022 budget submission the same posts which are defunded in its budget submission for 2021.

573. In anticipation of the need which may arise to open country offices in other situation countries or to support activities related to new cases or situations, it is proposed that, instead of abolishing certain posts which are no longer required in the current operating environment, those posts be defunded and continued in case they are required to support activities related to other situations or cases. It is requested that other posts be redeployed to other duty stations owing to increased activity at those duty stations.

574. In the light of the above, the Registry proposes the following changes to its established posts in DEO as compared to the resources approved for 2020:

*Posts defunded*

- (a) One Field Security Officer (P-3) (Kinshasa).
- (b) One Administrative Assistant (GS-OL) (Kinshasa).
- (c) One Field Assistant (GS-OL) (Bunia).
- (d) One Associate Team Leader (P-2) (DRC).
- (e) One Senior Case Management Assistant (GS-OL).
- (f) One Case Management Assistant (GS-OL).
- (g) One Senior Welfare Assistant (GS-PL).
- (h) One Analyst Assistant (GS-PL).
- (i) One Associate Welfare Officer (P-2).

*Posts redeployed with the same functions to different duty stations*

- (a) Redeployment of three Field Case Management Assistants (GS-OL) from the DRC to Mali.
- (b) Redeployment of one Associate Welfare Officer (P-2) from the DRC to the CAR.
- (c) Redeployment of one Associate Field Case Officer (P-2) from Uganda to the CAR.
- (d) Redeployment of one Field Officer (Outreach) (P-3) from Côte d'Ivoire to Mali.
- (e) Redeployment of one Driver (GS-OL) from Kinshasa, DRC to Uganda.

*Post redeployed with different functions*

575. Redeployment of one post of Field Officer (Outreach) (P-3) from the DRC to OD-DEO, to be repurposed as a second External Affairs Coordinator (P-3) post in OD-DEO. A total of eight external representations (including seven country offices and the Liaison Office in New York) and three sections at Headquarters report directly to the Director of DEO, as opposed to the five sections which make up the Division of Management Services and the six that make up the Division of Judicial Services (DJS) (not including the Office of Public Counsel for the Defence and the Office of Public Counsel for Victims, which report to the Director of DJS only on administrative matters). The workload created by the complexities associated with administering three sections and eight external representations, encompassing over 200 staff members located at Headquarters and the Court's external offices, is such that it simply cannot be managed by one External Affairs Coordinator alone. The second External Affairs Coordinator located in OD-DEO will be involved in coordinating the day-to-day work of the Division, including operational support to country offices and the Liaison Office, and in providing policy assistance and analysis to the Director, drafting various documents and managing administrative matters

*Post abolished*

576. One Field Officer (Outreach) (P-3) (Mali). With the redeployment of the post of Field Officer (Outreach) (P-3) from Côte d'Ivoire to Mali to oversee outreach activities in both Côte d'Ivoire and Mali, the post of Field Officer (Outreach) (P-3) in Mali can be abolished.

*General temporary assistance*

€1,446.4 thousand

577. The resources requested for general temporary assistance (GTA) within DEO have decreased by €152.2 thousand (9.5 per cent) from the 2020 approved budget. In total, the continuation of 32 GTA positions, of which two are to be defunded, is requested by DEO sections and country offices. This includes one position to be redeployed from the country office in Côte d'Ivoire to the country office in Mali. The new resources requested are entirely offset by the discontinuation of the two approved GTA positions for the country offices. With this proposal, excluding the €42.4 thousand attributable to the effect of the UNCS on the GTA resources of DEO, the Registry proposes a real decrease of €194.6 thousand (12.2 per cent) in DEO as compared to the 2020 approved budget.

578. Because of the adjustment of resources needed, DEO will no longer request funds for the following two GTA positions approved for 2020:

- (a) One *Driver (GS-OL) (Uganda), 12 months.*
- (b) One *Driver (GS-OL) (Côte d'Ivoire), 12 months.*

579. The following 30.9 full-time equivalent (FTE) GTA positions are positions approved in 2020 which will continue to be required for 2021.

580. One *Associate Confidential Accounts and Planning Officer (P-2), 12 months. Continued, multi-year.* This position caters for confidential financial operations related to the protection of victims and witnesses in situations before the Court, especially where the international movement of persons is concerned. The incumbent supports highly secret relocations, liaising with external partners, and provides assistance to Team Leaders and handlers during sensitive operations. This position is a proven long-term need insofar as it is critical to the efficient functioning of the Court's protection programme (ICCPP), which requires the highest level of secrecy. The confidential accounts systems established by VWS incorporate regular interaction with external third parties and the handling of significant amounts of confidential funds, using sensitive working practices which require a specific level of professional commitment. In addition to these functions, the position also provides the proven long-term support needed in fund monitoring and budget and finance administration, from which VWS has benefited significantly in complex operations in past years to achieve savings and efficiencies. The complexity of VWS operations and the need for workable policies to achieve operational improvements entail continuous monitoring, review and analysis which preserves the 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 and the development of a more controlled approach to budget analysis, monitoring and efficiency measures. The position has proven its benefits to VWS and the Registry through better resource management and the achievement of significant improvements.

581. One *Associate Witness Protection Training Officer (P-2), 12 months. Continued, multi-year.* This position supports the implementation of VWS's specialized witness protection training and development plan. It is required for VWS to continue its training strategy and to ensure the development, coordination, maintenance and delivery of the VWS training programme, which equips staff with a consolidated understanding of protection, risk and case management concepts necessary to implement the Section's mandate. The incumbent also works with staff to apply the appropriate witness protection standard operating procedures, a necessity since confidentiality challenges in witness protection and risk reduction techniques are continuously evolving. Furthermore, protection processes must be adapted to changing socio-political situations in any particular region of operations. The continuing professional development of VWS staff members in the area of witness protection

is therefore critical to the efficient functioning of the Section and to the protection of the Court's witnesses and victims.

582. One *Associate Team Leader (P-2) (Mali)*, 12 months. *Continued, multi-year*. This position is required to provide the necessary support in relation to field case management and protected witnesses and victims. The Mali situation is currently one of the two most active situations, with an increased workload related to trial activities and field operations, including support for initial response systems (IRSs) and other operational mechanisms necessary for OTP and judicial activities. The incumbent will lead the VWS field team and assist the Team Leader responsible for the Mali situation at Headquarters in the daily management of protection-related issues, manage the IRS and follow up on referrals for protection and support made by parties. The incumbent will conduct threat and risk assessments for inclusion in the ICCPP and recommendations on witness protection measures, and will collect and update witness information for senior managers at Headquarters and for filings to be submitted to Chambers.

583. One *Associate Analyst (P-2)*, 12 months. *Continued, multi-year*. Resources are required to provide analysis and research work in the cases in the Mali situation and other cases. This position provides the necessary support in analysis and information gathering, monitoring and review of the security context in situation countries. The incumbent will assist the situation teams in identifying possible risks in advance and will provide advice in relation to protection operations. The position also supports other situations aside from Mali, such as those in Georgia, Libya, Darfur, Burundi, Afghanistan, Bangladesh and other conflict/post-conflict areas in which the Court operates.

584. One *Team Leader, (P-3)*, 12 months. *Continued, multi-year*. The incumbent leads the Georgia team from Headquarters. This is one of two positions dedicated to the Georgia situation. The incumbent exercises coordination functions and manages day-to-day operations. The position is required to support the workload related to the investigation in Georgia and is concerned with any ongoing operational set-up needs or mechanisms necessary for OTP activities, protection and support. The incumbent is also in charge of the VWS operational centre at Headquarters responsible for witness and victim movements and for the coordination work and arrangements necessary for the successful implementation of international relocation, and any appearance before the Court, of witnesses and victims.

585. One *Associate Team Leader (P-2) (Georgia)*, 12 months. *Continued, multi-year*. This is the only other position (beside the Team Leader position) with responsibility for the Georgia situation. It is required to serve the workload related to OTP investigations in Georgia, supporting the systems and mechanisms necessary for OTP activities. The incumbent represents the VWS field team in the field office and 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 parties. The incumbent conducts threat and risk assessments regarding inclusion in the ICCPP and provides recommendations on witness protection measures.

586. One *Associate Case Development Officer (P-2)*, 12 months. *Continued, multi-year*. This position provides the continuity necessary for case development and information gathering in situations before the Court. This unique position within the VWS case development team is required to support that team in monitoring and reviewing the security situation in the CAR, Mali, Georgia, Libya and other conflict/post-conflict areas where 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 strategies, capabilities and modus operandi are analysed and understood, and that the risk they pose to witnesses and victims in hostile environments is assessed accordingly.

587. Four *Field IT Technicians (GS-OL) (Uganda, CAR, DRC and Mali)*, 12 months each. *Continued*. Owing to the downsizing of the Kinshasa country office in the DRC and reduced judicial activity in Côte d'Ivoire, DEO will defund the position of Field IT Technician in DRC and will no longer request the same position for the country office in Côte d'Ivoire. Instead, it is proposed that the position of Field IT Technician in the country office in Côte d'Ivoire be redeployed to the country office in Mali to support information and communications technology (ICT) needs related to the *Al Hassan* trial, including the facilitation of witness testimony by video link. The Field IT Technician in the country office



in Mali will also be required to support any ICT needs in Côte d'Ivoire. These positions continue to be required for the country offices in Uganda and the CAR. The Field IT Technician in the country office in Uganda will provide technical support for residual ICT needs in the country offices in the DRC. In general, the services these positions provide are akin to those provided by the Service Desk of the Information Management Services Section and by Audio-Visual Assistants. The incumbents support daily ICT activities and facilitate general troubleshooting, problem solving and mitigation of ICT risks. In particular, as the Court has transitioned into an e-Court, there is an obvious need for country offices to have a Field IT Technician to support Court proceedings by setting up and supporting video teleconferencing sessions for hearings and for meetings with Headquarters. In addition, the Field IT Technicians are critical to ensuring that services regarding internet connectivity, mobile data and printing (where rented) are in accordance with contracts and in line with the operational requirements of the country offices. Field IT Technicians also assist Administration and Operations Officers in the country offices with ICT asset management and advise them on end-of-life devices and the disposal thereof.

588. One *Field Security Officer (P-3) (Mali)*, 12 months. *Continued.* The Field Security Officer is required to lead the country office's full field security team and to enable the office in Mali, one of the most dangerous countries in which the Court is operating, to provide security support at an adequate level. The Field Security Officer will continue to undertake critical security monitoring and risk assessments and to provide briefings and support to field operations. With judicial activity ramping up in relation to the *Al Hassan* trial, reparations activities continuing in the *Al Mahdi* case and the OTP investigation in Mali expected to remain active, all while the context remains one of the most severe and unpredictable, the need for this position continues.

589. One *Local Security Assistant (GS-OL) (Mali)*, 12 months. *Continued.* This position, based in the country office in Mali, continues to be required to support the field security team in Mali. As stated in the description of the position of Field Security Officer, the level of Court activity in Mali has continued to increase significantly, and the resources to ensure that those activities can be conducted in as safe and secure an environment as possible are essential to field operations. The Local Security Assistant provides support to the two other members of the field security team in Mali.

590. Two *Field Assistants (VPR) and two Field Assistants (Outreach) (GS-OL) (Mali)*, 12 months each. *Continued.* Four positions of Field Assistant (GS-OL) are requested – two for victim participation and reparations (VPR) and two for outreach – for the country office in Mali. These positions are needed to support the Field Officer (VPR) (P-3) and the Field Officer (Outreach) (P-3) in performing Registry outreach and with victim participation and reparations responsibilities in both the *Al Mahdi* and *Al Hassan* cases, including efforts to keep victims and affected communities abreast of the judicial proceedings. As described above, following the commencement of the *Al Hassan* trial scheduled for 14 July 2020 and the continuation of reparations in *Al Mahdi*, the Registry will intensify its outreach activities and its interaction with victims and affected communities in both cases in 2021.

591. One *Senior Driver (GS-OL) (Mali)*, 12 months. *Continued.* The requested position will be based in the country office in Mali. The significant increase in mission support needs requires a Senior Driver to manage and coordinate the other drivers and the vehicle fleet. The retention of a Senior Driver for the Country Office (Mali) will align the driver support capacity of that country office with that of country offices in other situation countries. This is especially necessary owing to the increase in judicial activity expected in 2021.

592. Three *Drivers (GS-OL) (Mali)*, 12 months each. *Continued.* Owing to an expected increase in 2021 in judicial activity in both the *Al Hassan* and *Al Mahdi* cases in Mali, these positions continue to be required to provide support to users to guarantee operational continuity. The three Drivers currently provide transportation services under the supervision of the Senior Driver.

593. One *Field Assistant (VPR) and One Field Assistant (Outreach) (Uganda) (GS-OL)*, 12 months each. *Continued.* It is anticipated that, following the issuance of the Trial Chamber's decision on Dominic Ongwen's criminal responsibility, the outreach and VPR (victims participation and reparations) teams of the country office in Uganda will face a peak of activity in 2021 regardless of whether Dominic Ongwen is convicted. These two positions

are essential to the implementation of an expansive strategic communication plan that aims to provide timely and accurate information on an ongoing basis to victims, affected communities and other stakeholders in northern Uganda as the stages of proceedings unfold.

594. Two *Field Assistants (VPR) (CAR) (GS-OL)*, 12 months each. *Continued.* These positions already form part of the VPR and outreach team based in the CAR. The incumbents work under the direct supervision of the Field Officer (VPR and Outreach) (P-3) and the Field Officer (VPR) (P-3). In order to meet the increased workload and productivity demands generated by the proceedings in the *Yekatom and Ngaïssona* case, the country office in the CAR needs to maintain its capacity to adequately support activities related to victim participation and outreach in 2021. These positions have been, and will be, used to deliver multiple capabilities (language skills, access to certain communities and improved gender representation) across the full spectrum of VPR and outreach activities that the country office requires to deliver effectively on its mandate.

595. One *Senior Driver (GS-OL) (CAR)*, 12 months. *Continued.* The requested position will continue to be based in the country office in the CAR to enable a more effective and economic use of Driver hours (thereby reducing overtime and compensatory time off) and transport assets (with the incumbent ensuring timely servicing and repairs and identifying related cost savings and efficiencies). The economic management of transport assets will be essential in a year for which requests for mission support external to Bangui from parties and participants in the *Yekatom and Ngaïssona* case already total in excess of 250 mission days at the time of budget submission. This position also provides significant support for missions outside Bangui to perform planned victim participation and outreach activities.

596. One *Local Security Assistant (GS-OL) (Georgia)*, 12 months. *Continued.* In the absence of any Field Security Officer position in the Country Office (Georgia), the position of Local Security Assistant (GS-OL) is required to provide adequate security and safety support for the Court's activities in Georgia. The Local Security Assistant will provide services to ensure the physical safety and security of Court staff working permanently or on mission in Georgia. The Local Security Assistant performs briefings and debriefings, carries out security assessments, writes security plans and liaises with United Nations Department of Safety and Security and other security actors on the ground.

597. One *Administrative Assistant (GS-OL) (Georgia)*, 12 months. *Continued.* The position of Administrative Assistant will continue to support the Chief of Country Office (P-5) in the administration and management of the country office in Tbilisi and remains essential to the efficient budgetary, financial and technical administration of the country office. This position provides administrative support for the day-to-day functioning of the country office and missions conducted by the Registry, OTP and TFV.

598. One *Driver (GS-OL) (Georgia)*, 12 months. *Continued.* This is the sole Driver position that provides transportation services to all Court staff on mission or stationed in Georgia. This Driver position will continue to allow the country office to reduce the funds needed for rental vehicles and driver support. The incumbent is familiar with Tbilisi and the surrounding areas, including the South Ossetian administrative boundary line area and settlements of internally displaced persons. The Driver also examines regularly the Court's fleet in Tbilisi, ensures its proper maintenance and monitors fuel consumption.

599. One *Associate Field Case Officer (P-2) (Georgia)*, 12 months. *Continued. Unfunded.* This position is a component of the basic set-up for the Georgia situation. The incumbent is responsible for administering and managing specific referrals from calling parties, but the position is proposed as unfunded in 2021 in view of the forecast workload in Georgia in 2021.

600. Driver requirements: individual contractors operating under Special Service Agreement (SSAs) are needed for nine months in the country office in Uganda and for two months in the country office in Kinshasa, DRC.

*Temporary assistance for meetings*

*€84.8 thousand*

601. A total of €84.8 thousand has been requested for Special Service Agreement (SSA) Witness Assistants under temporary assistance for meetings in 2021. No resources were requested for 2020 owing to a limited anticipated number of trial witnesses. The requested

amount for 2021 represents a decrease of 20.3 per cent compared to the 2019 trial year as a baseline. Although the anticipated number of witnesses is higher in 2021, this modest request is intended to secure a basic budget for necessary routine support, depending in particular on the languages to be used by witnesses giving evidence at trial at the seat of the Court.

602. The *Al Hassan and Yekatom and Ngaïssona* trials are forecast to take place in parallel in 2021, requiring active staff resource engagement including the use of SSA resources besides Witness Assistants. It is anticipated that SSA Witness Assistants and wider SSA staff resource support will be required (in lieu of the unfunded positions proposed for 2021) depending on existing staff capacity, the flexibility to deploy staff on mission and the possibilities available as a result of the curtailed travel budget for 2021.

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

**€4,994.2 thousand**

603. The proposed non-staff resources in DEO for 2021 represent a decrease of €1,459.0 thousand (22.6 per cent). The requested non-staff resources are mostly recurrent and will again be required in 2021 to cover the costs of travel, contractual services, training, general operating expenses, supplies and materials, and furniture and equipment. The significant decrease mainly results from: (1) a stringent approach to expenditures based on actual data and systematic trend analysis over the last three years, which has enabled VWS to present a significantly reduced budget; (2) the scheduled downsizing of the country office in Kinshasa; (3) the anticipated reduced activity in Côte d'Ivoire; and (4) adaptation of working methods as a result of experience gained during the COVID-19 pandemic so far. The decrease has fully offset the costs associated with the increased activity expected in the CAR and Mali in 2021.

#### *Travel*

*€888.4 thousand*

604. The requested resources represent a decrease of €603.1 thousand (40.4 per cent) from the approved budget for 2020. This is partly the result of a cross-cutting 15 per cent reduction in travel resources in the Registry, in anticipation of a degree of continued operational restrictions in 2021. Resources are mostly related to travel requirements in the country offices and the Liaison Office (referred to collectively as "external offices") and in VWS. Travel resources requested by external offices (€411.3 thousand), representing a decrease of €131.9 thousand (24.3 per cent), are recurrent and are needed to provide operational support to parties and participants and the TFV for in-country and external missions, to conduct security assessments and to facilitate travel by country office staff to conduct outreach and victim participation and reparations activities. Additional resources, which have been fully offset by the reductions identified by other country offices, are requested mainly for the country offices in the CAR, Uganda and the DRC to accommodate the increased need of the parties and participants in the *Yekatom and Ngaïssona* case for logistical and security support, the increased need of the country office in the CAR to conduct outreach and victim participation activities, the modus operandi required for reparations-related missions outside the Bunia security perimeter in the multiple DRC cases, and increased outreach and reparations-related activities in the *Ongwen* case in Uganda.

605. Of the total resources required by the country offices, an amount of €34.5 thousand arises in respect of OHU visits to country offices to monitor the physical and psychological health of field staff and to assess the impact of COVID-19 on staff welfare and medical facilities. In accordance with OHU's duty of care, the Medical Officer or the Staff Counsellor based at Headquarters is expected to visit every country office at least once a year. It is planned that the Medical Officer and the Staff Counsellor will perform these visits according to a yearly rotation such that each visits the offices visited by the other in the previous year. Court staff operate in predominantly remote and inherently hazardous areas. Consequently, staff residing and working in such areas are exposed to considerable health risks (physical, emotional and mental).

606. Resources required by EOSS (€51.6 thousand) represent a decrease of €9.0 thousand (14.9 per cent) compared to the approved budget for 2020, reflecting recurrent activities related to travel to annual meetings and the regular deployment of EOSS staff to both situation and non-situation countries to execute judicial orders, conduct financial investigations and assessment missions and collect specific information related to situations

and preliminary examinations, and for the implementation and management of mission planning software capabilities and related training.

607. The travel resources requested for PIOS (€31.6 thousand) have decreased by €11.2 thousand (26.2 per cent) as compared to the approved budget for 2020, despite the inclusion of costs for travel to Afghanistan, Palestine and Bangladesh/Myanmar to conduct outreach activities. The decrease has arisen in part from mission planning based on judicial priorities. The resources requested by PIOS are aimed at ensuring that the Spokesperson and outreach staff are in a position effectively to reach out to affected communities and key stakeholders, and to the media, to facilitate accurate coverage in situation countries where the Court has no country offices, and in Georgia where the country office does not have professional outreach staff.

608. The proposed travel budget for VWS represents a decrease of €435.2 thousand (56.6 per cent) from the approved budget for 2020 despite the rise in activity due to developments in Mali and the CAR and despite trial activity assumptions for 2021, with a higher percentage of testimony expected to be conducted via video link, and taking into account existing and anticipated case management. The staff redeployments requested in the present budget proposal to support the Mali and CAR teams will reduce the burden of staff (coverage) missions.

609. The resources required by OD-DEO (€60.4 thousand), representing a decrease of €15.8 thousand (20.7 per cent), are needed to facilitate the same activities as in the previous budget year, including regular visits to country offices, visits to (new) situation countries to develop and maintain networks and create partnerships between the Court and States (both States Parties and non-States Parties), and travel for liaison with United Nations and European Union agencies and NGOs, to maintain the Court's dialogue with those actors.

*Contractual services*

*€1,126.3 thousand*

610. The requested resources represent a decrease of €32.0 thousand (2.8 per cent). The bulk of the resources requested continues to be for external offices (€924.8 thousand). The requested resources are essential for security measures to be implemented in the country offices, transportation and protection services for missions, local police support in situation countries on a cost-recovery basis, local cost sharing for the United Nations Security Management System, and outreach and victim participation and reparations activities in the field.

611. The increase requested for the country office in the CAR is attributable to the COVID-19 pandemic, the insecure operating environment generally, the hostile operating environment in some specific areas, and the geographic extent of the alleged crime scene locations and affected community and victim populations in the *Yekatom and Ngaïssona* trial. The country office in Mali requests an increase to cover increased VPR and outreach activity in the *Al Hassan* case, the Court's increased contribution to the United Nations Common Security budget and additional resources for the COVID-19 response. The increase requested for the country office in Georgia is aimed at covering the increase in outreach and victim participation and reparations activity pertaining to potential judicial developments and the TFV assistance programme on the ground. The requested increase has been fully offset by the decrease proposed mainly in the country offices in the DRC and Côte d'Ivoire, owing to the scheduled transfer of the country office in Kinshasa to smaller premises, the reduction in the number of Court staff in the DRC and the scale-down of activities in both the DRC and Côte d'Ivoire.

612. The resources requested for PIOS (€186.5 thousand) have increased by €17.5 thousand (10.4 per cent) owing to the need to adapt to the new operating environment and develop new digital tools, products and activities requiring support from external companies. Resources are required for the development and maintenance of virtual visits tailored to the general public and key stakeholders from situation countries, the publication and dissemination of op-eds and press releases worldwide, and the maintenance of the Outreach Monitoring and Evaluation Database of outreach activities.

613. The amount requested for EOSS (€15.0 thousand) represents an increase of €2.0 thousand (15.2 per cent) from the amount approved for 2020. A slight increase in resources

is required to support suspects at large requirements and to meet contingency planning requirements post-COVID-19. The required resources are recurrent and are required to cover consultancy support in relation to EOSS's areas of operation, in particular third-party information services support in relation to suspects at large, and the continued need to use the World Food Programme Global Aviation Network for the rotation and operational movement of staff.

614. No contractual services resources are requested in VWS for 2021. All required resources associated with witness appearances in the *Al Hassan* and *Yekatom and Ngaïssona* cases are requested under Temporary Assistance for Meetings.

#### *Training*

*€93.0 thousand*

615. The resources requested for training have decreased by €89.3 thousand (49.0 per cent) compared to the 2020 approved training budget. The decrease mainly results from the application of a cross-cutting reduction of 15 per cent in the Registry and cost saving measures in the light of judicial priorities focused on delivering core mandate activities. In DEO, for 2021, priority has been given mainly to mandatory (licensing-related) training required to maintain the Division's capacity to discharge its mandates. Other essential training will be scheduled for 2022.

616. The amount requested for the country offices is required to facilitate the mandatory training necessary to maintain security capacity, non-mandatory training in the form of online English courses which are nonetheless essential to the performance of the Court's operations, and training for VPR staff on peace consolidation.

617. Other specialized training initiatives are required for staff in EOSS and PIOS at Headquarters in the areas of communication, judicial cooperation, crisis management and analysis, to allow staff to maintain the necessary level of expertise to perform their functions at the optimal level. Funds are requested e.g. for social media analysis and monitoring to evaluate the impact of social media products, improve their effectiveness and optimize engagement with different target audiences. In addition, training resources continue to be required in line with the mandated duties and responsibilities of EOSS, including resources for specialist training for Country Analysis Unit analysts, training to enhance the Division's financial investigation capacity and training in crisis management, security risk/threat assessments and other security certification programmes specific to the United Nations Department of Safety and Security.

618. Resources for training are not requested in VWS for 2021. In the light of the impact of the COVID-19 pandemic, especially as regards professional training on witness protection in the field, VWS intends to rely on in-house resources for knowledge transfer to the extent possible, to be managed and supported by the Section's Associate Witness Protection Training Officer.

#### *General operating expenses*

*€2,378.3 thousand*

619. The proposed budget for general operating expenses represents a decrease of €672.9 thousand (22.1 per cent). The resources requested for external offices (€1,073.3 thousand) have decreased by €283.4 thousand (20.9 per cent) despite the COVID-19 mitigation measures to be put in place. The requested resources are needed primarily to cover office running costs, including rental of country office premises and related maintenance, utilities (water and electricity) and other miscellaneous operating costs (such as petty cash expenditures, premises and vehicle fleet insurance and vehicle maintenance). The proposed decrease mainly results from the decrease in maintenance costs due to the scheduled transfer of the country office in Kinshasa to smaller premises, the reduced number of Court vehicles in Kinshasa, the reduction in vehicle fuel and maintenance requirements for the country office in Côte d'Ivoire due to an anticipated decrease in activity in Côte d'Ivoire, the decreased cost of maintaining the Court's MINUSMA premises on a needs basis and the slight reduction in maintenance costs required for the country offices in Uganda and Georgia. The resources requested for the Liaison Office reflect an increase of €3.0 thousand in recurrent expenses due to the annual escalation of rent and related costs pursuant to the rental agreement for the Liaison Office premises.

620. The proposed resources for PIOS (€26.0 thousand) represent a slight decrease of €3.0 thousand (10.3 per cent) and are needed to cover the maintenance of film editing equipment and servers, and for recurrent costs such as rental of equipment for The Hague International Open Day.

621. The resources requested for VWS (€1,279.0 thousand) have decreased by €386.5 thousand (23.2 per cent) compared to the 2020 approved budget. The requested resources will support, among other requirements, ICCPP relocation and resettlement programmes, IRSs, case management, psycho-social support to witnesses and victims and appearance of witnesses and victims at trial. VWS has decreased its general operating expense budget for the third year consecutively. The decrease has been made possible not only by the lower number of referral requests from the OTP but also, mainly, by the measures taken in the budget proposal to adopt a more conservative approach. A historically low implementation trend (except in 2019) means that the risk of such a reduction can be taken, with most support referrals intended to be absorbed and with reduced IRS, case management and subsistence support costs factored in, especially as regards the less active situations. The present proposal, using an activity-based budget approach, seeks to focus resources on key cost driver areas such that other activities can be managed through resource deployments based on priorities at the time of implementation.

622. The extent of the COVID-19 pandemic's impact on investigations is expected to support this approach in a context of limited OTP referrals to VWS. The risk associated with the approach is a possible shortage of funds should most of the activities planned by the OTP materialize, thereby increasing resource needs and case management costs and further delaying the relocation of clients to final destination countries. The consequence would be that VWS would not be able to support some referrals and judicial activities in 2021, especially in the event of over-implementation vis-à-vis budget assumptions. The challenge for VWS will be to manage its workload on a smaller budget under difficult conditions not only in Mali and the CAR but also in Darfur, Burundi and Libya, while continuing to operate in Georgia, Côte d'Ivoire, the DRC and Uganda. VWS will coordinate closely with the OTP as regards the latter's need for VWS support and will keep the OTP abreast of available VWS resources throughout 2021 so that the OTP can adjust its service requests accordingly.

*Supplies and materials*

*€472.6 thousand*

623. The requested resources have decreased by €43.2 thousand (8.4 per cent). Resources are required for the external offices (€453.1 thousand) to purchase consumable items to support day-to-day operations, including fuel for vehicles and generators, office supplies, light IT equipment, air conditioners, drinking water and emergency rations. The requested increase is primarily for the country offices in Uganda and the CAR to purchase COVID-19 protective equipment and to be able to cater for an increase in missions to Bangui resulting in significant fuel and lubricant needs. An increase requested by the country office in the CAR is driven by the increasing number of staff in the country. Although the number of Registry field staff will not increase, the number of Bangui-based non-Registry personnel supported by the country office in the CAR will increase by approximately 15 per cent. The increase in the number of missions outside Bangui and the operational security-driven requirement to use armoured vehicles for such missions whenever possible have resulted in significant fuel and lubricant costs (33 per cent of the total proposed amount). This increase has been completely offset by the decrease identified regarding the country offices in Mali, Côte d'Ivoire, the DRC and Georgia.

624. The amount requested for PIOS (€9.5 thousand) has increased by €5.5 thousand (137.5 per cent) owing to the upgrade and renewal of some annual software subscriptions. Resources will not be requested for VWS for 2021. VWS plans to absorb within existing resources, through other cost saving measures, the cost of analytical tool subscriptions and supplies for the witness waiting rooms used at Headquarters during trial. Furthermore the resources requested in EOSS for 2021 represent a decrease of €15.0 thousand, reflecting the fact that resources for analyst notebook software applications, consultation, licensing and use are now absorbed by the Information Management Services Section under contractual services. Resources continue to be required for subscription to commercially available analysis tools used across the Court.

*Furniture and equipment**€30.1 thousand*

625. The requested amount has decreased by €24.0 thousand (44.4 per cent) as compared to the 2020 approved budget. The requested resources are needed primarily to cover the purchase of workplace furniture and equipment in the country offices to support new activities or to accommodate the needs of new staff. Resources requested by PIOS are required for the maintenance and purchase of new filming and photography equipment necessary to maintain effective operations, and for the recurrent costs of USB duplication equipment.

**Table 32: Programme 3800: Proposed budget for 2021**

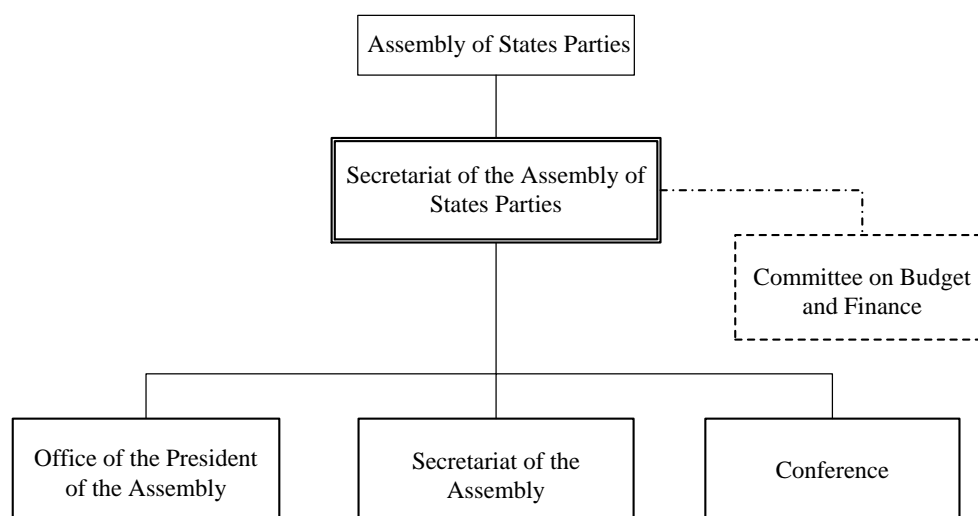
3800 Division of External Operations (DEO)	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				10,596.6	121.4	1.1	10,718.0
General Service staff				4,308.7	(344.3)	(8.0)	3,964.4
<i>Subtotal staff</i>	<i>15,269.3</i>	<i>-</i>	<i>15,269.3</i>	<i>14,905.3</i>	<i>(222.9)</i>	<i>(1.5)</i>	<i>14,682.4</i>
General temporary assistance	1,817.0	43.2	1,860.3	1,598.6	(152.2)	(9.5)	1,446.4
Temporary assistance for meetings	8.7	-	8.7	-	84.8	-	84.8
Overtime	7.9	-	7.9	-	-	-	-
<i>Subtotal other staff</i>	<i>1,833.6</i>	<i>43.2</i>	<i>1,876.9</i>	<i>1,598.6</i>	<i>(67.4)</i>	<i>(4.2)</i>	<i>1,531.2</i>
Travel	1,067.9	134.9	1,202.8	1,491.5	(603.1)	(40.4)	888.4
Hospitality	-	-	-	-	-	-	-
Contractual services	971.5	197.5	1,168.9	1,158.3	(32.0)	(2.8)	1,126.3
Training	118.1	-	118.1	182.3	(89.3)	(49.0)	93.0
Consultants	23.3	-	23.3	-	5.5	-	5.5
General operating expenses	2,278.8	111.8	2,390.6	3,051.2	(672.9)	(22.1)	2,378.3
Supplies and materials	339.4	4.0	343.4	515.8	(43.2)	(8.4)	472.6
Furniture and equipment	74.5	-	74.5	54.1	(24.0)	(44.4)	30.1
<i>Subtotal non-staff</i>	<i>4,873.6</i>	<i>448.2</i>	<i>5,321.8</i>	<i>6,453.2</i>	<i>(1,459.0)</i>	<i>(22.6)</i>	<i>4,994.2</i>
<b>Total</b>	<b>21,976.5</b>	<b>491.4</b>	<b>22,467.9</b>	<b>22,957.1</b>	<b>(1,749.3)</b>	<b>(7.6)</b>	<b>21,207.8</b>

**Table 33: Programme 3800: Proposed staffing for 2021**

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 2020	-	-	-	1	8	9	34	40	-	92	4	98	102	194
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	(1)	-	-	(1)	-	-	-	(1)
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>8</b>	<b>9</b>	<b>33</b>	<b>40</b>	<b>-</b>	<b>91</b>	<b>4</b>	<b>98</b>	<b>102</b>	<b>193</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	2.00	7.00	-	9.00	-	23.00	23.00	32.00
Continued	-	-	-	-	-	-	2.00	7.00	-	9.00	-	21.00	21.00	30.00
New	-	-	-	-	-	-	-	-	-	-	-	0.92	0.92	0.92
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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>21.92</b>	<b>21.92</b>	<b>30.92</b>



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



### Introduction

626. 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 Rome Statute.<sup>58</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.

627. The Secretariat has four standing programmes<sup>59</sup>: 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

**€2,837.0 thousand**

628. The proposed budget for 2021 represents a net decrease of €479.7 thousand (14.5 per cent) in comparison to the 2020 approved budget.

629. This decrease in resources is mainly due to a number of non-recurrent costs contained in the 2020 budget, including the costs associated with the Committee on the Election of the Prosecutor and the Independent Expert Review, which were exceptionally funded using the cash surplus from 2017. In addition, some savings were attained through a combination of measures, including readjustments of staff resources, with a view to meeting the actual needs of the Secretariat in a flexible manner while bearing in mind efficiency considerations and synergy effects.

630. Changes to contractual services are attributable to the holding of the twentieth session of the Assembly in The Hague. The cost of renting conference rooms and catering

<sup>58</sup> Such bodies include the Bureau and its working groups (the New York and 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.

<sup>59</sup> Programme 4600 (Assembly Mandated Bodies for 2020) has been discontinued and the corresponding tables 44 and 45 are shown for transparency purposes only.

for the 2021 session of the Assembly is not included in the request under contractual services, as the host State will bear those costs in accordance with its letter of 23 April 2019.<sup>60</sup>

631. A total of €146.1 thousand in non-recurring costs under Travel was requested in 2020 but will not be requested in 2021, as the annual session of the Assembly in 2021 will be held in The Hague instead of New York.

#### **Staff resources**

**€1,911.2 thousand**

632. The Secretariat has 10 established posts (five Professional-level staff and five GS-level staff) and seven general temporary assistance (GTA) positions at the Professional level (4.75 FTE). As the Assembly in 2021 will be held in The Hague, a request for a number of short-term staff is contained in this proposed budget under Temporary Assistance for Meetings. In some cases, greater efficiencies and improved working methods allow work to be undertaken with existing resources.

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

*€1,217.4 thousand*

633. The amount requested for established posts has increased by €186.9 thousand (18.1 per cent) as a result of United Nations Common System (UNCS) adjustments, and the application of a zero per cent vacancy rate in line with other small major programmes.<sup>61</sup> 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 Assistants (GS-OL). With the exceptions 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.

634. As regards reporting lines, the Special Assistant to the President of the Assembly (GTA) 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 specific duties of the post, the Executive Secretary continues to perform general 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 on Budget and Finance as the Secretary to the Audit Committee,<sup>62</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*

*€529.8 thousand*

635. The amount requested has increased by €47.7 thousand (9.9 per cent). The Secretariat currently has four full-time GTA positions and various other, shorter-term GTA positions serving the Assembly and its subsidiary bodies (€529.8 thousand). The increase is due to the effect of the UNCS adjustments.

636. *One Senior Legal Officer (P-5), 0.5 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.

<sup>60</sup> In a letter dated 23 April 2019, the host State informed the Court that the Government of the Netherlands and the Municipality of The Hague, in joint cooperation with the World Forum Convention Centre, had decided to continue the support earmarked for organizing sessions of the Assembly of States Parties to the Rome Statute in The Hague for the period 2019 to 2021.

<sup>61</sup> In previous years a vacancy rate of 10 per cent has been applied to all programmes. However, as of 2021, a vacancy rate of zero per cent will be applied for the smaller major programmes.

<sup>62</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. 145.

637. One *Legal Officer (P-4)*, 0.5 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.

638. One *Administration Officer (P-3)*, 12 months. *Continued. Multi-year.* The incumbent assists the Executive Secretary to the Committee on Budget and Finance in preparing for the two sessions of the Committee and in following up on the implementation of Committee recommendations and related matters, including preparation for sessions of the Audit Committee. The presence of 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.

639. One *Administration Officer (P-3)*, one month. *Continued. Multi-year.* The incumbent assists the Executive Secretary to the Committee on Budget and Finance with taking minutes and preparing reports on the two sessions of the Committee and the two sessions of the Audit Committee.

640. One *Legal Officer (P-3)*, 12 months. *Continued. Multi-year.* The incumbent assists the Secretariat with major issues related to budgetary, financial and administrative matters and assists the facilitator with the proposed programme budget. In addition, this position also contributes to supporting other mandates of the Assembly.

641. 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 Court. The incumbent provides substantive and technical support to the President in the preparation of statements and correspondence, and in respect of coordination with key stakeholders. The incumbent also assists with the preparation of official communications, coverage of meetings (note-taking, etc.) concerning Assembly-related issues at United Nations Headquarters and continuous engagement with observer States to promote the universality of the Rome Statute. Furthermore, the incumbent 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 Court's Liaison Office to the United Nations in New York.<sup>63</sup>

642. 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, the participation of NGO representatives,<sup>64</sup> media affairs and the organization of side events. The incumbent also provides assistance with other logistical activities throughout the year and organizes meetings of the Director with Court officials and representatives of States Parties.

643. *Registration Assistants*, 4.5 months. *Continued. Multi-year.*<sup>65</sup> 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, 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.

644. *Administrative Assistants*, one month. *Continued. Multi-year.*<sup>65</sup> 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.

<sup>63</sup> A new President of the Assembly will take office at the end of the nineteenth session of the Assembly expected to take place from 7 to 17 December 2020, as there will be a new Bureau for the period from 2020 to 2023.

<sup>64</sup> In 2019, more than 900 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.

645. *Document Assistant, 0.5 months. Continued. Multi-year.*<sup>65</sup> 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.

646. *Service Assistant (GS-OL), one month. Continued. Multi-year.*<sup>66</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* €150.0 thousand

647. The proposed amount has increased by €55.8 thousand (59.2 per cent) as the Assembly will be held in The Hague where interpreters must be hired by the Secretariat; some temporary assistants are also needed to support the preparation for and the session of the Assembly. The cost of interpretation for meetings of the Assembly, the Bureau and subsidiary bodies are included under this proposal. The main increase arises out of the fact that, unlike in the previous year, the cost of interpretation for the Assembly will not be subsumed under contractual services as part of the costs incurred with the Secretariat of the United Nations. The Secretariat will seek to limit the financial implications of interpretation by coordinating with the Registry to use in-house interpreters in The Hague whenever possible.

*Overtime* €14.0 thousand

648. The amount proposed remains unchanged. Overtime is paid to General Service staff who are required to provide the assistance described above and who 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.<sup>67</sup>

**Non-staff resources** €925.8 thousand

649. The amount proposed has decreased by €770.1 thousand (45.4 per cent), attributable mainly to the non-recurrent resources approved in 2020 for the Independent Expert Review of the Court and the work of the Committee on the Election of the Prosecutor, as well as the travel of nine members of the Advisory Committee on Nominations of Judges to The Hague. Non-staff resources are needed for travel, hospitality, contractual services, training, general operating expenses, supplies and materials and furniture and equipment.

*Travel* €377.2 thousand

650. The amount proposed for travel has decreased by €371.0 thousand (49.6 per cent) owing to the non-recurrent travel in 2020 of nine members of the Advisory Committee on Nominations of Judges to The Hague, the non-recurrent travel of Secretariat staff to New York to service the nineteenth session of the Assembly,<sup>68</sup> and non-recurrent travel in 2020 to The Hague of the nine Independent Experts and the ten members of the Committee on the Election of the Prosecutor and the Panel of Experts assisting that Committee. The travel budget reflects the cost of travel for members of the Committee on Budget and Finance to attend their sessions; for the Chair of the Committee to attend meetings with the New York and Hague Working Groups and Court officials; and for a few members of the Committee to visit country offices. The travel budget 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

<sup>65</sup> This support is required when the annual session of the Assembly is held in The Hague and not at United Nations Headquarters in New York.

<sup>66</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>67</sup> Unlike Assembly sessions held in The Hague, sessions held at United Nations Headquarters do not involve meetings on Saturdays.

<sup>68</sup> In recent years, the Assembly has held its annual sessions as follows: two sessions in The Hague, followed by one session at United Nations Headquarters in New York. The latter venue entails a decrease in some budget items (such as contractual services) but an increase in travel costs.

York.<sup>69</sup> In addition, it covers the travel of five members of the Audit Committee to The Hague.

*Hospitality* €7.0 thousand

651. The amount proposed for hospitality remains unchanged. Hospitality resources are mainly used for the two sessions of the Committee and the two sessions of the Audit Committee.

*Contractual services* €503.3 thousand

652. The amount proposed has decreased by €111.9 thousand (18.2 per cent), owing mainly to non-recurrent contingency and miscellaneous costs associated with the Independent Experts in 2020 and the non-recurrent costs of holding the nineteenth session of the Assembly at the United Nations Headquarters in New York. The remaining amount covers the cost of holding the twentieth session of the Assembly at the World Forum Convention Centre in The Hague, including ancillary services and facilities at the venue, issuance of badges, hiring of additional security personnel, printing and equipment and the outsourcing of translation and external printing.

*Training* €7.4 thousand

653. The amount proposed for training remains unchanged. Training is used to keep staff members up to date in their specific fields of work.

*General operating expenses* €17.4 thousand

654. The amount proposed for general operating expenses has decreased by €5.0 thousand (22.3 per cent) owing to a reduction in the printing of documents in line with a “paper-light” approach. General operating expenses cover the cost of mailing some documents and publications (to States Parties and to the members of the Committee and the Audit Committee) and occasionally information on seminars promoting universal adoption of the Rome Statute. These materials are sent via regular post, registered mail or courier.

*Supplies and materials* €8.5 thousand

655. The amount proposed for supplies and materials has decreased by €6.2 thousand (42.2 per cent) as actual expenditure in 2019 was reduced. It covers the cost of office supplies, including stationery used by Secretariat staff (paper, toner, pens, memo pads, folders, etc.) 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

656. The amount proposed for furniture and equipment remains unchanged. The Secretariat continues to promote efficiency through savings on the cost of printing, transporting, storing and distributing paper copies of 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.

<sup>69</sup> The three-year term of office of the current President of the Assembly, Mr O-Gon Kwon, will end in December 2020, at the conclusion of the nineteenth session of the Assembly. The location of the incoming President will not be known until after the proposed programme budget has been submitted.

**Table 34: Major Programme IV: Proposed budget for 2021**

Major Programme IV Secretariat of the Assembly of States Parties	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				658.4	141.9	21.6	800.3
General Service staff				372.1	45.0	12.1	417.1
<i>Subtotal staff</i>	<i>1,237.8</i>	<i>-</i>	<i>1,237.8</i>	<i>1,030.5</i>	<i>186.9</i>	<i>18.1</i>	<i>1,217.4</i>
General temporary assistance	609.2	-	609.2	482.1	47.7	9.9	529.8
Temporary assistance for meetings	149.3	-	149.3	94.2	55.8	59.2	150.0
Overtime	21.7	-	21.7	14.0	-	-	14.0
<i>Subtotal other staff</i>	<i>780.2</i>	<i>-</i>	<i>780.2</i>	<i>590.3</i>	<i>103.5</i>	<i>17.5</i>	<i>693.8</i>
Travel	320.0	-	320.0	748.2	(371.0)	(49.6)	377.2
Hospitality	5.8	-	5.8	7.0	-	-	7.0
Contractual services	447.8	-	447.8	615.2	(111.9)	(18.2)	503.3
Training	3.3	-	3.3	7.4	-	-	7.4
Consultants	-	-	-	276.0	(276.0)	(100.0)	-
General operating expenses	5.2	-	5.2	22.4	(5.0)	(22.3)	17.4
Supplies and materials	2.8	-	2.8	14.7	(6.2)	(42.2)	8.5
Furniture and equipment	-	-	-	5.0	-	-	5.0
<i>Subtotal non-staff</i>	<i>784.9</i>	<i>-</i>	<i>784.9</i>	<i>1,695.9</i>	<i>(770.1)</i>	<i>(45.4)</i>	<i>925.8</i>
<b>Total</b>	<b>2,803.0</b>	<b>-</b>	<b>2,803.0</b>	<b>3,316.7</b>	<b>(479.7)</b>	<b>(14.5)</b>	<b>2,837.0</b>

**Table 35: Major Programme IV: Proposed staffing for 2021**

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 2020	-	-	-	1	1	1	1	1	-	5	2	3	5	10
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	0.05	0.05	2.08	1.00	1.00	4.18	-	-	-	4.18
Continued	-	-	-	-	0.04	0.04	2.08	1.00	1.00	4.17	-	0.58	0.58	4.75
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.04</b>	<b>0.04</b>	<b>2.08</b>	<b>1.00</b>	<b>1.00</b>	<b>4.17</b>	<b>-</b>	<b>0.58</b>	<b>0.58</b>	<b>4.75</b>

**Table 36: Programme 4100: Proposed budget for 2021**

4100 ASP Conference	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				-	-	-	-
General Service staff				-	-	-	-
<i>Subtotal staff</i>	<i>(15.8)</i>	-	<i>(15.8)</i>	-	-	-	-
General temporary assistance	380.1	-	380.1	236.3	25.3	10.7	261.6
Temporary assistance for meetings	90.8	-	90.8	27.1	62.9	232.1	90.0
Overtime	8.3	-	8.3	9.0	-	-	9.0
<i>Subtotal other staff</i>	<i>479.2</i>	-	<i>479.2</i>	<i>272.4</i>	<i>88.2</i>	<i>32.4</i>	<i>360.6</i>
Travel	7.0	-	7.0	64.0	(64.0)	(100.0)	-
Hospitality	-	-	-	-	-	-	-
Contractual services	344.0	-	344.0	428.9	(75.9)	(17.7)	353.0
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	5.2	-	5.2	11.0	(5.0)	(45.5)	6.0
Supplies and materials	2.8	-	2.8	10.0	(5.0)	(50.0)	5.0
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>358.9</i>	-	<i>358.9</i>	<i>513.9</i>	<i>(149.9)</i>	<i>(29.2)</i>	<i>364.0</i>
<b>Total</b>	<b>822.3</b>	-	<b>822.3</b>	<b>786.3</b>	<b>(61.7)</b>	<b>(7.8)</b>	<b>724.6</b>

**Table 37: Programme 4100: Proposed staffing for 2021**

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 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	0.05	0.05	1.00	-	1.00	2.10	-	-	-	2.10
Continued	-	-	-	-	0.04	0.04	1.00	-	1.00	2.08	-	0.58	0.58	2.67
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	-	-	-	-	<b>0.04</b>	<b>0.04</b>	<b>1.00</b>	-	<b>1.00</b>	<b>2.08</b>	-	<b>0.58</b>	<b>0.58</b>	<b>2.67</b>

657. 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 Hague Working Groups). Such costs also include temporary assistance for meetings and travel costs.

**Table 38: Programme 4200: Proposed budget for 2021**

4200 ASP Secretariat	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				505.9	109.2	21.6	615.1
General Service staff				288.8	33.3	11.5	322.1
<i>Subtotal staff</i>	<i>964.4</i>	<i>-</i>	<i>964.4</i>	<i>794.7</i>	<i>142.5</i>	<i>17.9</i>	<i>937.2</i>
General temporary assistance	0.2	-	0.2	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	12.9	-	12.9	5.0	-	-	5.0
<i>Subtotal other staff</i>	<i>13.1</i>	<i>-</i>	<i>13.1</i>	<i>5.0</i>	<i>-</i>	<i>-</i>	<i>5.0</i>
Travel	47.6	-	47.6	102.1	(75.2)	(73.7)	26.9
Hospitality	-	-	-	1.0	-	-	1.0
Contractual services	-	-	-	-	-	-	-
Training	-	-	-	2.9	0.3	10.3	3.2
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	4.7	(1.2)	(25.5)	3.5
Furniture and equipment	-	-	-	5.0	-	-	5.0
<i>Subtotal non-staff</i>	<i>47.6</i>	<i>-</i>	<i>47.6</i>	<i>115.7</i>	<i>(76.1)</i>	<i>(65.8)</i>	<i>39.6</i>
<b>Total</b>	<b>1,025.1</b>	<b>-</b>	<b>1,025.1</b>	<b>915.4</b>	<b>66.4</b>	<b>7.3</b>	<b>981.8</b>

**Table 39: Programme 4200: Proposed staffing for 2021**

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 2020	-	-	-	1	-	1	1	1	-	4	1	3	4	8
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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>

658. Programme 4200 (Secretariat of the Assembly of States Parties) shows 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 40: Programme 4400: Proposed budget for 2021**

4400 Office of the President of the Assembly	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				-	-	-	-
General Service staff				-	-	-	-
<i>Subtotal staff</i>	<i>(0.0)</i>	-	<i>(0.0)</i>	-	-	-	-
General temporary assistance	141.5	-	141.5	113.5	10.1	8.9	123.6
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>141.5</i>	-	<i>141.5</i>	<i>113.5</i>	<i>10.1</i>	<i>8.9</i>	<i>123.6</i>
Travel	51.0	-	51.0	115.7	(13.1)	(11.3)	102.6
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	12.0	(6.0)	(50.0)	6.0
Training	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>51.0</i>	-	<i>51.0</i>	<i>127.7</i>	<i>(19.1)</i>	<i>(15.0)</i>	<i>108.6</i>
<b>Total</b>	<b>192.4</b>	-	<b>192.4</b>	<b>241.2</b>	<b>(9.0)</b>	<b>(3.7)</b>	<b>232.2</b>

**Table 41: Programme 4400: Proposed staffing for 2021**

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 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Proposed 2021	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
Continued	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Proposed 2021	-	-	-	-	-	-	-	1.00	-	1.00	-	-	-	1.00

659. 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 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 senior officials.

**Table 42: Programme 4500: Proposed budget for 2021**

4500 Committee on Budget and Finance	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				152.5	32.7	21.4	185.2
General Service staff				83.3	11.7	14.0	95.0
<i>Subtotal staff</i>	<i>289.3</i>	<i>-</i>	<i>289.3</i>	<i>235.8</i>	<i>44.4</i>	<i>18.8</i>	<i>280.2</i>
General temporary assistance	87.5	-	87.5	132.3	12.3	9.3	144.6
Temporary assistance for meetings	58.5	-	58.5	60.0	-	-	60.0
Overtime	0.5	-	0.5	-	-	-	-
<i>Subtotal other staff</i>	<i>146.5</i>	<i>-</i>	<i>146.5</i>	<i>192.3</i>	<i>12.3</i>	<i>6.4</i>	<i>204.6</i>
Travel	214.4	-	214.4	299.8	(52.1)	(17.4)	247.7
Hospitality	5.8	-	5.8	6.0	-	-	6.0
Contractual services	103.8	-	103.8	144.3	-	-	144.3
Training	3.3	-	3.3	4.5	(0.3)	(6.7)	4.2
Consultants	-	-	-	-	-	-	-
General operating expenses	-	-	-	11.4	-	-	11.4
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>327.3</i>	<i>-</i>	<i>327.3</i>	<i>466.0</i>	<i>(52.4)</i>	<i>(11.2)</i>	<i>413.6</i>
<b>Total</b>	<b>763.1</b>	<b>-</b>	<b>763.1</b>	<b>894.1</b>	<b>4.3</b>	<b>0.5</b>	<b>898.4</b>

**Table 43: Programme 4500: Proposed staffing for 2021**

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 2020	-	-	-	-	1	-	-	-	-	1	1	-	1	2
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	-	1.08	-	-	1.08	-	-	-	1.08
Continued	-	-	-	-	-	-	1.08	-	-	1.08	-	-	-	1.08
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.08</b>	<b>-</b>	<b>-</b>	<b>1.08</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.08</b>

660. 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 on Budget and Finance; the post of the Senior Administrative Assistant; the 12-month GTA position of Administration Officer; the one-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.

661. 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>70</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. Programme 4500 will cover the relevant procurement process for the External Auditors and for Certifying Officer-related tasks, while the auditees (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 to handle logistical support during the audit engagements.

**Table 44: Programme 4600: Proposed budget for 2021**

4600 Assembly Mandated Bodies for 2020	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-
<i>Subtotal staff</i>	-	-	-	-	-	-	-
General temporary assistance	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	7.1	(7.1)	(100.0)	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	7.1	(7.1)	(100.0)	-
Travel	-	-	-	166.6	(166.6)	(100.0)	-
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	30.0	(30.0)	(100.0)	-
Training	-	-	-	-	-	-	-
Consultants	-	-	-	276.0	(276.0)	(100.0)	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	-	-	-	472.6	(472.6)	(100.0)	-
<b>Total</b>	-	-	-	<b>479.7</b>	<b>(479.7)</b>	<b>(100.0)</b>	-

**Table 45: Programme 4600: Proposed staffing for 2021**

4600	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 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Continued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-

<sup>70</sup> Charter of the Audit Committee, para. 60. Available at: [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP16/AC-Charter-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP16/AC-Charter-ENG.pdf)

## E. Major Programme V: Premises

### Introduction

662. This programme was established to provide for the maintenance of the Headquarters of the International Criminal Court (“the Court”) in The Hague. Preventive and corrective maintenance and the programme for capital replacements are outsourced to the contractor, Heijmans. The contract period is for three years starting in 2019 and may be extended for up to a total of 10 years.

### Budget resources

**€2,270.0 thousand**

663. In its report on capital replacements to the Committee on Budget and Finance (“the Committee”) at its thirty-fourth session, the Court detailed a five-year plan for capital replacements. However, the amount associated with this plan for 2021 has been reduced in this proposed programme budget to avoid exceeding the approved level of resources of the 2020 budget.

### General operating expenses

*€2,270.0 thousand*

664. The proposal for 2021 is composed of two main elements: (i) preventive and corrective maintenance (recurring) estimated at €1,891.0 thousand; and (ii) planned capital replacements (variable) of €378.9 thousand. The estimated price-indexed increase of 2.5 per cent for inflation in the contract for preventive and corrective maintenance will be absorbed through a reduction in the proposed amount for capital replacements.

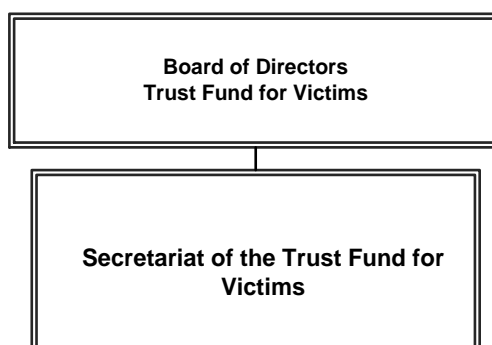
665. The reduced amount proposed for capital replacements may have an adverse effect on the Court’s ability to maintain the premises in The Hague, both structurally and operationally. However, in order to make efficient use of the severely limited funds available for capital replacements, only essential elements which are required for the day-to-day functioning of the building will be replaced and only when they are irrevocably obsolete or defective. The Court will take whatever action is possible to mitigate the risks identified in its report to the Committee.<sup>71</sup>

**Table 46: Major Programme V: Proposed budget for 2021**

Major Programme V Premises	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 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	1,800.0	-	1,800.0	2,270.0	-	-	2,270.0
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>1,800.0</i>	-	<i>1,800.0</i>	<i>2,270.0</i>	-	-	<i>2,270.0</i>
<b>Total</b>	<b>1,800.0</b>	-	<b>1,800.0</b>	<b>2,270.0</b>	-	-	<b>2,270.0</b>

<sup>71</sup> CBF/34/10.

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



### Introduction

666. The Trust Fund for Victims (TFV or “the Trust Fund”) at the International Criminal Court (“the Court”) responds to the harm resulting from crimes under the jurisdiction of the Court by ensuring respect for the rights of victims and their families through the provision of reparations and assistance. The TFV has two mandates: (1) to administer reparations ordered by the Court against a convicted person;<sup>72</sup> and (2) to use its other resources for the benefit of victims in accordance with article 79 of the Rome Statute.<sup>73</sup> Both mandates address the harm suffered by victims of genocide, crimes against humanity, war crimes and the crime of aggression.<sup>74</sup>

667. Throughout 2020, the reparations and assistance mandates of the TFV have further grown and matured, and they will continue to do so in 2021. Nevertheless, the Proposed Programme Budget for 2021 in relation to Major Programme VI is maintained at the level of the approved 2020 budget.

668. Apart from the manifold operational challenges posed by the COVID-19 pandemic, its even greater impact on vulnerable communities suffering harm and trauma from Rome Statute crimes has prompted the TFV to reinforce its efforts to deliver appropriate and timely reparative measures to victims. The Trust Fund has made significant progress in 2020 in expanding its operations and effectively launching important new activities. Increasing the Trust Fund’s operational footprint, deepening its impact for victims and improving its organizational performance are the focus of day-to-day work in The Hague and in the field.

669. The Trust Fund’s strategic impact and performance goals require continuous care, investment and improvement in professional capabilities and in process management procedures and skills. They also require investment in the essential stakeholder relations that are the foundation of the Trust Fund’s efficiency and effectiveness. This requirement entails responsiveness to the Court’s reparations orders, cooperation with the Registry and the ability to select, support and monitor the Trust Fund’s locally based implementation partners.

670. The TFV aims to contribute to building a smart, effective, financially sustainable and victim-centred reparative system which takes account of the rights, needs and dignity of victims and encompasses the complementary values of assistance and reparations to victims. This can only succeed if there is a strong and enduring alliance with the Court, States Parties, donors, governments in situation countries and the full range of civil society organizations and implementing partners. The success of reparative justice will be defined by joint efforts to improve systemic performance, over and beyond the fine-tuning of working-level arrangements, and by an ability to adapt to budgetary conditions while remaining responsive to the rights and realities of victims.

<sup>72</sup> Rule 98(2), (3) and (4) of the Rules of Procedure and Evidence.

<sup>73</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>74</sup> As defined in articles 6, 7 and 8 of the Rome Statute.

## Strategic goals

671. The strategic plans of the Court and the TFV are mutually acknowledged to be interrelated and aligned. The TFV's strategic goals are furthermore specific to its two mandates: assistance and reparations to victims under the jurisdiction of the Court. The TFV is governed by a Board of Directors ("the Board"). The Board is directly accountable to the States Parties for all TFV activities.<sup>75</sup> TFV assistance activities are financed by voluntary contributions and private donations. Funding for reparations activities comes from the awards, fines and forfeitures that may be ordered by the Court, which may be complemented by the "other resources of the Trust Fund" if so decided by the Board.<sup>76</sup>

672. The TFV's strategic plan for 2019-2021 was adopted by the Board in March 2020 and has been further adapted in view of recommendations made by the Independent Oversight Mechanism in November 2019<sup>77</sup> as well as the institutional and operational impact of the COVID-19 pandemic.

673. The TFV's mission is to respond to the harm resulting from crimes under the jurisdiction of the Court by ensuring respect for the rights of victims and their families through the provision of reparations and assistance.

674. The TFV's strategic goals are:

(a) *Impact:* As a result of the implementation of reparations awards and assistance programmes, victims and their families overcome harm, lead a dignified life and contribute to reconciliation and peacebuilding within their communities; and

(b) *Performance:* The Trust Fund for Victims, acting in alignment with the Court, ensures good governance, accountability and transparency throughout its activities while responding to the requirements of its mandates and is assured of sufficient resources to operate its assistance and reparations programmes in the situations before the Court.

675. A further aim, which cuts across both impact and performance, is that the Rome Statute's harm-based, victim-centred approach to reparative justice should gain international recognition and find adoption as a best practice.

## TFV mandates

### *Assistance*

676. Assistance programmes continue under the five-year programme cycles ongoing in northern Uganda since 2019 and the Democratic Republic of the Congo (DRC) since 2020. A three-year programme cycle in place in Côte d'Ivoire since 2020 is to include activities in support of the performance of the national administrative reparations programme. In the Central African Republic (CAR), a pilot project was followed by a more comprehensive assistance programme in 2020.

677. With regard to a possible assistance programme in Mali, the TFV completed the initial harm-based assessment in the first half of 2020. Implementation is contingent on prospective donor funding. Similarly, assessments for programmes in Kenya and Georgia were completed in 2020 and are pending Board review and decision on further action based on an assessment of funding prospects.

678. The TFV's assistance activities are based on the principle of reparative complementarity. The responsibility to repair the harm suffered by victims of international crimes lies principally with the government of a situation country, acting pursuant to domestic law, the ratification of international treaties and customary international law. TFV assistance programmes do not replace or displace a government's responsibility to repair. Under this notion of reparative complementarity, TFV assistance programmes may therefore complement and/or strengthen a government's own reparative programmes or activities.

<sup>75</sup> Regulations of the Trust Fund for Victims (RTFV), ICC-ASP/4/Res.3, regulation 76.

<sup>76</sup> RTFV, regulation 56.

<sup>77</sup> Independent Oversight Mechanism, Evaluation of the Administration of the Secretariat of the Trust Fund for Victims, 2019-EVA-01, November 2019.

679. The Trust Fund's investment decisions in relation to assistance activities are therefore informed (i) by a careful and in-depth assessment of the local context of the harm suffered by victims and existing responses, including government responses; (ii) by their potential to complement existing or possible future judicial reparations measures; and (iii) by the ability of the TFV to oversee and ensure adequate performance by implementing partners and to sustain multi-annual programme funding at a level compatible with prevalent patterns of harm to victims.

### *Reparations*

680. The TFV will be part of a growing reparations practice and will have a high workload in 2021. Three reparations cases before the Court are in the implementation phase: *Al Mahdi* in Mali and *Lubanga* and *Katanga* in the DRC. Reparations proceedings in *Ntaganda* in the situation in the DRC commenced in 2019 and are expected to result in a reparations order, followed by an implementation phase if the conviction is confirmed on appeal. Reparations proceedings in *Ongwen* may start in early 2021 if the accused is convicted.

681. The TFV's reparations workload is subject to peaks at three stages of the reparations process:

(a) *Judicial stage leading up to the reparations order:* The TFV is called upon, as a key participant in the proceedings, to dedicate substantial time and resources to legal analysis and operational research in support of the Chamber's decision-making process regarding any reparations order;

(b) *Draft implementation plan:* This is a resource-intensive undertaking, drawing heavily on the TFV's legal and operational resources and requiring intensive consultation with victims and close collaboration with the Legal Representatives of Victims and Registry stakeholders both in the field and at Headquarters;

(c) *Administrative implementation stage:* This stage generates the most significant increase in workload for the TFV, owing to its overall responsibility and direct involvement as the body in charge of implementing reparations awards. This increase in workload occurs in the following areas: victim identification and verification and disbursement of awards in the event of individual awards; consultation with victims and their legal representatives regarding access to reparations and the resulting fine-tuning of collective awards; outreach and identification of further victims and screening for and decision-making on eligibility for collective awards; implementation of collective and symbolic awards; and procurement of the services of implementing partners. Victim identification and screening (ongoing in *Lubanga* and *Al Mahdi*) and award implementation (ongoing in *Lubanga*, *Katanga* and *Al Mahdi*) – whether directly by TFV staff or indirectly by implementing partners – are particularly resource-intensive undertakings that require dedicated operational capacity in the relevant country offices and at Headquarters, as well as a close and intense collaboration with the Registry on matters of procedure and operations, as reported to the Committee on Budget and Finance.<sup>78</sup>

682. Across the above stages, the TFV notes the occurrence of significant workload peaks in relation to the following functional areas:

(a) *Legal work* to lay the foundation for and guide the implementation of reparations awards, including victim identification and verification in support of the Board's administrative eligibility decisions, as well as overall quality control and progress reporting to Chambers;

(b) *Procurement of services* of implementing partners and expert consultants. In particular, the granularity of (procuring) the implementation of strictly-defined reparations awards requires a careful and thoughtful approach in order to achieve the best value in selecting implementing partners from often weak services markets and on the basis of a highly detailed scope of work;

<sup>78</sup> *Report on the division of responsibilities between the Registry and the Trust Fund in ongoing reparations proceedings, as well as on possible synergies and duplication*, Committee on Budget and Finance, thirty-fourth session, CBF/34/12.

(c) *Field-based activities* to support the preparation of draft implementation plans and provide operational and administrative oversight of the implementation of reparations awards. This includes the management and monitoring of implementing partners, sound internal controls and their related tools and procedures, outreach to (potentially) eligible victims and their communities, and the establishment and maintenance of relationships with other stakeholders, such as national and local State authorities and other agencies;

(d) *Monitoring and evaluation* to verify the appropriate and effective implementation of reparations awards. This includes measuring the satisfaction of beneficiaries and reporting to Chambers on progress and outcomes. For evaluation purposes, the TFV relies on external expert services to conduct baseline studies and *ex post facto* evaluations, and to carry out beneficiary satisfaction surveys; and

(e) *Fundraising*: Where the TFV is to use its other resources to complement the payment of a reparations award because the convicted person is indigent, it undertakes intensive, award-specific *fundraising activities* to obtain State voluntary contributions and attract private donations earmarked for that award or for particular parts of it.

683. In 2021 the Trust Fund is expected to continue work on the implementation of reparations in *Lubanga*, *Katanga* and *Al Mahdi*. Operational and legal capacities will be required to monitor and evaluate the work of implementing partners. In *Ntaganda*, the Trust Fund expects to draft a reparations implementation plan and possibly commence activities. To ensure its ability to complement reparations awards issued against indigent persons in all four cases, the Trust Fund will continue to undertake fundraising activities.

#### *Security and health*

684. The effective delivery of assistance programmes and reparations awards can be affected by a lack of security and by health-related factors, such as Ebola and the COVID-19 pandemic, in areas where the TFV operates.

685. Security challenges are inherent to the work of both the Court and the Trust Fund, but they take on particular importance for the TFV, as its assistance and reparations mandates are most effectively pursued in a context of long-term stability where reparations measures can have their full effect, allowing victims and communities to overcome harm, rebuild their lives and contribute to peaceful coexistence.

#### **Organizational development**

686. The operational complexities inherent to reparations proceedings and resulting from security and health challenges impact the pace of operations and rate of implementation, forcing reprioritizations and adaptations and complicating the selection and management of suitable implementing partners. The capacity requirements and budgetary burden placed on the TFV in managing such complexity while discharging its obligations to the Court and victims means the TFV's organizational structure must retain its ability to respond flexibly to unexpected developments, including by the rotation of field-based staff and temporary deployment of Headquarters and/or Registry staff to field locations. In order to further strengthen management and implementation, the Trust Fund looks to maintain and build on the core organizational capabilities of the Secretariat of the Trust Fund for Victims (STFV or "the Secretariat"), as it did in the period from mid-2019 to mid-2020 with the mobilization of essential senior staff, including the field-based Programme Managers and the Legal Adviser, as well as their respective direct reports. TFV programmes and reparations awards are managed by the field-based Programme Managers. Functional steering (standard setting, technical advice and quality control) is the responsibility of those holding the following positions: Legal Adviser, Finance Officer, Monitoring and Evaluation Officer and, to a lesser extent, the Fundraising and Visibility Officer. Under the guidance of the Finance Officer, the Programme Managers implement administrative processes, including internal control, in support of programme implementation. Legal staff are engaged both in The Hague and in the field to conduct intermediary and staff training on victim verification and to assist with the implementation of reparations awards.



687. In March 2020, the Board suffered a loss in the untimely passing of its Chair. The Board elected a new Chair in May 2020, for the remainder of the current mandate period, until December 2021. The Bureau initiated the election procedure for a new Board member.

*Working relation with the Registry*

688. The TFV recalls resolution 6 of the sixteenth session of the Assembly of States Parties,<sup>79</sup> in which the States Parties requested the Court and the TFV to continue developing a strong collaborative partnership, mindful of each other's roles and responsibilities, to implement Court-ordered reparations. The working relationship between the TFV and the Registry is of particular importance and is captured in the Cooperation and Assistance Framework ("Framework") of March 2019. As reported to the Committee on Budget and Finance in June 2020, the TFV works closely with country offices, the Finance Section, the Procurement Unit, the Victims Participation and Reparations Section (VPRS), the External Relations and State Cooperation Unit, the Counsel Support Section, the Office of Public Counsel for Victims, the Security and Safety Section and the Public Information and Outreach Section.<sup>80</sup> The TFV highly appreciates the collaboration and assistance that has been provided by the Registry and Legal Representatives of Victims throughout the preparation and implementation of reparations awards in the past year and anticipates pursuing this collaboration further in 2021.

689. Standardization and synergies in the working methods of the TFV and in its relationship with the Registry have reinforced prospects for greater effectiveness and efficiency in the development and implementation of prompt and meaningful reparations to victims. The Trust Fund continues to strive and advocate for a reparations system under the Rome Statute that is procedurally sound and at the same time takes account of financial and operational sustainability challenges, resulting in concrete outcomes that are responsive to the rights, and needs, of victims.

690. The purpose of the 2019 Cooperation and Assistance Framework is twofold: to set out a common understanding of the areas of cooperation and assistance between the Registry and the STFV,<sup>81</sup> and to enable the Registry and the STFV to plan the best possible management of resources and capacity in order to deliver effectively and efficiently on their respective mandates.

691. The Framework sets out the operational modalities of the working relationship between the STFV and the Registry, including operational tools (joint planning and monitoring), focal points, periodicity of meetings, escalation mechanisms to address bottlenecks and other problems quickly, and coordination and progress review meetings at the senior management level.

692. For example, cooperation with the VPRS and country offices is vital to the design and implementation of the TFV's victim verification procedures, to allow previously unidentified victims to receive the collective reparations awarded in *Lubanga* and the individual reparations awarded in *Al Mahdi*. The continued availability, experience, expertise and supporting role of the VPRS will enhance the TFV's ability to manage these processes without having to replicate the necessary functions in its own structure.

693. The TFV also relies on the Finance Section, the SAP team and the Procurement Unit for the selection of implementing partners and for the disbursement of awards and other amounts, and to ensure proper financial reporting to relevant stakeholders. The TFV expects to further consolidate this collaboration in 2021 as it continues the implementation of reparations awards and assistance programmes.

<sup>79</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixteenth session, New York, 4-14 December 2017* (ICC-ASP/16/20), vol. I, part III.A, ICC-ASP/16/Res.6, Annex, para. 12(c).

<sup>80</sup> *Report on the division of responsibilities between the Registry and the Trust Fund in ongoing reparations proceedings, as well as on possible synergies and duplication*, Committee on Budget and Finance, thirty-fourth session, CBF/34/12.

<sup>81</sup> See regulation 19 of the RTFV (ICC-ASP/4/Res.3, adopted 3 December 2005): "Bearing in mind the independence of the Secretariat, it shall consult the Registrar on all administrative and legal matters for which it receives the assistance of the Registry."

694. The TFV relies on the services of the Registry to help assess, anticipate and mitigate security challenges which pose a threat to the implementation of assistance programmes and reparations awards.

695. The Framework and the monitoring, consultation and escalation mechanisms for which it provides are expected to further optimize synergies between the STFV and the Registry, including in the country offices, thereby boosting the efficiency and effectiveness of the TFV's operations.

696. In an example of increased efforts to improve the efficiency and effectiveness of the Trust Fund's operations, the Registrar and the TFV Executive Director agreed in March 2020 on the establishment of a task force on procurement, with an initial mandate running until the end of August 2020. This task force works to improve the Trust Fund's procurement activities, related Registry support services and procedural solutions in respect of the Trust Fund's specific business needs. In July 2020, the Secretariat reported on progress in the implementation of the action plan in relation to the recommendations made in the evaluation report of the Independent Oversight Mechanism, approved by the Board in March 2020.

#### **Budget resources**

**€3,226.1 thousand**

697. The requested amount is maintained at the same nominal level as in the 2020 approved budget. The proposed budget absorbs an incremental increase in staff costs in accordance with the United Nations Common System (UNCS). In addition, reductions have been made to non-staff items, notably in relation to travel, consultancy and training.

698. No new positions are proposed.

#### **Staff resources**

**€2,913.5 thousand**

699. The amount requested for established posts has increased by €77.4 thousand (6.9 per cent) as compared to the amount in the 2020 approved budget. The amount requested for General Temporary Assistance (GTA) positions has increased by €149.1 thousand (9.5 per cent) as compared to the amount in the 2020 approved budget. The increase in staff resources is mainly related to an increase in UNCS costs and does not reflect an increase in staff capacity.

700. In 2021, the TFV will be comprised of 9 established posts and 18 GTA positions (15.13 FTE). The amount requested for established posts is €1,191.1 thousand. The amount requested for GTA positions is €1,722.4 thousand.

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

*€1,191.1 thousand*

701. The TFV is managed by the Executive Director (D-1) and comprises the following posts:

702. One Legal Adviser (P-4). The incumbent provides the Executive Director and Board with expert legal advice on the development and implementation of the TFV's assistance and reparations mandates. The incumbent's responsibilities include the role of acting deputy to the Executive Director, high-level advice on the development of the TFV's legal and institutional strategies, management of the process of preparing legal filings and progress reporting to the Court, external representation of the TFV and functional steering in respect of the implementation of Court-ordered reparations awards.

703. Three Programme Managers (P-4). These positions are based, respectively, in the country offices in Kampala, Uganda; Bunia, DRC; and Abidjan, Côte d'Ivoire. The incumbents are responsible and accountable for the design, implementation and management oversight of TFV programmes and reparations awards. They report directly to the Executive Director.

704. One Monitoring and Evaluation Officer (P-3). This position is based in The Hague. The incumbent plays a central role in programme coordination and reports to the Executive Director, the Legal Adviser or the authorized acting deputy. The incumbent is responsible for steering and ensuring quality control in respect of all programme monitoring, evaluation and

reporting activities. The incumbent is also responsible for standard setting in monitoring and evaluation through the TFV's Performance Monitoring Plan.

705. One Finance Officer (P-3). This position ensures enhanced financial oversight, reporting, (internal) control and compliance within TFV procedures and provides guidance to the Field Programme Managers in respect of implementing partners. The incumbent is also responsible for the management and further development of the SAP Grants Management System and financial policies relating to the TFV's mandates and activities. As the main focal point for assistance and reparations-related procurement, the incumbent also focuses on the coordination and implementation of procurement processes.

706. One Administrative Assistant (GS-OL). This position has the vital role of handling the administrative workload that comes with the proper functioning of the Board and the STFV.

707. One Programme Assistant (GS-OL). This position supports the Finance Officer and the programme management team in The Hague in the development and implementation of assistance programmes and reparations awards.

#### *General temporary assistance*

€1,722.4 thousand

708. The amount requested for GTA positions has increased by €149.1 thousand (9.5 per cent) as compared to the amount in the 2020 approved budget. As stated above, this growth is necessary to accommodate increased staff costs in accordance with the UNCS and redeployment of an Associate Field Programme Officer position from Uganda to the DRC to strengthen capacity for the implementation of reparations awards in three cases.

709. In 2020, the TFV had 18 GTA positions (15.13 FTE), which are proposed as continued for 2021.

#### *Headquarters*

710. One *Fundraising and Visibility Officer (P-3), 12 months. Continued. Multi-year.* Awareness-raising and fundraising go hand-in-hand to create a stronger political and financial foundation for fulfilling the TFV's mandates, mission and goals. The TFV continues to strive towards the diversification of its revenue base. Both awareness-raising and resource development are strategic functions of the TFV and require dedicated capacity, which the Fundraising and Visibility Officer provides.

711. One *Associate Executive Officer (P-2), 12 months. Continued. Multi-year.* The incumbent ensures the smooth functioning of the executive office, which includes providing support and advice to the TFV's Executive Director and Board, overseeing administrative support functions at the STFV and supporting the Legal Adviser, the Finance Officer and the Fundraising and Visibility Officer. The incumbent engages in relationship management with high-level external stakeholders and, alongside the Fundraising and Visibility Officer, organizes events to raise the TFV's public profile and encourage more voluntary contributions and private donations.

712. One *Associate Programme Officer (P-2), 12 months. Continued. Multi-year.* This position is based in The Hague. The incumbent supports the work of the Programme Manager on the TFV's assistance and reparations programmes and works closely with the Finance Officer (P-3) on matters related to programme administration (including procurement processes). The incumbent also works closely with the Monitoring and Evaluation Officer (P-3) and is responsible for providing support for the development, oversight and reporting of results of TFV programmes under the reparations and assistance mandates in situation countries. The incumbent maintains direct working relationships with the Programme Managers and Associate Field Programme Officers and supports the development of programmatic frameworks, i.e. assessments (under the assistance mandate) and draft implementation plans (under the reparations mandate) undertaken by TFV field staff. The incumbent also facilitates the efficiency, effectiveness and transparency of TFV programme operations; of comprehensive, timely and correct reporting on programme results; and of adequate reporting on those results to external stakeholders.

713. Two *Associate Legal Officers (P-2)*, 12 months each. *Continued. Multi-year.* Associate Legal Officers are required to provide research, drafting and reporting capacity throughout the reparations phase and to maintain working-level relationships with parties and participants in the reparations proceedings as well as with relevant staff at the Court, including in the Judiciary and the Registry. The incumbents' assignments will be case-related on the basis of ongoing reparations proceedings. They will specifically include researching and drafting of TFV legal filings and reports; implementation of victim identification and verification processes, including the training of field-based staff; handling of the administration of the TFV's victim identification and verification process, e.g. by managing victim files; the conduct of reparations-related working relationships with stakeholders inside and outside the Court; and supporting the Board's eligibility decision-making and subsequent reporting to Trial Chambers. Further responsibilities include the monitoring of cases in the trial phase so that the TFV can be properly informed and positioned at the outset of the reparations phase. The Associate Legal Officers report to the Legal Adviser.

714. One *Finance Assistant (GS-OL)*, 12 months. *Continued. Multi-year.* This position provides support necessary for the implementation of assistance programmes and reparations. The incumbent supports the Finance Officer (P-3) in administering finance-related activities, including in relation to SAP, and in supporting the programme teams. In addition, the Finance Assistant provides financial support capacity in relation to implementing partners operating under the assistance mandate, a need well-illustrated by the expected increase in the number of such implementing partners (under six assistance programmes in six situation countries: DRC, Uganda, Côte d'Ivoire, CAR, Georgia and Mali). Financial support capacity is also needed to accommodate the expected increase in finance-related activities under the reparations mandate in 2021 due to the significant estimated increase in the implementation of both individual and collective reparation awards in the *Lubanga*, *Katanga*, *Al Mahdi* and *Ntaganda* cases.

715. One *Programme Assistant (GS-OL)*, 12 months. *Continued.* This position supports the programme management team in The Hague (Monitoring and Evaluation Officer and Associate Programme Officer) in the development and implementation of assistance programmes and reparations awards. Furthermore, this position provides support necessary to the programme teams in situation countries in relation to the implementation of assistance programmes and reparations.

#### *Programme management and field operations*

716. One *Programme Manager (P-4)*, 0.5 month. *Continued. Multi-year.* This position is based in Mali. The implementation of reparations in the *Al Mahdi* case (Mali) requires the TFV to operate large-scale, complex and judicially sensitive reparations programmes in a highly volatile security context. The TFV will also be required to consider the possibility of expanding its assistance programmes to Mali. Appropriate professional oversight will be needed on site to develop and oversee complex interventions in conflict-sensitive settings. Owing to budgetary considerations, recruitment and activation of this position has been further postponed to year-end 2021 in order to moderate budget growth in 2021. Meanwhile, oversight of reparations and of any assistance activities in Mali falls to the TFV Programme Manager based in Abidjan.

717. Seven *Associate Field Programme Officers (P-2)*, 12 months each. *Continued. Multi-year.* These positions are based at the country offices: three in the DRC (*including redeployment from Uganda*), one in Uganda, one in Mali, one in Côte d'Ivoire and one in the CAR. The incumbents form part of the long-term backbone of the TFV's field capacity, reporting to the Programme Managers (P-4). They help ensure continuity, consistency and quality control in respect of the development and implementation of assistance programmes and reparations awards. They provide crucial support in relation to victim verification and the conduct of operational research supporting the development and planning of assistance and reparations programmes, including in relation to local services markets for the purpose of procurement processes to select implementing partners.

718. One *Field Programme Assistant (G-5)*, 12 months (DRC). *Continued. Multi-year.* This position is based in the DRC to support the implementation of reparations awards in *Lubanga* and *Katanga* and the assistance mandate programme. This capacity is needed to

ensure essential field-based programme support functions and to support programme staff by collecting, registering and maintaining information on implementation 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.

719. Two *Monitoring and Evaluation Assistants (G-5), 0.5 month each (DRC). Continued. Multi-year*. These positions are crucial to maintaining support for data analysis and verification related to monitoring, reporting and evaluation of the implementation of assistance programmes and reparations awards (*Lubanga, Katanga, Al Mahdi and Ntaganda*), including support for beneficiary satisfaction surveys. The incumbents' work is functionally steered by the Monitoring and Evaluation Officer in The Hague to support the consistency and cohesion of the TFV's monitoring, reporting and evaluation practice, in accordance with the standards and protocols of the TFV's Performance Monitoring Plan. Owing to budgetary considerations, recruitment and activation of these positions have been further postponed to year-end 2021. Meanwhile, these tasks are temporarily performed on a reduced basis by field-based staff, and recourse may be had to consultants.

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

**€312.6 thousand**

720. Non-staff resources are required for travel, hospitality, contractual services, training, consultants, general operating expenses, and supplies and materials. The requested amount has decreased by €226.5 thousand (42.0 per cent) as compared to the 2020 approved budget. The decrease reflects a continued conservative approach in the light of increased levels of activity, with the new cycle of assistance programmes beginning alongside the implementation of the current reparations awards in three, possibly four cases and, potentially, an award in one additional case (pending the outcome of trial proceedings in *Ongwen*). Non-staff resources are recurrent.

#### *Travel*

€144.9 thousand

721. The requested amount, which has decreased by €156.1 thousand (51.9 per cent), will be required mainly in relation to the TFV's programme activities (reparations and assistance mandates), visibility/fundraising and Board-related initiatives. Given the current limitations on travel due to the global COVID-19 pandemic, this amount takes account of an increased number of remote meetings of the TFV Board and Secretariat; meetings with donors and other external TFV stakeholders; visibility and fundraising; programme design and engagement with implementing partners, authorities and other programme stakeholders; and the TFV annual staff meeting.

#### *Hospitality*

€1.0 thousand

722. The requested amount remains unchanged and is required for effective engagement with third parties in the context of the TFV's management of its external relations.

#### *Contractual services*

€99.3 thousand

723. The requested amount, which has decreased by €45.7 thousand (31.5 per cent), will be required for external printing in the field and at Headquarters; SAP Grants Management support, including business support services; design 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*

€19.2 thousand

724. The requested amount has decreased by €13.0 thousand (40.4 per cent). This amount is required to cater to the training needs of existing and new staff in The Hague and at the country offices, within the newly expanded STFV structure.

*Consultants*

€40.2 thousand

725. The requested amount has decreased by €11.7 thousand (22.5 per cent). Consultants are needed to assist with monitoring and evaluation, 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*

€5.0 thousand

726. The requested amount remains unchanged. This amount is required for workshops and meetings at country offices, and for communications materials and mailing costs.

*Supplies and materials*

€3.0 thousand

727. The requested amount remains unchanged. This amount is required for basic office supplies and other expendable office materials.

**Table 47: Major Programme VI: Proposed budget for 2021**

Major Programme VI Secretariat of the Trust Fund for Victims	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				976.7	78.2	8.0	1,054.9
General Service staff				137.0	(0.8)	(0.6)	136.2
<i>Subtotal staff</i>	<i>947.2</i>	<i>-</i>	<i>947.2</i>	<i>1,113.7</i>	<i>77.4</i>	<i>6.9</i>	<i>1,191.1</i>
General temporary assistance	1,269.4	-	1,269.4	1,573.3	149.1	9.5	1,722.4
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	0.1	-	0.1	-	-	-	-
<i>Subtotal other staff</i>	<i>1,269.5</i>	<i>-</i>	<i>1,269.5</i>	<i>1,573.3</i>	<i>149.1</i>	<i>9.5</i>	<i>1,722.4</i>
Travel	366.7	-	366.7	301.0	(156.1)	(51.9)	144.9
Hospitality	0.0	-	0.0	1.0	-	-	1.0
Contractual services	138.0	-	138.0	145.0	(45.7)	(31.5)	99.3
Training	12.0	-	12.0	32.2	(13.0)	(40.4)	19.2
Consultants	67.6	-	67.6	51.9	(11.7)	(22.5)	40.2
General operating expenses	0.7	-	0.7	5.0	-	-	5.0
Supplies and materials	2.0	-	2.0	3.0	-	-	3.0
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>587.0</i>	<i>-</i>	<i>587.0</i>	<i>539.1</i>	<i>(226.5)</i>	<i>(42.0)</i>	<i>312.6</i>
<b>Total</b>	<b>2,803.8</b>	<b>-</b>	<b>2,803.8</b>	<b>3,226.1</b>	<b>-</b>	<b>-</b>	<b>3,226.1</b>

**Table 48: Major Programme VI: Proposed staffing for 2021**

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 2020	-	-	-	1	-	4	2	-	-	7	-	2	2	9
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>7</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>9</b>
<b>GTA Positions (FTE)</b>														
Approved 2020	-	-	-	-	-	0.04	1.00	11.00	-	12.04	-	3.08	3.08	15.13
Continued	-	-	-	-	-	0.04	1.00	11.00	-	12.04	-	3.08	3.08	15.13
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.04</b>	<b>1.00</b>	<b>11.00</b>	<b>-</b>	<b>12.04</b>	<b>-</b>	<b>3.08</b>	<b>3.08</b>	<b>15.13</b>

## G. Major Programme VII-2: Permanent Premises Project – Host State Loan

### Introduction

728. 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>82</sup>

729. In response to requests from the Committee on Budget and Finance 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>83</sup>

730. 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 complete their one-time payments.<sup>84</sup>

731. The loan agreement 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 applied 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>85</sup>

732. The impact over the coming years is shown in greater detail below.

**Table 49: Loan repayment impact over the coming years (in euros)**

	2019	2020	2021	2022	2023
<b>Loan repayment</b>					
Capital and interest	3,585,127	3,585,127	3,585,127	3,585,127	3,585,127
<b>Total payments</b>	<b>3,585,127</b>	<b>3,585,127</b>	<b>3,585,127</b>	<b>3,585,127</b>	<b>3,585,127</b>

733. Repayment of the loan commenced after surrender of the interim premises leases on 30 June 2016. Capital and interest owed for the period from 1 January to 31 December 2020 will be payable on or before 1 February 2021.

<sup>82</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, para. 2 and annex II.

<sup>83</sup> *Official Records ... Ninth session ... 2010* (ICC/ASP/9/20), vol. II, part A, section G, para. 466.

<sup>84</sup> *Official Records ... Seventh session ... 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res.1, annex III.

<sup>85</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 50: Programme VII-2: Proposed budget for 2021**

Major Programme VII-2 Host State Loan	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 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>	3,585.1	-	3,585.1	3,585.1	-	-	3,585.1
<b>Total Including Host State Loan</b>	<b>3,585.1</b>	-	<b>3,585.1</b>	<b>3,585.1</b>	-	-	<b>3,585.1</b>

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

### Introduction

734. Major Programme VII-5, the Independent Oversight Mechanism (IOM), was established by the Assembly of States Parties (“the Assembly”) at its eighth session<sup>86</sup> in accordance with article 112(4) of the Rome Statute. At its twelfth session, the Assembly approved the IOM’s mandate of independent inspections, evaluations and investigations in its resolution ICC-ASP/12/Res.6.<sup>87</sup> The purpose of the IOM is to assure the Assembly of the independent, effective and comprehensive oversight of the International Criminal Court (“the Court”) in order to enhance its efficiency and economy. The IOM undertakes evaluation and inspection work at the direct request of the Assembly or of the Heads of Organ of the Court, and conducts investigations at its own discretion into received reports of misconduct or breaches of the Court’s rules and regulations, including investigations of elected officials, pursuant to revised rule 26 of the Rules of Procedure and Evidence.

**Budget resources** **€739.5 thousand**

735. The requested amount has increased by €34.8 thousand (4.9 per cent), mainly reflecting the adjustment in staff costs resulting from the increase in salaries. Non-staff costs have been decreased by 18.0 per cent in an attempt to limit the overall increase.

**Staff resources** **€684.4 thousand**

736. The requested amount has increased by €46.4 thousand (7.3 per cent) as compared to the 2020 budget, reflecting the increase in salaries and entitlements as applied by the International Civil Services Commission of the United Nations.

*Established posts: Professional and General Service* *€526.4 thousand*

737. In 2020, the IOM comprised the Head of the IOM (P-5), one Senior Evaluation Specialist (P-4), one Associate Investigator (P-2) and one Administrative Assistant (GS-OL).

*General temporary assistance* *€158.0 thousand*

738. *One Senior Investigator (P-4), 12 months. Continued. Multi-year.* The Senior Investigator supports the investigation activities of the IOM. The structure of the IOM, as initially adopted in the constituting Assembly resolution, provided for only one staff member at the P-2 level dedicated to investigations on a full-time basis. This limited the ability of the IOM to respond to allegations of misconduct, including allegations against elected officials, and resulted in a continuous need for additional short-term resources. That situation, and the attendant challenges for the IOM, was recognized by the Assembly in its resolution adopting the 2020 budget, wherein this GTA position was approved. The position continues to be required in 2021.

**Non-staff resources** **€55.1 thousand**

739. The requested amount has decreased by €11.6 thousand (17.4 per cent), reflecting decreases in all items (travel, training, consultants, general operating expenses and furniture and equipment).

<sup>86</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.1.

<sup>87</sup> *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/Res.6, annex, para. 5.

*Travel**€16.2 thousand*

740. The requested amount has decreased by €1.4 thousand (8.0 per cent) since most of the IOM's work in 2021 is likely to be based at Headquarters. It is impossible to predict exactly how many investigations will arise or where they will arise, but the request assumes one operational field mission directly supporting oversight activity, and travel for annual meetings of evaluation and investigation professionals.

*Training**€10.7 thousand*

741. The requested amount has decreased by €5.7 thousand (34.8 per cent) and is required to enable IOM staff members to participate in training to maintain their substantive skills, ensure that they are conversant with international best practice in their areas of expertise, and assist in maintaining their relevant professional qualifications. The requested amount is based on the assumption that full advantage will be taken of professional fee discounts, discounted or gratis training forums within the international community, and locally-sourced training opportunities.

*Consultants**€25.2 thousand*

742. The requested amount has decreased by 0.5 thousand (1.9 per cent). Consultant resources are required to provide support when specific and additional expert skill sets are needed, or when existing resources are not sufficient to address an increased workload. This is particularly the case in respect of investigations, for which the exact amount of work and resources required cannot be accurately predicted, given the short time for which the IOM has been fully staffed and operational. It is critical that, in order to discharge its assurance obligations to States, the IOM is able to handle unexpected workload increases without having to request support from other Court organs, which could jeopardize or give the appearance of jeopardizing the operational independence that is critical to its mandate.

*General operating expenses**€1.0 thousand*

743. The requested amount has decreased by €1.0 thousand (50.0 per cent). The requested amount is required to purchase 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.

*Furniture and equipment**€2.0 thousand*

744. The requested amount has decreased by €3.0 thousand (60.0 per cent). This minimal amount is required for maintenance and modernization of the IOM, using specialized oversight equipment to ensure more efficient and effective professional practice.

**Table 51: Major Programme VII-5: Proposed budget for 2021**

Major Programme VII-5 Independent Oversight Mechanism	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				414.8	35.9	8.7	450.7
General Service staff				76.1	(0.4)	(0.5)	75.7
<i>Subtotal staff</i>	<i>497.3</i>	<i>-</i>	<i>497.3</i>	<i>490.9</i>	<i>35.5</i>	<i>7.2</i>	<i>526.4</i>
General temporary assistance	-	-	-	147.1	10.9	7.4	158.0
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>147.1</i>	<i>10.9</i>	<i>7.4</i>	<i>158.0</i>
Travel	12.6	-	12.6	17.6	(1.4)	(8.0)	16.2
Hospitality	-	-	-	-	-	-	-
Contractual services	1.1	-	1.1	-	-	-	-
Training	3.8	-	3.8	16.4	(5.7)	(34.8)	10.7
Consultants	6.3	-	6.3	25.7	(0.5)	(1.9)	25.2
General operating expenses	-	-	-	2.0	(1.0)	(50.0)	1.0
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	0.6	-	0.6	5.0	(3.0)	(60.0)	2.0
<i>Subtotal non-staff</i>	<i>24.3</i>	<i>-</i>	<i>24.3</i>	<i>66.7</i>	<i>(11.6)</i>	<i>(17.4)</i>	<i>55.1</i>
<b>Total</b>	<b>521.6</b>	<b>-</b>	<b>521.6</b>	<b>704.7</b>	<b>34.8</b>	<b>4.9</b>	<b>739.5</b>

**Table 52: Major Programme VII-5: Proposed staffing for 2021**

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 2020	-	-	-	-	1	1	-	1	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	1.00	-	-	-	1.00	-	-	-	1.00
Continued	-	-	-	-	-	1.00	-	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1.00</b>

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

### Introduction

745. 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.

In 2021, the OIA will:

- (a) prepare the general OIA workplan and the OIA ICT (information and communication technologies) workplan 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 nine engagements;
- (c) review the implementation status of recommendations twice during the year, in consultation with the operational managers of the Court, and report on the progress made;
- (d) provide advisory services when requested by Court managers;
- (e) implement and update the quality assurance and improvement programme; and
- (f) prepare various reports for the Audit Committee and attend its meetings.

### Budget resources

**€756.5 thousand**

746. The requested amount has increased by €35.3 thousand (4.9 per cent).

### Staff resources

**€716.8 thousand**

747. The requested amount has increased by €54.9 thousand (8.3 per cent). 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*

*€583.3 thousand*

748. One Director, Office of Internal Audit (D-1), who 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 Organ on the effectiveness and efficiency of governance, risk management and internal controls. In addition, the Director prepares reports for the information of the Audit Committee.

749. One Senior Auditor (P-4) and one Internal Auditor (P-3) who perform audits, provide advisory services, review the implementation of recommendations and carry out additional tasks at the request of the Director.

750. One Internal Audit Assistant (GS-OL) who provides administrative support to the OIA and contributes to the performance of audits. The Internal Audit Assistant also supports the Director in the management of the quality assurance and improvement programme and the drafting of reports for the Audit Committee.

*General temporary assistance*

*€133.5 thousand*

751. The requested amount has increased by €11.4 thousand (9.3 per cent). One Auditor (Information Technology) (P-3), 12 months. Continued. Multi-year. The OIA 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 yearly workplan for ICT activities, performs ICT audits and provides advisory services. The Auditor (Information Technology) also follows up on the implementation of ICT audit recommendations, which cannot be done effectively by the other auditors in established posts on account of their lack of technical knowledge in this field. The Auditor (Information Technology) also contributes to the audits performed by the other auditors when those engagements include ICT-related activities.

**Non-staff resources**

**€39.7 thousand**

752. Non-staff resources are required for travel and training. The requested amount has decreased by €19.6 thousand (33.1 per cent) as no additional resources are required for consultants in 2021.

*Travel*

*€10.9 thousand*

753. The requested amount has increased by €0.1 thousand (0.9 per cent) to enable the OIA to conduct audits in the country offices according to the 2021 Audit Plan (recurrent).

*Training*

*€28.8 thousand*

754. The requested amount has increased by €0.3 thousand (1.1 per cent) (recurrent). Auditors are required to undertake regular training to maintain their professional competence. All four 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.

755. 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 offered only in Dutch and dealing with a limited range of topics). The Court's online training platform can be used by the OIA team, but only for non-audit related training courses. The courses attended on the platform do not provide a certificate of attendance, which is required for the maintenance of certifications.

**Table 53: Major Programme VII-6: Proposed budget for 2021**

Major Programme VII-6 Office of Internal Audit	2019 Expenditures (thousands of euros)			2020 Approved Budget	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF		Amount	%	
Professional staff				463.7	43.9	9.5	507.6
General Service staff				76.1	(0.4)	(0.5)	75.7
<i>Subtotal staff</i>	<i>547.0</i>	<i>-</i>	<i>547.0</i>	<i>539.8</i>	<i>43.5</i>	<i>8.1</i>	<i>583.3</i>
General temporary assistance	101.5	-	101.5	122.1	11.4	9.3	133.5
Temporary assistance for meetings	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>101.5</i>	<i>-</i>	<i>101.5</i>	<i>122.1</i>	<i>11.4</i>	<i>9.3</i>	<i>133.5</i>
Travel	10.1	-	10.1	10.8	0.1	0.9	10.9
Hospitality	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-
Training	27.6	-	27.6	28.5	0.3	1.1	28.8
Consultants	-	-	-	20.0	(20.0)	(100.0)	-
General operating expenses	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>37.7</i>	<i>-</i>	<i>37.7</i>	<i>59.3</i>	<i>(19.6)</i>	<i>(33.1)</i>	<i>39.7</i>
<b>Total</b>	<b>686.3</b>	<b>-</b>	<b>686.3</b>	<b>721.2</b>	<b>35.3</b>	<b>4.9</b>	<b>756.5</b>

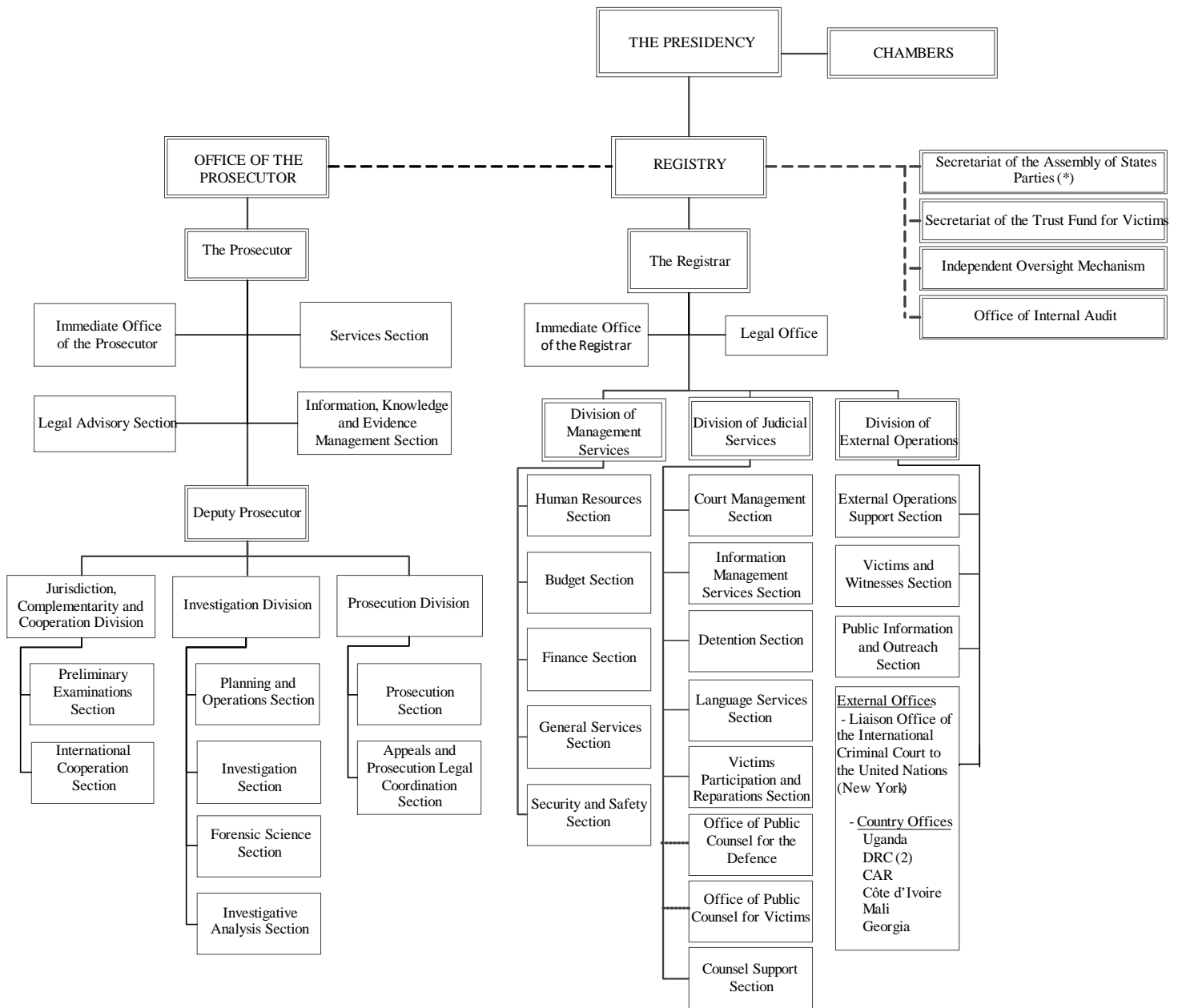
**Table 54: Major Programme VII-6: Proposed staffing for 2021**

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 2020	-	-	-	1	-	1	1	-	-	3	-	1	1	4
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Returned	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2020	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
Continued	-	-	-	-	-	-	1.00	-	-	1.00	-	-	-	1.00
New	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redeployed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reclassified	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Converted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Proposed 2021</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 2021 Proposed Programme Budget

<i>Parameter</i>	<i>Assumption</i>	<i>Description</i>
1. Number of Court hearing days	200	100 days CAR II.b ( <i>Yekatom and Ngaïssona</i> ) and 100 days Mali II ( <i>Al Hassan</i> )
2. Number of situations under investigation	13	Burundi, CAR I, CAR II, CIV, DRC, Darfur, Georgia, Kenya, Libya, Mali, Myanmar, Afghanistan and Uganda
3. Number of active investigations	9 <sup>1</sup>	Burundi, CAR II, CIV II, Darfur, Georgia, Libya III, Mali, Myanmar, and Afghanistan
4. Unsealed warrants of arrest pending execution	16	CIV I <i>bis</i> (1); Darfur I (1), II (2), IV (1) and V (1); DRC IV (1); Kenya Art. 70 (3); Libya I (1), II (1) and III (2); and Uganda (2)
5. Number of preliminary examinations	9	Colombia, Guinea, Iraq/UK, Nigeria, Palestine, <sup>2</sup> Philippines, Ukraine, Venezuela 1 and Venezuela 2
6. Number of trial teams <sup>3</sup> (Chambers)	6	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> ), Trial Chamber X ( <i>Al Hassan</i> ), Trial Chamber V ( <i>Yekatom and Ngaïssona</i> )
7. Number of trial teams (OTP)	3	CAR II.b ( <i>Yekatom and Ngaïssona</i> ), Mali II ( <i>Al Hassan</i> ) and Darfur ( <i>Abd-Al-Rahman</i> )
8. Number of Registry courtroom support teams	1	
9. Number of defence teams financed by legal aid	11	Pre-trial: <i>Gaddafi</i> (reduced), <i>Abd-Al-Rahman</i> Trial: <i>Al Hassan, Yekatom, Ngaïssona</i> and <i>Banda</i> (reduced) Appeals: <i>Ntaganda, Ongwen, Gbagbo, Blé Goudé</i> Reparations: <i>Al Mahdi</i> (reduced)
10. Number of victims' representatives financed by legal aid	9	Pre-trial: <i>Abd-Al-Rahman</i> <sup>4</sup> Trial: <i>Al Hassan, Yekatom and Ngaïssona</i> and <i>Banda</i> (reduced) Reparations: <i>Katanga, Lubanga I, Lubanga II, Al Mahdi, Ongwen</i>
11. Number of LRV teams within the OPCV	9	<i>Ongwen</i> (1), <i>Katanga</i> (1), <i>Lubanga</i> (1), <i>Ntaganda</i> (2), <i>Yekatom and Ngaïssona</i> (2), <i>Gbagbo and Blé Goudé</i> (1) and other proceedings (1) <sup>5</sup>
12. Number of languages supported in the courtroom	6	1-Acholi, 2-English, 3-French, 4-Bambara, 5-Arabic, 6-Sango
13. Number of case-related languages supported	36	1-English, 2-French, 3-Acholi, 4-Arabic, 5-Arabic (Sudanese), 6-Swahili (Congolese), 7-Kinyarwanda, 8-Lingala, 9-Dioula, 10-Bambara, 11-Móore, 12-Ateso, 13-Alur, 14-Sango, 15-Zaghawa, 16-Fur, 17-Tamasheq, 18-Georgian, 19-Russian, 20-Songhai, 21-Lendu, 22-Guéré, 23-Lango, 24-Tigrinya, 25-Fulfulde, 26-Dari, 27-Pashto, 28-Kirundi, 29-Amharic, 30-classified (A), 31-Hebrew, 32-Ukrainian, 33-Burmese, 34-Bengali, 35-Rohingya, 36-classified (B)
14. Number of languages supported for correspondence with States Parties	8	1-English, 2-French, 3-Arabic, 4-Spanish, 5-Dutch, 6-Italian, 7-Portuguese, 8-Sango

<sup>1</sup> Nine active investigations, but not all for the full year: CAR II.a (6 months) and Georgia (6 months).

<sup>2</sup> Pending a decision of the Pre-Trial Chamber.

<sup>3</sup> Trial teams are Chambers teams which may be assigned to handle preparations for upcoming trials, trial hearings, sentencing hearings and reparations hearings.

<sup>4</sup> The type of legal representation (legal aid or LRV) is to be determined: placeholder for future budgeting.

<sup>5</sup> This team covers the residual proceedings in which the OPCV is involved (*Gaddafi* admissibility, *Comoros* appeal, etc.).

<i>Parameter</i>	<i>Assumption</i>	<i>Description</i>
15. Number of final appeals	4	<i>Ntaganda</i> (Art. 74, Art. 76), <i>Gbagbo and Blé Goudé</i> (Art. 74), <i>Ongwen</i> (Art. 74) <sup>6</sup>
16. Number of witnesses appearing for testimony	90	<i>Al Hassan</i> (50), <i>Yekatom and Ngaïssona</i> (40)
17. Expected maximum duration of stay per witness	10	3 days of preparation + 2 days of familiarization + 2 hearing days + 3 days for weekends and/or breaks = 10 days on average per witness
18. Number of victims applying for participation/reparations	7,800 <sup>7</sup>	CAR II (500), Mali (800), AFG (500), MMR (500), DRC (1,000), UGA (2,500), Darfur (2,000)
19. Number of witnesses and victims under protection	75	Witnesses/victims and others at risk on account of testimony under VWS protection, including ICCPP and other forms of protection
20. Number of persons under protection	470	Witnesses/victims and their dependents who could be under the protection and care of the VWS in 2021
21. Number of suspects/accused appearing before the Court <sup>8</sup>	8	<i>Al Hassan</i> , <i>Ntaganda</i> , <i>Ongwen</i> , <i>Yekatom</i> , <i>Ngaïssona</i> , <i>Gbagbo</i> , <i>Blé Goudé</i> , <i>Abd-Al-Rahman</i>
22. Number of suspects, accused or convicted persons in detention	6	<i>Al Hassan</i> , <i>Ntaganda</i> , <i>Ongwen</i> , <i>Yekatom</i> , <i>Ngaïssona</i> , <i>Abd-Al-Rahman</i>
23. Number of cells required	6	Renting model is either 6 or 12 cells (for one detainee: one 6-cell block)
24. Number of country offices/presences	8	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) and 1 Liaison Office to the United Nations (New York)

<sup>6</sup> The nature of the appeals process is such that, until a decision is issued by the Trial Chamber in *Ongwen*, it cannot be said that a final appeal is "certain" to be entered. However, it is highly likely that the decision of the Trial Chamber (either to convict or acquit) will be appealed.

<sup>7</sup> Figures represent the number of individual applications expected to be received. Applications for participation and applications for reparations are counted separately. Submissions of additional information are also counted separately where full Registry data entry and legal assessment is required (e.g. where an additional form is received).

<sup>8</sup> For the purposes of this document only, the term "accused" includes persons who have been acquitted or convicted at first instance and whose cases are awaiting the outcome of a final appeal. 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 2021 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 a Pre-Trial Chamber);
  - (c) United Nations Security Council referral of a situation to the Court; and
  - (d) State Party referral.

## Annex IV

### Strategic Goals

#### Annex IV (a)

#### List of goals from the International Criminal Court Strategic Plan (2019-2021)

<i>A. Judicial and prosecutorial performance</i>	<i>B. Cooperation and complementarity</i>	<i>C. Organizational performance</i>
<p>Goal 1: Increase the expeditiousness and efficiency of the Court's core activities (preliminary examinations, investigations, trials and reparations) while preserving the independence, fairness and quality of its proceedings, ensuring adherence to the highest legal standards and protecting the safety and well-being of individuals, in particular victims and witnesses</p>	<p>Goal 4: Continue to foster political support and develop modalities of cooperation and operational assistance for all parties as regards preliminary examinations, investigations, protection of witnesses, implementation of warrants of arrest and judicial proceedings</p>	<p>Goal 6: Further increase the level of professionalism, dedication and integrity that is brought to all of the Court's operations</p>
<p>Goal 2: Further develop the Court's approach to victims in all phases of judicial proceedings, including (in cooperation with the Trust Fund for Victims) reparations</p>	<p>Goal 5: Discuss and devise, with States and other stakeholders, new strategic initiatives to better enable the Rome Statute system to manage the shared responsibility to close the impunity gap by, among other things, encouraging domestic implementation of the Rome Statute and other measures of complementarity by States Parties (including provision of support and assistance to victims) and developing a strategy for the completion of situations under investigation</p>	<p>Goal 7: Create and ensure a safe and secure working environment with a focus on staff well-being and continuous improvement</p>
<p>Goal 3: Further develop the mainstreaming of a gender perspective in all aspects of the Court's judicial and prosecutorial work</p>		<p>Goal 8: Achieve more equitable GRGB, particularly in higher-level posts</p> <p>Goal 9: Manage resources in an effective, coherent, transparent, responsible and adaptable manner and further develop the Court's sustainability and resilience in the face of identified risks</p> <p>Goal 10: Build a strategy for the completion of situations under investigation</p>

## Annex IV (b)

### List of strategic goals from the OTP Strategic Plan (2019-2021)

1. Improving performance in relation to the Office's core activities:
  - (a) *Strategic Goal 1*: Achieve a high rate of success in court;
  - (b) *Strategic Goal 2*: Increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions without compromising on quality and well-being of staff;
  - (c) *Strategic Goal 3*: Develop with States enhanced strategies and methodologies to increase the arrest rate of persons subject to outstanding warrants of arrest issued by the Court; and
  - (d) *Strategic Goal 4*: Refine and reinforce its approach to victims, in particular for victims of Sexual and Gender-Based Crimes (SGBC) and crimes against or affecting children.
2. Enhancing sound management practises:
  - (a) *Strategic Goal 5*: Increase the Office's ability to manage its resources in an effective, responsible and accountable manner.
3. Contributing to the effective functioning of the Rome Statute System:
  - (a) *Strategic Goal 6*: Further strengthen the ability of the Office and of its partners to close the impunity gap.

## Annex IV (c)

### List of strategic goals from the Registry Strategic Plan (2019-2021)

1. In view of the essential services it delivers to the Court, the Registry must ensure that it employs the most productive and capable people available and that it strives for excellence in everything it does. To maximize productivity, the Registry has embarked on a three-year programme aimed at increasing staff engagement. In pursuit of excellence in all respects, the Registry has also commenced a three-year programme of continuous improvement.
2. The Court is committed to improving geographical representation and gender balance among its staff. As the largest employer of staff within the Court, the Registry must naturally prioritize this issue. Accordingly, the Registry is undertaking a three-year programme of action to improve geographical representation and gender balance, focusing in the latter case mainly on higher-level posts.
3. The Registry's three priorities are therefore:
  - (a) continuous improvement;
  - (b) increasing staff engagement; and
  - (c) geographical representation and gender balance.

## Annex IV (d)

### Major Programme I: Judiciary

#### Expected results, performance indicators and targets for 2021

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>Objectives 1-4 (Strategic Goals 1-3)</b>		
1. Provide effective Presidency planning and support for the efficient management of judicial proceedings	• Potential issues identified and effectively managed	• 100%
	• Quality of preparation and support for Presidency and judges' meetings	• Fully satisfactory
	• Efficient management of applications/filings before the Presidency	• All decisions issued within agreed timescale
	• Timeliness and quality of advice to the President and Vice-Presidents on administrative and managerial issues	• Fully satisfactory
2. Implement and operate in line with appropriate performance indicators for judicial processes and relevant judicial support	• Continued collection of relevant data in key areas for performance indicator initiative concerning both Court-wide and Judiciary processes	• 100%

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
	<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>
3. 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>• Time between phases of proceedings shortened, without prejudice to the right of parties, participants and victims to fairness and protection, where applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Measurable improvement in comparison with earlier cases</li> </ul>
4. 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 judicial practice</li> </ul>	<ul style="list-style-type: none"> <li>• By end of 2021</li> </ul>
<b>Objectives 5-8 (Strategic Goals 4-5)</b>		
5. 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>
6. 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	<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>
7. 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	<ul style="list-style-type: none"> <li>• Coordinate efforts with other stakeholders to draw attention to the importance of universality and the APIC and to 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>
8. Conclusion of further sentence enforcement agreements with States	<ul style="list-style-type: none"> <li>• Sentence enforcement agreements concluded</li> </ul>	<ul style="list-style-type: none"> <li>• 1</li> </ul>
<b>Objectives 9-11 (Strategic Goals 6-9)</b>		
9. 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>
	<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>
10. Support the arrival of the incoming judges and corresponding departure of outgoing judges	<ul style="list-style-type: none"> <li>• Organize induction of judges at the Court to introduce them to the Court's procedures, staff and facilities</li> <li>• Ensure appropriate transition with respect to departing judges</li> </ul>	<ul style="list-style-type: none"> <li>• Fully satisfactory</li> </ul>
11. Effective resource management including identification and implementation of possible further efficiency measures	<ul style="list-style-type: none"> <li>• Improvements in timescales of judicial proceedings through implementation of lessons-learned changes</li> </ul>	<ul style="list-style-type: none"> <li>• Measurable improvements</li> </ul>
12. 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' Staff (P-5)</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>

## Annex IV (e)

### Major Programme II: Office of the Prosecutor

#### A. Programme 2100: Expected results, performance indicators and targets for 2021

##### 1. Sub-programme 2110: Expected results, performance indicators and targets for 2021

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 1:</b> to achieve a high rate of success in court.	Quality of investigations and prosecutions ensured	Performance Indicator 1.1, 1.2 & 1.3: Prosecutorial Results Review project finalised	Report on investigations review approved by ExCom
<b>ICC Goals 1 and 10</b>			
<b>OTP Strategic Goal 2:</b> to increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions.	Speed and efficiency of preliminary examinations, investigations and trials increased	Performance Indicator 7: Productivity of the Office Proposals finalised  Timely convening of ExCom Meetings and processing of decisions  Efficiencies or savings made	Report to improve match between workload and resources approved by ExCom  Weekly meetings of ExCom, decisions to be produced and circulated to internal stakeholders the same week  Office-wide 1% efficiency gain or savings achieved
	Development of OTP and Court-wide strategy on completion	High quality proposal on completion strategy finalised	OTP and Court-wide working groups established, TORs developed, consultations held and first draft produced
<b>ICC Goals 2 and 3</b>			
<b>OTP Strategic Goal 4:</b> to refine and reinforce its approach to victims, in particular for victims of Sexual and Gender-Based Crimes (“SGBC”) and crimes against or affecting children.	All preliminary examinations, investigations and prosecutions have a priority focus on SGBC and crimes against or affecting children	Performance Indicator 4.8: SGBC and Policy on Children Systematic identification and review of these priority crimes done	All reporting on core activities shows sufficient effort and findings on these priority crimes
	The policies on SGBC and crimes against and affecting children are fully implemented	Measures in place versus total foreseen in policy	100%
	Contribution to development of an improved approach to victims as part of the Court-wide review	Proposal finalised	Report on improved approach approved by ExCom and integrated into other parts of the Court
<b>ICC Goals 6, 7, 8 and 9</b>			
<b>OTP Strategic Goal 5:</b> to increase the Office’s ability to manage its resources in an effective, responsible and accountable manner.	Responsible and accountable mgmt.	Performance Indicators 11.1 – 11.4 Financial Planning, Performance and Compliance	
	Improved wellbeing	8.1 – 8.5 Human Resources - Staff Performance and Development	No major negative findings in administrative appeals
	Continuous improvement approach further implemented	Compliance with staff rules and regulations	Simplified, consolidated performance report shared with stakeholders
	Improved communication to stakeholders	New performance reporting system developed and implemented	All milestones achieved
	Improved gender/geo balance		All milestones achieved



<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
	Staff adequately trained to perform their duties	Leadership framework (Court-wide) Staff Well-being Framework (Court-wide), and Staff engagement survey results follow-up Gender awareness training	All milestones achieved  All milestones achieved (e.g. at least 1 lesson learned after any major investigative or prosecutorial event, > 50% of management attend leadership training) Report on new communication strategy and model approved by ExCom All milestones achieved
		Milestones achieved/planned	All milestones achieved
		Milestones achieved/planned for the priority projects	All milestones achieved
		Milestones of the gender/geo action plan achieved/planned	> 90% of staff followed mandatory training
		Staff trained/total staff	

**ICC Goal 4**

<b>OTP Strategic Goal 3:</b> to develop with States enhanced strategies and methodologies to increase the arrest rate of persons subject to outstanding ICC arrest warrants.	To support, review and approve proposals as tabled by the Office towards this goal	Performance Indicator 7: Productivity of the Office Performance Indicator 4.7 International Cooperation Timely response to request for approval of proposals	100% response rate to requests received (positive or negative) within 2 weeks.
	Generate ideas & galvanize support & cooperation	Participate in related high-level discussions, including in the context of the cooperation facilitation	100% response rate to requests
		Continue advocacy before the UNSC, in other diplomatic fora, and in engagement with States	At four UNSC briefings annually, at the annual UN General Assembly (and other opportunities presented to call for greater cooperation on arrests and exchange ideas on need for arrests and arrest strategies)

**ICC Goal 5**

<b>OTP Strategic Goal 6:</b> to strengthen the ability of the Office and of its partners to close the impunity gap.		Performance Indicator 7: Productivity of the Office Performance Indicators 5.1 – 5.4: Quality of Interaction with the Office	
	To support, review and approve proposals as tabled by the Office towards this goal	Timely response to request for approval of proposals	100% response rate to requests received (positive or negative) within 3 weeks

**2. Sub-programme 2120: Expected results, performance indicators and targets for 2021**

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goal 1</b>			

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>OTP Strategic Goal 2:</b> to increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions.	Timely finalisation of preliminary examinations, investigations and trials Speed and efficiency of preliminary examinations, investigations and trials increased	Performance Indicator 7: Productivity of the Office Milestones achieved/planned  Proposals finalised  Efficiencies or savings made	Ensure units are capable of providing services to the OTP in a timely and efficient manner (minimize variances: < 5%; variance compared to expected time and effort foreseen in the agreed processes and procedures) Language support provided as per agreed schedule: 98% of time Contribute to drafting report to improve match between workload and resources to be approved by ExCom Contribute to Office-wide 1% efficiency gain or savings achievement

**ICC Goals 6, 7, 8 and 9**

<b>OTP Strategic Goal 5:</b> to increase the Office's ability to manage its resources in an effective, responsible and accountable manner.	Responsible and accountable mgmt. Continuous improvement approach further implemented Improved wellbeing  Staff adequately trained to perform their duties Risk mgmt. improvement	Performance Indicators 11.1 – 11.4 Financial Planning, Performance and Compliance 8.1 – 8.5 Human Resources - Staff Performance and Development Compliance with financial rules and regulations  New performance reporting system implemented  Milestones achieved/planned for the priority projects  Staff trained/total staff	No major negative findings by auditors Full compliance with Financial Regulations and Rules and financially sound implementation of funds (approved budget and CF) within agreed target rates Contribute to drafting simplified, consolidated performance report to be shared with stakeholders All milestones achieved >80% of staff participate in surveys Action plan following survey results developed and implemented 100% of performance appraisals completed on time All milestones achieved > 90% of staff followed mandatory training Update section Risk Register
--	--	--	---

**3. Sub-programme 2160: Expected results, performance indicators and targets for 2021**

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 2:</b> to increase the speed, efficiency and effectiveness of preliminary examinations,	Speed and efficiency of preliminary examinations,	Performance Indicator 7: Productivity of the Office Proposals finalised	Contribute to drafting report to improve match between

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
investigations and prosecutions.	investigations and trials increased	Efficiencies or savings made	workload and resources to be approved by ExCom Contribute to Office-wide 1% efficiency gain or savings achievement

#### ICC Goals 6, 7, 8 and 9

<b>OTP Strategic Goal 5:</b> to increase the Office's ability to manage its resources in an effective, responsible and accountable manner.	Responsible and accountable mgmt.	Performance Indicators 11.1 – 11.4 Financial Planning, Performance and Compliance 8.1 – 8.5 Human Resources - Staff Performance and Development	
	Continuous improvement approach further implemented	New performance reporting system implemented	Contribute to drafting simplified, consolidated performance report to be shared with stakeholders
	Improved wellbeing	Milestones achieved/planned	All milestones achieved
	Improved information mgmt.	Milestones achieved/planned for the priority projects	All milestones achieved
	Staff adequately trained to perform their duties	Milestones achieved/planned for the priority projects. Staff trained/total staff	All milestones achieved  Establish an OTP data governance board in order to standardize and adjudicate data and information management-related issues Develop e-learning platform for delivery of internal training Timely and effective registration of evidence and disclosure (within the agreed target range) 90% of staff attended mandatory training

### B. Programme 2200: Expected results, performance indicators and targets for 2021

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 1:</b> to achieve a high rate of success in court.	Quality of investigations and prosecutions ensured	Performance Indicator 1.1, 1.2 & 1.3: Prosecutorial Results Results of quality controls (e.g. case review)	Any major quality problem identified and addressed
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 2:</b> to increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions.	Timely finalisation of preliminary examinations, investigations and trials Speed and efficiency of preliminary examinations, investigations and trials increased	Performance Indicator 7: Productivity of the Office Milestones achieved/planned  Proposals finalised	Any major delay due to OTP identified and addressed Determinations reached on all preliminary examinations before the end of the Prosecutor's term – whether or not to proceed or to issue a detailed status report Annual external relations and cooperation plans drafted, circulated and approved, and

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
			steps defined for the relevant period, with > 80% implemented
		Efficiencies or savings made	Network of operational focal points expanded with 3 partners More than 75% of Requests for Further Action responded to during the period Contribute to Office-wide 1% efficiency gain or savings
<b>ICC Goal 4</b>			
<b>OTP Strategic Goal 3:</b> to develop with States enhanced strategies and methodologies to increase the arrest rate of persons subject to outstanding ICC arrest warrants.	Increased ability to locate and arrest suspects at large	Performance Indicator 4.7 International Cooperation Milestones achieved /planned Expansion and mapping of cooperation networks and tools available to facilitate tracking	Cooperation network mapped and in use Tracking tools implemented Network of tracking partners expanded with at least 2 partners
<b>ICC Goals 2 and 3</b>			
<b>OTP Strategic Goal 4:</b> to refine and reinforce its approach to victims, in particular for victims of Sexual and Gender-Based Crimes ("SGBC") and crimes against or affecting children.	All preliminary examinations, investigations and prosecutions have a priority focus on SGBC and crimes against or affecting children	Performance Indicator 4.8: SGBC and Policy on Children Systematic identification and review of these priority crimes done	All reporting on core activities continue to show sufficient effort and findings on these priority crimes
<b>ICC Goals 6, 7, 8 and 9</b>			
<b>OTP Strategic Goal 5:</b> to increase the Office's ability to manage its resources in an effective, responsible and accountable manner.	Responsible and accountable mgmt. Continuous improvement approach further implemented Improved wellbeing	Performance Indicators 11.1 – 11.4 Financial Planning, Performance and Compliance 8.1 – 8.5 Human Resources - Staff Performance and Development Milestones achieved/planned	Contribute to drafting performance report to be shared with stakeholders Contribute to efforts to enhance the Office's communication with external stakeholders. Continue follow-up to key findings of Staff Engagement Survey, including through divisional meetings Arrangements on flexible working in place following pilot
<b>ICC Goals 5 and 10</b>			
<b>OTP Strategic Goal 6:</b> to strengthen the ability of the Office and of its partners to close the impunity gap.	Efforts of national investigative and prosecutorial offices supported upon request Contribution to development of OTP and Court-wide strategy on completion Follow up with partners on Evidence preservation standards	Performance Indicators 5.1 – 5.4: Quality of Interaction with the Office Timely response to request for information [on cases & standards] OTP strategy finalized Meeting with partners organized	100% of first responses to requests sent (positive or negative) within 3 months; 80% of substantive responses sent within 6 months Consultations held, follow up with participants, and draft produced, ExCom approved 1 round table organized

### C. Programme 2300: Expected results, performance indicators and targets for 2021

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goal 1</b>			

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>OTP Strategic Goal 1:</b> to achieve a high rate of success in court.	Quality of investigations and prosecutions ensured	Performance Indicator 1.1, 1.2 & 1.3: Prosecutorial Results Results of quality controls (e.g. case review) Review project finalised	Any major quality problem identified and addressed Report on investigations review approved by ExCom
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 2:</b> to increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions.	Timely finalisation of preliminary examinations, investigations and trials Speed and efficiency of preliminary examinations, investigations and trials increased	Performance Indicator 7: Productivity of the Office Milestones achieved/planned Proposals finalised Efficiencies or savings made	Any major delay due to OTP identified and addressed Reports to optimize speed and efficiency of each core activity approved by ExCom Report to improve match between workload and resources approved by ExCom Completion strategy developed for 2 situations Contribute to Office-wide 1% efficiency gain or savings achievement
<b>ICC Goal 4</b>			
<b>OTP Strategic Goal 3:</b> to develop with States enhanced strategies and methodologies to increase the arrest rate of persons subject to outstanding ICC arrest warrants.	Increased ability to locate and arrest suspects at large	Performance Indicator 4.7 International Cooperation Milestones achieved/planned Proposal on future arrest and tracking strategy and model with partners finalised	Improved internal functioning implemented on time Report approved by ExCom
<b>ICC Goals 2 and 3</b>			
<b>OTP Strategic Goal 4:</b> to refine and reinforce its approach to victims, in particular for victims of Sexual and Gender-Based Crimes ("SGBC") and crimes against or affecting children.	All preliminary examinations, investigations and prosecutions have a priority focus on SGBC and crimes against or affecting children The policies on SGBC and crimes against and affecting children are fully implemented	Performance Indicator 4.8: SGBC and Policy on Children Systematic identification and review of these priority crimes done Measures in place versus total foreseen in policy	All reporting on core activities shows sufficient effort and findings on these priority crimes 100%
<b>ICC Goals 6, 7, 8 and 9</b>			
<b>OTP Strategic Goal 5:</b> to increase the Office's ability to manage its resources in an effective, responsible and accountable manner.	Responsible and accountable mgmt. Continuous improvement approach further implemented	Performance Indicators 11.1 – 11.4 Financial Planning, Performance and Compliance 8.1 – 8.5 Human Resources - Staff Performance and Development New performance reporting system implemented Milestones achieved/planned	Simplified, consolidated performance report shared with stakeholders All milestones achieved

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
	Improved wellbeing		
	Staff adequately trained to perform their duties	Milestones achieved/planned for the priority projects Staff trained/total staff	All milestones achieved 90% of staff attended mandatory training

**ICC Goals 5 and 10**

<b>OTP Strategic Goal 6:</b> to strengthen the ability of the Office and of its partners to close the impunity gap.	Efforts of national investigative and prosecutorial offices supported upon request Reduced requirement for the OTP's intervention	Performance Indicators 5.1 – 5.4: Quality of Interaction with the Office High quality proposal finalised	Completion strategy defined for 2 situations
---	--	--	--

**D. Programme 2400: Expected results, performance indicators and targets for 2021**

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 1:</b> to achieve a high rate of success in court.	Quality of investigations and prosecutions ensured	Performance Indicator 1.1, 1.2 & 1.3: Prosecutorial Results Results of quality controls (e.g. case review) Charging guidelines finalized	Any major quality problem identified and addressed Charging guidelines promulgated in Prosecution Division Standardized lessons-learned guide implemented in Prosecution Division Continuous substantive and practical skill training completed
<b>ICC Goal 1</b>			
<b>OTP Strategic Goal 2:</b> to increase the speed, efficiency and effectiveness of preliminary examinations, investigations and prosecutions.	Timely finalisation of preliminary examinations, investigations and trials Speed and efficiency of preliminary examinations, investigations and trials increased	Performance Indicator 7: Productivity of the Office Milestones achieved/planned Proposals finalised Efficiencies or savings made	Any major delay due to OTP identified and addressed Disclosure manual finalized Report to improve match between workload and resources approved by ExCom Completion strategy developed for 2 situations Contribute to Office-wide 1% efficiency gain or savings achievement
<b>ICC Goal 4</b>			
<b>OTP Strategic Goal 3:</b> to develop with States enhanced strategies and methodologies to increase the arrest rate of persons subject to outstanding ICC arrest warrants.	Increased ability to locate and arrest suspects at large	Performance Indicator 4.7 International Cooperation Milestones achieved/planned Proposal on future arrest and tracking strategy and model with partners finalised	Improved internal functioning (integration with teams and strategic guidance cycle) implemented on time Arrest and tracking strategy implemented

<i>Strategic Goal</i>	<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>ICC Goals 2 and 3</b>			
<b>OTP Strategic Goal 4:</b> to refine and reinforce its approach to victims, in particular for victims of Sexual and Gender-Based Crimes (“SGBC”) and crimes against or affecting children.	All preliminary examinations, investigations and prosecutions have a priority focus on SGBC and crimes against or affecting children	Performance Indicator 4.8: SGBC and Policy on Children Systematic identification and review of these priority crimes done	All reporting on core activities shows sufficient effort and findings on these priority crimes
	The policies on SGBC and crimes against and affecting children are fully implemented	Measures in place versus total foreseen in policy	100%
<b>ICC Goals 6, 7, 8 and 9</b>			
<b>OTP Strategic Goal 5:</b> to increase the Office’s ability to manage its resources in an effective, responsible and accountable manner.	Responsible and accountable mgmt.	New performance reporting system implemented	Simplified, consolidated performance report shared with stakeholders
	Continuous improvement approach further implemented	Milestones achieved/planned	All milestones achieved
	Improved wellbeing	Milestones achieved/planned for the priority projects	All milestones achieved
	Staff adequately trained to perform their duties	Staff trained/total staff	90% of staff attended mandatory training
<b>ICC Goals 5 and 10</b>			
<b>OTP Strategic Goal 6:</b> to strengthen the ability of the Office and of its partners to close the impunity gap.	Efforts of national investigative and prosecutorial offices supported upon request Reduced requirement for the OTP’s intervention	Performance Indicators 5.1 – 5.4: Quality of Interaction with the Office Timely response to request for information [on cases & standards]	Replies to requests given on time

## Annex IV (f)

### Major Programme III: Registry

#### A. Office of the Registrar

*OTR: Expected results, performance indicators and targets for 2021*

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Provision of legally sound and client-oriented advice	- % of advice provided within agreed timescales	- 95%
- Timely preparation and submission of high-quality filings	- % of filings submitted within established timescales	- 100%

#### B. Division of Management Services (DMS)

*DMS: Expected results, performance indicators and targets for 2021*

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Provision of a sound SAP environment through timely resolution of technical issues	- Average number of days to resolve SAP service tickets	- 5 working days for the resolution of SAP incidents - 10 working days for the resolution of SAP service requests
- Reduction in health risks incurred by staff at work (Occupational Health Unit)	- Staff absence % (annual trend)	- Up to 3%
- Safe and secure working environment on Court premises	- Number of security and safety incidents having a negative impact on the use of the Court's premises or occasioning delays in judicial proceedings (annual trend)	- Not to exceed 1 incident in 2021
- Effective and timely security clearance process	- % of security clearances completed on time	- 90%
- Timely provision of accurate and complete accounting records	- No "qualification" of audit opinion for reasons within Finance Section control	- Receive unqualified audit opinion on 2020 financial statements
- Streamlined financial processes	- Number of processes streamlined, including automation through SAP	- Streamline two processes
- Timely submission of an accurate budget document	- Number of corrigenda issued (annual trend) - Timeliness of submission - Number of months for budget preparation	- 1 - No delay - 6 months (February to July)
- Accurate and timely reports on budget implementation and forecasting	- % of reports provided on time	- 90%
- Procurement: purchase of value-for-money goods and services through a fair and transparent process	- % of purchase order value put up for competitive tender - % of sole-source procurements that are fully justified and documented	- 60%-70% - 90%-95%
- Premises: proper maintenance and efficient operation, for all users, of the Court's permanent premises	- % of requests to Facilities Management Unit service desk fulfilled on the agreed workday - Number of instances in which part of the building is not fully operational - % of staff satisfied	- 95% - 5 - 95%



<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Official travel: timely arrangement of official travel	- % of travel expense reports completed within 3 working days of receipt of the fully completed travel plan	- 90%
- Asset management: maintenance of an accurate and complete database of registered assets	- % of assets registered in the database within 3 working days of completion of the goods-received report in SAP	- 90%
- Timely and cost-effective recruitment of an inclusive workforce	- Duration of recruitment (annual trend)  - Geographical representation and gender parity (annual trend)	- Reduce the average duration of recruitment (from vacancy announcement publication date to Principal approval date) by 5 days  - Increase average applications per job from candidates from under- and non-represented countries by 10% and increase average applications per job from female candidates for P-4 positions and above by 10%
- Promotion of a culture of high staff engagement	- Staff engagement survey (annual trend)	- 67%
- Promotion of a culture of trust based on continuous performance and development conversations	- % of performance conversations and reviews completed on time	- 96%

### C. Division of Judicial Services (DJS)

#### DJS: Expected results, performance indicators and targets for 2021

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Timely provision of high-quality translations of documents required for judicial proceedings and the administrative work of the Court	- % of proceedings or other Court activities cancelled owing to lack of translation	0%
- Provision of high-quality interpretation of judicial proceedings and non-judicial events at Headquarters and in the field	- % of proceedings or events cancelled owing to unavailability of interpretation	0%
- Accurate assessment of legal aid entitlements	- Rate of successful appeals	50%
- Timely responses to defence requests for assistance	- % of responses provided within agreed timescale	80%
- Availability of core systems maintained	- % of availability of core systems, including % of incidents in courtrooms resolved within agreed timescales	99.8% during business hours
- Prompt responses to information security incidents to minimize harm and reduce risk of future security breaches	- Average response time (in minutes) for priority 1 (critical) and priority 2 (high) incidents	Zero incidents. Responses given within the hour (during business hours)
- Detainees are kept safe and secure	- Incidence of escape attempts or injuries (annual total)	Zero escapes. Injuries – no more than 12 per year per detained person due to sport
- Detainees arrive at the Court on time	- Number of delays in judicial proceedings caused by late arrival from the detention centre (annual trend)	90% on-time arrival

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Accurate and timely identification of victims for participation in active judicial proceedings	- % of victim application analyses which are accepted in the proceedings versus the total number of victim application filings transmitted	100%
- Timely submission of Victims Participation and Reparations Section filings	- % of filings submitted by the Chamber's deadline	100%
- Availability of courtrooms for hearings	- Number of hearings cancelled owing to unavailability of key support staff	0%
	- Number of hearings cancelled owing to non-publication on the Court's calendar (Electronic Court System, Intranet and website)	0%
	- Number of hearings cancelled owing to lack of testing by Court Management Section teams	0%
- Availability of public filings, evidence and transcripts on the Court's external website	- % of documents made available within agreed timescales	100%
- Timely provision of legal services to defence teams by the Office of Public Counsel for Defence	- % of defence requests for assistance satisfactorily responded to in first instance within 24 business hours	100%
- Timely submission of filings by the Office of Public Counsel for the Defence	- % of filings submitted by deadlines	100%
- Timely provision of services to counsel for victims by the Office of Public Counsel for Victims	- % of counsel requests satisfactorily resolved within agreed timescales	100%
- Timely submission of filings by the Office of Public Counsel for Victims	- % of filings submitted by deadlines	100%

## D. Division of External Operations (DEO)

### DEO: Expected results, performance indicators and targets for 2021

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Witnesses called to appear before a Chamber give their evidence on time	- % of necessary logistical solutions and assessment reports to the Chamber delivered within agreed timescales	- 100%
- Effective reduction of risks to witnesses and victims	- Time and cost of witness and victim placement	- within 6 months <sup>1</sup> - €30,000 - €100,000 in the first year of relocation <sup>2</sup>

<sup>1</sup> Witness relocations will be achieved within six months of the identification and acceptance, by the receiving state, of a case of relocation to its territory. Delays are anticipated owing to the COVID-19 situation and restrictions on VWS's ability to move around the globe, as a result of which the target (after COVID-19 impact) may be extended to 12 months.

<sup>2</sup> Average relocation costs are expected to remain at between €30.0 thousand and €100.0 thousand in the first year of relocation, depending on the size of the family, complexity of the requirements of the family and the receiving state.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Timely provision of accurate integrated analytical assessments	- % delivery within agreed timescales (non-filing assessments, SitReps, Sudan/Libya Updates and JAC)	- 80%
	- % delivery within imposed timescales (judicial filings and senior management briefings)	- 100%
	- Number of products requiring substantive collaboration beyond the CAU, e.g. exchange with country offices and/or sections, divisions or organs at HQ	- 180
- Increase in cooperation agreements; promotion of universality <sup>3 4</sup>	- Number of States engaged in the negotiation and/or conclusion of new cooperation agreements	- 27
	- Number of States engaged in the ratification/accession of the Rome Statute or taking steps to ratify/accede to the Rome Statute	- 24
- Timely cooperation by States Parties, other States, regional organizations and international organizations <sup>5</sup>	- % of issues triggering cooperation requests receiving a positive response	- 50%
	- Time taken from transmission of cooperation request to final reply	- 60 days <sup>6</sup>
	- % of operations completed successfully (arrest, surrender, <i>in situ</i> visits/hearings and new situation country assessments)	- 90%
- Effective integrated mission planning and safe travel	- % of missions approved with travel plans	- 95%-98% <sup>7</sup>
- Promotion of public access to the Court's work	- Number of new followers annually on all social media platforms	- 100,000
	- Number of visits to the Court	- 450 groups/ 20,000 visitors
	- Number of visitors to the Court's website	- 2.5 million
- Victims and affected communities in situation countries are informed of the judicial activities relevant to them	- Number of people attending outreach activities in situation countries	- 110,000

<sup>3</sup> The ratification of the Rome Statute and the signature of cooperation agreements require several interactions between the Court and States. This indicator reflects the number of engagements (e-mails, notes verbales, letters, calls, meetings, missions, etc.) in the relevant year leading to the possible (a) ratification of the Rome Statute and (b) signature of new cooperation agreements.

<sup>4</sup> COVID-19 potential impact in 2021: EOSS has learned in 2020 to work successfully remotely and with virtual tools on cooperation agreements and universality; however, it should be noted that, if continuing throughout 2021, limited or lack of capacity to travel and engage in high-level meetings and events to promote these two outcomes may hinder EOSS's ability to meet the targets set for 2021, depending on the evolution of the pandemic situation.

<sup>5</sup> As noted above, EOSS has learned in 2020 to work successfully remotely and with virtual tools, despite the COVID-19 pandemic, towards cooperation targets, including a successful transfer operation in 2020; however, it should be noted that, if continuing throughout 2021, limitations on the capacity to travel may affect the targets set for 2021, notably regarding the handling of certain requests for cooperation and the execution of successful operations. Additionally, it should be noted that the achievement of these targets is in large part dependant on support from external partners.

<sup>6</sup> Average time (in days) for which a request was open.

<sup>7</sup> The number of mission plans submitted will very much depend on any ongoing travel-related constraints, in line with developments associated with the COVID-19 pandemic.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- All clients receive adequate logistical and security support from country offices	- Number of missions supported <sup>8</sup>	- DRC: 145 UGA: 170 CAR: 141 CIV: 40 MLI: 118 GEO: 20 NYLO: 7
	- Number of security and assessment reports conducted <sup>9</sup>	- DRC: 482 UGA: 646 CAR: 141 CIV: 65 MLI: 61 GEO: 40
- Timely responses by host country authorities, and other stakeholders, to cooperation requests from the Court	- % of issues triggering cooperation requests receiving a positive response	- DRC: 75% UGA: 75% CAR: 25% <sup>10</sup> CIV: 90% MLI: 90% GEO: 90% NYLO: 90%
	- Time taken from transmission of cooperation request to final reply	- DRC: 60 days UGA: 21 days CAR: 60 days CIV: 15 days MLI: 10 days GEO: 30 days NYLO: 30 days

<sup>8</sup> The approved budget, COVID-19 and the security situation may impact upon the ability to achieve performance targets in a number of ways, including incapacity of staff, host nation restrictions and residual risk unacceptable for mission authority.

<sup>9</sup> The approved budget, COVID-19 and the security situation may impact upon the ability to achieve performance targets in a number of ways. For example, incapacity of staff or an inability to access the requisite information may prevent reports being compiled.

<sup>10</sup> This target is based on analysis of historical data. However, it should be noted that the attainment or otherwise of the target is, to a significant extent, outside of the control of the country office.

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
- Access to justice for victims and affected communities	- Number of planned events conducted with victims and affected communities <sup>11</sup>  - Number of affected communities reached through direct and indirect outreach <sup>12</sup>	- DRC: 70 UGA: 396 CAR: 1 event/ 6 months <sup>13</sup> CIV: 33 MLI: 22 GEO: 20  - DRC: 4,500 reached directly and 23 million indirectly UGA: 97,680 reached directly and 27 million indirectly GEO: 300 reached directly and 300,000 indirectly CAR: Not known <sup>14</sup> CIV: 5,000 reached directly and 10 million directly and indirectly MLI: 300 reached directly and 7 million indirectly

## Annex IV (g)

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

#### Expected results, performance indicators and targets for 2021

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>Objective 1</b> Conference held as planned	- Meetings run smoothly and end on time; reports are adopted - All agenda items are considered - Participants receive substantive and logistical support at meetings, including registration assistance and the provision of documentation and language services - Session participants are satisfied with the arrangements made and information provided	- n/a
<b>Objective 2</b> Quality edited and translated documents released for processing, production and distribution in a timely manner	- States receive and are satisfied with the quality of conference services, including the editing, translation and timely issuance of documents in four official languages, <sup>1</sup> which fully support them in their functions - States receive the required assistance, in particular with obtaining information and documentation about the Assembly and the Court	- n/a
<b>Objective 3</b> Quality legal advice provided to the Assembly and its subsidiary bodies	- States receive substantive legal services, including the provision of documentation, which facilitate and support their work - Members of the Assembly and relevant bodies are satisfied with the sessions	- n/a
<b>Objective 4</b> Effective dissemination of documentation and information to States Parties (online and otherwise)	- The website and extranets of the Assembly, Bureau, Committee on Budget and Finance, and Audit Committee are used frequently	- n/a

<sup>11</sup> Estimated number includes activities for both outreach and victim participation and reparations.

<sup>12</sup> Outreach is also conducted indirectly through television and/or radio programmes.

<sup>13</sup> One outreach event conducted every six months in the location of each identified affected community.

<sup>14</sup> No accurate way of monitoring radio broadcast reach in CAR. The CAR country office will instead deliver programmes to a minimum of 18 community radio stations, the national radio station and a geographically representative selection of commercial radio stations.

<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 (h)****Major Programme VII-5: Independent Oversight Mechanism****Expected results, performance indicators and targets for 2021**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</i>
<b>Objective 1</b> Contribute to the effective oversight of the Court through timely and professional investigations of allegations of misconduct	- Percentage of cases handled within 6 months of reporting	- 60%
<b>Objective 2</b> Contribute to the effective oversight of the Court through timely, professional and independent evaluations	- Completion of evaluation report(s) according to the scope of evaluation terms of reference and in accordance with set deadlines	- 100%

**Annex IV (i)****Major Programme VII-6: Office of Internal Audit****Expected results, performance indicators and targets for 2021**

<i>Expected results</i>	<i>Performance indicators</i>	<i>Target 2021</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 and advisory services (engagements) performed, as against the validated OIA workplan	Minimum of 9 engagements (audits and advisory services combined)

**Annex V****Staffing information****Annex V (a)****Proposed Court staffing in 2021 by major programme**

<i>Total Court</i>	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	P-1	<i>Total P-Staff and above</i>	GS-PL	GS-OL	<i>Total GS-Staff</i>	<b>Total Staff</b>
Major Programme I	-	-	-	-	3	3	21	12	-	39	1	11	12	<b>51</b>
Major Programme II	1	1	-	3	18	36	77	79	25	240	1	79	80	<b>320</b>
Major Programme III	-	1	-	3	22	44	82	90	5	247	15	312	327	<b>574</b>
Major Programme IV	-	-	-	1	1	1	1	1	-	5	2	3	5	<b>10</b>
Major Programme VI	-	-	-	1	-	4	2	-	-	7	-	2	2	<b>9</b>
Major Programme VII-5	-	-	-	-	1	1	-	1	-	3	-	1	1	<b>4</b>
Major Programme VII-6	-	-	-	1	-	1	1	-	-	3	-	1	1	<b>4</b>
<b>Grand Total</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>9</b>	<b>45</b>	<b>90</b>	<b>184</b>	<b>183</b>	<b>30</b>	<b>544</b>	<b>19</b>	<b>409</b>	<b>428</b>	<b>972</b>

**Annex V (b)****Changes to the staffing table**

<i>Number of Posts</i>	<i>Level</i>	<i>Functional Title</i>	<i>From 2020 Approved Budget</i>	<i>To 2021 Proposed Budget</i>
1	P-3	Special Assistant to the Registrar as Judicial Coordinator	Immediate Office of the Registrar	Office of the Director, DJS
1	P-3	Field Officer (Outreach) as External Affairs Coordinator	Country Office (Democratic Republic of the Congo)	Office of the Director, DEO
1	P-3	Field Officer (Outreach)	Country Office (Côte d'Ivoire)	Country Office (Mali)
1	G-3	Driver	Country Office (Democratic Republic of the Congo)	Country Office (Uganda)
<b>Total Registry Redeployments:</b>		<b>4</b>		

**Annex VI****Salaries and entitlements for 2021 (thousands of euros)****Annex VI (a)****Judges' salary and entitlements for 2021 (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:</b>	
Standard salary costs: 14 full-time judges	2,901.9
Judges' pensions: 14 full-time judges*	921.9
<i>Subtotal Chambers</i>	<i>3,823.8</i>
Accruals for annual leave	126.0
Accruals for relocation	225.0
Estimates of home leave and education grant expenses	287.5
Service-incurred injury insurance: Court requirement	36.0
Estimated costs of appointment for newly-elected Judges	184.7
<i>Subtotal additional requirements</i>	<i>859.2</i>
<b>Total judges' salary and entitlements for 2021</b>	<b>4,711.0</b>
Revision of judges' remuneration (subject to States Parties' determination)**	580.9
<b>Total revised judges' salary and entitlements for 2021</b>	<b>5,292.9</b>

\* The profiles of the judges to be elected at the nineteenth session of the Assembly of States Parties will impact on premiums.

\*\* This amount, which is consistent with the revised amounts included in the 2017, 2018, 2019 and 2020 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 2021 - 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>
	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(1)+(2)+(3)=(4)</i>
USG	187.7	78.5	4	270.2
ASG	172.2	72.0	3	247.2
D-1	152.4	63.7		216.1
P-5	130.6	54.6		185.2
P-4	111.4	46.6		158.0
P-3	94.1	39.9		133.5
P-2	75.8	31.7		107.5
P-1	75.8	31.7		107.5
GS-PL	67.0	28.0		95.0
GS-OL	53.4	22.3		75.7

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 VI: 10 per cent;
- (d) Existing Professional and General Service posts in MP III: 12 per cent;
- (e) Existing Professional and General Service posts in MPs IV, VII-5 and VII-6: 0 per cent.

<i>Post level</i>	<i>Delayed recruitment factors</i>				
	<i>(0%)</i>	<i>(5%)</i>	<i>(8%)</i>	<i>(10%)</i>	<i>(12%)</i>
USG	270.2	256.7	248.6	243.2	237.8
ASG	247.2	234.8	227.4	222.5	217.5
D-1	216.1	205.3	198.8	194.5	190.2
P-5	185.2	175.9	170.4	166.7	163.0
P-4	158.0	150.1	145.4	142.2	139.0
P-3	133.5	126.8	122.8	120.2	117.5
P-2	107.5	102.1	98.9	96.8	94.6
P-1	107.5	102.1	98.9	96.8	94.6
GS-PL	95.0	90.3	87.4	85.5	83.6
GS-OL	75.7	71.9	69.6	68.1	66.6

## Annex VII

### Proposed budget for 2021 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 2021. 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 2021 of €396,700 in order to proceed with the establishment of the said Liaison Office.

1320 African Union Liaison Office	2019 Expenditures (thousands of euros)			2020	Resource Changes		Proposed 2021 Budget
	Total	Cont. Fund	Total incl. CF	Approved Budget	Amount	% (thousands of euros)	
<i>Judges</i>							
Professional staff							194.5
General Service staff							68.1
<i>Subtotal staff</i>							262.6
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>396.7</b>

<sup>1</sup> Official Records... Ninth Session ... 2010 (ICC-ASP/9/20), vol. I, part III, ICC-ASP/9/Res.4.

**Annex VIII****2021 estimated income statements****Trust Fund for Least Developed Countries (euros)**

<b>Estimated income 2021</b>	
Donor contributions	20,000
<i>Subtotal income</i>	<i>20,000</i>
<b>Estimated expenditure 2021</b>	
Travel	17,400
Administration costs	2,600
<i>Subtotal expenditure</i>	<i>20,000</i>
<b>Net income 2021</b>	<b>0</b>

## Annex IX

### Information Technology

#### Annex IX (a)

### Information Technology and Information Management (IT/IM) at the International Criminal Court: Five-Year Strategy (2017-2021)

1. The 2019 Proposed Programme Budget of the International Criminal Court (“the Court”), presented to the Committee on Budget and Finance (“the Committee”) for consideration at its thirty-first session in September 2018, included a total picture of Court-wide investment in staff and non-staff costs for the Court’s Five-Year IT/IM Strategy, as requested at the Committee’s thirtieth session. This annex, based on the 2021 Proposed Programme Budget, gives an updated overview of the total investment for 2017-2021, forecasts of Information Management Services Section (IMSS) annual operating costs to support the relevant systems during and after the implementation of the strategy, and a breakdown of the resources required for strategy projects in 2021. Information on specific strategy projects and related actual expenditure in 2019 will be presented in a separate report to the Committee at its thirty-fifth session for its consideration. The information provided in this annex is limited to the total strategy investment per cost centre and the total Court-wide requested investment per strategy work stream.

2. The following table is based on actual figures for 2017, 2018 and 2019, the reforecast of the Approved Programme Budget for 2020 and the Proposed Programme Budget for 2021. Forecasts will continue to be updated yearly and reported to the Committee with a detailed explanation of actual expenditure. The report to the Committee in advance of its thirty-fifth session contains details of actual expenditure per project and the corresponding efficiencies or benefits.

**Table 1: Total investment in the Court-wide Five-Year IT/IM Strategy for 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>2022</i>	<i>Total for Duration of Strategy</i>
<b>Staff costs</b>							
MP III: Registry							
DMS	-	100.0	98.6	98.3	107.5		405.8
DJS	-	146.5		147.1	158.0	15 8.0	609.6
<b>Total staff costs</b>	-	<b>246.5</b>	<b>98.6</b>	<b>245.4</b>	<b>265.5</b>	<b>158.0</b>	<b>1014.0</b>
Staff costs delta from previous year	-	246.5	(147.9)	145.4	(20.1)	(107.5)	-
<b>Non-staff costs</b>							
MP II: OTP	-	135.0	146.0	180.0	174.0		635.0
MP III: Registry							
DJS	664.0	824.0	1,364.0	1,601.0	1,563.0		6,016.0
DMS	-	225.0	0.0	20.0	50.0		295.0
Total MP III: Registry	664.0	1,049.0	1,364.0	1,621.0	1,613.0		6,311.0
<b>Total authorized carry-forward</b>			<b>307.0</b>				<b>307.0</b>
<b>Total non-staff costs</b>	<b>664.0</b>	<b>1,184.0</b>	<b>1,817.0</b>	<b>1,801.0</b>	<b>1,787.0</b>		<b>7,253.0</b>
Non-staff costs delta from previous year	-	520.0	633.0	(121.0)	(14.0)		-

<i>Cost Centre</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total for Duration of Strategy</i>
<b>Total Court-wide investment</b>	<b>664.0</b>	<b>1,430.5</b>	<b>1,915.6</b>	<b>2,046.4</b>	<b>2,052.5</b>	<b>158.0</b>	<b>8,267.0</b>
<b>Total delta from previous year</b>	<b>-</b>	<b>766.5</b>	<b>485.1</b>	<b>130.8</b>	<b>(6.1)</b>	<b>-</b>	<b>-</b>

3. The approved Court-wide strategy investment for 2019 was €2,168.5 thousand, including €1,922.0 thousand in non-staff costs and €246.5 thousand in staff costs. The actual Court-wide strategy investment in 2019 was €1,915.6 thousand, or €252.9 thousand less than the approved strategy allocation. This included a €1,608.6 thousand expenditure in staff and non-staff costs with a further €307.0 thousand authorized by the Assembly to carry forward for use in 2020. Of the €252.9 thousand not spent by the Court, €146.5 thousand was in staff costs due to a vacant eCourt Project Manager GTA position and a further €105.0 thousand in non-staff costs. The €105.0 thousand consists of €35.0 thousand in savings from procurement and a further €70.0 thousand due to procurement not being completed. Table 1 above shows actual figures per cost centre with updates to the differentials between actual expenditure in 2017, 2018 and 2019, the reforecast for 2020 and the proposed 2021 Court-wide investment.

4. The proposed 2021 IMSS budget consists of:

(a) lights-on costs of €9,735.5 thousand, which consists of €4,570.0 thousand in staff costs, €96.1 thousand in other staff costs and €5,069.2 thousand in non-staff costs. These costs are €119.5 thousand higher than previously forecast, of which €78.9 thousand is due to increases in staff costs and the remaining €40.6 thousand to additional systems from the strategy absorbed into the IMSS operational budget;

(b) the IMSS portion of the proposed investment in the Court's Five-Year IT/IM Strategy for 2021, which is €1,563.0 thousand, or €200.0 thousand less than the previously provided forecast to compensate for the overspend in 2018; and

(c) non-recurrent investment of €73.5 thousand to replace end-of-life infrastructure for the firewall and data centre infrastructure.

5. The total Court-wide proposed investment in strategy projects for 2021 is €2,052.5 thousand, including €265.5 thousand and €1,787.0 thousand in staff and non-staff costs, respectively. The requested amount is €507.0 thousand less than the forecast amount of €2,559.5 thousand owing to reductions in the judicial stream to absorb the 2018 overspend and €370.0 thousand for the postponement of the SAP HANA project in the Administration stream. The total is to be distributed among the Office of the Prosecutor (OTP) (€174.0 thousand), the Registry's Division of Management Services (DMS) (€157.5 thousand) and the Registry's Division of Judicial Services (DJS) (€1,721.0 thousand), which includes the Court Management Section (CMS) (€158.0 thousand) and IMSS (€1,563.0 thousand). The table below breaks down staff and non-staff costs for each work stream of the strategy per cost centre.

**Table 2: Summary of investment for 2021 in Court-wide Five-Year IT/IM Strategy projects (thousands of euros)**

<i>2021 Funding for strategy</i>	<i>MP II: OTP</i>	<i>MP III: Registry</i>		<i>Total Stream</i>
		<i>DMS</i>	<i>DJS</i>	
<b>Staff</b>				
Judicial	-	-	158.0	158.0
Administrative	-	107.5	-	107.5
<i>Total staff</i>	-	<i>107.5</i>	<i>158.0</i>	<i>265.5</i>
<b>Non-staff</b>				
Prosecutorial	174.0	-	230.0	404.0
Judicial	-	-	1,141.0	1,141.0

2021 Funding for strategy	MP II: OTP	MP III: Registry		Total Stream
		DMS	DJS	
Administrative		50.0	-	50.0
Information Management		-	15.0	15.0
Information Security		-	127.0	127.0
Optimizing IT		-	50.0	50.0
<i>Total non-staff</i>	<i>174.0</i>	<i>50.0</i>	<i>1,563.0</i>	<i>1,801.0</i>
<b>Total</b>	<b>174.0</b>	<b>157.5</b>	<b>1,721.0</b>	<b>2,052.5</b>

6. The requested €1,563.0 thousand for the IMSS budget covers strategic projects across the Judicial, Information Management, Information Security and Optimizing IT work streams. Strategy projects specific to the OTP are co-funded by IMSS and OTP in the amounts of €230.0 thousand and €174.0 thousand, respectively. The Administrative work stream for 2021 is funded solely by DMS and includes staff and non-staff components. CMS has an ongoing requirement for staff costs to continue the eCourt Project Manager GTA position in connection with work on the Judicial Workflow Platform.

7. Table 3 below presents the individual strategic projects for each work stream in 2021 that require an investment in staff and non-staff resources:

(a) OTP – The work plan for 2021 consists of three proposed projects, co-funded by OTP (€174.0 thousand) and DJS (€230.0 thousand) to implement further efficiency improvements to OTP investigations, further capacity and capability improvements to forensic evidence gathering and management and further enhancements to OTP digital evidence handling;

(b) Judicial – The requested investment of €1,299.0 thousand is for the continued delivery of the Judicial Workflow Platform, with €158.0 thousand required for the eCourt Project Manager position and the remaining €1,141.0 thousand for the development of the platform in accordance with the Court's requirements;

(c) Administration – The requested investment of €157.5 thousand (€107.5 thousand in staff costs and €50.0 thousand in non-staff costs) is for the ongoing implementation of IT/IM strategy projects to further automate and digitize administration;

(d) Information Security – The proposed work plan for 2021 leverages the Court's investments from 2017 to 2020 in the Threat Intelligence Platform to extend to 24/7 monitoring and continued capacity building for the Information Security Unit to detect and respond to cyberthreats and to implement data-centric controls such as data loss prevention and information rights management; and

(e) Optimizing IT – The sole project consists of continued replacement of end-of-life storage hardware in line with the Court's tiered storage model (implementation of 2017 strategy investment).

**Table 3: Breakdown of investment for 2021 in Court-wide Five-Year IT/IM Strategy projects (thousands of euros)**

Initiative	MP II: OTP		MP III: Registry		Total			
			DMS	DJS				
	Staff	Non-staff	Staff	Non-staff				
Prosecutorial	Process and efficiency improvements to OTP evidence and investigation work				60.0	54.0	114.0	
	OTP Investigation and Forensic capacity and capability improvements				106.0	60.0	166.0	
	OTP Digital Evidence Handling capability improvements				64.0	60.0	124.0	
	<i>Subtotal</i>				<i>174.0</i>	<i>230.0</i>	<i>404.0</i>	
Judicial	Judicial Workflow Platform – Unified Information Repository					132.0	132.0	
	Judicial Workflow Platform – Evidence and Case Record Gateway					158.0	162.0	320.0
	Judicial Workflow Platform – Litigation Platform					367.0	367.0	
	Judicial Workflow Platform – Case Management Platform					480.0	480.0	
<i>Subtotal</i>					<i>158.0</i>	<i>1,141.0</i>	<i>1,299.0</i>	
Administration	Travel Approval Management (ESS/MSS Scenario)		107.5	50.0			157.5	
	<i>Subtotal</i>		<i>107.5</i>	<i>50.0</i>			<i>157.5</i>	
Info Mgmt	Searchable archival system for evidence and Court records					15.0	15.0	
	<i>Subtotal</i>					<i>15.0</i>	<i>15.0</i>	
Information Security	Data-centric security controls: Data Loss Prevention/Information Rights					57.0	57.0	
	Information Security Certifications (ISU technical training for IT strategy systems)					20.0	20.0	
	Augmentation of cyber-response (towards 24/7)					50.0	50.0	
	<i>Subtotal</i>					<i>127.0</i>	<i>127.0</i>	
Optimizing IT	Virtual Infrastructure Renewal					50.0	50.0	
	<i>Subtotal</i>					<i>50.0</i>	<i>500.00</i>	
<b>Total</b>			<b>174.0</b>	<b>107.5</b>	<b>50.0</b>	<b>158.0</b>	<b>1,563.0</b>	<b>2,052.5</b>

## Annex IX (b)

## Court-wide Information Technology and Information Management (IT/IM) costs

1. The International Criminal Court (“the Court”) submitted Court-wide figures for IT/IM-related non-staff costs to the Committee on Budget and Finance (“the Committee”) for consideration at its thirty-first session in September 2018.<sup>1</sup> The subsequent report of the Committee recommended that the Court provide, as an annex to the 2021 Proposed Programme Budget, a Court-wide breakdown of IT/IM staff and non-staff costs.<sup>2</sup> The present annex details IT/IM staff and non-staff expenditure across all of the Court’s Major Programmes and includes actual expenditure figures for 2017, 2018 and 2019. The figures for 2020 reflect the 2020 Approved Programme Budget; figures for 2021 reflect the Court’s 2021 Proposed Programme Budget; and figures for 2022 are forecast on the basis of the Court’s currently known programme and operational requirements. The figures contained in this annex were submitted by each section of the Court to the Information Management Services Section (IMSS) for compilation and analysis and are provided as submitted.

2. Lights-on IT/IM spending includes the established posts and general temporary assistance (GTA) positions in the Registry and in the Office of the Prosecutor (OTP), which are required to support the Court’s IT/IM systems and services. The IMSS budget also includes temporary assistance for meetings (TAM) and overtime. Non-staff lights-on IT/IM expenditure is defined as all expenditure required to support the current state of Court operations and activities; this includes expenditure for contractual services, general operating expenses (on communications, rental of furniture and equipment, maintenance of furniture and equipment, etc.) and expenditure for supplies, furniture and equipment, training and travel specific to the maintenance of the Court’s IT/IM systems.

**Table 1: Total Court-wide costs by cost centre (thousands of euros)**

<i>Cost centre</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
<b>Lights-on</b>							
Staff costs	5,887.5	5,946.1	6,535.4	6,227.7	6,350.0	6,350.0	37,296.7
Non-staff costs	5,930.0	6,459.2	5,726.8	5,894.9	6,031.2	6,953.9	36,996.0
<i>Total lights-on</i>	<i>11,817.5</i>	<i>12,405.3</i>	<i>12,262.2</i>	<i>12,122.6</i>	<i>12,381.2</i>	<i>13,303.9</i>	<i>74,292.7</i>
<i>Total delta from previous year</i>		+587.8	-143.1	-139.6	+258.6	+922.7	
<b>IT/IM Strategy</b>							
Staff costs		246.5	98.6	245.4	265.5	158.0	1,014.0
Non-staff costs	664.0	1,184.0	1,817.0	1,801.0	1,787.0	0.0	7,253.0
<i>Total strategy</i>	<i>664.0</i>	<i>1,430.5</i>	<i>1,915.6</i>	<i>2,046.4</i>	<i>2,052.5</i>	<i>158.0</i>	<i>8,267.0</i>
<b>Total Court-wide IT/IM</b>	<b>12,481.5</b>	<b>13,835.8</b>	<b>14,177.8</b>	<b>14,169.0</b>	<b>14,433.7</b>	<b>13,461.9</b>	<b>82,559.7</b>
<i>Total delta from previous year (including strategy)</i>	-	+1,354.3	+342.0	-8.8	+264.7	-971.8	-

3. Table 1 provides a high-level overview of actual and forecast Court-wide IT/IM costs comprising the following: the 2017, 2018 and 2019 Approved Programme Budgets (for staff costs) and actual expenditure (for non-staff costs); the 2020 Approved Programme Budget; the 2021 Proposed Programme Budget; and the forecast for 2022. Further itemization per cost centre is provided in Table 2. The forecast Court-wide IT/IM costs in 2020 show a slight decrease of €8.8 thousand from €14,177.8 thousand in 2019. The Court forecasts a peak in 2021 of the total IT/IM staff and non-staff costs at €14,433.7 thousand but

<sup>1</sup> Report of the Court on its Five-Year IT/IM Strategy, CBF/31/12/Rev.3.

<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventeenth session, The Hague, 5-12 December 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 108.



also a decrease to pre-2019 levels in 2022 to €13,461.9 thousand, after the completion of the Five-Year IT/IM Strategy. The information in Table 1 can be summarized as follows:

(a) In 2017, total Court-wide IT/IM costs amounted to €12,481.5 thousand, of which €664.0 thousand was the actual expenditure for the Five-Year IT/IM Strategy and €11,817.5 thousand was lights-on costs, including €5,887.5 thousand in staff costs and €5,930.0 thousand in non-staff costs;

(b) In 2018, total Court-wide IT/IM costs were €13,835.8 thousand, of which €1,430.5 thousand was for investment in the second year of the Court's Five-Year IT/IM Strategy. The remaining €12,405.3 thousand included €5,946.1 thousand in staff costs and €6,459.2 thousand in non-staff costs;

(c) The total of €14,177.8 thousand for 2019 includes the actual investment of €1,915.6 thousand in the third year of the Court's Five-Year IT/IM Strategy. This figure is lower than in the 2019 Approved Programme Budget owing to the vacancy of the position of eCourt Project Manager in the Court Management Section (CMS) and the underspend in non-staff costs for OTP strategic projects. The remaining costs for 2019 consist of the approved staff budget of €6,535.4 thousand and actual non-staff costs of €5,726.8 thousand;

(d) The Court's total forecast IT/IM costs of €14,169.0 thousand for 2020 include the proposed investment of €2,046.4 thousand in the fourth year of the Court's Five-Year IT/IM Strategy, which is €1.1 thousand less than the €2,047.5 thousand approved for 2020. The remaining forecast expenditure of €12,122.6 thousand includes €6,227.7 thousand in staff costs and €5,894.9 thousand in non-staff costs;

(e) The total forecast amount for 2021 is €14,433.7 thousand, including €2,052.5 thousand in staff and non-staff costs for the fifth year of the Court's Five-Year IT/IM Strategy. The remaining €12,381.2 thousand forecast for Court-wide IT/IM expenditure consists of €6,350.0 thousand in staff costs and €6,031.2 thousand in non-staff costs;

(f) The Committee requested at its thirty-first session a forecast of Court-wide IT/IM costs after the implementation of the Five-Year IT/IM Strategy (2017-2021). While the exact amount of staff costs is not yet known, the forecast figure for 2022 is €13,461.9 thousand, including €6,350.0 thousand in lights-on staff costs, €6,953.9 thousand in non-staff costs and an additional €158.0 thousand in staff costs for the extension of the eCourt Project Manager position.<sup>3</sup> The forecast for non-staff costs in IMSS includes a capital replacement expenditure of €600.0 thousand to replace obsolete infrastructure.

**Table 2: Total Court-wide lights-on staff costs by Major Programme cost centre (thousands of euros)**

<i>Programmes</i>	<i>2017 (Actuals)</i>	<i>2018 (Actuals)</i>	<i>2019 (Actuals)</i>	<i>2020 (Approved Budget)</i>	<i>2021 (Forecast)</i>	<i>2022 (Forecast)</i>	<i>Total</i>
<b>Staff costs</b>							
MP II: OTP	767.7	783.5	773.2	963.5	1,051.3	1,051.3	5,390.5
MP III: Registry							
DJS – IMSS	4,358.9	4,444.7	5,011.1	4,552.9	4,651.9	4,651.9	27,671.4
DJS – CMS	190.8	196.8	196.8	137.0	133.2	133.2	987.8
DJS – VPRS	87.7	90.0	88.7	88.5	94.6	94.6	544.1
DMS – SAP	298.8	306.2	304.6	315.4	317.3	317.3	1,859.60
DEO – Country offices	110.7	124.9	161.0	170.4	101.7	101.7	770.4
MP IV – Secretariat of the ASP	72.9	0.0	0.0	0.0	0.0	0.0	72.9
<b>Total staff costs</b>	<b>5,887.5</b>	<b>5,946.1</b>	<b>6,535.4</b>	<b>6,227.7</b>	<b>6,350.0</b>	<b>6,350.0</b>	<b>37,296.7</b>

<sup>3</sup> To ensure consistency in reporting of the total cost to the Court of delivering the Five-Year IT/IM Strategy, the costs of the eCourt Project Manager (P-4) GTA position for the Judicial Workflow Platform project are allocated to the strategy as a forecast for 2022 rather than a lights-on cost.

<i>Programmes</i>	<i>2017 (Actuals)</i>	<i>2018 (Actuals)</i>	<i>2019 (Actuals)</i>	<i>2020 (Approved Budget)</i>	<i>2021 (Forecast)</i>	<i>2022 (Forecast)</i>	<i>Total</i>
<i>Delta from previous year</i>	-	+58.6	+589.3	-307.7	+122.3	0.0	-
<b>Non-staff costs</b>							
MP II: OTP	389.4	95.9	73.4	73.4	73.4	253.4	958.9
MP III: Registry							
DJS – IMSS	4,492.0	5,496.1	4,858.80	4,970.10	5,142.70	5,792.70	30,752.4
DJS – CMS	0.0	34.7	8.9	12.8	12.8	12.8	82.0
DJS – LSS	31.3	5.3	0.0	0.0	0.0	0.0	36.6
DJS – VPRS	0	5.7	1.4	0.0	3.0	0.0	10.1
DJS – Detention	21.6	21.6	18.0	18.0	18.0	18.0	115.2
DMS – SAP	454.0	382.0	380.0	441.2	365.9	390.0	2,413.1
DMS – HRS				33.0	63.0	63.0	159.0
DMS – GSS	82.5	50.3	100.0	50.2	56.8	40.2	380.0
DMS – SSS	15.8	78.5	63.6	63.6	63.6	63.6	348.7
DEO – Country offices	54.7	33.1	67.8	64.7	65.3	48.9	344.5
DEO – EOSS	12.1	23.3	12.5	15.2	16.1	17.1	96.4
DEO – VWS	202.7	161.4	30.8	37.7	0.0	0.0	432.6
DEO – PIOS	59.8	69.4	81.6	80.0	50.5	154.1	495.5
Total MP III: Registry	5,426.5	6,361.4	5,623.4	5,786.5	5,857.8	6,600.5	35,656.1
MP VI – Secretariat of the TFV	114.1	1.9	30.0	35.0	100.0	100.0	381.0
<b>Total non-staff</b>	<b>5,930.0</b>	<b>6,459.2</b>	<b>5,726.8</b>	<b>5,894.9</b>	<b>6,031.2</b>	<b>6,953.9</b>	<b>36,996.0</b>
<i>Delta from previous year</i>	-	+529.2	-732.4	+168.1	+136.3	+922.7	-

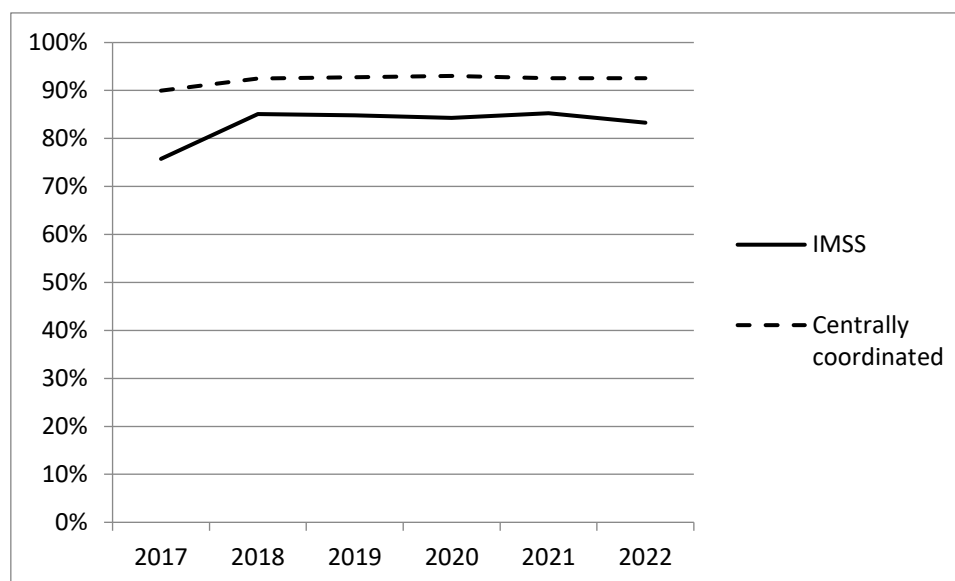
4. The functions and IT/IM services provided by IMSS and other Court sections do not overlap and the division of responsibilities is documented in a matrix to prevent any duplication or gaps in systems support and services. The provision of daily operational support (lights-on services) is documented by IMSS, OTP, CMS, the Division of Management Services (DMS) and the Victims Participation and Reparations Section (VPRS) using RACI (Responsible, Accountable, Consulted, Informed) matrices. These are living documents that are updated for new systems or services. Provided that the scope of services and systems supported across the Court remains consistent, there is no forecast increase in established posts or GTA positions to meet daily operational needs. While the Court does not foresee any increase in headcount as a result of its Five-Year IT/IM Strategy, the skill set of IT/IM staff in IMSS and other sections will have to evolve in step with technological changes.

5. Forecasting non-staff costs is more challenging, in particular for a horizon of three years or more. While the Court uses multi-year contracts to control IT/IM non-staff costs and, wherever possible, leverages other United Nations Common System contracts to obtain more favourable pricing and commercial terms, the market for hardware and software changes rapidly. Thus, when contracts come up for renewal or when there are acquisitions in the marketplace that have an impact on hardware or software used by the Court, the pricing structure and hence the costs often change and usually increase. It is therefore difficult to predict operating costs several years into the future with absolute certainty. Forecasts will continue to be updated with each budgetary planning cycle according to the Court's IT/IM ecosystem and its contractual obligations to maintain the systems concerned.

6. The majority of non-staff costs are within the IMSS (central IT/IM) budget. In 2017, the IMSS budget accounted for 76 per cent of the total expenditure. In 2018, with further centralization as part of the Court-wide synergies exercise, this figure increased to 85 per

cent. This percentage is expected to remain consistent for the entire forecast period up to but excluding 2022, at which time it is expected to decline slightly to 83 per cent of total Court-wide non-staff lights-on costs. IMSS plans and coordinates expenditure annually with OTP and the SAP team in DMS. When these three cost centres are taken together, the coordinated central expenditure as a percentage of non-staff costs is as follows: 90 per cent and 92 per cent based on 2017 and 2018 actual figures, respectively; 93 per cent in the 2019 actual figures; 93 per cent in the 2020 approved budget; and 93 per cent in both the 2021 and 2022 forecasts. This trend is represented graphically in Figure 1 below.

**Figure 1: Percentage of non-staff IT/IM lights-on costs centralized in IMSS (dashed line) and centrally coordinated with OTP and DMS SAP**



7. The IT/IM expenditure that is not coordinated between IMSS, OTP and the DMS SAP team belongs to two main categories. The first category consists of IT/IM equipment and supplies purchased locally for use by country offices and specialized equipment and supplies specific to services not supported centrally by IMSS. For example, the Audio-Visual Production Unit in the Public Information and Outreach Section (PIOS) uses Mac OS, the industry standard for audio-visual production. Compatible hardware and software is purchased and managed by PIOS throughout the equipment life cycle. The second category covers subscriptions to software services that are embedded in a section's operations and do not require any infrastructure support from IMSS, thus remaining under that section's annual operating budget. Two specific examples of such solutions are the mass notification system used by the Security and Safety Section to keep staff informed in the event of an emergency, and the Planon system used by the General Services Section to support its facilities and logistics operations. In 2017 and 2018, the largest IT/IM expenditure outside of centrally coordinated cost centres was incurred in the Victims and Witnesses Section for the purchase of systems to support improved witness management, monitoring and reporting. In the 2021 and 2022 forecasts, there is also an increase in the software subscription for the Trust Fund for Victims attributable to its need for a Management Information System to track and manage programme implementation.

8. Besides lights-on costs, the other component of Court-wide IT/IM expenditure is the investment in the Court's Five-Year IT/IM Strategy (2017-2021). Table 3 below breaks down the investment per cost centre for the duration of the strategy. The figures for 2018 have been updated to reflect actual expenditure. The figures for 2019 are lower than the approved budget amount, owing to the vacancy of the eCourt Project Manager position in CMS for the first seven months of the year, which has been forecast to extend to 2022. The forecast for 2020 has been reduced slightly in comparison to the forecast prepared in 2018. Further details of the proposed 2021 strategic investments per project are available in annex IX(a). The forecast total investment is €8,267.0 thousand, which is €403.9 thousand less than the previously presented figure of €8,670.9 thousand over five years. A progress

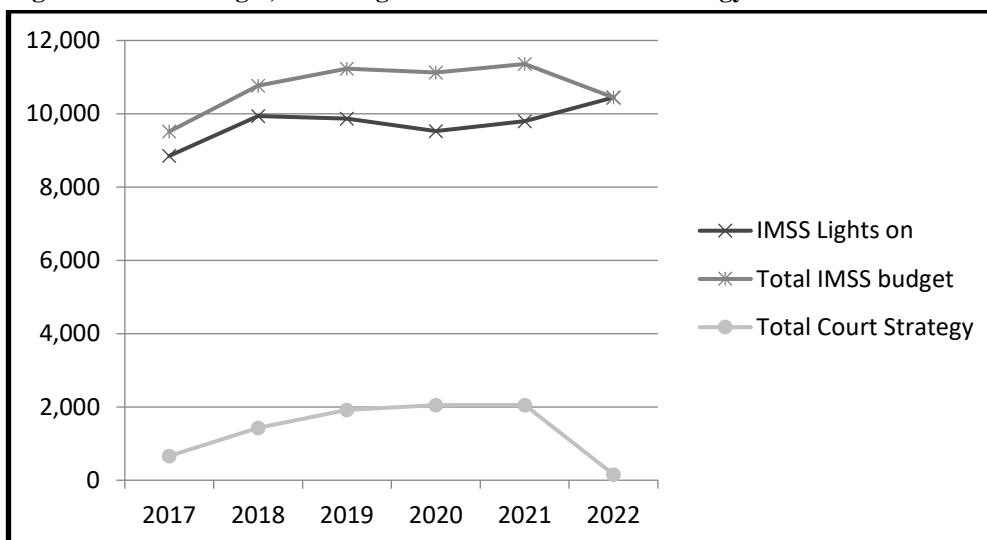
report on the implementation of the Court's Five-Year IT/IM Strategy will be provided to the Committee in advance of its thirty-fifth session.

**Table 3: Total Court-wide Five-Year IT/IM Strategy investment (staff and non-staff costs) (thousands of euros)**

<i>Cost centre</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
<b>Staff</b>							
CMS		146.5		147.1	158.0	158.0	609.6
DMS		100.0	98.6	98.3	107.5		404.4
<i>Total strategy staff</i>		<i>246.5</i>	<i>98.6</i>	<i>245.4</i>	<i>265.5</i>	<i>158.0</i>	<i>1014.0</i>
<b>Non-Staff</b>							
IMSS	664.0	824.0	1364.0	1601.0	1563.0		6016.0
DMS		225.0	0.0	20.0	50.0		295.0
OTP		135.0	146.0	180.0	174.0		635.0
<i>Authorized carry-forward</i>			<i>307.0<sup>4</sup></i>				<i>307.0</i>
<i>Total strategy non-staff</i>	<i>664.0</i>	<i>1,184.0</i>	<i>1,817.0</i>	<i>1,801.0</i>	<i>1,787.0</i>		<i>7,253.0</i>
<b>Total strategy investment</b>	<b>664.0</b>	<b>1,430.5</b>	<b>1,915.6</b>	<b>2,046.4</b>	<b>2,052.5</b>	<b>158.0</b>	<b>8,267.0</b>
<i>Total delta from previous year</i>	<i>-</i>	<i>766.5</i>	<i>485.1</i>	<i>130.8</i>	<i>6.1</i>		<i>-</i>

9. Figure 2 below illustrates the impact of the Court's Five-Year IT/IM Strategy investment on the IMSS (central IT/IM) budget. The bottom line of the graph shows the Court-wide staff and non-staff investment in the strategy for its full duration. The upper lines pertain solely to the IMSS budget. The upper light grey line represents the total IMSS budget including all staff costs (established posts, GTA, TAM and overtime) and non-staff recurrent lights-on costs. The lights-on figures are higher than those presented for consideration to the Committee at its thirty-first session, since previous figures did not include GTA, TAM and overtime. However, this has not affected total IMSS budget figures.

**Figure 2: IMSS budget, IT/IM lights-on and Court-wide strategy investment**



<sup>4</sup> €150.0 thousand for Administration and €157.0 thousand for Information Security non-staff costs endorsed as carry-forward from 2019 to 2020: ICC-ASP/18/Res.1, Section O, p. 11.

## Annex X

## 2021 Proposed Programme Budget baseline

1. In line with the recommendation of the Committee,<sup>1</sup> the Court presents below a table showing the budget allocated in 2020 compared to the 2021 Proposed Programme Budget. The purpose of the table is to compare baseline resources between 2020 and 2021. The first columns total the 2020 Approved Programme Budget and 2020 Contingency Fund notifications to date and the impact of the United Nations Common System increase, which is an additional cost to the Court's 2020 approved budget baseline. The resulting figure is decreased by Court-wide savings and efficiencies reducing the baseline that has been identified in Annex XVI. The total 2020 baseline is compared to the 2021 Proposed Programme Budget, and the variance between the two shows an overall decrease in the baseline requirement of €703.3 thousand.

Table 1 – 2020 and 2021 baseline comparison

Major Programmes	APB 2020 [a]	Additional Resources (Contingency Fund)* [b]	Reductions to the baseline** [c]	UNCS Changes [d]	Vacancy Rate variation [e]	UNCS Changes - new Vacancy Rate [f = d + e]	Baseline [g = a+b+c+f]	2021 PPB [h]	Variance 2021 PPB - baseline [i = h - g]	Variance 2021 PPB - 2020 APB [j = h - a]
1100 - Presidency	1,290.8	-	(29.5)	76.3	-	76.3	1,337.6	1,367.6	30.0	76.8
1200 - Chambers	10,790.7	-	(990.5)	429.8	-	429.8	10,230.0	10,414.2	184.2	(376.5)
<i>MP I - Judiciary</i>	<i>12,081.5</i>	<i>-</i>	<i>(1,020.0)</i>	<i>506.1</i>	<i>-</i>	<i>506.1</i>	<i>11,567.6</i>	<i>11,781.8</i>	<i>214.2</i>	<i>(299.7)</i>
2100 - Prosecutor	11,748.2	127.0	-	565.2	-	565.2	12,440.4	11,511.9	(928.5)	(236.3)
2200 - Jurisdiction, Complementarity and Cooperation Division	4,029.5	-	-	298.8	-	298.8	4,328.3	4,214.9	(113.4)	185.4
2300 - Investigation Division	19,782.9	184.1	(555.8)	1,252.7	-	1,252.7	20,663.9	19,865.5	(798.4)	82.6
2400 - Prosecution Division	11,822.8	141.3	-	968.9	-	968.9	12,933.0	11,796.3	(1,136.7)	(26.5)
<i>MP II - Office of the Prosecutor</i>	<i>47,383.4</i>	<i>452.4</i>	<i>(555.8)</i>	<i>3,085.6</i>	<i>-</i>	<i>3,085.6</i>	<i>50,365.6</i>	<i>47,388.6</i>	<i>(2,977.0)</i>	<i>5.2</i>
3100 - Office of the Registrar	1,698.0	-	(10.2)	136.7	(40.1)	96.6	1,824.5	1,666.2	(158.3)	(31.8)
3200 - Division of Management Services (DMS)	18,453.1	70.0	(219.2)	333.0	(297.3)	35.7	18,636.9	17,402.3	(1,234.6)	(1,050.8)
3300 - Division of Judicial Services (DJS)	32,062.5	2,089.3	-	1,079.3	(397.0)	682.3	35,231.1	34,892.0	(339.1)	2,829.5
3800 - Division of External Operations (DEO)	23,703.3	187.6	(32.0)	907.5	(359.7)	547.8	24,766.4	21,957.2	(2,809.2)	(1,746.1)
<i>MP III - Registry</i>	<i>75,916.9</i>	<i>2,346.9</i>	<i>(261.4)</i>	<i>2,456.5</i>	<i>(1,094.1)</i>	<i>1,362.4</i>	<i>80,458.9</i>	<i>75,917.7</i>	<i>(4,541.2)</i>	<i>0.8</i>
4100 - ASP Conference	786.3	-	-	21.9	-	21.9	808.2	724.6	(83.6)	(61.7)
4200 - ASP Secretariat	915.4	-	(77.8)	48.8	93.7	142.5	886.4	981.8	95.4	66.4
4400 - Office of the President of the Assembly	241.2	-	(29.0)	10.1	-	10.1	222.3	232.2	9.9	(9.0)
4500 - Committee on Budget and Finance	894.1	-	(25.4)	28.7	28.0	56.7	897.4	898.4	1.0	4.3
4600 - Assembly Mandated Bodies for 2020	479.7	-	-	-	-	-	479.7	-	(479.7)	(479.7)
<i>MP IV - Secretariat of the Assembly of States Parties</i>	<i>3,316.7</i>	<i>-</i>	<i>(132.2)</i>	<i>109.5</i>	<i>121.7</i>	<i>231.2</i>	<i>3,294.0</i>	<i>2,837.0</i>	<i>(589.2)</i>	<i>(479.7)</i>
<i>MP V - Premises</i>	<i>2,270.0</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>2,270.0</i>	<i>2,270.0</i>	<i>-</i>	<i>-</i>
<i>MP VI - Secretariat of the Trust Fund for Victims</i>	<i>3,226.1</i>	<i>-</i>	<i>(73.1)</i>	<i>180.8</i>	<i>-</i>	<i>180.8</i>	<i>3,333.8</i>	<i>3,226.1</i>	<i>(107.7)</i>	<i>-</i>
<i>MP VII-2 - Host State Loan</i>	<i>3,585.1</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>3,585.1</i>	<i>3,585.1</i>	<i>-</i>	<i>-</i>
<i>MP VII-5 - Independent Oversight Mechanism</i>	<i>704.7</i>	<i>-</i>	<i>-</i>	<i>46.4</i>	<i>-</i>	<i>46.4</i>	<i>751.1</i>	<i>739.5</i>	<i>(11.6)</i>	<i>34.8</i>
<i>MP VII-6 - Office of Internal Audit</i>	<i>721.2</i>	<i>-</i>	<i>-</i>	<i>54.9</i>	<i>-</i>	<i>54.9</i>	<i>776.1</i>	<i>756.5</i>	<i>(19.6)</i>	<i>35.3</i>
<b>ICC</b>	<b>149,205.6</b>	<b>2,799.3</b>	<b>(2,042.5)</b>	<b>6,439.8</b>	<b>(972.4)</b>	<b>5,467.4</b>	<b>156,402.2</b>	<b>148,502.3</b>	<b>(7,899.9)</b>	<b>(703.3)</b>

\* Includes Contingency Fund notifications for *Gbagbo and Blé Goudé*, *Al Hassan* and *Yekatom and Ngaissona*.

\*\* Result of savings, non-recurrent costs and additional cost reductions.

<sup>1</sup> ICC-ASP/18/5, para. 15.

## Annex XI

## Strategic dynamic evolution of judicial activity by situation

The figures in these tables reflect the Court-wide allocation of resources per situation

**Table 1: Strategic dynamic evolution of judicial activity by situation (thousands of euros)**

Budget per situation: in thousands of euros <sup>(1)(2)</sup>	Operational support (CIS and FO-Ops)	Côte												
		Uganda	DRC	Darfur	CAR	Kenya	Libya	d'Ivoire	Mali	Georgia	Burundi	Myanmar	Afghanistan	
2016 Approved	32,826.4 (22 cases)	4,373.9 (3 cases)	8,287.4 (2 cases)	519.4 (3 cases)	8,372.3 (4 case)	4,826.9 (2 cases)	733.6 (3 cases)	5,699.3 (3 cases)	4,186.1 (2 cases)	-	-	-	-	
2017 Approved	33,157.9 (23 cases)	3,010.5 (3 cases)	6,660.8 (2 cases)	1,399.9 (3 cases)	8,447.3 (4 cases)	2,362.7 (2 cases)	1,568.0 (3 cases)	6,390.0 (3 cases)	2,483.1 (2 cases)	3,666.0 (1 case)	-	-	-	
2018 Approved	36,226.1 (23 cases)	3,024.5 (3 cases)	6,969.4 (2 cases)	1,270.3 (3 cases)	8,822.7 (4 cases)	965.7 (2 cases)	1,689.5 (3 cases)	6,104.7 (3 cases)	2,313.8 (2 cases)	3,168.1 (1 case)	-	-	-	
2019 Approved	36,276.0 (23 cases)	2,681.1 (2 cases)	1,869.1 (2 cases)	1,364.0 (3 cases)	7,425.7 (4 cases)	268.2 (2 cases)	2,286.9 (3 cases)	5,876.8 (3 cases)	3,316.0 (2 cases)	3,614.5 (1 case)	2,159.8 (1 case)	2,159.8 (1 case)	2,159.8 (1 case)	
2020 Approved	32,782.6 (21 cases)	2,597.5 (2 cases)	5,549.3 (2 cases)	1,293.3 (3 cases)	7,639.7 (3 cases)	32.4 (2 cases)	3,687.5 (3 cases)	5,639.2 (2 cases)	3,701.9 (2 cases)	4,371.3 (1 case)	3,314.3 (1 case)	-	-	
2021 Proposed	31,174.8 (22 cases)	2,264.5 (2 cases)	3,192.6 (1 case)	2,499.4 (3 cases)	8,331.9 (2 cases)	0.0 (1 case)	2,475.5 (4 cases)	5,142.8 (3 cases)	3,819.8 (2 cases)	3,521.6 (1 case)	2,794.5 (1 case)	2,487.0 (1 case)	662.9 (1 case)	

<sup>(1)</sup> Excludes costs attributed to court-in-session (CIS) but includes costs attributed to court-in-session operations (CIS-Ops).

<sup>(2)</sup> Excludes contingency fund notifications.

**Table 2: Breakdown of staff allocation per situation**

Staff per situation <sup>(1)(2)</sup>	Operational support (CIS and FO-Ops)		Uganda				DRC				Darfur				CAR				Kenya				Libya				Côte d'Ivoire				Mali				Georgia				Burundi				Myanmar				Afghanistan			
	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>	EP <sup>(3)</sup>	GTA <sup>(4)</sup>												
2016 Approved	210 (22 cases)	78.90 (3 cases)	39 (2 cases)	17.47 (3 cases)	55 (2 cases)	12.65 (3 cases)	4 (3 cases)	1.12 (4 cases)	43 (2 cases)	25.13 (3 cases)	24 (2 cases)	3.94 (3 cases)	1 (3 cases)	1.00 (3 cases)	38 (2 cases)	8.03 (2 cases)	12 (2 cases)	8.41 (1 case)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-													
2017 Approved	303 (23 cases)	60.60 (3 cases)	24 (2 cases)	7.91 (3 cases)	42 (2 cases)	3.11 (3 cases)	19 (3 cases)	7.30 (4 cases)	56 (2 cases)	17.39 (3 cases)	6 (2 cases)	0.55 (3 cases)	14 (3 cases)	4.30 (3 cases)	45 (3 cases)	11.19 (2 cases)	2 (2 cases)	5.55 (1 case)	21 (1 case)	18.44 (1 case)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-													
2018 Approved	287 (23 cases)	61.87 (3 cases)	28 (2 cases)	6.52 (3 cases)	52 (2 cases)	4.10 (3 cases)	10 (3 cases)	1.43 (4 cases)	57 (2 cases)	15.10 (3 cases)	- (2 cases)	1.08 (3 cases)	10 (3 cases)	5.00 (3 cases)	46 (3 cases)	9.87 (2 cases)	20 (2 cases)	5.98 (1 case)	18 (1 case)	18.41 (1 case)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-													
2019 Approved	277 (23 cases)	70.60 (2 cases)	25 (2 cases)	9.96 (2 cases)	45 (2 cases)	4.75 (3 cases)	7 (3 cases)	2.33 (4 cases)	43 (2 cases)	17.00 (3 cases)	2 (2 cases)	- (3 cases)	14 (3 cases)	5.33 (3 cases)	42 (3 cases)	12.08 (2 cases)	11 (2 cases)	16.40 (1 case)	19 (1 case)	13.50 (1 case)	14 (1 case)	5.50 (1 case)	-	-	-	-	-	-	-	-	-	-	-	-	-	-														
2020 Approved	272 (21 cases)	55.67 (2 cases)	25 (2 cases)	7.55 (2 cases)	50 (3 cases)	8.13 (3 cases)	9 (3 cases)	1.17 (3 cases)	35 (2 cases)	15.58 (3 cases)	- (2 cases)	0.04 (3 cases)	19 (3 cases)	11.16 (2 cases)	39 (2 cases)	12.73 (2 cases)	16 (2 cases)	16.11 (1 case)	22 (1 case)	18.23 (1 case)	18 (1 case)	8.23 (1 case)	-	-	-	-	-	-	-	-	-	-	-	-	-	-														
2021 Proposed	263 (22 cases)	56.92 (2 cases)	24 (1 case)	4.94 (3 cases)	34 (2 cases)	5.60 (1 case)	18 (3 cases)	3.53 (2 cases)	47 (1 case)	19.29 (1 case)	- (4 cases)	- (3 cases)	13 (3 cases)	6.40 (3 cases)	39 (3 cases)	8.67 (2 cases)	18 (2 cases)	16.97 (1 case)	21 (1 case)	14.54 (1 case)	16 (1 case)	7.38 (1 case)	9 (1 case)	10.67 (1 case)	5 (1 case)	2.03 (1 case)	-	-	-	-	-	-	-	-	-															

<sup>(1)</sup> Excludes staff attributed to court-in-session (CIS) but includes staff attributed to court-in-session operations (CIS-Ops).

<sup>(2)</sup> Excludes staff related to contingency fund notifications.

<sup>(3)</sup> Based on budget headcount by situation.

<sup>(4)</sup> Based on budget FTE by situation.

## Annex XII

### Budget allocation per active investigation in Major Programme II (in thousands of euros)

<i>Situation</i>	<i>2021 estimated budget allocation</i>	<i>2020 budget allocation</i>
1. Afghanistan	658.3	
2. Bangladesh/Myanmar	2,444.8	
3. Burundi	2,658.2	3,215.9
4. Central African Republic (II.a and II.b) (*)	4,805.3	3,757.3
5. Côte d'Ivoire II	3,297.8	3,289.1
6. Darfur (**)	2,412.7	1,223.3
7. Democratic Republic of the Congo		1,359.9
8. Georgia	2,745.6	3,466.7
9. Libya III (***)	2,392.6	3,591.5
10. Mali	1,360.1	1,336.1

(\*) In 2020, CAR II.b was still at the pre-trial stage, pending the confirmation of charges. Relevant budget amounts are allocated under CIS 4T3 *Yekatom and Ngaïssona* trial.

(\*\*) The Office of the Prosecutor will prioritize a total of nine active investigations in 2021: Afghanistan, Bangladesh/Myanmar, Burundi, CAR II (in the first half of the year only), Côte d'Ivoire, Darfur, Georgia (in the first half of the year only), Libya and Mali. The table above reflects the data in the budget system, SAP Business Planning and Consolidation (BPC). However, the budget system does not allow allocation of the same resources to multiple active investigations in the same year. Therefore, the table presents a snapshot as at the beginning of the year. These figures will not remain identical throughout 2021. Instead, from the second half of 2021, resources allocated to CAR II.a and Georgia will be redeployed to other active investigations.

(\*\*\*) In 2021, the Office of the Prosecutor plans to focus on one line of investigation in the Libya situation (Libya III) but will continue to monitor the evolution of all cases in the situation and to preserve, analyse and evaluate evidence gathered from other lines of investigation in Libya.

## Annex XIII

### Yearly increases in Approved Programme Budgets 2014-2020 (thousands of euros)

<i>Major Programme</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>Approved Budget 2019</i>	<i>Approved Budget 2020</i>	<i>2014-2020 increase</i>
<b><i>MPI: Judiciary</i></b>								
Total	10,045.8	12,034.1	12,430.6	12,536.0	12,712.0	12,107.6	12,081.5	2,035.7
Variance previous year	(652.1)	1,988.3	396.5	105.4	176.0	(604.4)	(26.1)	
Variance previous year in %	(6.1%)	19.8%	3.3%	0.8%	1.4%	(4.8%)	(0.2%)	20.3%
Actual expenditure	10,529.8	11,023.8	12,702.8	12,232.3	12,168.7	11,592.6	11,840.8	1,311.0
Implementation rate in %	104.8%	91.6%	102.2%	97.6%	95.7%	95.7%	98.0%	Aver. 98.0%
<b><i>MPII: Office of the Prosecutor</i></b>								
Total	33,220.0	39,612.6	43,233.7	44,974.2	45,991.8	46,802.5	47,383.4	14,163.4
Variance previous year	4,954.3	6,392.6	3,621.1	1,740.5	1,017.6	810.7	580.9	
Variance previous year in %	17.5%	19.2%	9.1%	4.0%	2.3%	1.8%	1.2%	42.6%
Actual expenditure	32,723.7	40,581.2	41,960.3	44,432.0	43,735.0	46,447.1	46,919.7	14,196.0
Implementation rate in %	98.5%	102.4%	97.1%	98.8%	95.1%	99.2%	99.0%	Aver. 98.6%
<b><i>MPIII: Registry</i></b>								
Total	66,293.0	65,025.9	72,759.2	76,632.6	77,142.5	76,651.2	75,916.9	9,623.9
Variance previous year	1,772.2	(1,267.2)	7,733.3	3,873.4	509.9	(491.3)	(734.3)	
Variance previous year in %	2.7%	(1.9%)	11.9%	5.3%	0.7%	(0.6%)	(1.0%)	14.5%
Actual expenditure	65,738.0	67,988.3	73,278.6	78,811.5	75,956.2	77,360.5	74,688.5	8,950.5
Implementation rate in %	99.2%	104.6%	100.7%	102.8%	98.5%	100.9%	98.4%	Aver. 100.7%
<b><i>MPVI: Secretariat of the Trust Fund for Victims</i></b>								
Total	1,585.8	1,815.7	1,884.5	2,174.5	2,541.5	3,130.3	3,226.1	1,640.3
Variance previous year	5.8	229.9	68.8	290.0	367.0	588.8	95.8	
Variance previous year in %	0.4%	14.5%	3.8%	15.4%	1.4%	1.4%	1.4%	103.4%
Actual expenditure	1,425.7	1,542.9	1,640.7	1,704.3	2,031.3	2,803.8	3,094.4	1,668.7
Implementation rate in %	89.9%	85.0%	87.1%	78.4%	79.9%	89.6%	95.9%	Aver. 86.5%

\* Expenditures for 2020 are forecast expenditures as at June 2020.



## Annex XIV

### Proposed Capital Investments (2021-2024)

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 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 years 2021-2024. In line with past practice, the amounts required for capital investment under the Court’s 2021 Proposed Programme Budget have been organized by priority and reduced to a minimum.

Capital replacements related to the Court’s premises included in these estimates have been identified and submitted in a report to the Committee.<sup>2</sup> In that report, the Court provides a five-year plan showing the projected costs of capital replacements for the permanent premises.

**Table 1: Four-Year Capital Investment Plan (2021-2024)**

<i>Capital investment</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>	<i>2024</i>
Vehicles	-	420,250	425,000	430,000
Capital replacements at the Court’s premises in The Hague	1,475,854	605,034	1,409,670	162,858
Investments related to the Court’s Five-Year IT/IM Strategy	50,000	-	-	-
Other IT capital investments	73,500	600,000	900,000	900,000
<b>Total capital investment</b>	<b>2,049,354</b>	<b>1,625,284</b>	<b>2,734,670</b>	<b>1,492,858</b>

#### A. Vehicles

The costs indicated in the table above are based on the replacement plan for vehicles in the field for the years 2021-2024. Vehicles are distributed and transferred among country offices according to operational needs.

#### B. Capital replacements at the Court’s premises in The Hague

The estimates for capital replacements shown in Table 1 form part of the rolling plan presented in the aforementioned report to the Committee.<sup>3</sup>

#### C. Investments related to the Court’s Five-Year IT/IM Strategy

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 total capital investment amount of €600.0 thousand is required for the SAN (Storage Area Network), an integral component of the Court’s data storage, spread over the years 2019 (€50.0 thousand), 2020 (€500.0 thousand) and 2021 (€50.0 thousand), to renew the Court’s virtual infrastructure.

#### D. Other IT capital investments

The Court has included a proposed capital investment of €73.5 thousand in 2021 to replace end-of-life firewall and data centre infrastructure. In 2022 the Court forecasts an investment of €600.0 thousand, and a further €900.0 thousand in both 2023 and 2024, to replace end-of-life hardware for the Court’s network, data centre and courtrooms. These core ICT infrastructure

<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.II, para. 22.

<sup>2</sup> CBF/34/10.

<sup>3</sup> *Idem*.

components were installed when the Court moved to its new premises and have a five- to ten-year lifespan. The Court intends to spread the investment across multiple years. This has been included in the forecast for the total Court-wide IT costs detailed in Annex IX (b). These figures are estimates based on current information. In 2021, the Court will finalize the network and data centre design and requirements and confirm the required investment to replace end-of-life hardware.

## Annex XV

### Maintenance, operating costs and mid-term capital replacement plan for the Court's premises in 2021 (thousands of euros)

1. Overtime is required for facilities management technicians who respond to emergency calls to perform actions such as urgent repairs or operations outside working hours.
2. Maintenance of premises includes costs such as cleaning, landscaping, adjustments to premises, waste management and pest control.
3. Utilities costs comprise electricity, heating/cooling and sewage charges.
4. Maintenance of furniture and equipment involves repairs to furniture and soft furnishings.
5. Supplies and materials include crockery and cutlery for the cafeteria, and supplies for small repairs carried out directly by the Court's facilities management staff.
6. Furniture is replaced when broken beyond repair. This amount concerns the Headquarters building only.

---

#### General Services Section

---

Overtime	206.0
Maintenance of premises	881.0
Utilities	829.0
Maintenance of furniture and equipment	30.0
Supplies and materials	9.0
Furniture	10.0
<i>Subtotal General Services Section</i>	<i>1,965.0</i>

---

#### Major Programme V – Premises

---

Capital replacements 2021	378.9
Preventive and corrective maintenance	1,891.1
<i>Subtotal Major Programme V – Premises</i>	<i>2,270.0</i>
<b>Total</b>	<b>4,235.0</b>

---

## Annex XVI

### Savings and efficiencies achieved in 2020 and estimates for 2021

In accordance with the requests made by the Assembly of States Parties (“the Assembly”) and the Committee on Budget and Finance (“the Committee”), 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

Description	Achieved output (2021 PPB)	2020 Savings (thousands of euros)	2021 Reduction in baseline (thousands of euros)	2021 Costs avoided (baseline maintained) (thousands of euros)
A change of provider for judges’ pensions has resulted in a decrease in forecast pension premiums in 2021. The exact value of this is dependent on the profiles of the judges elected in December 2020 and when they are called to full-time service.	Decrease in judges’ pension premiums.		353.4	
Interviews at HQ and remote interviews: in the Investigation Division (ID), commencing in 2018 (security permitting), Europe-based witnesses travel to HQ as opposed to having 2 investigators and 1 interpreter travel to the witness’s location. For 2020 and 2021, the forecast includes remote interviews.	Interviews at HQ in 2019 numbered 27 and the original number forecast for 2020 was 20. The revised forecast for 2020 and 2021 is 20 interviews at HQ and 15 remote interviews (estimate as of May 2020, at which point 13 interviews at HQ had already taken place).	220.1	220.1	
Increased field presence: in ID, commencing in 2018 (security permitting), investigative capacity has been created in the field.	Funds required for travel have decreased, resulting in savings of €175.0 thousand in 2019. The original forecast for 2020 has now been reduced. For 2021, it is assumed travel will return to normal.	180.2	303.7	
A review of the regularity of waste collection and a thorough negotiation of new contract terms through the procurement process were conducted to achieve a reduction in waste management costs from €40.0 thousand to €25.0 thousand in 2021.	Savings achieved through a review and negotiation of cheaper contract terms through the procurement process to achieve reduced cost in waste management.		15.0	
The Court is in negotiation with the cleaning company to reduce the cost of daily cleaning of the HQ premises through a re-examination of the priorities set for each area and achievable through subsequent planning. The proposed amount for cleaning is reduced to an estimated €715.0 thousand in 2021 from €900.0 thousand in 2020.	Savings as a result of negotiating cheaper contract terms as well as re-examining priorities of those contracts with the service provider.		185.0	
Business analysis assistance for the Judicial Workflow Platform project: the function is performed internally without external consultants, and the Judicial Information Management Unit (JIMU) of the Court Management Section (CMS) eCourt is contributing to this effort.	Cost avoided by reducing the need to contract external consultants. The use of internal staff also increases efficiency, using existing knowledge of Court processes.	105.0		

<sup>1</sup> Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifteenth session, The Hague, 16-24 November 2016 (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, Section L, paras. 1-2; ICC-ASP/16/10, paras. 38-51 and Annex X; ICC-ASP/16/Res.1, Section K, para. 2; ICC-ASP/17/5, para. 17.

Description	Achieved output (2021 PPB)	2020 Savings (thousands of euros)	2021 Reduction in baseline (thousands of euros)	2021 Costs avoided (baseline maintained) (thousands of euros)
In 2019, the Country Office (Uganda), negotiated with the United Nations Department of Safety and Security (UNDSS) on the possibility of reducing the cost-shared budget owing to the potential decrease in judicial activity in the situation country.	Funds required for cost-shared security are reduced, resulting in savings.	9.0	1.8	
Online training in French started in April 2020 for all staff members; it eliminated the need for staff members in Uganda to attend classroom-based courses where the costs were comparatively higher and staff were not always able to attend on account of workload and operational priorities.	Given that training is online, time is saved by not commuting from the country office to the training venue. The overall cost of online training is lower than that of Uganda-based institutes.		0.8	
Updates regarding the <i>Ongwen</i> trial have been sent via SMS since the launch of the platform in 2019. More than 11,000 subscribers have signed up. This has led to a decrease in the amount spent on radio and television programmes and spot messages, which are very expensive and reach fewer people.	Funds required for radio and television programmes are reduced, resulting in a reduction in costs in 2020 and expected additional savings in 2021.	4.1	1.6	
The Country Office (Uganda) supports missions in Northern Uganda. Drivers (contractors) are recruited in Northern Uganda. When a mission is organized, travellers are transported by one Court vehicle (driven by one Court Driver) from Kampala to Kafu (halfway between Gulu and Kampala). The driver from Northern Uganda picks up the travellers and transports them from Kafu to Gulu and supports the mission in the region. There is no DSA to be paid as the driver is working in his or her own region.	DSA costs are avoided.	3.0		10.3
In March 2019, the Country Office (Democratic Republic of the Congo) in Bunia decided to stop renting the Quick Response Force (QRF) vehicle dedicated to the office, which had been in use since 1 March 2009. Since then, the Country Office (DRC) in Ituri Province has been relying on the QRF of the UN Stabilization Mission in the DRC (MONUSCO), in compliance with the UN Security Management System (UNSMS).	Baseline savings resulting from not renting QRF in Bunia since March 2019 and also in 2021.	25.7	25.7	
Since March 2018, all Court travellers have been required to stay at the Court compound. Accommodation is provided to them at no cost and the DSA for staff members traveling to Bunia has been reduced by 50% .	Reduction in travel costs based on estimated number of nights for 2020 and 2021.	6.5		21.7
The security company contracted in relation to the Country Office (DRC) in Bunia was no longer in compliance with the latest UNDSS security survey. A task force was set up by the Country Office (DRC) and the Procurement Unit of the General Services Section to seek alternatives for the most cost-effective and security-compliant solution. After several attempts at cooperation with other UN organizations and local vendors, the most attractive cooperation service was identified and secured through the vendor TopSIG by piggy-backing on the UN FAO Long Term Agreement.	Reduction in contractual services costs.	0.9	1.8	
Through a stringent needs analysis and selection process, the Information, Knowledge and Evidence Management Section (IKEMS) was also able to avoid €65.0 thousand in expenditure over the next three years for a software solution, and reduced additional software expenses by €100.0 thousand.	Costs avoided for 2020 and 2021 in software expenses.	121.7		21.7
		<b>676.1</b>	<b>1,108.9</b>	<b>53.7</b>

## B. Efficiencies

Description (2020 PPB)	Achieved output (2021 PPB)	2020 Efficiencies	2020 Costs avoided (baseline maintained) (thousands of euros)
Procedures for filings are more efficient thanks to an upgrade to the filings/eCOS (Electronic Court Management System) system to allow for e-filing. Reduction of time on all types of filings: (a) secret filings, (b) administrative filings and (c) filings related to reparations / art. 85 / enforcement of sentence.	Secret filings are now three times faster while registration security is greatly improved. In addition, thanks to the implementation of eCOS, some steps have been eliminated and the procedure streamlined (e.g. no stamping of documents, no ad hoc notification emails, no storing of physical files). Each of these steps could have led to a security issue by damaging the document or applying wrong individual and limited accesses. Administrative filings are about 25% faster and filings related to reparations / art. 85 / enforcement of sentence are improved in terms of accuracy of metadata, leading to a 25% gain in the time needed to process such filings.	21.4	
More efficient disclosure process using the Court's Records Manager (RM) system: with the introduction of the tool for the Defence, all involved in eCourt spend less time on disclosure, with better control of the process.	Estimated reduction of time for the Defence Case Manager of about 12%.	12.9	
Transcript Verification Module: new tool improving efficiency of transcript verification/correction process for all involved. The introduction of the tool has increased accuracy and reduced transcript verification and correction time.	The application of one correction by a Transcript Coordinator (GSOL) in CMS used to take 15-30 minutes. This time has been reduced by 30%. Likewise, for Court Reporters (P-2), the revision of the order of review introduced by the new tool has allowed an estimated 75% reduction in the time spent on verification activities.	275.0	
Driving the implementation of a new SAP module, together with the Human Resources Section (HRS) and SAP team, improving control of staff costs planning. The new Position Budget and Control solution will enable pre-booking of costs in SAP, allowing for easier payroll and staff forecasting processes.	Considering the high sensitivity of the payroll process, a long testing period is envisaged for this efficiency improvement effort. 2021 is expected to be a transition year, at least for the first 6 months, during which old and new processes will run in parallel. The 2021 output will therefore be limited but is expected to lead to efficiencies, improvements and savings in 2022. HRS expects efficiencies of approximately 2 workdays of a GS staff member.		
Assignment of English and French staff interpreters to most events previously scheduled to be covered by freelance interpreters. The Language Services Section (LSS) carefully monitored the scheduling of hearings and availability of internal staff, using them as a priority, obviating the need to recruit freelancers.	In 2019, LSS staff interpreters covered 11 days of non-judicial events, representing about €62.5 thousand. In 2020 from January to May, staff interpreters had already covered the equivalent of 4 non-judicial event-days (such as Assembly Bureau meetings, Trust Fund for Victims board meetings or the event on the introduction to new diplomats) leading to a cost reduction of €22.7 thousand. A total similar to that of 2019 is expected to be reached in 2020.	-	62.4

Description (2020 PPB)	Achieved output (2021 PPB)	2020 Efficiencies	2020 Costs avoided (baseline maintained) (thousands of euros)
Improvement of the Victims Participation and Reparations Section (VPRS) victim database, Victim Application Management System (VAMS) to: (1) accommodate information, (2) handle special processing needs, (3) increase the efficiency of current processes and functionalities, (4) generate general/case-specific reports and (5) give access to VAMS via Citrix, which allows for flexible working arrangements. Higher connectivity of field VPRS staff to VAMS database.	Time and effort saved equals 10 hours FTE G-4 and P-1/2, respectively, per month.  Time and effort saved equals 5 hours FTE G-4 and P-1/2, respectively, per month.	15.4	
Taking advantage of newly implemented software and Court-wide training, the Court is making more efficient use of software development capacities.	IKEMS provided a solution developed in-house, valued at €75.0 thousand, to the Registry in early 2020, and IMSS did the same later in the year with a similar tool, also valued at €75.0 thousand.	75.0	
		<b>399.7</b>	<b>62.4</b>

### C. Non-recurrent costs

Description	Achieved output (2021 PPB)	2021 impact on baseline (thousands of euros)
The travel provision made by the different Major Programmes for the Assembly in New York in 2020 is no longer applicable in 2021.	Reduction in travel costs.	296.2
		<b>296.2</b>

### D. Additional cost reductions

Description	Achieved output (2021 PPB)	2021 impact on baseline (thousands of euros)
A reduction in the number of judges to be called means a decrease in judges' salaries (and reduced pension premiums). This may increase in future years if more judges are called to service.	Decrease in judges' salary costs.	637.1
		<b>637.1</b>

## Annex XVII

ICC Five-Year Time-Series Assumptions and Parameters:  
2017-2021

## Comparison of assumptions and parameters: 2017-2021

Parameter	2017 Approved and Actuals		2018 Approved and Actuals			2019 Approved and Actuals			2020 Approved		2021 Proposed	
	Approved	Actuals	Approved	Actuals	Description	Approved	Actuals	Description	Approved	Description	Proposed	Description
1 Number of Court hearing days	440	298	400	93	<i>Gbagbo and 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); and <i>Lubanga</i> (1)	294	94	2 courtrooms CIV: 160 days; Uganda: 160 days; DRC: 80 days for the end of the Defence case	0	<i>Gbagbo and Blé Goudé</i> (CIV) <sup>1</sup> : 3 days; <i>Ongwen</i> (Uganda) <sup>2</sup> : 58 days; <i>Al Hassan</i> (Mali II): 8 days; <i>Ntaganda</i> (DRC): 4 days; <i>Lubanga</i> (DRC): 1 day; <i>Bemba</i> (CAR): 1 day; <i>Bemba et al</i> (CAR): 2 days; <i>Al Bashir</i> (Darfur): 1 day; <i>Gaddafi</i> (LBY): 2 days; Situation in Comoros: 2 days; <i>Ngaïssona</i> (CAR II): 1 day; <i>Yekatom and Ngaïssona</i> (CAR II): 7 days; Situation in Afghanistan: 3 days; and <i>Banda</i> (Darfur): 1 day	200	100 days CAR II.b ( <i>Yekatom and Ngaïssona</i> ) and 100 days Mali II ( <i>Al Hassan</i> )
2 Number of situations under investigation	11	11	10	11	CAR I; CAR II; CIV; Darfur; DRC; Georgia; Kenya; Libya; Mali; Uganda; and Comoros	11	12	CAR I; CAR II; CIV; DRC; Georgia; Kenya; Libya; Mali; Darfur; and Uganda	11	Burundi; CAR I; CAR II; CIV; DRC; Darfur; Georgia; Kenya; Libya; Mali; and Uganda	13	Burundi; CAR I; CAR II; CIV; DRC; Darfur; Georgia; Kenya; Libya; Mali; Myanmar; Afghanistan; and Uganda
3 Number of active investigations	6	6	6	7	CAR II.a (Séléka), CAR II.b (anti-Balaka), Libya III, CIV II, Georgia and Darfur	8	9	CAR II.a (Séléka), CAR II.b (anti-Balaka), CIV II, Darfur, Georgia, Libya III and Mali	9 <sup>4</sup>	Burundi, CAR II, CIV II, Darfur, <sup>5</sup> DRC, <sup>6</sup> Georgia, Libya III, Libya IV and Mali <sup>7</sup>	9 <sup>8</sup>	Burundi, CAR II, CIV II, Darfur, Georgia, Libya III, Mali, Myanmar, and Afghanistan

<sup>1</sup> In *Gbagbo and Blé Goudé* case, Trial Chamber I granted the defence motions for acquittal from all charges against the accused persons.

<sup>2</sup> In the *Ongwen* case, Trial Chamber IX cancelled hearings due to logistical issues related to the appearance of witnesses.

<sup>3</sup> The investigation in the Bangladesh/Myanmar situation was authorized by the PTC in December.

<sup>4</sup> Nine active investigations, but Darfur and DRC account for 12 months in total.

<sup>5</sup> Only for the first quarter of 2020.

<sup>6</sup> Starting in the second quarter of 2020.

<sup>7</sup> Not included here is the situation of CAR II.a. As discussed in the document containing the High Level Budget Priorities and Cost Drivers, the situation is likely to be reclassified, e.g. to Investigations Pending Arrest, depending on developments in 2019.

<sup>8</sup> Nine active investigations, but CAR II.a (6 months) and Georgia (6 months).

## Comparison of assumptions and parameters: 2017-2021

Parameter	2017 Approved and Actuals		2018 Approved and Actuals		2019 Approved and Actuals		2020 Approved		2021 Proposed			
	Approved	Actuals	Approved	Actuals	Approved	Actuals	Approved	Description	Proposed	Description		
4 Unsealed warrants of arrest pending execution	13	14 <sup>9</sup>	14	15	16	16	16	CIV I bis (1); Darfur I (2), II, IV and V (2), III (1); DRC IV (1); Kenya Art. 70 (3); Libya I (1), II (1) and III (2); and Uganda (2)	16	CIV I bis (1); Darfur I (1), II (2), IV (1) and V (1); DRC IV (1); Kenya Art. 70 (3); Libya I (1), II (1) and III (2); and Uganda (2)	16	CIV I bis (1); Darfur I (1), II (2), IV (1) and V (1); DRC IV (1); Kenya Art. 70 (3); Libya I (1), II (1) and III (2); and Uganda (2)
5 Number of preliminary examinations	10	10	8-10	11	9	9	9	Colombia; Guinea; Iraq/UK; Nigeria; Palestine; Philippines; Ukraine; Venezuela; and Bangladesh/Myanmar	9	Colombia; Guinea; Iraq/UK; Bangladesh/Myanmar; Nigeria; Palestine; Philippines; Ukraine; and Venezuela	9	Colombia; Guinea; Iraq/UK; Nigeria; Palestine; <sup>11</sup> Philippines; Ukraine; and Venezuela 1 and Venezuela 2
6 Number of trial teams <sup>12</sup> (Chambers)	3 for trial hearings; 1 for sentencing; 3 for reparations	3 for trial hearings; 1 for sentencing; 3 for reparations	5	7	6	6	4	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> )	6	Trial Chamber VI; Trial Chamber IX ( <i>Ongwen</i> ); Trial Chamber II Reparations ( <i>Lubanga and Katanga</i> ); and Trial Chamber VIII Reparations ( <i>Al Mahdi</i> )	6	Trial Chamber VI ( <i>Ntaganda</i> reparations); Trial Chamber IX ( <i>Ongwen</i> ); Trial Chamber II Reparations ( <i>Lubanga and Katanga</i> ); Trial Chamber VIII Reparations ( <i>Al Mahdi</i> ); Trial Chamber X ( <i>Al Hassan</i> ); Trial Chamber V ( <i>Yekatom and Ngaïssona</i> )
7 Number of trial teams (OTP)	3	3	3	3	3	3	2	Uganda ( <i>Ongwen</i> ); Mali II ( <i>Al Hassan</i> ); and CAR II.b ( <i>Yekatom and Ngaïssona</i> )	2	CAR II.b ( <i>Yekatom and Ngaïssona</i> ); and Mali II ( <i>Al Hassan</i> )	3	CAR II.b ( <i>Yekatom and Ngaïssona</i> ); Mali II ( <i>Al Hassan</i> ); and Darfur ( <i>Abd-Al-Rahman</i> )
8 Number of Registry courtroom support teams	2 teams	2 teams	2 full courtroom teams to ensure maximum use of courtroom capacity with minimal increases in required resources	2	2	2 full courtroom teams to ensure maximum use of courtroom capacity with minimal increases in required resources	2	1 <sup>+</sup> In the light of reduced judicial activities, fewer than 2 courtroom teams were required to provide support	1		1	

<sup>9</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; and Libya IV – Mahmoud Mustafa Busayf Al-Werfalli.

<sup>10</sup> This is the joinder of Darfur I with Darfur II and IV.

<sup>11</sup> A decision is pending before the Pre-Trial Chamber.

<sup>12</sup> Trial teams are Chambers teams which may be involved in preparation for upcoming trials, trial hearings, sentence hearings and reparations hearings.



## Comparison of assumptions and parameters: 2017-2021

Parameter	2017 Approved and Actuals		2018 Approved and Actuals		2019 Approved and Actuals		2020 Approved		2021 Proposed						
	Approved	Actuals	Description	Approved	Actuals	Description	Approved	Description	Proposed	Description					
9 Number of LRV teams within the OPCV	7	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	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	8	Pre-Trial: <i>Yekatom and Ngaïssona</i> (2) Trial: <i>Ongwen</i> (1) Trial then Appeal: <i>Gbagbo and Blé Goudé</i> (1) Trial then Appeal and reparations preparations: <i>Ntaganda</i> (2) Reparations: <i>Lubanga</i> (1), <i>Katanga</i> (1)	4	4	<i>Ongwen</i> (1), <i>Katanga</i> (1), <i>Lubanga</i> (1) and other proceedings (1).	9	9	<i>Ongwen</i> (1); <i>Katanga</i> (1); <i>Lubanga</i> (1); <i>Ntaganda</i> (2); <i>Yekatom and Ngaïssona</i> (2); <i>Gbagbo and Blé Goudé</i> (1); and other proceedings (1) <sup>13</sup>
10 Number of languages supported in the courtroom	10	10	1-English, 2-French, 3-Swahili (Congolese), 4-Kinyarwanda, 5-Acholi, 6-Dioula, 7-Malinké, 8-Lingala, 9-Arabic and 10-Kilendu	9	7	1-English, 2-French, 3-Swahili (Congolese), 4-Kinyarwanda, 5-Acholi, 6-Dioula, 7-Lingala, 8-Ateso and 9-Lango	10	10	1-Arabic, 2-English, 3-French, 4-Swahili (Congolese), 5-Kinyarwanda, 6-Acholi, 7-Sango, 8-Lingala, 9-Ateso and 10-Lango.	3	3	1-Acholi, 2-English, 3-French	6	6	1-Acholi, 2-English, 3-French, 4-Bambara, 5-Arabic, 6-Sango
11 Number of case-related languages supported	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-Guééré, 15-Fulfulde, 16-Lendu, 17-Lango, 18-Luo, 19-Sango, 20-Russian, 21-Georgian, 22-Ossetian, 23-Songhai, 24-Dari, 25-Pashto and 26-Kirundi	29	32	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-Guééré, 21-Lango, 22-Ossetian, 23-Fulfulde, 24-Dari, 25-Pashto, 26-Kirundi, 27-Kihema, 28-Mooré and 29-Toura	29	27	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-Dutch, 21-Lango, 22-Burmese, 23-Bangla (Bengali), 24-Dari, 25-Pashto, 26-Kirundi, 27-Kihema, 27-Rohingya	33	33	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-Guééré, 21-Lango, 22-Tigrinya, 23-Fulfulde, 24-Dari, 25-Pashto, 26-Kirundi, 27-Pashto, 28-Mooré, 29-Amharic, 30-classified (A) 31-Hebrew, 32-Ukrainian, and 33-classified (B)	36	36	1-English, 2-French, 3-Acholi, 4-Arabic, 5-Arabic (Sudanese), 6-Swahili (Congolese), 7-Kinyarwanda, 8-Lingala, 9-Dioula, 10-Bambara, 11-Móore, 12-Ateso, 13-Alur, 14-Sango, 15-Zaghawa, 16-Fur, 17-Tamasheq, 18-Georgian, 19-Russian, 20-Songhai, 21-Lendu, 22-Guééré, 23-Lango, 24-Tigrinya, 25-Fulfulde, 26-Dari, 27-Pashto, 28-Kirundi, 29-Amharic, 30-classified (A), 31-Hebrew, 32-Ukrainian, 33-Burmese, 34-Bengali, 35-Rohingya, 36-classified (B)

<sup>13</sup> This team covers the residual proceedings in which the OPCV is involved (*Gaddafi* admissibility, *Comoros* appeal, etc.).

## Comparison of assumptions and parameters: 2017-2021

Parameter	2017 Approved and Actuals			2018 Approved and Actuals			2019 Approved and Actuals			2020 Approved		2021 Proposed	
	Approved	Actuals	Description	Approved	Actuals	Description	Approved	Actuals	Description	Approved	Description	Proposed	Description
12 Number of languages supported for correspondence with States Parties	10	6	1-French, 2-English, 3-Arabic, 4-Portuguese, 5-German and 6- Spanish	8	9	1-English, 2-French, 3-Arabic, 4-Spanish, 5-Dutch, 6-German, 7-Portuguese and 8-Georgian	8	7	English, French, Sango, Spanish, Italian, Portuguese, and Georgian.	7	1-English, 2-French, 3-Arabic, 4-Spanish, 5-Dutch, 6-Georgian, and 7-Russian	8	1-English, 2-French, 3-Arabic, 4-Spanish, 5-Dutch, 6-Italian, 7-Portuguese, 8-Sango.
13 Number of final appeals	2 <sup>14</sup>	6 <sup>15</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>16</sup>	8 <sup>17</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>18</sup>	5	<i>Ntaganda</i> (article 74; article 76); <i>Gbagbo and Blé Goudé</i> (article 74); <i>Bemba et al.</i> (article 76); <i>Lubanga</i>	1 <sup>19</sup>	<i>Bemba</i> (article 76)	4	<i>Ntaganda</i> (article 74, article 76), <i>Gbagbo and Blé Goudé</i> (article 74), <i>Ongwen</i> (article 74) <sup>20</sup>
14 Number of witnesses appearing for testimony	81	134	134 witnesses in 3 trials: <i>Ntaganda</i> (29); <i>Gbagbo and Blé Goudé</i> (52); <i>Ongwen</i> (53)	132	39	Average time: 3 days per witness	103	44	The acquittal in <i>Gbagbo and Blé Goudé</i> significantly impacted the projection made at the time of budget preparation. The average duration of testimony was slightly less than 1 day and a half	0	Appearance of witnesses is expected to terminate by October 2019	90	<i>Al Hassan</i> (50), <i>Yekatom and Ngaïssona</i> (40)

<sup>14</sup> Number of trial judgments being appealed.

<sup>15</sup> Number of trial judgments 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>16</sup> Number of trial judgments 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* (conceivable one appeal); *Katanga* (Accused, OPCV and LRV appealing reparations decision); *Al Mahdi* (LRV appealing reparations decision).

<sup>17</sup> Number of trial judgments being appealed. In all, 19 appeals have been filed by the parties in respect of these 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; one party appealing resentencing decision); *Katanga* (Accused, OPCV and LRV appealing reparations decision); *Al Mahdi* (LRV appealing reparations decision); *Lubanga* (two parties appealing reparations decision).

<sup>18</sup> Number of trial judgments being appealed. A given judgment may be appealed by more than one party, resulting in a higher workload.

<sup>19</sup> The nature of the appeals process is such that, until a decision is issued by the Trial Chamber in *Ongwen*, it cannot be said that a final appeal is “certain” to be entered. However, it is highly likely that the decision of the Trial Chamber (either to convict or acquit) will be appealed.

<sup>20</sup> *Idem*.

## Comparison of assumptions and parameters: 2017-2021

Parameter	2017 Approved and Actuals		2018 Approved and Actuals		2019 Approved and Actuals		2020 Approved		2021 Proposed	
	Approved	Actuals	Approved	Actuals	Approved	Actuals	Approved	Description	Proposed	Description
15 Expected maximum duration of stay per witness	15	15	14	12	10	16	10	3 preparation days + 2 familiarization days + 2 hearing days + 3 days (weekends/possible breaks) = 10 days on average per witness	10	3 preparation days + 2 familiarization days + 2 hearing days + 3 days (weekends/possible breaks) = 10 days on average per witness
								5 preparation days + 5 hearing days + 3 familiarization days + 2 days (1 weekend) = 15 days on average per witness		
								8 preparation and/or familiarization days + 3 hearing days + 3 days (weekends/possible breaks) = 14 days on average per witness		
								5 preparation and/or familiarization days + 2 hearing days + 3 days (weekends/possible breaks) = 10 days average per witness. One expert witness stayed for 16 days. The longest duration for a witness of fact was 12 days. Both witnesses appeared in the <i>Ongwen</i> case		
16 Number of victims applying for participation/ reparations	7,100	4,109	7,400	5,624 <sup>21</sup>	7,500	5,134	4,250 <sup>22</sup>	CAR II (2,000); CIV II (1,000); DRC (500); Mali I (250); and Uganda (500)	7,800 <sup>23</sup>	CAR II (500); Mali (800); AFG (500); MMR (500); DRC (1,000); UGA (2,500); Darfur (2,000)
								CAR II.b (1,251); Mali II (968); Bangladesh/Myanmar (339); CAR I (2,248); DRC (328)		
								CAR II.a (0); <i>Gbagbo and Blé Goudé</i> (53); CIV II (1,702); Mali (183); Georgia (1); <i>Lubanga</i> reparations (323); <i>Mudacumura</i> (0); DRC (1); Libya (1); Afghanistan (1,831) (representation forms); NSRA (7)		
17 Number of witnesses and victims under protection	110	86	100	130	90	75	170	Witnesses/victims and others at risk on account of testimony under VWS protection, including ICCPP and other forms of protection	75	Witnesses/victims and others at risk on account of testimony under VWS protection, including ICCPP and other forms of protection
								The number decreased due to the successful implementation of risk reduction measures aimed at protecting a witness or victim		
								Witnesses/victims under VWS protection include: ICCPP, assisted move assessment and other forms of protection		
								This is the number of persons under VWS protection, including ICCPP participants, assisted moves, temporary protection measures and persons under assessment; also included are 50 internationally relocated witnesses in the care of a third party and under monitoring by ICC VWS		
18 Number of persons under protection	575	518	575	518	450	388	650	Around 170 witnesses/victims and 480 dependents could be under the protection and care of the VWS in 2020	470	Witnesses/victims and their dependents could be under the protection and care of the VWS in 2021
								The number decreased due to the successful implementation of risk reduction measures aimed at protecting a witness or victim		
								This figure encompasses main recipients of protection measures and their dependants. Currently, 518 persons (86 witnesses and 432 dependents) are under the protection and care of VWS in 22 countries		
								This figure encompasses main recipients of protection measures and their dependants. Currently, 518 persons (86 witnesses and 432 dependents) are under the protection and care of VWS in 22 countries		

<sup>21</sup> This figure includes any type of information received from victims (i.e. application forms for participation and/or reparations, representation forms and follow-up documents complementing the two categories of form).

<sup>22</sup> Figures represent the number of individual applications expected to be received. Applications for participation and applications for reparations are counted separately. Submissions of additional information are also counted separately where full Registry data entry and legal assessment are required (e.g. where an additional form is received).

<sup>23</sup> *Idem*.

## Comparison of assumptions and parameters: 2017-2021

Parameter	2017 Approved and Actuals		2018 Approved and Actuals			2019 Approved and Actuals		2020 Approved		2021 Proposed		
	Approved	Actuals	Approved	Actuals	Description	Approved	Actuals	Description	Approved	Description	Proposed	Description
19 Number of suspects/accused appearing before the Court <sup>24</sup>	9	9	9	9	Bemba; Kilolo; Arido; Mangenda; Babala; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen	8	8	Al Hassan, Bemba, Ntaganda, L. Gbagbo, Blé Goudé, Ongwen, Yekatom, Ngaïssona	0		8	Al Hassan, Ntaganda, Ongwen, Yekatom, Ngaïssona, L. Gbagbo, Blé Goudé, Abd-Al-Rahman
20 Number of suspects, accused or convicted persons in detention	6	6	6	6	Bemba; Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Mahdi	5	7	Ntaganda; L. Gbagbo; Blé Goudé; Ongwen; Al Hassan; Yekatom; Ngaïssona	1	Ongwen	6	Al Hassan; Ntaganda; Ongwen; Yekatom; Ngaïssona; Abd-Al-Rahman
21 Number of cells required	6	6	6	6 <sup>25</sup>	Cells come in blocks of 6	6	12	Renting model: either 6 or 12 cells. For 5 detainees: one 6-cell block	6	Renting model is either 6 or 12 cells. For one detainee: one 6-cell block	6	Renting model is either 6 or 12 cells. For one detainee: one 6-cell block
22 Number of defence teams financed by legal aid	14	14	14	14	Ntaganda; Bemba (2 teams); Kilolo; Babala; Mangenda; Arido; Ongwen; L. Gbagbo; Blé Goudé; Banda (reduced activity); Lubanga; Katanga; and Al Mahdi	10	11	Pre-Trial: Banda; Al Hassan; Yekatom and Ngaïssona	11	Trial: Al Hassan; Yekatom; Ngaïssona	11	Pre-trial: Gaddafi (reduced); Abd-Al-Rahman
23 Number of victims' representatives financed by legal aid	6	6	6	6	Bemba (1); Lubanga (2); Katanga (1); Ongwen (1); and Al Mahdi (1)	5	7	Katanga; Lubanga (I and II); Al Mahdi; Ongwen; Al Hassan; Yekatom; and Ngaïssona.	7	Katanga; Lubanga (I and II); Al Mahdi; Ongwen; Al Hassan; and Yekatom/Ngaïssona.	9	Trial: Al Hassan; Yekatom and Ngaïssona; and Banda (reduced)
24 Number of country offices/presences <sup>27</sup>	8	7	8	7	2 in DRC (Kinshasa and Bunia); 1 in Uganda (Kampala); 1 in CAR (Bangui); 1 in CIV (Abidjan); 1 in Mali (Bamako); and 1 in Georgia (Tbilisi)	7	7 <sup>28</sup>	1 in CAR (Bangui); 1 in Côte d'Ivoire (Abidjan); 2 in DRC (Kinshasa and Bunia); 1 in Georgia (Tbilisi); 1 in Mali (Bamako); and 1 in Uganda (Kampala)	8	1 in CAR (Bangui); 1 in Côte d'Ivoire (Abidjan); 2 in DRC (Kinshasa and Bunia); 1 in Georgia (Tbilisi); 1 in Mali (Bamako); 1 in Uganda (Kampala); and 1 New York Liaison Office	8	1 in CAR (Bangui); 1 in Côte d'Ivoire (Abidjan); 2 in DRC (Kinshasa and Bunia); 1 in Georgia (Tbilisi); 1 in Mali (Bamako); 1 in Uganda (Kampala); and 1 New York Liaison Office

<sup>24</sup> For the purposes of this document only, the term "accused" includes persons who have been acquitted or convicted at first instance and whose cases are awaiting the outcome of a final appeal. Persons appearing before the Court solely for reparations proceedings are outside the scope of this definition.

<sup>25</sup> As a result of a Decision from a Chamber, additional cells had to be rented for almost five months during the year, but the year started and ended with 6 cells.

<sup>26</sup> The type of legal representation (legal aid or LRV) is to be determined; placeholder for future budgeting.

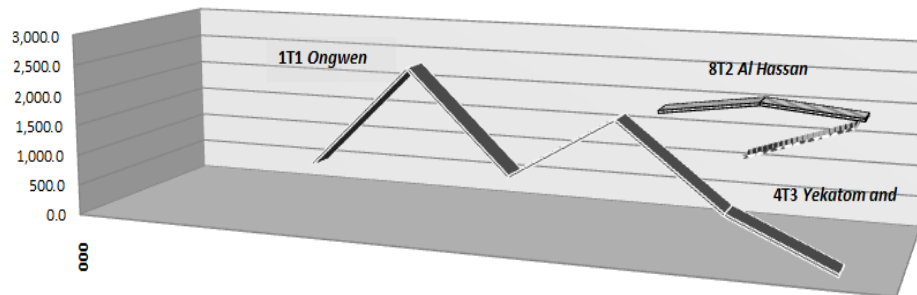
<sup>27</sup> The "field offices" have been renamed "country offices" as of the 2019 Proposed Programme Budget.

<sup>28</sup> With the inclusion of the New York Liaison Office in 2019 the total number of Country Offices, which includes the country offices becomes 8.

## Annex XVIII

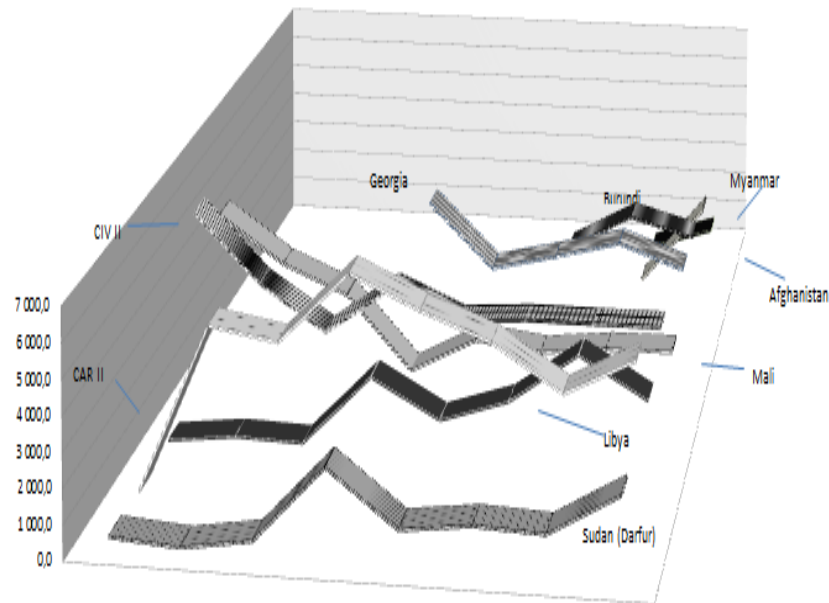
### MP II Resource Allocation by Situation

**MPII Court In Session (CIS) / Cases at Trial Resource Allocation**



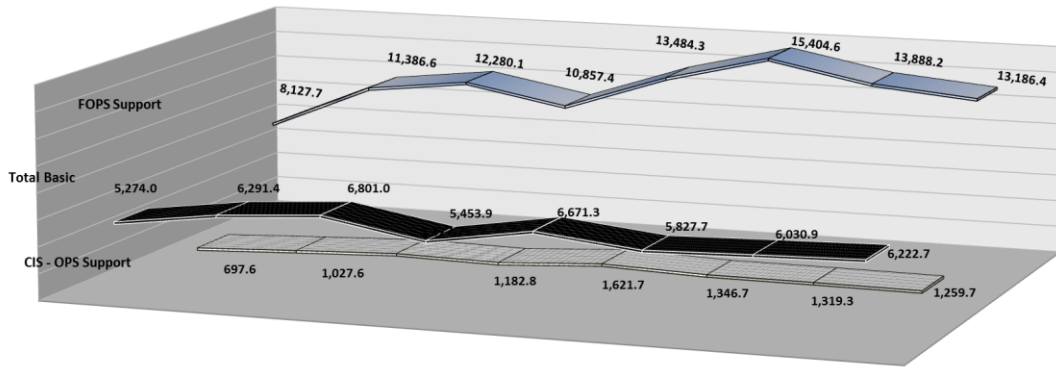
	TOTAL 2014	TOTAL 2015	TOTAL 2016	TOTAL 2017	TOTAL 2018	TOTAL 2019	TOTAL 2020	PPB TOTAL 2021
■ CIS - 1T1 Ongwen UGA			1,085.9	2,692.6	1,126.1	2,099.1	831.5	98.9
▸ CIS - 4T3 Yekatom and Ngaissona CAR II							1,404.6	1,961.8
□ CIS - 8T2 Al Hassan MLI						1,774.1	2,003.8	1849.9

**MPII Active Investigations Resource Allocation**



	TOTAL 2014	TOTAL 2015	TOTAL 2016	TOTAL 2017	TOTAL 2018	TOTAL 2019	TOTAL 2020	PPB TOTAL 2021
▣ FOps - Sit 3 Sudan (Darfur)	326.3	167.1	486.4	2 645.2	1 065.3	1 319.9	1 223.3	2 412.7
□ FOps - Sit 4 CAR II	229.8	5 075.5	4 722.3	6 790.7	5 854.0	5 077.6	3 757.3	4 805.3
■ FOps - Sit 6 Libya	361.1	594.4	528.7	2 589.7	1 455.7	2 119.2	3 991.5	2 392.6
▸ FOps - Sit 7 Côte d'Ivoire II	5 987.1	3 952.8	2 579.1	4 029.7	3 149.3	3 291.3	3 289.1	3 297.8
▣ FOps - Sit 8 Mali II	4 821.4	3 407.9	2 548.2	308.9	1 376.0	1 116.2	1 336.1	1 360.1
▣ FOps - Sit 9 Georgia				4 427.2	2 458.3	2 988.9	3 466.7	2 745.6
▣ FOps - Sit 11 Burundi						2 118.7	3 215.9	2 658.2
▣ FOps - Sit 12 Myanmar							-	2 444.8
▣ FOps Sit 13 Afghanistan							-	658.3

Basic, CIS Ops and FOps Support Resource Allocation



	TOTAL 2014	TOTAL 2015	TOTAL 2016	TOTAL 2017	TOTAL 2018	TOTAL 2019	TOTAL 2020	PPB TOTAL 2021
■ Total Basic	5,274.0	6,291.4	6,801.0	5,453.9	6,671.3	5,827.7	6,030.9	6,222.7
□ CIS - Ops Support	697.6	1,027.6	1,327.7	1,182.8	1,621.7	1,346.7	1,319.3	1,259.7
□ FOps - Support	8,127.7	11,386.6	12,280.1	10,857.4	13,484.3	15,404.6	13,888.2	13,186.4

2020 Budget Allocation Technical Information		
SITUATIONS	Current Cat. Key	Trial/Case Description
Trial General	CIS Ops	Court in Session Operations support
UGA	CIS 1T1	Court in Session <i>Ongwen</i> UGA
CAR	CIS 4T3	Court in Session - <i>Yekatom and Ngaissona</i> CAR
MLI	CIS 8T2	Court-In-Session - <i>Al Hassan</i> MLI
ICC GEN	Basic	ICC Basic
Situation General	FOps	FO Operational support
AFG	FOps Afghanistan	FO Afghanistan
BDI	FOps Burundi	FO Burundi
CAR	FOps CAR II.a	FO Central African Republic (Séléka)
CAR	FOps CAR II.b	FO Central African Republic (anti-Balaka)
CIV	FOps CIV II	FO Cote D'Ivoire
GEO	FOps GEO	FO Georgia
LBY	FOps Libya	FO Libya
MLI	FOps Mali II	FO Mali II
MMR	FOps Myanmar	FO Bangladesh Myanmar
SUD	FOps Sudan	FO Sudan (Darfur)

## Part B

### Reports of the Committee on Budget and Finance

#### 1. Report of the Committee on Budget and finance on the work of its thirty-fourth session, May and June 2019\*

##### *Table of contents*

	<i>Pages</i>
Executive summary .....	226
I. Introduction.....	227
A. Opening of the session.....	227
B. Election of officers.....	227
C. Adoption of the agenda and organization of work.....	227
D. Participation of observers.....	228
II. Consideration of issues on the agenda of the Committee at its thirty-fourth session.....	229
A. Appointment of a new External Auditor.....	229
B. Operation of the Court during the COVID-19 pandemic.....	229
1. Impact on judicial and other activities, including the implementation of the 2020 approved budget.....	230
2. Liquidity and status of contributions.....	232
3. Preparation of the 2021 proposed programme budget.....	234
C. Other matters.....	235
1. Deferred agenda items.....	235
2. Election of judges.....	235
3. Future sessions of the Committee.....	235
Annex I: Status of contributions as at 31 March 2020.....	236
Annex II: Status of contributions as at 31 May 2020.....	239
Annex III: List of deferred agenda items.....	242
Annex IV: List of documents.....	243

---

\* Previously issued as ICC-ASP/19/5.

## Executive Summary

1. The Committee met via remote link on 18-19 May and 11-12 June 2020. The session focused on the impact of the COVID-19 pandemic on the operation of the Court, as well as other time-sensitive matters such as the liquidity situation and the appointment of the new External Auditor. Due to the restrictions imposed by COVID-19 a series of items had to be deferred and would be dealt with, to the extent feasible, at its thirty-fifth session.

2. **The Committee considered the impact of the COVID-19 pandemic on the operations of the Court**, and in particular: a) the impact on judicial and other activities, including the spending of the 2020 approved budget; b) the liquidity situation and the status of contributions; and c) the preparation of the 2021 proposed programme budget.

a) **Impact of the COVID-19 pandemic on judicial and other activities, including the spending of the 2020 approved budget:** The Committee was informed that, notwithstanding the underspend as a result of COVID-19, the Court expected very high spending of its approved budget for 2020. This was mainly due to the need to absorb increases in staff costs under the United Nations Common System.

The Committee found that the Court's response to the crisis had secured the continuation of operations and responsible financial management of the Court. It was also of the view that there was sufficient financial flexibility to manoeuvre during the crisis, and not to overspend in the 2020 budget. The Committee recommended that the Court continue reprioritizing activities and developing contingency plans in order to resume operations and mitigate the impact of the pandemic.

b) **Liquidity situation and the status of contributions:** In light of the updates provided, the issue of liquidity remained a significant concern to the Committee. The Committee emphasized the importance of complete and timely payment of assessed contributions.

c) **Preparation of the 2021 proposed programme budget:** The Committee welcomed the Court's efforts, in spite of the current unpredictable situation, to comply with the timelines for the preparation of the 2021 proposed programme budget. The Committee recommended *inter alia* that the Court identify relevant savings and efficiencies in order to reach the leanest possible budget proposal. It further recommended the Court to make an assessment on the impact of the required level of staffing and non-staffing resources in specific areas of its operational activities.

Some uncertainty would remain in regard to various items at the time of submission of the budget. The Committee was therefore of the view, in such limited cases, that further information and refinement of justifications should be provided to the Committee at its thirty-fifth session, once the situation had developed and more clarity had been attained.

3. The Committee received a presentation from The Hague Working Group facilitator for the budget, conveying budget-related queries and comments to the Committee on behalf of States Parties. The Committee took these into account in its interactions with the Court and in the preparation of this report.

4. As regards the **appointment of the new External Auditor**, the Committee endorsed the recommendations of the Audit Committee and authorized the Registrar to cooperate with the Board of Audit and Inspection of the Republic of Korea in order to make the necessary arrangements for the procurement of external auditing services, subject to the approval of the Assembly.

5. In light of the forthcoming election of six new judges, the Committee welcomed the initiative of the Presidency of the Court with respect to the relevance of article 35(3) of the Rome Statute for a smooth judicial transition.

6. The thirty-fifth session of the Committee is, COVID-19 regulations permitting, scheduled to take place from 14 to 25 September 2020 in The Hague.



## I. Introduction

### A. Opening of the session

7. The thirty-fourth session of the Committee on Budget and Finance (“the Committee”) comprised four meetings and was held via remote-link on 18-19 May and 11-12 June 2020.
8. The session had originally been scheduled from 4 to 8 May 2020,<sup>1</sup> at the seat of the International Criminal Court (“the Court”) in The Hague, but had to be re-scheduled and held remotely as a result of the travel restrictions and other limitations imposed by the COVID-19 pandemic.
9. The President of the Court, Judge Chile Eboe-Osuji, delivered the welcoming remarks during the opening of the session.

### B. Election of officers

10. In accordance with Rule 10 of its Rules of Procedure, the Committee elected Ms. Mónica Sánchez Izquierdo (Ecuador) as Chairperson of the Committee and Mr. Werner Druml (Austria) as Vice-Chairperson.
11. The Committee further appointed Mr. Urmet Lee (Estonia) as Rapporteur in accordance with Rule 13 of the Rules of Procedure.
12. 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 with the substantive and administrative provision of conference services.

### C. Adoption of the agenda and organization of work

13. As a result of the COVID-19 pandemic, it was not possible for the Committee members to travel to The Hague for the session. Instead, virtual meetings were arranged using the Court’s secure video-conferencing platform, WebEx. Due to the range of time zones involved, the meetings had to be limited to two working hours per day. It was also not possible to arrange simultaneous interpretation within the WebEx system at the time of the session, and some members experienced intermittent internet connection issues. As a result, the working conditions for the Committee at the session were highly unusual.
14. The Executive Secretary, in consultation with the Chairperson, prepared a provisional agenda and a work programme for the thirty-fourth session of the Committee. 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) Appointment of a new External Auditor
- 3) Operation of the Court during the COVID-19 pandemic
  - (a) Impact on judicial activities, including the implementation of the 2020 approved budget
  - (b) Liquidity and status of contributions
  - (c) Preparation of the 2021 proposed programme budget

---

<sup>1</sup> ICC-ASP/18/Res.6, annex I, para. 19(a).

## 4) Other matters

15. The Committee extended its great appreciation to the outgoing members, Mr. Gerd Saupe (Germany), Ms. Helen Warren (United Kingdom), and Mr. François Zoundi (Burkina Faso), for their work during previous years. It also welcomed its new members, Mr. Werner Druml (Austria), Mr. Loudon Overson Mattiya (Malawi), Mr. Daniel McDonnell (United Kingdom) and Mr. Klaus Stein (Germany), who were elected at the eighteenth session of the Assembly.

16. The following members attended the thirty-fourth session of the Committee:

- 1) Mr. Werner Druml (Austria);
- 2) Ms. Carolina María Fernández Opazo (Mexico);
- 3) Mr. Fawzi A. Gharaibeh (Jordan);
- 4) Mr. Hitoshi Kozaki (Japan);
- 5) Mr. Urmet Lee (Estonia);
- 6) Mr. Loudon Overson Mattiya (Malawi);
- 7) Mr. Daniel McDonnell (United Kingdom);
- 8) Ms. Mónica Sánchez Izquierdo (Ecuador);
- 9) Ms. Margaret Wambui Ngugi Shava (Kenya);
- 10) Ms. Elena Sopková (Slovakia);
- 11) Mr. Klaus Stein (Germany); and
- 12) Mr. Richard Veneau (France).

#### D. Participation of observers

17. Representatives from the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry addressed the Committee and participated in the session. In addition, The Hague Working Group facilitator for the budget, Ambassador Andrés Terán Parral (Ecuador), addressed the Committee. The Committee wished to thank the observers for their input to the discussions.

18. As part of his presentation to the Committee, The Hague Working Group facilitator for the budget conveyed a number of budget-related queries and comments to the Committee on behalf of States Parties. The Committee was grateful for these contributions and took them into account in its interactions with the Court and in the preparation of this report.

19. A representative of the External Auditor requested to attend the meeting of the Committee as an observer. The Committee invited the representative to participate in an exchange of views regarding the evaluation assignment entrusted to the External Auditor by the Assembly.<sup>2</sup> However, after an informal discussion with of the External Auditor and representatives of the Committee regarding the procedural aspects of the evaluation assignment, the representative of the External Auditor considered that the views of the Committee would be gathered through the participation of Committee members in a workshop, which would be arranged by the External Auditor in the coming months after distributing to the CBF members a preliminary review paper.<sup>3</sup>

<sup>2</sup> In resolution ICC-ASP/18/Res.1, section I, para. 6, the Assembly “request[ed] the External Auditor to conduct an evaluation of the oversight bodies of the Court as part of its work in 2020, replacing the performance audit, and to recommend possible actions on their respective mandates and reporting lines, while fully respecting the independence of the Court as a whole”.

<sup>3</sup> “A preliminary review of the organisation of the Court’s oversight arrangements (mandates, staffing and budgetary resources, reporting lines), and an assessment of their compliance with the standards and best practices in force in other international organisations;” from the External Auditor’s “Terms of Reference Assessment and proposals on the oversight organisation of the ICC” (13 March 2020).

## II. Consideration of issues on the agenda of the Committee at its thirty-fourth session

### A. Appointment of a new External Auditor

20. In accordance with its Charter,<sup>4</sup> the Audit Committee is mandated to make recommendations to the Assembly concerning the appointment of the External Auditor. The term of the External Auditor had been due to expire with the consideration of the 2019 financial statements of the Court and the Trust Fund for Victims, but a detailed procurement process undertaken in 2019 did not lead to a satisfactory outcome. As a result, at its tenth session in 2019, the Audit Committee recommended that the term of the current External Auditor, the *Cour des comptes*, be extended for a further year. Accordingly, at its eighteenth session the Assembly extended the term of the *Cour des comptes* so as to include the financial statements of the Court and the Trust Fund for Victims for the year ending 2020.<sup>5</sup> The Assembly also noted that a selection procedure for procurement of an External Auditor would be completed in time for its nineteenth session in December 2020.<sup>6</sup>

21. At its eleventh session, in March 2020, the Audit Committee received an update from the Executive Secretary and the Head of Procurement Unit of the Court on the steps undertaken in 2020 for the procurement of an External Auditor. The Audit Committee was informed that the supreme national audit office of the Republic of Korea, the Board of Audit and Inspection (BAI), had submitted an Expression of Interest. The Audit Committee reviewed the Expression of Interest submitted by the BAI, and determined that it conformed to the requirements of the Assembly and the Court at an acceptable price. In addition, the Audit Committee recalled that the comprehensive procurement process undertaken in 2019 had not produced a satisfactory outcome, and therefore a further formal method of solicitation as set out in the Financial Regulations and Rules (FRR) would not be in the best interest of the Court.<sup>7</sup> The Audit Committee also noted that, under Rule 110.18(b) of the FRR, “[t]he Registrar may, to the extent authorized by the Committee on Budget and Finance, cooperate with the Government of a State Party, another public international organization, non-governmental organization or specialized private enterprise in respect of procurement activities and, as appropriate, enter into agreements for such purposes”.

22. The Audit Committee therefore recommended<sup>8</sup> that the Assembly appoint the Board of Audit and Inspection of the Republic of Korea as the External Auditor of the Court for the financial years 2021-2024. In addition, the Audit Committee recommended<sup>9</sup> that the Committee on Budget and Finance authorize the Registrar to cooperate with the Government of the Republic of Korea in respect of the procurement.

**23. The Committee endorsed the recommendations of the Audit Committee and authorized the Registrar to cooperate with the Board of Audit and Inspection of the Republic of Korea in order to make the necessary arrangements for the procurement of external auditing services, subject to the approval of the Assembly.**

24. The Committee noted that, for future appointments, it would be prudent to once again commence the procurement process two years in advance of the anticipated appointment, to allow sufficient time for what may be a prolonged process.

### B. Operation of the Court during the COVID-19 pandemic

25. The Committee received an update from the Court on its operation during the COVID-19 pandemic. In particular, the Court outlined the measures taken to protect the health and safety of its staff and comply with host State guidelines while also enabling the Court to continue to fulfil its mandate. The Committee was informed that the Court had set up an inter-organ Crisis Management Team (CMT), which was providing guidance and

<sup>4</sup> Charter of the Audit Committee, para. 60.

<sup>5</sup> ICC-ASP/18/Res.1, section I, para. 2.

<sup>6</sup> ICC-ASP/18/Res.1, section I, para. 3.

<sup>7</sup> Financial Regulations and Rules, rule 110.17(a)(v).

<sup>8</sup> AC/11/5, para. 54.

<sup>9</sup> *Ibid.*

recommending practical measures to manage the COVID-19 crisis and organize the activities of the Court in a coordinated manner.

### 1. Impact on judicial and other activities, including the implementation of the 2020 approved budget

26. As regards the impact on judicial and other activities, including the implementation of the 2020 approved budget, the Committee was advised that, notwithstanding the COVID-19 crisis, the Court expected very high spending of its approved budget for 2020. This was mainly due to the need to absorb increases in salary and post adjustment costs, as well as medical insurance costs, under the United Nations Common System (UNCS). These costs amounted to a total of €5.1 million. Additional expenditure in items such as IT of a total amount of €380 thousand had emerged as a direct result of COVID-19, in order to ensure the necessary tools existed to enable the whole staff to work remotely in an efficient and secure manner. This additional expenditure was planned to be offset in part by underspend in *inter alia* travel, training, contractual services and consultants, and general operating expenses, in a total amount of about €4.2 million. This left a remaining gap of about €1.3 million (see the breakdown by major programmes in Table 1 below), to be covered by prudent financial management of the Court. In addition, the Committee was informed that the financial situation of the Court in 2020 is further evolving because of the continuing uncertainty caused by the COVID-19 pandemic and unexpected expenditure that might occur from additional activities.

**Table 55- Underspend and unbudgeted costs to be covered by the Court in 2020**

Approved budget for 2020		2020 APB	Unbudgeted costs to be covered in 2020			Underspend in 2020 as a result of COVID 19							Total Additional expenditures: Adapting to remote working	Net effect
			Impact of UNCS changes on Staff Costs	Impact of Medical Insurance increase	Total	Travel	Training	Contractual Services/ Consultants	GOE	Supplies and Material	Furniture and equipment	Total		
MP I	Judiciary	12,081.5	296.0	27.4	<b>323.3</b>	(20.0)	-	-	-	-	-	<b>(20.0)</b>	-	<b>303.3</b>
MP II	Office of the Prosecutor Registry	47,383.4	2,139.9	207.6	<b>2,347.5</b>	(1,500.0)	-	-	-	-	-	<b>(1,500.0)</b>	-	<b>847.5</b>
MP III	MP III	75,916.9	1,924.5	241.5	<b>2,166.0</b>	(800.0)	(63.0)	(140.0)	(1,330.0)	(60.0)	(20.0)	<b>(2,413.0)</b>	380.0	<b>133.0</b>
MP IV	Secretariat of the Assembly of States Parties Premises	3,316.7	63.7	7.3	<b>71.0</b>	(25.0)	(7.0)	-	-	-	-	<b>(32.0)</b>	-	<b>39.0</b>
MP V	MP V	2,270.0	-	-	-	-	-	-	-	-	-	-	-	-
MP VI	Secretariat of the Trust Fund for Victims	3,226.1	107.4	9.4	<b>116.8</b>	(200.0)	-	-	-	-	-	<b>(200.0)</b>	-	<b>(83.2)</b>
MP VII-5	Independent Oversight Mechanism	704.7	33.0	3.4	<b>36.4</b>	-	-	-	-	-	-	-	-	<b>36.4</b>
MP VII-6	Office of Internal Audit	721.2	35.6	3.4	<b>39.0</b>	-	-	-	-	-	-	-	-	<b>39.0</b>
<b>Subtotal</b>		<b>145,620.5</b>	<b>4,600.0</b>	<b>500.0</b>	<b>5,100.0</b>	<b>(2,545.0)</b>	<b>(70.0)</b>	<b>(140.0)</b>	<b>(1,330.0)</b>	<b>(60.0)</b>	<b>(20.0)</b>	<b>(4,165.0)</b>	<b>380.0</b>	<b>1,315.0</b>
MP VII-2	Host State Loan	3,585.1	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total ICC</b>		<b>148,135.1</b>	<b>4,600.0</b>	<b>500.0</b>	<b>5,100.0</b>	<b>(2,545.0)</b>	<b>(70.0)</b>	<b>(140.0)</b>	<b>(1,330.0)</b>	<b>(60.0)</b>	<b>(20.0)</b>	<b>(4,165.0)</b>	<b>380.0</b>	<b>1,315.0</b>

27. Nevertheless, at this point in time, the Committee found that the Court's response to the crisis had secured the continuation of operations and responsible financial management of the Court. The Committee was also of the view that there was sufficient financial flexibility to manoeuvre during the crisis, and not to overspend the 2020 budget. **First**, because in Table 1 no savings or efficiencies are envisaged. The Court further informed the Committee that any reduction in expenditure, especially through managing staff costs by delaying recruitment, advising on absence without pay or not filling vacant posts, would be allocated to cover the staff costs deficit, as well as the Contingency Fund notifications in 2020. The financial impact of those measures is also not included in Table 1. **Second**, a potential area for offsetting some

of the 2020 approved budget pressure is long term capital replacement, as the Committee was informed that the Court had decided to shift its initial proactive approach towards a more reactive approach within the capital replacement plan, and focus only on the most vulnerable systems. By stepping up to a higher risk, which could imply dealing with some disruptions, the Court believed it would be able to save a portion of the approved capital replacement plan. The Committee was informed that as at 11 June 2020, 20 per cent of the total approved budget of €425 thousand had been utilised for capital replacement. **Third**, the underspend because of COVID-19 in some line items was relatively low compared to the approved budget (see Table 2, for example in training) which may create some additional space for postponing the costs.

**Table 2: COVID-19 budgetary impact on non-staff costs in comparison with approved budget**

Underspend in 2020 as a result of savings/efficiencies and COVID 19 (millions) <sup>10</sup>	2020 approved budget for this line item (millions)	Underspent percentage of 2020 budget line item	
Travel	-€2.55	€6.33	- 40.2%
Training	-€0.07	€1.05	- 6.7%
Contractual services and consultants	-€0.14	€4.07 + €0.7 = €4.77	- 2.9%
General operating expenses	-€1.33	€15.52	- 8.6%
Supplies and material	-€0.06	€1.23	- 4.9%
Furniture and equipment	-€0.02	€1.37	- 1.5%
<b>Sub-total underspend</b>	<b>-€4.17</b>	<b>€30.27</b>	

28. It is important to mention that the underspent funds as a result of the COVID-19 crisis cannot be considered “savings”. Those funds are only available exceptionally and temporarily to tackle the budget pressures arising from the UNCS in 2020. The Committee also enquired with the Registrar about the possibility of more permanent cost structure changes like across-the-board human resources cutting decisions, but learned that blanket decisions in human resources are not a viable option for cost reduction since the litigation risks outweigh the possible financial gains and they would also negatively impact the capability of the Court once normal operation is possible.

29. As regards the OTP, the Committee was advised that the Office was following the guidelines developed by the CMT but had also developed contingency plans to be ready to resume formal operations as soon as the situation changes. Furthermore, the Committee was informed that cases and situations under investigation or at the trial stage have been affected by the COVID-19 crisis. Moving to the virtual office in the field and in The Hague had further reduced the ability to collect evidence in the field. Access to databases was more difficult, as well as other activities conducted from home. All teams had been asked to reprioritize other activities that did not require travel. New operational costs had arisen from remote witness interviews, such as technical solutions as well as renting safe locations to perform those interviews.

**30. The Committee recommended that the Court, through the CMT, continue reprioritizing activities and developing contingency plans in order to resume operations and mitigate the impact of the pandemic. The Committee also requested that the Registrar include an additional annex in the monthly financial situation reports, with updated data about the underspend and additional COVID-19 costs, until the thirty-fifth session of the Committee. In the half-year implementation report to be submitted to the Committee at its thirty-fifth session, the Committee requested, in addition to the COVID-19 impact data, information about the implemented as well as anticipated savings and efficiencies for 2020.**

31. The Committee was informed about the possibility that the United States of America might impose sanctions on the Court, as announced on 11 June 2020. The Court also advised that the possible impact of these sanctions on the budget of the Court remained to be seen.

## 2. Liquidity and status of contributions

32. As is standard procedure for its annual spring session, the Committee reviewed the status of contributions as at 31 March (see Annex I):

<sup>10</sup> This represents both savings/efficacies and money unspent due to the COVID-19 pandemic.

- (a) the status of assessed contributions for the approved budget for 2020 of €145,140.8 thousand;<sup>11</sup> and
- (b) the status of contributions corresponding to Major Programme VII-2 host State loan, amounting to €3,585.1 thousand, for the permanent premises.

33. The Committee noted that, as at 31 March 2020, regular contributions of €67.31 million (46 per cent) were outstanding for the 2020 approved budget of €145.14 million (excluding the host State loan and the portion of the approved budget for Major Programme IV which was financed from the 2017 cash surplus). As at the same date, the outstanding contributions for the replenishment of the Contingency Fund (CF) and for the permanent premises by new States Parties that joined after 2015 stood at €5.4 thousand. The Committee observed that only 45 out of 123 States Parties had fully paid their contributions at the end of March 2020.

34. The outstanding/unpaid contributions from previous years (excluding the host State loan) stood at €22 million as at 31 March 2020.

35. States Parties that did not opt to make a one-time payment<sup>12</sup> were required to cover the payments due on the loan from the host State. The outstanding contributions for the host State loan, including for prior years, as at 31 March 2020, stood at €2.13 million.

*Updated situation as at 31 May 2020*

36. As a result of the session being deferred due to the restrictions imposed by COVID-19, the Committee also received updated information from the Court on the status of contributions as at 31 May 2020 (see Annex II).

37. The Committee noted with great concern that, as at 31 May 2020, a grand total of €70.45 million was outstanding for all years, including contributions for the host State loan. This figure represented 47 per cent of the 2020 approved budget. The Committee recalled that it was imperative for States Parties to make their contributions on time. Failure to do so may result in a cash flow shortfall, which would impede the Court's core activities and operations and would require the Court to access the Working Capital Fund at the end of the year.

38. 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."

39. The Committee observed that, as at 31 May 2020, 12 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 of the Assembly sent notifications on 11 October 2019 to all States in arrears informing them of the minimum payment required to avoid the application of article 112, paragraph 8 of the Rome Statute, and of the procedure for requesting an exemption from the loss of voting rights.

40. The timely payment of contributions by States Parties in the times of the pandemic was a common concern addressed by the President of the Court, the Registrar and the budget facilitator in their remarks to the Committee. Taking into account the status of contributions as described in the paragraphs above, the issue of liquidity also remained a concern to the Committee. The Committee noted with particular concern that, if 2019 payment patterns were used to calculate 2020 income, the Court would not be able to meet its financial obligations during the last quarter of the financial year. Thus, **the Committee emphasized the importance of complete and timely payment of assessed contributions.**

41. Table 3 below provides an analysis of the trend in arrears, including a projection for 2020 based on information available as at 31 March 2020.

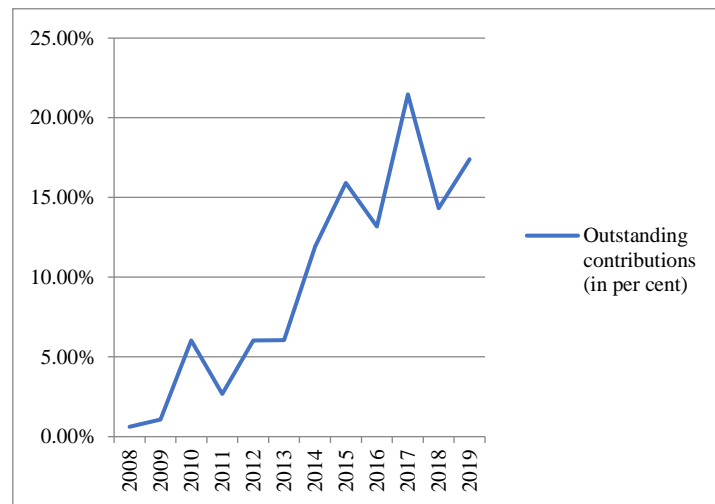
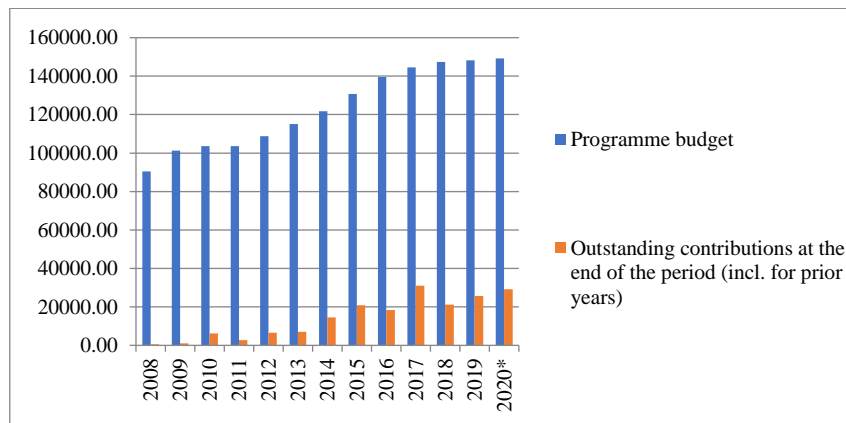
<sup>11</sup> See ICC-ASP/18/Res.1, section A, paras 1 to 3. This figure does not include the host State loan or the portion of the approved budget for Major Programme IV amounting to €479.7 thousand, which was to be financed from the 2017 cash surplus.

<sup>12</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 exempt from the obligation to repay the loan and the interest.

**Table 3 - Analysis of the trend in arrears**

	<b>Programme budget</b>	<b>Outstanding contributions at the end of the period (incl. for prior years)</b>	<b>Outstanding contributions (in per cent)</b>
2008	90,382.10	557.5	0.62%
2009	101,229.90	1,093.00	1.08%
2010	103,623.30	6,254.90	6.04%
2011	103,607.90	2,791.60	2.69%
2012	108,800.00	6,569.30	6.04%
2013	115,120.30	6,980.20	6.06%
2014	121,656.20	14,489.30	11.91%
2015	130,665.00	20,785.70	15.91%
2016	139,590.60	18,405.00	13.18%
2017	144,587.30	31,047.90	21.47%
2018	147,431.90	21,121.90	14.33%
2019	148,135.10	25,771.80	17.40%
2020 *	149,205.60	29,111.68	19.51%

\* The forecast for 2020 is based on 2019 trends of contributions received. As reported by the Court in its monthly financial situation report as at 31 May 2020, information on payment of €57.8 million of outstanding contributions is currently pending.

**Figure 1: Outstanding contributions in per cent****Figure 2: Outstanding contributions at end of period**

### 3. Preparation of the 2021 proposed programme budget

42. The Committee received an update from the Court on the preparation of the 2021 proposed programme budget in light of the COVID-19 pandemic. The Committee welcomed the information that, despite the current unpredictable situation, the Court was making all efforts to comply with the timelines for preparation of the 2021 proposed programme budget.

43. Ahead of 2021, the Court is facing a rising fixed cost base. Successive changes to the UNCS salary scale have increased the cost pressure on the Court's budget. The pressure in 2020 is being offset, to an extent, by a temporary reduction in expenditure on discretionary and flexible costs such as training and travel. As we move into 2021 and COVID-19 restrictions ease there will be an expectation that the Court resumes some, if not all, of its regular training and travel requirements. Against an uncertain economic outlook for States Parties, the Committee is conscious that the Court's 2021 proposed programme budget could require significant and challenging prioritisation. The Court explained to the Committee that it was reviewing its lessons from COVID-19, in terms of ways of working and the capital replacement programme, to mitigate the budgetary pressures it was facing. **The Committee recommended that the Court identify the relevant savings and efficiencies for an affordable and lean budget proposal ahead of 2021.**

44. **The Committee recommended the Court to make an assessment on the impact of the required level of staffing and non-staffing resources for the 2021 proposed programme budget in specific areas of its operational activities. The Committee further recommended that the Court submit a table clearly indicating where reductions had**



been made and resources reallocated to offset the increases. The Committee also recommended that the Court identify lessons learned and improvements that could be applied in the future to ensure greater flexibility and scalability of its operations.

45. Furthermore, it was clear to the Committee that at the time the budget would be submitted to States Parties for consideration, some uncertainty would remain in regard to some budget items. Therefore **the Committee was of the view, in such limited cases, that detailed descriptions of such items need not be included in the proposed programme budget and instead further information and refinement of justifications should be provided to the Committee during its consideration of the 2021 proposed programme budget at its thirty-fifth session, once the situation had developed and more clarity had been attained.**

## **C. Other matters**

### **1. Deferred agenda items**

46. The Committee reviewed the list of agenda items, which had originally been scheduled for consideration at its thirty-fourth session, but which had been deferred due to the restrictions imposed by the COVID-19 pandemic. A list of these items is contained in (annex III) to this report. The Committee decided that the deferred items would be dealt with, to the extent feasible, at its thirty-fifth session. The Committee considered that this would only be possible if the situation improved sufficiently to allow an in-person meeting to take place in The Hague.

### **2. Election of judges**

47. In light of the election of six judges of the Court, which would take place at the nineteenth session of the Assembly, the Committee observed that in accordance with article 35(3) of the Rome Statute, the Presidency of the Court may decide, based on workload and in consultation with fellow judges, the extent to which any judge who is not a member of the Presidency shall be required to serve full-time.

48. The Committee took note of the letter from the President of the Court, dated 9 June 2020, addressed to the President of the Assembly in regards to the upcoming judicial elections. The Committee welcomed this initiative by the Court's Presidency, which is in line with its recommendation issued at its thirty-first session concerning the judicial elections.

### **3. Future sessions of the Committee**

49. The thirty-fifth session of the Committee is scheduled to take place from 14 to 25 September 2020 in The Hague. The Committee will keep the situation under review in light of developments regarding the COVID-19 pandemic.

\*\*\*

## Annex I: Status of contributions as at 31 March 2020

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>1</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
1	Afghanistan	-	-	-	706	14,514	-	15,220	2020
2	Albania	-	-	-	-	21,336	-	21,336	2020
3	Andorra	-	-	-	-	13,353	-	13,353	2020
4	Antigua and Barbuda	-	372	21,927	186	5,370	-	27,855	2015-2020
5	Argentina	-	-	2,233,145	-	2,432,995	-	4,666,140	2019-2020
6	Australia	-	-	-	-	-	-	-	-
7	Austria	-	-	-	-	-	-	-	-
8	Bangladesh	-	-	-	-	-	-	-	-
9	Barbados	-	-	-	-	-	-	-	-
10	Belgium	-	-	-	-	-	-	-	-
11	Belize	-	-	-	143	2,613	-	2,756	2020
12	Benin	-	-	-	430	7,983	-	8,413	2020
13	Bolivia (Plurinational State of)	-	-	42,353	-	42,526	-	84,879	2019-2020
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	-
15	Botswana	-	-	-	2,269	37,156	-	39,425	2020
16	Brazil	-	416,882	10,059,104	416,882	7,838,909	-	18,731,777	2018-2020
17	Bulgaria	-	-	-	-	-	-	-	-
18	Burkina Faso	-	-	-	-	7,921	-	7,921	2020
19	Cabo Verde	-	143	2,602	143	2,613	-	5,501	2019-2020
20	Cambodia	-	-	-	-	-	-	-	-
21	Canada	-	-	-	-	-	-	-	-
22	Central African Republic	8	486	10,571	143	2,613	-	13,821	2015-2020
23	Chad	393	523	47,122	154	10,595	-	58,787	2015-2020
24	Chile	-	-	-	-	1,082,170	-	1,082,170	2020
25	Colombia	-	-	-	-	46,163	-	46,163	2020
26	Comoros	8	514	24,186	143	2,613	46	27,510	2007-2020
27	Congo	335	2,538	91,837	706	15,965	73	111,454	2012-2020
28	Cook Islands	-	-	-	143	2,613	-	2,756	2020
29	Costa Rica	-	-	-	-	-	-	-	-
30	Côte d'Ivoire	-	-	-	-	24,770	-	24,770	2020
31	Croatia	-	-	-	-	-	-	-	-
32	Cyprus	-	-	-	-	-	-	-	-
33	Czechia	-	-	-	-	-	-	-	-
34	Democratic Republic of the Congo	-	-	383	32	14,514	-	14,929	2019-2020
35	Denmark	-	-	-	-	-	-	-	-
36	Djibouti	-	-	-	-	2,576	-	2,576	2020
37	Dominica	-	-	-	143	2,613	-	2,756	2020
38	Dominican Republic	-	-	4,395	6,392	140,932	-	151,719	2019-2020
39	Ecuador	-	-	-	-	212,776	-	212,776	2020
40	El Salvador	-	-	-	-	31,764	5,084	36,848	2020
41	Estonia	-	-	-	-	-	-	-	-

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>1</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
42	Fiji	-	-	-	430	7,983	-	8,413	2020
43	Finland	-	-	-	-	-	-	-	-
44	France	-	-	-	794,694	11,771,645	-	12,566,339	2020
45	Gabon	-	-	-	1,793	39,914	-	41,707	2020
46	Gambia	-	-	-	143	2,613	-	2,756	2020
47	Georgia	-	-	-	-	-	-	-	-
48	Germany	-	-	-	-	-	-	-	-
49	Ghana	-	-	4,222	1,986	39,914	-	46,122	2019-2020
50	Greece	-	-	-	-	973,169	-	973,169	2020
51	Grenada	-	-	-	143	2,613	-	2,756	2020
52	Guatemala	-	-	968	3,836	95,793	-	100,597	2019-2020
53	Guinea	134	514	32,119	143	7,983	84	40,977	2011-2020
54	Guyana	-	-	-	-	-	-	-	-
55	Honduras	-	-	2,037	1,136	23,948	-	27,121	2019-2020
56	Hungary	-	-	-	-	-	-	-	-
57	Iceland	-	-	-	-	-	-	-	-
58	Ireland	-	-	-	-	-	-	-	-
59	Italy	-	-	-	-	8,793,501	-	8,793,501	2020
60	Japan	-	-	-	-	14,124,442	-	14,124,442	2020
61	Jordan	-	-	-	-	55,861	-	55,861	2020
62	Kenya	-	-	-	-	48,355	-	48,355	2020
63	Kiribati	-	-	-	-	-	-	-	-
64	Latvia	-	-	-	-	-	-	-	-
65	Lesotho	-	-	-	-	168	-	168	2020
66	Liberia	-	405	7,599	143	2,613	-	10,760	2016-2020
67	Liechtenstein	-	-	-	-	-	-	-	-
68	Lithuania	-	-	-	-	-	-	-	-
69	Luxembourg	-	-	-	-	-	-	-	-
70	Madagascar	-	-	-	390	10,595	-	10,985	2020
71	Malawi	-	-	-	287	5,370	-	5,657	2020
72	Maldives	-	-	-	143	10,595	-	10,738	2020
73	Mali	-	-	-	574	10,595	-	11,169	2020
74	Malta	-	-	-	-	-	-	-	-
75	Marshall Islands	-	-	-	123	2,613	-	2,736	2020
76	Mauritius	-	-	-	-	-	-	-	-
77	Mexico	-	-	-	-	3,435,483	-	3,435,483	2020
78	Mongolia	-	-	-	-	-	-	-	-
79	Montenegro	-	-	-	-	-	-	-	-
80	Namibia	-	-	-	-	23,948	-	23,948	2020
81	Nauru	-	-	-	-	171	-	171	2020
82	Netherlands	-	-	-	-	-	-	-	-
83	New Zealand	-	-	-	-	-	-	-	-
84	Niger	30	1,031	41,566	287	5,370	92	48,376	2009-2020
85	Nigeria	-	12,785	675,068	12,785	664,745	-	1,365,383	2018-2020
86	North Macedonia	-	-	-	1,136	18,578	-	19,714	2020
87	Norway	-	-	-	-	-	-	-	-

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>1</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
88	Panama	-	-	369	749	119,596	-	120,714	2019-2020
89	Paraguay	-	-	15,977	1,423	42,526	-	59,926	2019-2020
90	Peru	-	-	13,346	16,621	404,217	-	434,184	2019-2020
91	Poland	-	-	-	-	-	-	-	-
92	Portugal	-	-	-	-	552,548	-	552,548	2020
93	Republic of Korea	-	-	-	-	-	-	-	-
94	Republic of Moldova	-	-	-	-	7,983	-	7,983	2020
95	Romania	-	-	-	-	-	-	-	-
96	Saint Kitts and Nevis	-	143	2,602	143	2,613	-	5,501	2019-2020
97	Saint Lucia	-	-	-	-	-	-	-	-
98	Saint Vincent and the Grenadines	-	-	129	143	2,613	-	2,885	2019-2020
99	Samoa	-	-	-	-	-	-	-	-
100	San Marino	-	-	-	-	5,370	-	5,370	2020
101	Senegal	-	1,700	27,008	850	14,514	-	44,072	2017-2020
102	Serbia	-	-	-	-	-	-	-	-
103	Seychelles	-	-	-	143	5,370	-	5,513	2020
104	Sierra Leone	-	143	3,518	143	2,613	-	6,417	2018-2020
105	Slovakia	-	-	-	-	-	-	-	-
106	Slovenia	-	-	-	-	-	-	-	-
107	South Africa	-	-	-	-	-	-	-	-
108	Spain	-	-	-	-	-	-	-	-
109	State of Palestine	-	-	-	706	21,336	-	22,042	2020
110	Suriname	-	882	27,971	441	13,353	-	42,647	2018-2020
111	Sweden	-	-	-	-	2,409,047	-	2,409,047	2020
112	Switzerland	-	-	-	-	-	-	-	-
113	Tajikistan	-	-	-	430	10,595	-	11,025	2020
114	Timor-Leste	-	-	-	-	5,370	-	5,370	2020
115	Trinidad and Tobago	-	-	105,811	-	106,388	-	212,199	2019-2020
116	Tunisia	-	-	-	5,112	66,474	-	71,586	2020
117	Uganda	-	-	-	850	14,514	-	15,364	2020
118	United Kingdom	-	-	-	-	9,107,912	-	9,107,912	2020
119	United Republic of Tanzania	-	-	-	893	14,514	-	15,407	2020
120	Uruguay	-	-	-	-	231,354	-	231,354	2020
121	Vanuatu	-	-	-	143	2,613	-	2,756	2020
122	Venezuela (Bolivarian Republic of)	-	320,118	8,453,445	89,087	1,935,743	-	10,798,393	2014-2020
123	Zambia	37	2,885	56,659	850	14,514	-	74,945	2016-2020
	<b>Total</b>	<b>945</b>	<b>762,064</b>	<b>22,008,039</b>	<b>1,367,514</b>	<b>67,312,234</b>	<b>5,379</b>	<b>91,456,175</b>	

1) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the permanent premises by new States Parties that joined the Court after 2015.

2) The above table excludes the total outstanding balance of €3,553 from Burundi (withdrawn State) for Host State Loan, period 2021-2046.

## Annex II: Status of contributions as at 31 May 2020

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>2</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL <sup>1</sup>			
1	Afghanistan	-	-	-	-	-	-	-	
2	Albania	-	-	-	-	-	-	-	
3	Andorra	-	-	-	-	-	-	-	
4	Antigua and Barbuda	-	372	21,927	186	5,370	27,855	2015-2020	
5	Argentina	-	-	2,233,145	-	2,432,995	4,666,140	2019-2020	
6	Australia	-	-	-	-	-	-	-	
7	Austria	-	-	-	-	-	-	-	
8	Bangladesh	-	-	-	-	-	-	-	
9	Barbados	-	-	-	-	-	-	-	
10	Belgium	-	-	-	-	-	-	-	
11	Belize	-	-	-	143	2,613	2,756	2020	
12	Benin	-	-	-	430	7,983	8,413	2020	
13	Bolivia (Plurinational State of)	-	-	42,353	-	42,526	84,879	2019-2020	
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	
15	Botswana <sup>5</sup>	-	-	-	2,269	37,156	39,425	2020	
16	Brazil	-	416,882	10,059,104	416,882	7,838,909	18,731,777	2018-2020	
17	Bulgaria	-	-	-	-	-	-	-	
18	Burkina Faso	-	-	-	-	3,348	3,348	2020	
19	Cabo Verde	-	143	2,602	143	2,613	5,501	2019-2020	
20	Cambodia	-	-	-	-	-	-	-	
21	Canada	-	-	-	-	-	-	-	
22	Central African Republic	8	486	10,571	143	2,613	13,821	2015-2020	
23	Chad	393	523	47,122	154	10,595	58,787	2015-2020	
24	Chile	-	-	-	-	1,082,170	1,082,170	2020	
25	Colombia	-	-	-	-	46,163	46,163	2020	
26	Comoros	8	514	24,186	143	2,613	27,510	2007-2020	
27	Congo	335	2,538	91,837	706	15,965	111,454	2012-2020	
28	Cook Islands	-	-	-	-	-	-	-	
29	Costa Rica	-	-	-	-	-	-	-	
30	Côte d'Ivoire	-	-	-	-	24,770	24,770	2020	
31	Croatia	-	-	-	-	-	-	-	
32	Cyprus	-	-	-	-	-	-	-	
33	Czechia	-	-	-	-	-	-	-	
34	Democratic Republic of the Congo	-	-	383	32	14,514	14,929	2019-2020	
35	Denmark	-	-	-	-	-	-	-	
36	Djibouti	-	-	-	-	-	-	-	
37	Dominica	-	-	-	-	-	-	-	
38	Dominican Republic	-	-	4,395	6,392	140,932	151,719	2019-2020	
39	Ecuador	-	-	-	-	212,776	212,776	2020	
40	El Salvador	-	-	-	-	-	-	-	
41	Estonia	-	-	-	-	-	-	-	
42	Fiji	-	-	-	-	3,556	3,556	2020	
43	Finland	-	-	-	-	-	-	-	
44	France <sup>4</sup>	-	-	-	794,694	11,771,645	12,566,339	2020	

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>2</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL <sup>1</sup>			
45	Gabon	-	-	-	1,793	39,914	-	41,707	2020
46	Gambia	-	-	-	143	2,613	-	2,756	2020
47	Georgia	-	-	-	-	-	-	-	-
48	Germany	-	-	-	-	-	-	-	-
49	Ghana	-	-	4,222	1,986	39,914	-	46,122	2019-2020
50	Greece	-	-	-	-	973,169	-	973,169	2020
51	Grenada	-	-	-	-	-	-	-	-
52	Guatemala	-	-	968	3,836	95,793	-	100,597	2019-2020
53	Guinea	134	514	32,119	143	7,983	84	40,977	2011-2020
54	Guyana	-	-	-	-	-	-	-	-
55	Honduras	-	-	2,037	1,136	23,948	-	27,121	2019-2020
56	Hungary	-	-	-	-	-	-	-	-
57	Iceland	-	-	-	-	-	-	-	-
58	Ireland	-	-	-	-	-	-	-	-
59	Italy	-	-	-	-	-	-	-	-
60	Japan	-	-	-	-	14,124,442	-	14,124,442	2020
61	Jordan	-	-	-	-	55,861	-	55,861	2020
62	Kenya	-	-	-	-	48,355	-	48,355	2020
63	Kiribati	-	-	-	-	-	-	-	-
64	Latvia	-	-	-	-	-	-	-	-
65	Lesotho	-	-	-	-	168	-	168	2020
66	Liberia	-	405	7,599	143	2,613	-	10,760	2016-2020
67	Liechtenstein	-	-	-	-	-	-	-	-
68	Lithuania	-	-	-	-	-	-	-	-
69	Luxembourg	-	-	-	-	-	-	-	-
70	Madagascar	-	-	-	390	10,595	-	10,985	2020
71	Malawi	-	-	-	287	5,370	-	5,657	2020
72	Maldives	-	-	-	143	10,595	-	10,738	2020
73	Mali	-	-	-	574	10,595	-	11,169	2020
74	Malta	-	-	-	-	-	-	-	-
75	Marshall Islands	-	-	-	123	2,613	-	2,736	2020
76	Mauritius	-	-	-	-	-	-	-	-
77	Mexico	-	-	-	-	3,435,483	-	3,435,483	2020
78	Mongolia	-	-	-	-	-	-	-	-
79	Montenegro	-	-	-	-	-	-	-	-
80	Namibia	-	-	-	-	-	-	-	-
81	Nauru	-	-	-	-	-	-	-	-
82	Netherlands	-	-	-	-	-	-	-	-
83	New Zealand	-	-	-	-	-	-	-	-
84	Niger	30	1,031	41,566	287	5,370	92	48,376	2009-2020
85	Nigeria <sup>5</sup>	-	12,785	675,068	12,785	664,745	-	1,365,383	2018-2020
86	North Macedonia	-	-	-	1,136	18,578	-	19,714	2020
87	Norway	-	-	-	-	-	-	-	-
88	Panama	-	-	369	749	119,596	-	120,714	2019-2020
89	Paraguay	-	-	15,977	1,423	42,526	-	59,926	2019-2020
90	Peru	-	-	13,346	16,621	404,217	-	434,184	2019-2020

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>2</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL <sup>1</sup>			
91	Poland	-	-	-	-	-	-	-	
92	Portugal	-	-	-	-	-	-	-	
93	Republic of Korea	-	-	-	-	-	-	-	
94	Republic of Moldova	-	-	-	-	-	-	-	
95	Romania	-	-	-	-	-	-	-	
96	Saint Kitts and Nevis	-	143	2,602	143	2,613	-	5,501	2019-2020
97	Saint Lucia	-	-	-	-	-	-	-	-
98	Saint Vincent and the Grenadines <sup>4</sup>	-	-	129	143	2,613	-	2,885	2019-2020
99	Samoa	-	-	-	-	-	-	-	-
100	San Marino	-	-	-	-	-	-	-	-
101	Senegal	-	1,700	27,008	850	14,514	-	44,072	2017-2020
102	Serbia	-	-	-	-	-	-	-	-
103	Seychelles	-	-	-	143	5,370	-	5,513	2020
104	Sierra Leone <sup>4</sup>	-	143	3,518	143	2,613	-	6,417	2018-2020
105	Slovakia	-	-	-	-	-	-	-	-
106	Slovenia	-	-	-	-	-	-	-	-
107	South Africa	-	-	-	-	-	-	-	-
108	Spain	-	-	-	-	-	-	-	-
109	State of Palestine	-	-	-	706	21,336	-	22,042	2020
110	Suriname	-	882	27,971	441	13,353	-	42,647	2018-2020
111	Sweden	-	-	-	-	-	-	-	-
112	Switzerland	-	-	-	-	-	-	-	-
113	Tajikistan	-	-	-	430	10,595	-	11,025	2020
114	Timor-Leste	-	-	-	-	5,370	-	5,370	2020
115	Trinidad and Tobago	-	-	105,811	-	106,388	-	212,199	2019-2020
116	Tunisia	-	-	-	5,112	66,474	-	71,586	2020
117	Uganda	-	-	-	850	14,514	-	15,364	2020
118	United Kingdom	-	-	-	-	-	-	-	-
119	United Republic of Tanzania	-	-	-	893	14,514	-	15,407	2020
120	Uruguay	-	-	-	-	231,354	-	231,354	2020
121	Vanuatu	-	-	-	143	2,613	-	2,756	2020
122	Venezuela (Bolivarian Republic of)	-	320,118	8,453,445	89,087	1,935,743	-	10,798,393	2014-2020
123	Zambia	37	2,885	56,659	850	14,514	-	74,945	2016-2020
	<b>Total</b>	<b>945</b>	<b>762,064</b>	<b>22,008,039</b>	<b>1,365,949</b>	<b>46,311,372</b>	<b>295</b>	<b>70,448,664</b>	

- 1) The outstanding shares are as after the ascension of Kiribati to the Rome Statue on 1 February 2020.
- 2) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the permanent premises by new States Parties that joined the Court after 2015.
- 3) The above table excludes the total outstanding balance of €3,553 from Burundi (withdrawn State) for Host State Loan, period 2021-2046.
- 4) Outstanding contributions were fully settled in June 2020.
- 5) Outstanding contributions were partially settled in June 2020.

## Annex III: List of deferred agenda items

1. Workshop on budgetary governance
  - a. Budgetary process, savings and efficiencies and their effect on the baseline<sup>13</sup>
  - b. Budgeting Non-Staff Cost
  - c. Court macro-analysis of resources<sup>14</sup>
2. Working methods of the Committee on Budget and Finance
  - a. Amendment of the Rules of Procedure of the Committee
3. Other financial and budgetary matters
  - a. Programme performance of the 2019 budget, and 2020 first quarter
  - b. The use of unapproved GTAs<sup>15</sup>
  - c. Status of disbursement of the Court's unliquidated obligations<sup>16</sup>
4. Human Resources
  - a. Annual report on Human Resources Management
  - b. Geographical distribution and gender balance
  - c. Sick leave<sup>17</sup>
  - d. Internal mobility framework and staff exchange arrangement within the United Nations Common System
  - e. Zero tolerance policy on harassment<sup>18</sup>
5. Legal aid
  - a. Annual report on legal aid for the year 2019
  - b. Detailed legal aid expenditure for each case before the Court<sup>19</sup>
  - c. Reform of the legal aid system<sup>20</sup>
6. Trust Fund for Victims
  - a. Division of responsibilities between Major Programme III and Major Programme VI<sup>21</sup>
7. Other matters
  - a. Status of exercise and financial implications of the establishment of alternative dispute resolution mechanisms at the Court<sup>22</sup>
  - b. The redeployment of staff in Major Programme II<sup>23</sup>
  - c. Status of the cases before the ILOAT and Appeals Board<sup>24</sup>

\*\*\*

<sup>13</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventeenth session, The Hague, 5-12 December 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 26.

<sup>14</sup> ICC-ASP/18/5, para. 32.

<sup>15</sup> ICC-ASP/18/15, para. 37.

<sup>16</sup> ICC-ASP/18/5, para. 54.

<sup>17</sup> ICC-ASP/18/15, para.224.

<sup>18</sup> *Ibid.*, para.106.

<sup>19</sup> ICC-ASP/18/15, para 276.

<sup>20</sup> *Ibid.*, para.213.

<sup>21</sup> ICC-ASP/18/15, para. 126.

<sup>22</sup> *Ibid.*, para. 151.

<sup>23</sup> ICC-ASP/18/15, para. 59.

<sup>24</sup> *Ibid.*, para. 267.



**Annex IV: List of documents**

<i>CBF document symbol</i>	<i>Title</i>	<i>ASP document symbol (if converted)</i>
CBF/34/1	Provisional agenda for the thirty-fourth session	
CBF/34/9/Rev.1	Report on Budget Performance of the International Criminal Court as at 31 March 2020	
AC/11/5	Report of the Audit Committee	

## 2. Report of the Committee on Budget and finance on the work of its thirty-fifth session, September 2020\*

<i>Table of contents</i>	<i>Pages</i>
Executive summary .....	246
I. Introduction.....	248
A. Opening of the thirty-fifth session.....	248
B. Adoption of the agenda and organization of work.....	248
C. Participation of observers.....	249
II. Consideration of the 2021 proposed programme budget.....	250
A. Budgetary issues across major programmes.....	250
1. General observations and macro-analysis.....	250
2. Update on the situation regarding COVID-19.....	252
3. Cost ratios.....	253
4. Budget baseline.....	253
5. Unapproved General Temporary Assistance (GTAs).....	254
6. Sick leave.....	254
7. Budget adjustments recommended by the Committee.....	254
B. Major Programme I: Judiciary.....	255
1. General observations and analysis.....	255
2. Judge's salaries and entitlements.....	255
3. Staff Costs.....	255
4. Non-staff costs.....	255
5. Recommended budget for Major Programme I.....	256
6. Revision of judges' salaries.....	256
C. Major Programme II: Office of the Prosecutor.....	256
1. General observations and analysis.....	256
2. Staff Costs.....	256
3. Non-staff costs.....	257
4. Recommended budget for Major Programme II.....	257
D. Major Programme III: Registry.....	257
1. General observations and analysis.....	257
2. Staff Costs.....	257
3. Five Year Information Technology and Information Management Strategy.....	258
4. Legal Aid.....	260
5. Non-staff costs.....	261
6. Recommended budget for Major Programme III.....	261
E. Major Programme IV: Secretariat of the Assembly of States Parties.....	261
1. General observations and analysis.....	261
2. Recommended budget for Major Programme IV.....	261
F. Major Programme V: Premises.....	261
1. General observations and budget provisions.....	261
G. Major Programme VI: Secretariat of the Trust Fund for Victims.....	264
1. General observations and analysis.....	264
2. Staff Costs.....	265
3. Non-staff costs.....	265
4. Recommended budget for Major Programme VI.....	265
5. Policy issues related to the Trust fund for Victims.....	265
H. Major Programme VII-2: Permanent Premises – Host State Loan.....	266
1. General observations and analysis.....	266
2. Recommended budget for Major Programme VII-2.....	267
I. Major Programme VII-5: Independent Oversight Mechanism.....	267
1. General observations and analysis.....	267

\* Previously issued as ICC-ASP/19/15.

2.	Recommended budget for Major Programme VII-5.....	267
J.	Major Programme VII-6: Office of the Internal Audit.....	267
1.	General observations and analysis.....	267
2.	Recommended budget for Major Programme II.....	268
III.	Other financial and budgetary matters.....	268
A.	Status of contributions to the regular budget, the Contingency Fund, the Working Capital Fund and the host State loan.....	268
B.	States in arrears.....	271
C.	Precautionary reserves.....	271
1.	Liquidity issue.....	271
2.	Working Capital Fund.....	272
3.	Contingency Fund.....	272
D.	Programme performance of the 2019 approved budget.....	273
1.	General observations.....	273
2.	IT expenditures.....	275
3.	Travel expenditures.....	275
4.	Overtime.....	275
5.	Expenditure for legal aid.....	275
6.	Training.....	275
7.	Transfer of funds.....	275
8.	Contingency Fund notifications in 2019.....	276
E.	Budget performance in 2020.....	277
1.	Budget Performance in the first half of 2020.....	277
2.	Disbursement of unliquidated obligations.....	278
3.	Contingency Fund notifications in 2020.....	278
IV.	Institutional reform and administrative matters.....	278
A.	Human resource matters.....	278
1.	Equitable geographical distribution and gender balance.....	278
B.	Audit matters.....	279
1.	Reports of the Audit Committee in 2020.....	279
2.	External audit matters.....	280
V.	Other matters.....	281
A.	Assessment of litigation risk related to cases before the ILOAT and the Internal Appeals Board.....	281
1.	Cases before the ILOAT.....	281
2.	Cases before the internal Appeals Board.....	281
3.	Provisions related to ILOAT cases and cases before the internal Appeals Board.....	282
4.	Alternative dispute resolution mechanism.....	282
B.	Future sessions of the Committee.....	282
Annex I:	Status of contributions as at 31 August 2020 (in euros).....	283
Annex II:	Legal aid expenditures (in euros) for defence and victims, including the Contingency Fund (2015 - 2020).....	286
Annex III:	Budgetary implications of the Committee's recommendations (in thousands of euros).....	287
Annex IV:	Requests to access the Contingency Fund (as at 1 September 2020).....	301
Annex V:	Yearly increases in approved budgets and actual expenditure 2013-2020.....	302
Annex VI:	List of documents.....	303

## *Executive Summary*

1. The Committee on Budget and Finance held its thirty-fifth session via remote-link between 14 and 25 September 2020. The Committee considered a range of issues including: the 2021 proposed programme budget; the impact of COVID-19; the liquidity of the Court; and the work of the Trust Fund for Victims. Other major topics such as the IT/IM Strategy were also reviewed.
2. The Court requested a programme budget of €144,917.2 thousand for 2021. The proposed budget represented a decrease of 0.5 per cent (€703.3 thousand) against the total approved budget for 2020. The Committee welcomed the Court's conscious decision to reduce the funding requested from States Parties during a financially challenging time due to COVID-19.
3. The Court discussed its liquidity issues with the Committee, as the liquidity position is increasingly a matter of concern for the Court. The Committee recommended that the Court use and further develop different forms of interactions with States Parties to minimise the risk to liquidity as illustrated in the report. The Committee further recommended that the Secretariat of the Assembly notify once again States Parties which are in arrears prior to the nineteenth session of the Assembly, highlighting the importance of their contributions for the budget and the financial stability of the Court, and for the States Parties themselves to regain their voting rights.
4. The Committee noted that the Court had managed to absorb significant staff cost increases whilst presenting the proposed programme budget and had forecast significant reductions in expenditure against items such as travel. There were also temporary delays in recruitment and procurement whilst a revised "Delayed recruitment factors" was also proposed.
5. The Committee noted that the fixed nature of staff costs will be offset by more flexible and discretionary items such as travel. The Committee agreed that with the current restricted operating environment as a result of COVID-19, this was a sensible approach in the short term. The Committee was, however, conscious that the economic impact of COVID-19 may extend beyond the current travel restrictions. The Committee therefore requested that at its thirty-sixth session, the Court provide an update on how it intends to manage and absorb the United Nations Common System (UNCS) pay increases in the medium term.
6. The impact of COVID-19 has changed the way the Court is working; however, the Court's ambition and goals remain the same. To date, the Court has proven to be flexible, adaptable and considered in its response to COVID-19. The Court has implemented new ways of working to ensure it can continue operating in a meaningful manner. The Committee noted the Court's ability to adapt and would welcome the Court's assessment on how it will benefit in the long term from these measures.
7. The Committee agreed with the Court that the IT/IM Strategy should be extended until 2022, to enable it to complete work that had been delayed due to COVID-19. The Committee also requested, where practically possible, that the Court demonstrate how it has realised the savings and efficiencies originally anticipated and whether any savings have failed to materialise.
8. The Committee is confident that lessons learned from COVID-19 and measures taken for absorbing the UNCS increase on staff costs will produce greater than ever savings and efficiencies in terms of the Court's operations. Combined with productivity gains from implementing the IT/IM Strategy, the Committee expects to see a substantially lower baseline for the 2022 budget.
9. The Court presented medium-term and long-term capital replacement plans. The Committee recommended that they be reassessed in light of budgetary appropriations for 2021, taking into account the need to minimize operational risks for the Court and giving priority to maintenance over replacement whenever economically sensible, in line with the principle of sustainability.
10. The Committee noted that based on expected judicial activities the 2021 proposed programme budget provided remuneration for 14 full-time judges and an annual allowance

for four newly elected judges, who will not be called for full-time service. The Committee recommended that the Court make every effort to absorb all unforeseen expenditures within the approved budget for 2021.

11. The Committee received an update from the Court regarding the use of unapproved GTA positions. The Committee reiterated its previous recommendation that the Court should refrain from using unapproved GTAs and decided to review the matter comprehensively with a view to providing policy guidance at its thirty-sixth session.

12. The Committee requested that the Court explore the possibility of negotiating the reduction of the current interest rate on the host State loan with the host State.

13. After reviewing the 2021 proposed programme budget and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of €243.3 thousand from a total proposed programme budget of €144,917.2 thousand excluding the host State loan. This represented a total decrease of €946.6 thousand (0.7 per cent) compared to the 2020 approved budget (excluding the host State loan). Therefore, the Committee recommended that the Assembly approve a budget of €144,673.9 thousand excluding the instalments for the host State loan. The respective recommended resources for the major programmes are detailed in Annex III.

## I. Introduction

### A. Opening of the thirty-fifth session

1. The thirty-fifth session of the Committee on Budget and Finance (“the Committee”), comprising ten meetings, was held via remote-link from 14 to 25 September 2020, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its eighteenth session.<sup>1</sup>
2. The President of the International Criminal Court (“the Court”), Judge Chile Eboc-Osuji, delivered the welcoming remarks at the opening of the session.
3. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and his team assisted in providing the necessary substantive and logistical support to the Committee.
4. The following members attended the thirty-fifth session of the Committee:
  - (a) Werner Druml (Austria)
  - (b) Carolina María Fernández Opazo (Mexico);
  - (c) Fawzi A. Gharaibeh (Jordan);
  - (d) Hitoshi Kozaki (Japan);
  - (e) Urmet Lee (Estonia);
  - (f) Loudon Overson Mattiya (Malawi);
  - (g) Daniel McDonnell (United Kingdom);
  - (h) Mónica Sánchez Izquierdo (Ecuador);
  - (i) Margaret Wambui Ngugi Shava (Kenya);
  - (j) Elena Sopková (Slovakia);
  - (k) Klaus Stein (Germany); and
  - (l) Richard Veneau (France).<sup>2</sup>

### B. Adoption of the agenda and organization of work

5. At its first meeting, the Committee adopted the following agenda for the thirty-fifth session:
  1. Opening of the session
    - (a) Welcoming remarks of the President of the Court;
    - (b) Adoption of the agenda and organization of work; and
    - (c) Participation of observers
  2. 2021 proposed programme budget
    - (a) Consideration of the 2021 proposed programme budget;
    - (b) Baseline for the 2021 proposed programme budget;
    - (c) Annexes of the 2021 proposed programme budget:
      - a. Relevant savings and efficiencies; and
      - b. Table indicating reductions and resources allocated to offset increases

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighteenth session, The Hague, 2-7 December 2019* (ICC-ASP/18/20), vol. I, part I, section B., para. 48.

<sup>2</sup> Mr. Veneau participated in the first meeting of the session only.

- (d) Assessment of the impact of the required level of staffing and non-staffing resources on the 2021 proposed programme budget; and
  - (e) Lessons learned and improvements to ensure flexibility and scalability of operations
3. Other financial and budgetary matters
    - (a) Status of contributions;
    - (b) States in arrears;
    - (c) Programme performance of the 2019 budget;
      - a. Status of disbursement of Court's unliquidated obligations
    - (d) Report on Budget performance of the Court as at 30 June 2020;
    - (e) Precautionary reserves;
    - (f) Liquidity issue; and
    - (g) Update on the COVID-19 situation
  4. Institutional reform and administrative matters
    1. Update on cost ratios;
    2. Annual progress report on the implementation of the Five-Year IT/IM Strategy; and
    3. Capital replacements
  5. Trust Fund for Victims
    - (a) Projects and activities of the Board of Directors of the TFV (1 July 2019 to 30 June 2020)
      - a. External Auditor recommendation on voluntary contributions
  6. Human resources
    - (a) Geographical distribution and gender balance; and
    - (b) The use of unapproved GTA
  7. Audit matters
    - (a) Reports of the Audit Committee in 2020;
    - (b) 2019 Financial Statements of the Court;
    - (c) 2019 Financial Statements of the TFV; and
    - (d) Update on status of workshop pertaining to review of oversight bodies
  8. Other matters
    - (a) Assessment of litigation risks related to all cases pending before the ILO Administrative Tribunal and the internal Appeals Board; and
    - (b) The redeployment of staff in Major Programme II.

### C. Participation of observers

6. 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. A representative of the External Auditor also addressed the Committee. The Committee expressed its appreciation to all observers who participated at its thirty-fifth session.

<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 2021 proposed programme budget

### A. Budgetary issues across major programmes

#### 1. General observations and macro-analysis

7. 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 2021 of the International Criminal Court.”<sup>4</sup> The Committee conducted its examination of the requested budget resources based on the general principle of budgetary integrity.

8. The Committee recalled that the Assembly at its eighteenth session had approved a budget totalling €149,205.6 thousand for the 2020 budget year.<sup>5</sup> This was reduced by the instalments for the host State loan of €3,585.1 thousand, which were payable only by those States that opted not to make a “one time” payment for the permanent premises. Therefore, the 2020 budget approved by the Assembly, excluding instalments for the host State loan, was €145,620.5 thousand.<sup>6</sup>

9. The Court presented a proposed programme budget for 2021 of €144,917.2 thousand, excluding the host State loan, which represented a decrease of €703.3 thousand (0.5 per cent decrease). Increases were only requested in relation to: MP II (Office of the Prosecutor) in the amount of €5.2 thousand (0.0 per cent increase); MP III (Registry) in the amount of €0.8 thousand (0.0 per cent increase); MP VII-5 (Independent Oversight Mechanism) in the amount of €34.8 thousand (4.9 per cent increase); and MP VII-6 (Office of Internal Audit) in the amount of €35.3 thousand (4.9 per cent increase). The remaining programmes either presented a decrease or presented a budget at the same level as in 2020. MP I (Judiciary) presented a decrease in the amount of €299.7 thousand (2.5 per cent decrease) and MP IV (Secretariat of the Assembly of States Parties) presented a decrease in the amount of €479.7 thousand (14.5 per cent decrease). The budgets for MP V (Premises) and MP VI (Secretariat of the Trust Fund for Victims) were presented at the same level as in 2020.

10. The Committee welcomed the time-series information included in the 2021 proposed programme budget, which enabled the Committee to put the figures into perspective.

11. The Committee noted that the budget for the Court had become stable and achieved near zero growth in the most recent five years (2017-2021), as demonstrated in Table 1 below. Additional detail on the yearly increases in approved budgets and actual expenditure since 2013 for the main major programmes is available in Graph 1 and in Annex V.

**Table1: Approved and proposed budget level 2017-2021 (thousands of euros)**

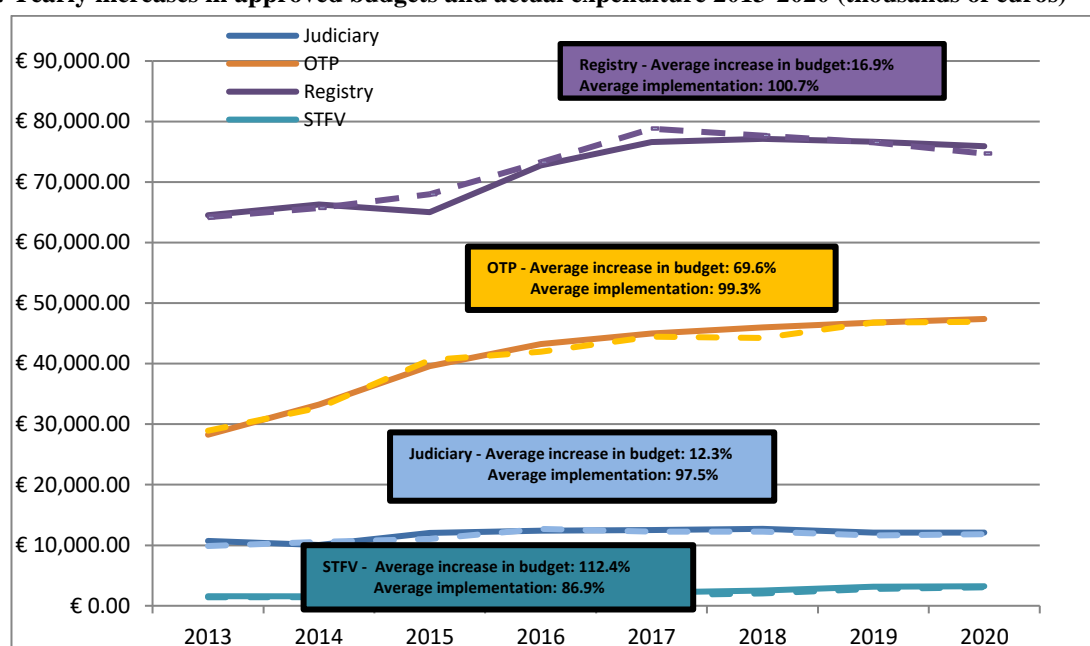
	Approved/ proposed resource level	Difference from the previous year (thousands of euros)	Difference from the previous year (%)	Difference (2021 PPB versus 2017 APB) (thousands of euros)	Increase (%) (2021 PPB versus 2017 APB)
2021	148,502.30	(703.3)	-0.47%	3,915.0	102.71%
2020	149,205.60	1,070.5	0.72%		
2019	148,135.10	703.6	0.48%		
2018	147,431.50	2,844.2	1.97%		
2017	144,587.30				

<sup>4</sup> Proposed programme budget for 2021 of the International Criminal Court (ICC-ASP/19/10).

<sup>5</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part III, ICC-ASP/17/Res.4., section A., para. 1.

<sup>6</sup> *Ibid.*



**Graph 1: Yearly increases in approved budgets and actual expenditure 2013-2020 (thousands of euros)**

12. The Committee noted that the 2021 proposed programme budget was impacted by the increase in staff costs, with the application of the United Nations Common System (“UNCS”) in the 2021 proposed budget accounting for an increase of €6.5 million (see Table 2, Increase of Standard salary scales in 2021 compared to 2020). In addition, the provision of support by the Registry to support additional judicial proceedings anticipated in 2021 was estimated to cost an additional €2.0 million.

**Table 2: Budgeted Salary Scales and changes 2017-2021 – Professional staff (Scale in thousands of euros)**

	2018 <sup>7</sup>		2019 <sup>8</sup>		2020 <sup>9</sup>		2021 <sup>10</sup>	
	% change	Scale	% change	Scale	% change	Scale	% change	Scale
USG	-2.94%	246.4	-1.37%	243.0	1.84%	247.5	9.17%	270.2
ASG	-2.91%	225.4	-1.41%	222.2	1.83%	226.3	9.24%	247.2
D-1	-3.65%	190.5	0.21%	190.9	1.88%	194.5	11.11%	216.1
P-5	-3.00%	166.0	0.18%	166.3	1.87%	169.4	9.33%	185.2
P-4	1.98%	146.5	-1.43%	144.4	1.86%	147.1	7.41%	158.0
P-3	-0.98%	121.6	-1.45%	119.8	1.89%	122.1	9.34%	133.5
P-2	0.34%	100.0	-1.37%	98.6	-0.33%	98.3	9.36%	107.5
P-1	0.34%	100.0	-1.37%	98.6	-0.33%	98.3	9.36%	107.5

13. The Committee noted that the Court follows the UNCS for staff costs, and also contributes to the United Nations Joint Staff Pension Fund accordingly. The increase in staff costs was the result of an external factor; however, the Court has absorbed the increase for the 2021 budget.

<sup>7</sup> The base salary decreased by 1.30 per cent; the Post Adjustment decreased by 12.46 per cent with a resulting increase in multiplier of 0.96 per cent. The average step for (D-1), (P-4), (P-2) and (P-1) increased by 1. This budget year, as a result of the reform of the UNCS, the single and dependency rates were abandoned, leading to a decrease of about 2.71 per cent.

<sup>8</sup> The base salary increased by 0.97 per cent; the Post Adjustment increased by 58.56 per cent with a resulting decrease in multiplier of 2.29 per cent. This resulted in an observed decrease of 1.42 per cent. The average step for (D-1) and (P-5) increased by 1.

<sup>9</sup> The base salary increased by 1.83 per cent; the Post Adjustment decreased by 21.29 per cent with a resulting increase in multiplier of 0.04 per cent. This resulted in an observed increase of 1.87 per cent. The average step for (P-1) and (P-2) decreased by 1.

<sup>10</sup> The base salary increased by 1.21 per cent; the Post Adjustment increased by 22.05 per cent with a resulting increase in multiplier of 8.02 per cent. This resulted in an observed increase of 9.33 per cent. The average step for (D-1) increased by 1 and (P-4) decreased by 1.

14. In order to reduce the level of resource requirements for the 2021 budget, the Court applied a higher “Delayed recruitment factors” in Major Programme III, from 10 to 12 per cent (a €1.1 million reduction, slightly offset by changes in the “Delayed recruitment factors” in Major Programme IV), and further reduced resources in the staff costs category by €2.8 million through unfunded positions and other reductions in staff and judges costs. Furthermore, the Court proposed reductions in non-staff costs through reductions in travel (€2.1 million), other non-staff costs (€0.4 million), operational requirements in country offices and field activities (€1.8 million), and the postponement of planned infrastructure improvements (€1.1 million).

15. The Committee noted all of the efforts made by the Court to control the overall budget level, which took into account the economic and financial difficulties of the States Parties in the context of the ongoing COVID-19 pandemic.

16. However, the Committee noted that the majority of the cost reductions related to either postponed recruitment or infrastructure investment, or anticipated travel restrictions into 2021, and as such, these were considered largely one-time in nature, and not a result of structural enhancements in the efficiency of the work of the Court.

17. In light of this, and to secure the sustainability of the budget in the medium-term, the Committee was of the view that the Court should identify ways in which it can manage its available human resources (approximately 76 per cent of the 2021 proposed programme budget) more flexibly and efficiently, including through more cost-effective staff mobilization and the use of contractual modalities, to cope with fluctuations in future workload, as recommended in paragraph 23 below regarding COVID-19.

## **2. Update on the situation regarding COVID-19**

18. At its thirty-fourth session, the Committee had received an update from the Court in relation to the impact of the COVID-19 pandemic and had recommended that the Court, through the Crisis Management Team (CMT), continue reprioritizing activities and developing contingency plans in order to resume operations and mitigate the impact of the pandemic. The Committee had requested that the Registrar include an additional annex in the monthly financial situation reports, with updated data about the underspend and additional COVID-19 costs, until the thirty-fifth session of the Committee, and welcomed the intention of the Court to continue updating the Committee and States Parties on COVID-19 related costs on a monthly basis in the context of its financial reports. The Committee had also requested that the Court include COVID-19 impact data, as well as information about the implemented, as well as anticipated, savings and efficiencies for 2020, in the half-year implementation report to be submitted to the Committee at its thirty-fifth session.

19. The Committee received another update on the impact of the COVID-19 pandemic on the operation of the Court and, as mentioned above, noted the efforts made by the Court to control costs on the overall budget level including working from home, remote interviews/investigations, and the increase in field presence through locally recruited personnel.

20. The Committee observed that the Court had perceived the detrimental effects of COVID-19 and thereby continued to exercise flexibility and versatility in its operations to ensure business continuity, for example, prudent financial management, encouraging working from home, and voluntary shifts at the office in order to ensure the safety and security of the workforce.

21. The Committee also recognized the work of the CMT in its quest to craft comprehensive mechanisms that ensured sustainable operational activities, synergies and a transitional framework towards gradual shifts to the workplace. In addition, the Committee recalled that the Court was mindful of implementing and retaining all the savings and efficiencies in light of the unpredictability of the COVID-19 pandemic and its associated uncertainties.

22. The Committee was conscious that new ways of working had been adopted during the ongoing COVID-19 pandemic. These new practices, if maintained, could have a potential positive impact on the future operating costs of the Court.

23. **The Committee requested that the Court provide a plan to the Committee at its thirty-sixth session that demonstrates how, within its current budget envelope, the Court intends to implement and benefit from these changes. The Committee was particularly keen to understand the impact these changes have on efficiency, operating costs, flexibility and resilience.**

### 3. Cost ratios

24. The Court submitted an updated cost ratios report for consideration by the Committee at its thirty-third session.<sup>11</sup> The report revealed that 76.9 per cent of the average annual five-year expenditure was consumed by the Court's core activities – namely judicial, prosecutorial and investigative activities – whilst the share for all other areas was a mere 23.1 per cent.

25. At the time, the Committee recommended that the Court select one way of presenting the macro-analysis of its resource use, in addition to carrying out trend analysis for the past five years. The Committee suggested that the subject could be discussed further at the thirty-fourth session during the budget workshop.

26. Due to the prevailing global health situation since the beginning of 2020, the Committee held its thirty-fourth session virtually and considered a limited number of agenda items. In any case, the Court did not submit the promised report. **Therefore, the Committee reiterated its recommendation that the Court continue to monitor the costs associated with various activities. In addition, the Committee recommended that the Court prepare a report on the cost ratios covering 2019 and 2020 for the thirty-sixth session of the Committee, health conditions permitting.**

### 4. Budget baseline

27. The Committee also reviewed and analysed the 2021 proposed programme budget baseline figures as presented in Annex X to the budget<sup>12</sup> and in the corrigendum.<sup>13</sup> The total reductions to the baseline as a result of savings was €2,042.5 thousand when compared to the 2020 approved budget. The major factor impacting the composition of the baseline for 2021 was the application of the UNCS in 2020 with a total effect of €6,439.8 thousand increase, which was reduced by €972.4 thousand using “Delayed recruitment factors”. The COVID-19 crisis led the Court to make exceptional reductions on top of non-recurrent costs,<sup>14</sup> savings and efficiencies and “Delayed recruitment factors” in an amount of €4,405.3 thousand, which resulted in the 2021 proposed programme budget being lower by €7,420,2 thousand than the calculated budget baseline for 2021.

28. The Committee noted the fact of significant difference between the proposed budget and the budget baseline for 2021, and also that not all of the reductions would be sustainable over the coming years. This means that pressure to increase the budget remains strong in future years. However, there had been innovations and changes to managing country offices and interviewing witnesses, as well as arranging communication within the Court, which had generated cost savings. According to Court officials, they would be made sustainable as far as possible. The Committee welcomed this goal and was looking forward to substantial reductions in the budget baseline for the year 2022 financial year.

29. **The Committee invited the Court to continue compiling the baseline annex for the proposed programme budget in the future and, in order to improve its value as an analytical tool for budget analysis, to discuss the content and layout, as well as the relationship with other analytical annexes (e.g. savings and efficiencies and non-recurrent costs, budget implementation information, etc) with the Committee during**

<sup>11</sup> CBF/33/12.

<sup>12</sup> ICC-ASP/19/10.

<sup>13</sup> ICC-ASP/19/10/Corr.1.

<sup>14</sup> Costs included in the 2020 budget but no longer applicable in 2021: travel provision for the Secretariat of the Assembly staff to travel to the Assembly in New York in 2020 (€93.7 thousand), travel for the Advisory Committee on Nominations of Judges (€64.0 thousand), and costs for the Committee on the Election of the Prosecutor and the Independent Expert Review (€479.7 thousand), amounting to a total of €637.4 thousand.

**the next budget workshop, which would take place during the in-person meeting of the Committee at its thirty-sixth session.**

#### **5. Unapproved General Temporary Assistance (GTAs)**

30. At its thirty-third session, the Committee had recommended that the Court should refrain from using unapproved GTAs in the future<sup>15</sup> and decided to monitor the issue and further review the matter at its thirty-fifth session.

31. The Committee noted with concern that in the first half of 2020, 23 unapproved GTA contracts were used Court-wide – in Judiciary (4), in OTP (14), and in Registry (5), which represented an increase of four positions compared to the same period in 2019 (19 positions). Upon request, the Committee received and reviewed the justification from the Court and observed that such unapproved GTA resources were not included in the Contingency Fund notifications as unavoidable or unforeseeable human resource needs and were mainly justified as a consequence of increased workload.

32. The Committee noted with concern that the continuous use of unapproved GTAs would raise questions about transparency and discipline in the budget process and about prudent management of human resources in the Court. The Committee pointed out that the approval of GTA positions is in the purview of the Assembly, with the advice from the Committee, and that resource requirements for limited duration can also be met through utilizing STA, consultancy, or individual contractor modalities. The Committee reiterated its previous recommendation and further decided to review the matter comprehensively with a view to providing policy guidance.

33. **In this regard, the Committee requested that the Court provide a report at its thirty-sixth session containing an explanation of the circumstances in which those unapproved GTAs were utilized, and detailed information on all unapproved GTAs for the last three years, including justification and duration of contract for each position.**

#### **6. Sick leave**

34. At its thirty-third session, the Committee had expressed concern regarding the high costs associated with sick leave and had requested that the Court present a report at its thirty-fourth session containing information about the following: the volume and average duration of sick leave; the financial implications of sick leave; the criteria and procedure for certification and administration of sick leave, including relevant roles and responsibilities; and staff and managerial responsibilities to the Court during sick leave.<sup>16</sup> Due to the limitations imposed by COVID-19, consideration of this matter had been deferred from the thirty-fourth session.

35. **The Committee reiterated its request to the Court for a report dealing with the costs of sick leave, including relevant roles and responsibilities; and staff and managerial responsibilities to the Court during sick leave and looked forward to considering the matter during its thirty-sixth session.**

#### **7. Budget adjustments recommended by the Committee**

36. After reviewing the 2021 proposed programme budget and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of €243.3 thousand from a total proposed programme budget of €144,917.2 thousand excluding the host State loan. This represented a total decrease of €946.6 thousand (0.7 per cent) compared to the 2020 approved budget (excluding the host State loan).

---

<sup>15</sup> Report of the Committee on Budget and Finance on the work of its thirty-third session (ICC-ASP/18/15), section II, para. 37.

<sup>16</sup> *Idem.*, para. 224.

## B. Major Programme I: Judiciary

### 1. General observations and analysis

37. The 2021 proposed budget for Major Programme I (Judiciary) amounted to €11,781.8 thousand, representing a decrease of €299.7 thousand (or 2.5 per cent) against the 2020 approved budget of €12,081.5 thousand.

38. For 2020, it was forecast that Judiciary would implement its budget at a rate of 98.0 per cent, or €11,840.8 thousand, against the approved budget of €12,081.5 thousand.

39. The Committee observed that the reduction in the 2021 proposed programme budget reflected a significant reduction to the judges' salaries and entitlements in the amount of €805.8 thousand, or 14.6 per cent (€5,516.9 thousand approved in 2020 against €4,711.1 thousand proposed for 2021).

### 2. Judges' salaries and entitlements

40. The Rome Statute requires the Court to have 18 judges. On the basis of the Presidency's assessment of the forecast workload for 2021, the proposed programme budget provided remuneration for 14 full-time judges in an amount of €2,661.9 thousand, and an annual allowance for four incoming non-full time judges in an amount of €240 thousand.<sup>17</sup> This amounted to a total of €2,901.9 thousand, compared to the costs of 18 full-time judges which would be €3,240 thousand.

41. The Committee observed that the lower number of judges in full-time service and a change in the pension scheme provider had resulted in a decrease in the requested resources for judges' pensions (from €1,574.4 thousand in 2020 to €921.9 thousand in 2021) in addition to other entitlements.

42. However, the Committee also noted that on 11 March 2021, a new Presidency will be elected and, in accordance with article 35(3) of the Rome Statute, it may decide, based on workload and in consultation with fellow judges, the extent to which any newly elected judge who is not a member of the Presidency shall be required to serve full-time.

43. **The Committee recommended that the Court make every effort to absorb all unforeseen expenditure in relation to the newly elected judges within the 2021 approved budget.**

### 3. Staff Costs

#### (a) Established posts and General Temporary Assistance

44. The decrease in judges' salaries and entitlements made it possible to absorb the increase in staff costs of €506.1 thousand resulting from the revision of the UNCS in Major Programme I.

45. The Committee welcomed the assurance that the current policy of flexible assignment of established posts and GTA positions allowed the Chambers to handle the changing profile of its workload related to expected judicial developments within existing staff levels. Accordingly, for the 2021 proposed programme budget the number and structure of established posts and GTA positions for MPI remained at the same level as the 2020 approved budget.

### 4. Non-staff costs

#### Travel costs

46. The Committee noted that the travel budget was proposed at the same level as in 2020 (€100.7 thousand) despite the fact that in the 2020 approved budget non-recurrent costs of €25.5 thousand were allocated for travel to attend the session of the Assembly in New

<sup>17</sup> *Official Records ... Second session ... 2003* (ICC-ASP/2/10), Part III, A., page 200.

York. The Committee believed such non-recurrent costs were not needed and should be removed from the 2021 proposed programme budget.

47. **The Committee thus recommended that the Assembly approve travel costs in the amount of €75.2 thousand for Major Programme I.**

Other non-staff costs

48. Other non-staff costs were proposed at the same level as in the 2020 approved budget. The Committee reviewed the other non-staff costs requests and believed that the requested level was reasonable and matched the respective activities.

## 5. Recommended budget for Major Programme I

49. **The Committee recommended total reductions in the amount of €25.5 thousand for Major Programme I from its original 2021 proposed budget. The Committee thus recommended that the Assembly approve a total of €11,756.3 thousand for Major Programme I.**

## 6. Revision of judges' salaries

50. The Committee took note of Annex VI (a) of the Proposed Programme Budget for 2021,<sup>18</sup> which included a recurrent request in the amount of €580.9 thousand related to the revision of the costs of salary entitlements for 18 judges.

51. The Committee took note of the discussions taking place within the Judicial Remuneration Panel and observed that a more sustainable structure for the remuneration package, taking into account the financial situation of the Court, was being considered. The Committee reiterated its understanding that this was a policy matter ultimately to be decided by the Assembly.

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

### 1. General observation and analysis

52. The 2021 proposed budget for Major Programme II (Office of the Prosecutor) amounted to €47,388.6 thousand, representing an increase of €5.2 thousand (or zero per cent) against the 2020 approved budget of €47,383.4 thousand.

53. As for financial performance, the forecast expenditure for 2020 for OTP was estimated at €46,919.7 thousand, which represented 99.0 per cent of the approved 2020 budget of €47,383.4 thousand.<sup>19</sup>

### 2. Staff costs

54. The Committee noted that the impact of the increase in the UNCS in MPII amounted to €3.1 million, and that OTP had made efforts to absorb this amount within the 2020 MPII approved budget threshold.

55. Furthermore, the Committee was informed that whilst the level of activity would be maintained, delayed recruitment and reduced terms of service were among the measures taken by the OTP in order to absorb the UNCS increase, resulting in a 4.3 per cent (€1,774.2 thousand) increase in staff costs.

56. The Committee noted that, notwithstanding all efforts, the OTP has requested one additional GTA position: Associate Human Resources Liaison and Coordination Officer at (P-2) level for six months within the Immediate Office of the Prosecutor, in order to address the high demands placed on the OTP HR Liaison Office.

<sup>18</sup> Proposed programme budget for 2021 of the International Criminal Court (ICC-ASP/19/10), page 190.

<sup>19</sup> Report on Budget Performance of the International Criminal Court as at 30 June 2020 (CBF/35/9/Rev.1), page 21, table 6.

57. **The Committee was of the view that due to enhanced synergies and coordination with Registry’s functions, such demand could be met by existing resources and thus recommended that the post should not be approved.**

#### Redeployment of staff

58. At its thirty-third session, the Committee had noted the practice of allocating and redeploying staff resources flexibly in the OTP between ongoing cases. While noting that this rotation system resulted in a redeployment of resources between different situations and different phases of proceedings (pre-trial, trial and appeals) in OTP depending on cases and workload needs, the Committee believed that clear criteria and transparent reporting on staff redeployments were required and decided to come back to this matter at its thirty-fourth session. Due to the limitations imposed by COVID-19, the matter had had to be deferred to the thirty-fifth session. Accordingly, the Committee considered the “Report of the Office of the Prosecutor on the redeployment of resources.”<sup>20</sup>

59. The Committee acknowledged that while it had received information on the allocation of resources and the criteria for case selection and prioritization, it had not received information concerning a clear indication of criteria and transparent reporting for redeployments of staff, or more specifically the guidelines and reporting lines for the redeployment of staff, as seen in MPIII.

### 3. Non-staff costs

60. The Committee acknowledged the efforts made by the OTP in reducing non-staff costs by 36.3 per cent, mainly in travel, contractual services and general operating expenses, in order to offset the increases in staff costs.

### 4. Recommended budget for Major Programme II

61. **The Committee recommended total reductions in the amount of €53.75 thousand for Major Programme II from its original 2021 proposed budget. The Committee thus recommended that the Assembly approve a total of €47,334.85 thousand for Major Programme II.**

## D. Major Programme III: Registry

### 1. General observation and analysis

62. The 2021 proposed budget for Major Programme III (Registry) amounted to €75,917.7 thousand, representing an increase of €0.8 thousand (or zero per cent) against the 2020 approved budget of €75,916.9 thousand.

63. As for financial performance, the forecast expenditure for 2020 for the Registry was estimated at €74,688.5 thousand, which represents 98.4 per cent of the approved 2020 budget of €75,916.9 thousand.

### 2. Staff costs

#### (b) Redeployment of posts

64. The Registry proposed the redeployment of the Special Assistant (P-3) in the Immediate Office of the Registrar to the Office of the Director of the Division of Judicial Services, and of Field Officer (Outreach, P-3) from DRC to the Office of the Director of the External Relations as External Affairs Coordinator (P-3). The Registry also proposed redeployment of five posts among country offices.

65. **The Committee in principle encouraged and endorsed the redeployment of posts in line with changing priorities. However, the Committee requested that the Court**

<sup>20</sup> CBF/34/6.

**re-justify the proposed redeployment of the post from DRC to the Headquarters, recalling that field posts were established to empower operations in situ in the context of the realignment of posts from the Headquarters. Furthermore, the number of country offices has not increased in the last five years, and the report of the External Auditor who evaluated the functioning of the Division of External Operations did not indicate a need to strengthen human resources in the Headquarters.**

(c) Defunding and abolishment of posts

66. The Registry proposed “defunding” nine posts in the field and in Victims and Witnesses Services (VWS), owing to the downsizing of the country office in Kinshasa and the restructuring of the working methods of VWS at the Headquarters under the Division of External Relations. The Registry also continued to defund five posts under the Division of Judicial Services. Those posts were retained in the staffing table to enable the Court to cope with demand fluctuation in the subsequent budget cycle. The Registry also proposed the abolition of one Field Officer (Outreach) (P-3) in Mali.

67. At its thirty-third session, the Committee recommended to the Assembly nine unfunded posts for 2020, while deciding to carefully scrutinize whether these posts could be abolished or permanently redeployed in 2021.

**68. In light of the justifications provided, the Committee recommended that the Assembly approve the proposed defunding of 14 posts and the abolishment of one post.**

69. However, the Committee was concerned that abolished posts might be “re-established” through unapproved GTA, as was the case with a (P-5) post within the 2020 approved budget, and thus reiterated the importance of maintaining budgetary integrity and full compliance with the Assembly’s decisions.

(d) New resource requirements under GTA

70. The Registry requested several new GTA positions (8.23 FTE):

- a) One Associate Legal Officer (P-2), 12 months;
- b) Four Paraprofessional Interpreters-Sango (P-1), five months each (1.67 FTE);
- c) Three Courtroom interpreters/translators-Arabic (P-3), five months each (1.25 FTE);
- d) Several Field Interpreters (Individual Contractor) (3.39 FTE); and
- e) Two Drivers (Individual Contractor) (0.92 FTE);

**71. Taking into consideration the existing resources and the unique skill set required, the Committee recommended approval of all languages positions, and one Associate Legal Officer (P-2) for six months.**

### 3. Five-Year Information Technology and Information Management Strategy

(a) Implementation of the Court’s Five-Year IT/IM Strategy

72. The Committee considered the “Report of the Court on its Five-Year IT/IM Strategy”<sup>21</sup> and Annex IX to the 2021 proposed programme budget, which provided an overview of the implementation of the IT/IM Strategy.<sup>22</sup>

73. At its thirty-third session the Committee had recommended that the Court continue to implement the Strategy on the basis of the maximum cost estimates for the years 2019-2021 as presented in the report of the Committee on the work of its thirty-first session (2019: €2,168.5 thousand; 2020: €2,072.5 thousand and 2021: €2,559.5 thousand). The Assembly had endorsed this recommendation at its eighteenth session. In addition, the Assembly had decided, in view of the nature of the long-term project, that a portion of the 2019 approved budget for the Strategy amounting to €307 thousand, and resulting from objective delays in procurement,

<sup>21</sup> CBF/35/8.

<sup>22</sup> ICC-ASP/19/10, annex IX (a) and (b).



would remain available in 2020, and had requested that the Registrar report annually to the Assembly, through the Committee, on the implementation of the Strategy.

74. The Committee noted that the Court had followed the agreed investment plan for the Five-Year IT/IM Strategy, as indicated in the Court's report.<sup>23</sup> Due to the COVID-19 crisis there had been a delay in the delivery of the major component of the Strategy, the Judicial Workflow Platform, resulting in the Court requesting a one year extension to the deadline of the Five-Year IT/IM Strategy and use of Strategy funds of €158.0 thousand in 2022. However, the total costs for the whole Five-Year IT/IM Strategy implementation would be €403.9 thousand lower than estimated in 2017 (see Table 3 below which shows the difference in totals).

**Table 3: Summary of annual spend/forecast required to implement the Court's Five-Year IT/IM Strategy for 2017-2021 (thousands of euros)**

	2017	2018	2019	2020	2021	2022	Total
<b>Committee Endorsement 31<sup>st</sup> Session expenditure ceilings</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>
<i>Actual Spend</i>	<i>€ 664.0</i>	<i>€ 1,430.5</i>	<i>€ 1,608.6</i>				
<i>Rollover</i>			<i>€ 307.0</i>				
<i>Approved/reforecast</i>				<i>€ 2,046.4</i>			
<i>Proposed</i>					<i>€ 2,052.5</i>	<i>€ 158.0</i>	
<b>Actual Execution Summary</b>	<b>€ 664.0</b>	<b>€ 1,430.5</b>	<b>€ 1,915.6</b>	<b>€ 2,046.4</b>	<b>€ 2,052.5</b>	<b>€ 158.0</b>	<b>€ 8,267.0</b>

75. The Committee welcomed the progress achieved so far and the budget control that the Court had exercised over the Five-Year IT/IM Strategy, and **recommended extending the IT/IM Strategy until the end of 2022. The Committee also recommended new expenditure ceilings for the Strategy in an amount of €2,052.5 thousand for 2021 and €158.0 thousand for 2022.** This also reduced the total cost of the Five-Year IT/IM Strategy implementation to €8,267.0 thousand. As noted above, the extension was needed to implement the Judicial Workflow Platform, which was an essential element of the Strategy; without it the critical infrastructure for more cost-effective management of trials and thus future cost reductions would not be achieved.

76. **The Committee also recommended that the Court should make efforts to clearly identify the efficiencies and savings achieved as a result of implementing the Five-Year IT/IM Strategy, and present them in the future in Annex X ("The baseline") and Annex XVI ("Savings and Efficiencies") of the proposed programme budget.**

77. The Committee observed that from the latest progress report on the Strategy implementation,<sup>24</sup> only €65 thousand of Strategy-related savings had been listed among the total savings and efficiencies for the Court.

78. In the 2022 proposed programme budget, the Committee looked forward to seeing a substantial amount of the previous year's Five-Year IT/IM Strategy expenditure recorded as non-recurrent costs in the savings and efficiencies calculations. The maximum expected theoretical reduction in the 2022 budget proposal would be €1,894.5 thousand (a difference between actual execution in 2021 and actual execution in the year 2022, see Table 3 above), if no rollover takes place. The Committee was already aware that in 2022 there would be a request for the replacement of obsolete IT infrastructure (data centre and network) amounting to €600 thousand<sup>25</sup> which, if approved, would reduce the expected amount of non-recurrent costs to €1,294.5 thousand.

79. The Committee was of the view that the Office of Internal Audit should conduct a performance audit of the Strategy implementation at the end of the Five-Year IT/IM Strategy

<sup>23</sup> CBF/35/8, Table 3, page 4.

<sup>24</sup> *Idem.* Table 4 page 5.

<sup>25</sup> ICC-ASP/19/10, Annex IX (b), para. 3(f) and Annex XIV.

in 2023. The Committee was made aware by the Audit Committee that to implement that task the Office of Internal Audit would need outside expertise.

80. **The Committee recommended that the Audit Committee consider having this assignment as part of the approved plan of the Office of Internal Audit for 2023 with possible assistance from an outside expert. Such an initiative would provide the necessary transparency for States Parties regarding the implementation of the Five-Year IT/IM Strategy.**

(b) Recommended ICT budget for 2021

81. **After considering Annex IX (b) to the 2021 proposed programme budget, which detailed the Court-wide IT/IM costs,<sup>26</sup> the Committee recommended that the Assembly approve the requested total amount of €14,433.7 thousand for the 2021 budget.** This amount included €2,052.5 thousand in staff and non-staff costs for the fifth year of the Court's Five-Year IT/IM Strategy, and €12,381.2 thousand forecast for Court-wide IT/IM expenditure, consisting of €6,350.0 thousand in staff costs and €6,031.2 thousand in non-staff costs. The Court's IT infrastructure has to be resilient to many challenges and thus needs constant maintenance and upgrading.

82. The Court's IT infrastructure has proven to be essential for keeping the Court operating during the COVID-19 crisis. It has also provided the means by which the Court has developed new methods of operating and new procedures, reducing, among other things, its operating cost. The management decisions to manage the Court's IT costs centrally through the Information Management Governance Board (IMGB) (93 per cent of total IT cost in 2020-2022) has reduced to a minimum the risk of duplicate purchasing or developing parallel infrastructure elements. The Committee recognized the good work done by IMSS and IMGB during the COVID-19 crisis.

83. A lot had been promised at the launch of the Strategy in terms of efficiencies (€3,390.7 thousand in the period of 2018 – 2031)<sup>27</sup> and the Committee looked forward to the tangible budgetary impact following the implementation of the Strategy. As a result of the COVID-19 crisis management, several new procedures and methods of working were introduced at the Court, which helped the Court to stay operational but also reduce costs. The combination of the Five-Year IT/IM Strategy implementation results and the new working methods have great potential to make the Court's operations more efficient across the board and set a new lower baseline for costs.

84. As is the case everywhere, there are possibilities for more efficient operation in IT as well. Controlling for IT "lights-on" costs will become a central issue after completion of the Five-Year IT/IM Strategy. Every effort should be made to not exceed the predicted "lights-on" costs level of 2022 when the Five-Year IT/IM Strategy ends.

85. **The Committee looked forward to continued reporting on IT costs across the Court's programmes with a five-year outlook, as well as reporting on the Court's IT development plans after conclusion of the Five-Year IT/IM Strategy, and requested a report on these topics for its thirty-seventh session.**

#### 4. Legal aid

86. The Committee noted that the 2021 proposed budget for legal aid amounted to €5,750.8 thousand (€4,023.7 thousand for victims and €1,727.1 thousand for the defence).<sup>28</sup>

87. The Committee noted an increase of €856.2 thousand (27 per cent) for Counsel for Defence and €427.1 thousand for Counsel for Victims, as a result of the application of the Court's legal aid system to planned judicial activities and related assumptions for 2021. The Committee also noted an increase in resource requirements of €243 thousand (106.7 per cent) under consultants, attributable to the appointment of field counsel based in situation countries as directed by the relevant Chambers.

<sup>26</sup> ICC-ASP/19/10, annex IX (a) and (b).

<sup>27</sup> CBF/31/12/Rev.3.

<sup>28</sup> ICC-ASP/19/10, page 92, Table 25.

88. The Committee noted that an amount of €300 thousand had been allocated for duty and ad hoc counsel. **Based on an examination of the actual duty and ad hoc counsel costs in the past, as well as the resources needed as at 30 June 2020 (€86,630 compared to €220 thousand approved budget), the Committee recommended that the funds for duty and ad hoc counsel be reduced by €80 thousand.**

#### 5. Non-staff costs

89. The Committee acknowledged the efforts made by the Registry to control cost increases, which had resulted in a reduction in non-staff costs of €890.2 thousand (or 3.5 per cent) compared to the 2020 approved budget.

#### 6. Recommended budget for Major Programme III

90. **The Committee recommended total reductions in the amount of €133.75 thousand for Major Programme III from its original 2021 proposed budget. The Committee thus recommended that the Assembly approve a total of €75,783.95 thousand for Major Programme III.**

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

#### 1. General observations and analysis

91. The 2021 proposed budget for Major Programme IV amounted to €2,837.0 thousand, representing a net decrease of €479.7 thousand (or 14.5 per cent) against the 2020 approved budget of €3,316.7 thousand.

92. The Committee noted that the Secretariat had made efforts to absorb the change of the “Delayed recruitment factor” to zero and the increase in the UNCS in MPIV amounted to €234.6 thousand without any actual increase in the number of staff for 2021. The Committee reviewed the expected workload of the Secretariat, taking into account States Parties’ requirements and the financial resources requested to meet their needs, and was of the view that the expected underspend in the 2020 budget had no direct effect on the resource requirements for 2021.

93. The Committee noted that the net decrease in the proposed budget was mainly due to the non-recurrent costs of the Independent Expert Review and Committee on the Election of the Prosecutor in 2020, the Advisory Committee on Nominations of Judges, and no travel to New York due to the twentieth session of the Assembly being held in The Hague. The Committee also noted that the increase in staff costs was due to the change in the UNCS and not an actual increase in the number of staff.

#### 2. Recommended budget for Major Programme IV

94. **The Committee recommended that the Assembly approve a budget of €2,837.0 thousand for Major Programme IV.**

### F. Major Programme V: Premises

#### 1. General observations and budget provisions

95. The 2021 proposed budget for Major Programme V amounted to €2,270.0 thousand, the same amount as the 2020 approved budget.

96. The Committee noted that the 2021 proposed budget was composed of €1,891.0 thousand for preventive and corrective maintenance and €378.9 thousand for planned capital replacements, the latter concerning only the replacement of essential elements required for the day-to-day functioning of the building. The proposed investments for 2021 contained only the most critical elements of capital replacement needs and they were significantly reduced when compared with the initial capital replacement plan submitted to the thirty-third session of the Committee, and also in comparison with the 2020 approved budget. The

Committee also noted that the investment amount was reduced for the purpose of avoiding exceeding the approved level of resources in the 2020 budget and also that the budget proposed for capital replacements may have an adverse effect on the Court's ability to maintain the premises in The Hague structurally and operationally.

97. The Committee reminded the Court that capital replacement had to be fully justified and limited only to those elements which are absolutely necessary and requested that the Court ensure that all measures be taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible. The building components that have been identified by the Court as the most vulnerable elements forecast for replacement as part of the 2021 budget are: the electrical and security installations (electrical infrastructure, security and safety installations, elevators, and the Building Management System) estimated at €275 thousand; mechanical and plumbing elements (cooling and water supply) estimated at €54 thousand; and elements related to external doors and windows, the physical security outdoor perimeter, as well as replacing cables on the façade estimated at €50 thousand.

#### 14. *Medium- and long-term plans for capital replacements*

98. The Committee considered the "Report of the Court on updated and detailed plans and a multi-year financing mechanism for capital replacements",<sup>29</sup> which had been requested by the Committee at its thirty-third session. The key aspects of this report were:

- a) an updated five-year plan based on a review of the building elements by the Court with the main contractor following the now largely applicable Dutch standards for the classification of building elements;
- b) a long-term capital replacement plan covering the years 2021 to 2040;
- c) funding scenarios under current contractual arrangements with the main contractor covering preventive measures against a fixed fee and corrective maintenance; and
- d) the possibility of an alternative contract and cooperation model.

99. The Committee welcomed the intention of establishing the Five-Year plan as a rolling plan based on a complete review of the building elements and covering all its elements in a new structure aligning both the five-year and long-term plans. The report did not elaborate on the measures which lie behind the capital replacement costs of the Five-Year Plan making it difficult for the Committee to evaluate the adequacy of the estimates.

100. Given the substantially lower envelope for 2021, the Five-Year Plan will have to be updated. **The Committee recommended that the Court, as part of the proposed programme budget each year, submit to the Assembly, through the Committee, an updated Five-Year Plan for capital replacement ensuring that operational risks for the Court are limited as far as possible.**

**Table 4: Updated Five-Year Plan Capital Replacement 2021 – 2025 (including allocation for 2020)<sup>30</sup>**

Five-Year Plan Capital Replacement 2021 – 2025 (incl. allotment for 2020)	Cash flow 2020 prices						
	2020	2021	2022	2023	2024	2025	Sum
<b>Building Components for Replacement</b>							
Building Envelope	€27,000	€191,364	-	€87,360	€38,280	€97,020	€441,024
Building Structure	-	€19,536	-	-	€3,276	€2,400	€25,212
Finishes and Surfaces	-	€102,932	€68,886	€75,654	€68,886	€245,586	€561,943
Mechanical and Plumbing	-	€129,720	€8,400	€156,000	-	€240,000	€534,120
Electrical and Security Installations	€398,000	€688,002	€522,708	€1,088,136	€1,416	€5,737,176	€8,435,438
Fixtures and Fittings	-	€87,120	€5,040	€2,520	€12,600	€105,960	€213,240
Landscape	-	€103,380	-	-	€38,400	€320,640	€462,420
ICT Hardware and AV Technology	-	€153,800	-	-	-	-	€153,800
<b>TOTAL</b>	<b>€425,000</b>	<b>€1,475,854</b>	<b>€605,034</b>	<b>€1,409,670</b>	<b>€162,858</b>	<b>€6,748,782</b>	<b>€10,827,19</b>

<sup>29</sup> CBF/34/10.

<sup>30</sup> *Ibid.*

101. The Committee welcomed the Court's effort to estimate the long-term capital replacement demands and to suggest scenarios for funding those plans. The proposed scenarios are supposed to provide solutions that would ease the States Parties payment burden caused by the investment peaks.

102. Concerning the long-term funding of capital replacement, the Committee took note of the four scenarios: Funding as part of the regular programme budget and establishment of a fund with regular contributions by State Parties (annual, annual plus additional one-time contributions every five years and staged annual contributions). The total cost of capital replacement to be funded would be €83.3 million over 20 years.

103. The Committee noted that the Court advocated the establishment of a fund (an approach most international organisations seem to be following) to assure reliable funding. The Committee did not support the establishment of a fund at its thirty-first session. While recognizing the advantages a fund would offer to cope with the long-term requirements of capital replacement, the Committee, however, given current uncertainties continues not to support the establishment of a capital replacement fund but is prepared to reassess the situation at its thirty-seventh session.

**Table 5: Long-Term Plan Capital Replacement 2021 – 2030 (cash flow at 2020 prices)**

Building Components for Replacement	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Sub-total
Building Envelope	191,364 €	0 €	87,360 €	38,280 €	97,020 €	24,000 €	417,677 €	0 €	24,000 €	3,000 €	882,701 €
Building Structure	19,536 €	0 €	0 €	3,276 €	2,400 €	0 €	1,270,619 €	0 €	0 €	5,676 €	1,301,507 €
Finishes and Surfaces	102,932 €	68,886 €	75,654 €	68,886 €	245,586 €	68,886 €	1,298,847 €	68,886 €	68,886 €	80,766 €	2,148,213 €
Mechanical and Plumbing	129,720 €	8,400 €	156,000 €	0 €	240,000 €	900 €	391,020 €	0 €	8,400 €	3,234,690 €	4,169,130 €
Electrical and Security Installations	688,002 €	522,708 €	1,088,136 €	1,416 €	5,737,176 €	529,416 €	934,976 €	1,416 €	522,708 €	3,513,144 €	13,539,098 €
Fixtures and Fittings	87,120 €	5,040 €	2,520 €	12,600 €	105,960 €	0 €	99,586 €	0 €	7,560 €	352,380 €	672,766 €
Landscape	103,380 €	0 €	0 €	38,400 €	320,640 €	0 €	182,466 €	0 €	0 €	140,160 €	785,046 €
ICT Hardware and AV Technology	153,800 €	0 €	0 €	0 €	0 €	153,800 €	0 €	0 €	0 €	0 €	307,600 €
<b>TOTAL</b>	<b>1,475,854 €</b>	<b>605,034 €</b>	<b>1,409,670 €</b>	<b>162,858 €</b>	<b>6,748,782 €</b>	<b>777,002 €</b>	<b>4,595,191 €</b>	<b>70,302 €</b>	<b>631,554 €</b>	<b>7,329,816 €</b>	<b>23,806,061 €</b>

**Table 6: Long-Term Plan Capital Replacement 2031 – 2040 (cash flow at 2020 prices)**

Building Components for Replacement	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	Grand Total
Building Envelope	63,360 €	24,000 €	2,060,064 €	0 €	4,543,920 €	0 €	0 €	24,000 €	481,037 €	3,000 €	8,082,082 €
Building Structure	0 €	0 €	447,803 €	0 €	71,400 €	3,276 €	0 €	0 €	1,270,619 €	2,400 €	3,097,004 €
Finishes and Surfaces	75,654 €	68,886 €	318,090 €	68,886 €	252,354 €	68,886 €	68,886 €	68,886 €	1,433,223 €	2,889,318 €	7,461,281 €
Mechanical and Plumbing	156,000 €	0 €	79,020 €	0 €	1,102,260 €	8,400 €	0 €	0 €	547,020 €	50,700 €	6,112,530 €
Electrical and Security Installations	1,088,136 €	529,416 €	235,916 €	1,416 €	9,394,536 €	522,708 €	1,416 €	529,416 €	1,992,896 €	607,086 €	28,442,040 €
Fixtures and Fittings	2,520 €	0 €	66,060 €	0 €	3,026,460 €	17,640 €	2,520 €	0 €	99,586 €	1,078,217 €	4,965,768 €
Landscape	0 €	0 €	86,520 €	0 €	320,640 €	0 €	0 €	0 €	182,466 €	60,300 €	1,434,972 €
ICT Hardware and AV Technology	153,800 €	0 €	0 €	0 €	0 €	153,800 €	0 €	0 €	0 €	0 €	615,200 €
<b>TOTAL</b>	<b>1,539,470 €</b>	<b>622,302 €</b>	<b>3,293,473 €</b>	<b>70,302 €</b>	<b>18,711,570 €</b>	<b>774,710 €</b>	<b>72,822 €</b>	<b>622,302 €</b>	<b>6,006,847 €</b>	<b>4,691,021 €</b>	<b>60,210,877 €</b>

104. The Committee reiterated its recommendation at its thirty-third session to consider appointing one or more external *pro bono* experts from State Parties to provide expert advice in terms of the planning and implementation of capital replacement plans.

105. The Committee recommended reassessing the medium and long-term capital replacement plan in light of budgetary appropriations for 2021, taking into account the need to minimize operational risks for the Court and giving priority to maintenance over replacement whenever economically sensible, in line with the principle of sustainability. The Committee looked forward to receiving updated information at its thirty-seventh session.

106. The Committee further recommended that also alternative arrangements to further integrate maintenance and capital replacement programmes into one contract are also explored as an alternative solution to current contractual arrangements. The Committee looked forward to receiving information on this at its thirty-sixth session.

### Recommended budget for Major Programme V

107. The Committee recommended that the Assembly approve the requested amount of €2,270.0 thousand for Major Programme V.

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

### 1. General observations and analysis

#### *Requested budget for 2021 and implementation rate in 2020*

108. The Trust Fund for Victims (TFV) has two mandates: 1) to administer reparations ordered by the Court against a convicted person; and 2) to use its other resources for the benefit of victims in accordance with article 79 of the Rome Statute.

109. The TFV's strategic plan for 2019-2021 was adopted by the Board in March 2020 and had been further adapted in view of recommendations made by the Independent Oversight Mechanism, as well as the institutional and operational impact of the COVID-19 pandemic.

110. The 2021 proposed budget for Major Programme VI amounted to €3,226.1 thousand, representing the same nominal level as the 2020 approved budget. The proposed budget absorbed an incremental increase in staff costs in accordance with the UNCS. In addition, reductions have been made to non-staff resources.

111. The Committee was informed that the budget performance for MPVI as at 30 June 2020 was 42.7 per cent and that the total forecast implementation rate as at 31 December 2020 is expected to be 94.5 per cent.

112. The Committee was informed that as part of the assistance mandate there were ongoing programmes in northern Uganda since 2019 and also in the Democratic Republic of Congo since 2020. A three-year programme cycle in place in Côte d'Ivoire since 2020 is to include activities in support to the performance of the national administrative reparations programme.

113. In addition, new assistance programmes are being explored for Kenya, Georgia and Mali pending the Board review and decision on further action based on an assessment of funding prospects.

114. The Committee noted that three cases will continue in the reparations phase in 2021. Three cases would be in the implementation phase: Lubanga, which started in 2012, and Katanga and Al Mahdi, both of which started in 2017. Reparations proceedings in Ntaganda in the situation in the DRC, which commenced in 2019 are also expected to result in a reparations order, followed by an implementation phase if the conviction is confirmed on appeal. Reparations proceedings in Ongwen may start in early 2021 if the accused is convicted.

115. The Committee recognized that reparations are unprecedented activities in international criminal justice and require a cautious approach. Furthermore, the Committee recognized that the duration of reparations not only has significant financial implications, mainly in terms of human resources in the Judiciary and Registry, along with resources needed for legal aid for the defence and for victims, and the STFV, but most importantly have a potential impact on the victims' expectations and consequently a significant impact on the reputation of the Court.

116. The Committee noted that the implementation of reparations to victims required a tighter organisational structure and welcomed the working relationship between the TFV and the Registry through the 2019 Cooperation and Assistance Framework in order to deliver effectively and efficiently on their respective mandates, which provides for the optimization of synergies between the STFV and the Registry, including in the country offices, Procurement Unit, Finance Section, Victims Participation and Reparation Section, External Relation and State Cooperation Unit, the Counsel Support Section, Office of Public Counsel for Victims, the Security and Safety Section and the Public Information and Outreach Section.

117. The Committee recognized the work on the policy and framework for the reparations process. The Committee is of the view that the policy should focus on the principle of equal treatment of victims in particular cases, while taking in account the specificities of each case,

to identify, to the extent possible, where the procedure might be unified while respecting the principle of independence of the judges and how the whole process may be simplified, made more effective and expeditious. **The Committee requested that it be informed on any progress on reparations at its thirty-seventh meeting.**

## 2. Staff costs

### *Established posts*

118. The Committee noted that no new established posts were proposed by the STFV for 2021. The impact of the application of the UNCS was €77.4 thousand.

### *General Temporary Assistance*

119. The STFV requested an increase of €149.1 thousand (9.5 per cent) due to UNCS costs, which does not reflect an increase in staff capacity.

120. The STFV is applying 10 per cent as “Delayed recruitment factors” on its Professional and General Services budget line items. The requested amount for 2021 was €1,191.1 thousand for the Professional and General Services categories.

121. **The Committee reviewed the trend of the implementation rate for the STFV and recommended that the application rate for the “Delayed recruitment factors” be raised to 12 per cent, thus the reduction achieved would be €26.5 thousand.**

122. **The Committee recommended that the Assembly approve all GTA positions for the STFV.**

## 3. Non-staff costs

123. The Committee noted that the requested non-staff costs decreased by €226.5 thousand (or 42 per cent).

## 4. Recommended budget for Major Programme VI

124. **The Committee recommended total reductions in the amount of €26.5 thousand for Major Programme VI from its original 2021 proposed budget. The Committee thus recommended that the Assembly approve a total of €3,199.6 thousand for Major Programme VI.**

## 5. Policy issues related to the Trust Fund for Victims

125. The Committee considered a range of policy issues, which are all relevant for the TFV’s cost-efficient operation, accountability and fund-raising, and which have potential financial and budgetary implications.

### *Strengthening of internal controls with regard to the implementation of reparation awards*

126. The Committee considered the progress report submitted by the TFV as requested by the Committee.<sup>31</sup> The report provided details about the implementation of reparations in three cases, Lubanga, Al Mahdi and Katanga, as a result of the cooperation between the Registry and the Trust Fund for Victims in procuring and contracting selected implementing partners.

127. The Committee noted that the External Auditor in his report on the TFV’s financial statements for the year ended 31 December 2019 considered its recommendation in this regard to have been implemented.

### *Administrative costs of implementing partners related to reparations*

128. Following a request by the Committee to receive more information about the calculation of administrative costs of 15 per cent in services contracts with the implementing

<sup>31</sup> CBF/35/6.

partners that are funded by donors' contributions, the TFV submitted a report "Response of the Secretariat of the Trust Fund for Victims to queries in relation to financial administration".<sup>32</sup> The Committee appreciated the information provided by the Court on the administrative costs of implementing partners related to reparations, **and requested that the STFV provide detailed information on the agreed objectives to be achieved by the external auditing firm when auditing the work done by implementing partners on an annual basis. The Committee further requested that the STFV provide a sample of the external auditing firm's report at its thirty-sixth session.**

*Financial self-sustainability of the Trust Fund for Victims*

129. **The Committee considered the report submitted by the TFV on the use of donor funds for incidental programme costs ("IPC funds")<sup>33</sup>. The Committee invited the STFV to continue identifying possible approaches on this matter and to update the Committee at its thirty-sixth session.**

*Voluntary contributions and fund-raising from private donors*

130. In April 2018, the Committee recommended that the STFV and the Court jointly establish a working group to identify viable options, weigh up their advantages and disadvantages, and work out a specific proposal to be decided upon.

131. One and a half years later, while the work was under way, it was still in the incipient stage. A joint Working Group on Private Donations to the Trust Fund for Victims had been set up by the TFV and the Registry. It would focus on four areas: (i) the feasibility of fiscal sponsor arrangements in the relevant markets; (ii) the feasibility of obtaining legal status enabling receipt of tax-deductible private donations; (iii) procedures for vetting prospective TFV private donors; and (iv) updating the TFV gift acceptance policy for private donations.

132. The TFV's "Progress Report on Private Fundraising"<sup>34</sup> highlighted the most recent developments: (i) build a team of professionals specialized in fundraising and communications; (ii) procure an integrated Constituent Relationship Management system to streamline donor information and donor relationship management, track contributions and support digital fundraising; (iii) continue discussions with comparable international organisations engaging with the private sector to raise funds through tax-deductible donations.

133. The Committee noted that, in response to queries from the Committee, the STFV had indicated that due to budget limitations the TFV mobilized "visiting professionals, interns and consultants" in relation to awareness raising and fundraising. The Committee welcomed the efforts to identify cost-neutral ways of fundraising.

134. **The Committee welcomed the fact that a team of professionals specialised in fundraising and communication had been built-up on a voluntary basis and recommended that the TFV continue this practice in the future, without any increases in budgetary resources. The Committee looked forward to specific proposals on private fundraising at its thirty-seventh session.**

## H. Major Programme VII-2: Permanent Premises - Host State Loan

### 1. General observations and analysis

135. 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.

<sup>32</sup> CBF/35/7.

<sup>33</sup> *Ibid.*

<sup>34</sup> CBF/35/4.



136. The 2021 proposed budget for Major Programme VII-2 amounted to €3,585.1 thousand, which corresponded to the same amount as in the 2020 approved budget.

137. The Committee recalled that the Court has a legal obligation to pay the instalments by 1 February of each year. **The Committee urged those States Parties that are liable for contributions to the payment of the host State loan to pay 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.**

138. The Committee noted that in the current global difficult economic situation, interest rates on the financial markets are low and many States Parties have been facing economic crises and budget restrictions in the last year. **For this reason, the Committee invited the Court and States Parties to approach the host State concerning the possibility of opening negotiations with a view to reducing the interest rate on the loan provided for the construction of the permanent premises.**

## 2. Recommended budget for Major Programme VII-2

139. **The Committee 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

140. The 2021 proposed budget for Major Programme VII-5 amounted to €739.5 thousand, representing an increase of €34.8 thousand (4.9 per cent) against the 2020 approved budget of €704.7 thousand.

141. The Committee noted that the requested increase was mainly due to the increases in the UNCS costs, the implications of which could not be absorbed fully within the 2021 proposed budget.

### 2. Recommended budget for Major Programme VII-5

142. **The Committee thus recommended that the Assembly approve a total amount of €739.5 thousand for Major Programme VII-5.**

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

### 1. General observations and analysis

143. The 2021 proposed budget for Major Programme VII-6 amounted to €756.5 thousand, representing an increase of €35.3 thousand (4.9 per cent) against the 2020 approved budget of €721.2 thousand.

144. The Committee noted that the requested increase was mainly due to the increases in the UNCS costs, the implications of which could not be absorbed fully within the 2021 proposed budget.

145. The Committee noted that the requested budget included training costs of €28.8 thousand in order to provide the necessary continuing professional education for auditors. In response to a query from the Committee the Office indicated that it was considering the option of procuring a customized training course, to address its specific needs within the working environment of the Court, at an estimated cost of €25 thousand.

146. **The Committee therefore, recommended a reduction of €3.8 thousand for training in 2021, and also recommended that the Office of Internal Audit continue to seek value for money in its training options in the future, for example through online training courses run by institutions such as the Institute of Internal Auditors.**

## 2. Recommended budget for MP VII-6

147. The Committee recommended that the Assembly approve an amount of €752.7 thousand for Major Programme VII-6.

### III. Other financial and budgetary matters

#### A. Status of contributions to the regular budget, the Contingency Fund, the Working Capital Fund and the host State loan

148. The Committee noted that as of 31 August 2020 a grand total of €42.5 million of contributions were outstanding.

149. The Committee recalled that all States Parties were required to contribute to the regular budget of the Court, to the Working Capital Fund (“the WCF”) and to the Contingency Fund (CF), and that those States Parties that did not opt to make a “one-time” payment towards the premises of the Court were required to contribute to the instalments for the host State loan.<sup>35</sup>

150. The Committee took note of the monthly financial reports of the Court as at 31 July and 31 August 2020, which included updates on the status of contributions, as well as a further update on the status of contributions as at 15 September 2020.

151. The Committee reviewed the status of contributions towards:

- (a) The assessed contributions for the 2020 budget of €145,140.8 thousand; and
- (b) Instalments of €3,585.1 thousand for the host State loan for the Court’s premises; and analysed the trend over the last 10 years, as illustrated in Table 7 and Graph 2 below

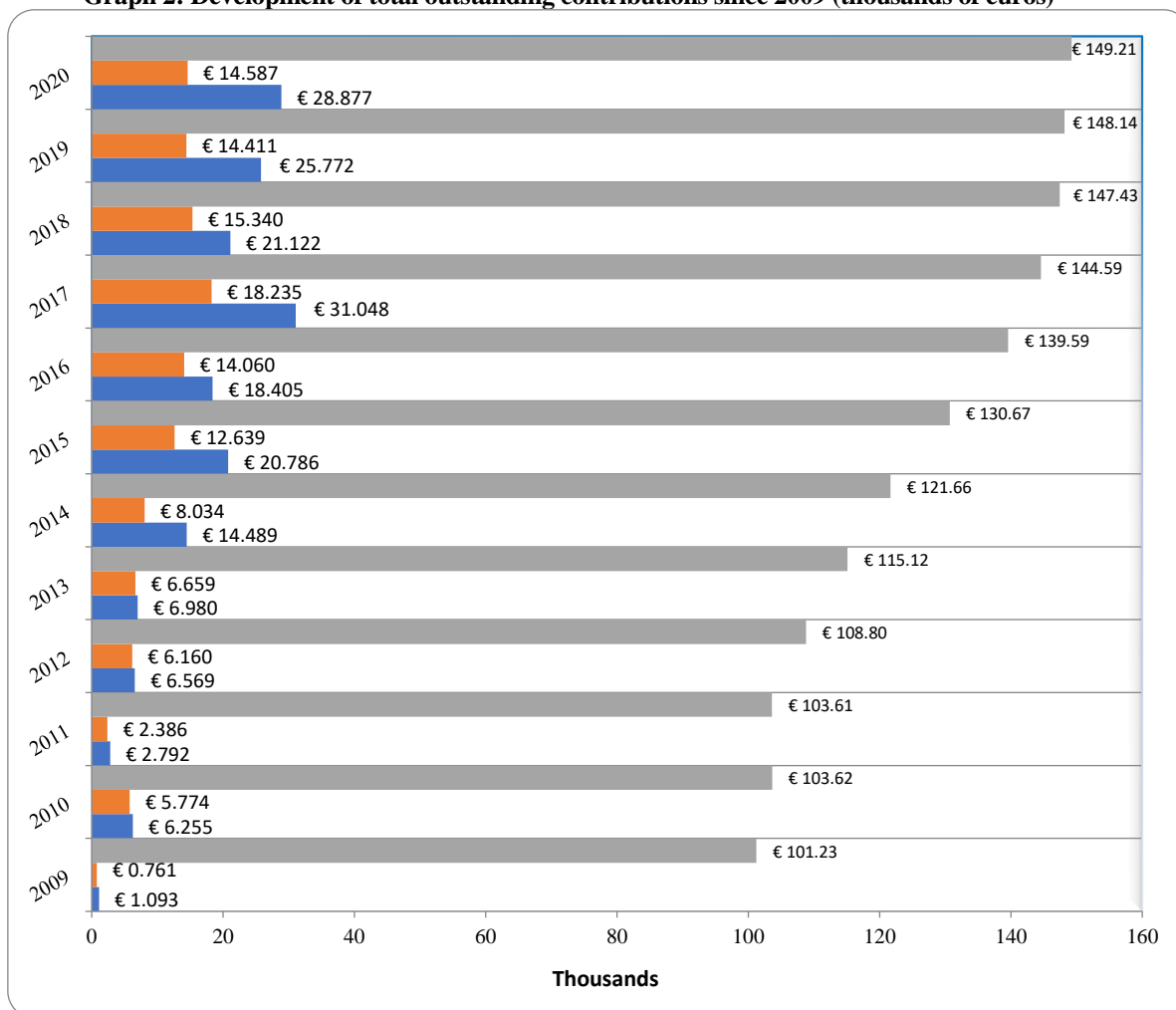
---

<sup>35</sup> 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 made one-time payments towards the construction of the premises, either in full or in part, by the specified deadline.

**Table 7: Trend analysis on total outstanding contributions from 2009-2020, including the host State loan and excluding the Contingency Fund (in thousands of euros)**

1.	Year	2.	Approved programme budget	3.	Outstanding contributions at the end of the current period	4.	Outstanding contributions at the end of the current period (in %)	5.	Total outstanding contributions at the end of the period, including from previous years
6.	2009	7.	101,229.9		760.6		0.75%	8.	1,093.0
9.	2010	10.	103,623.3		5,774.4		5.6%	11.	6,254.9
12.	2011	13.	103,607.9	14.	2,385.6	15.	2.3%	16.	2,791.6
17.	2012	18.	108,800.0		6,159.7		5.7%	19.	6,569.3
20.	2013	21.	115,120.3		6,659.1		5.8%	22.	6,980.2
23.	2014	24.	121,656.2		8,034.2		6.6%	25.	14,489.3
26.	2015	27.	130,665.6		12,639.1		9.7%	28.	20,785.7
29.	2016	30.	139,590.6		14,059.7		10.1%	31.	18,405.0
32.	2017	33.	144,587.3		18,234.7		12.6%	34.	31,047.9
35.	2018	36.	147,431.5		15,339.9		10.4%	37.	21,121.9
38.	2019	39.	148,135.1	40.	14,410.5		9.7%	41.	25,771.8
42.	2020	43.	149,205.6*	44.	14,587.1*		9.8%*	45.	28,877.1*

\*Forecast.

**Graph 2: Development of total outstanding contributions since 2009 (thousands of euros)**

- 15 16. Total outstanding contributions at the end of the period, including from previous years
- 17 18. Outstanding contributions at the end of the current period
- 19 20. Approved programme budget

152. The Committee noted that the Court was very aware that State Parties might be in an economically difficult situation because of the ongoing COVID-19 pandemic. Nevertheless, the Committee stressed the obligation under the Rome Statute for States Parties to fulfil their commitment towards the Court by paying the assessed contributions in full and in a timely manner. The Court has to trust that the States Parties comply with their obligation since the contributions make up its only income that enables it to fulfil its mandate. Not meeting obligations in relation to the payment of contributions may seriously jeopardize the day-to-day operations of the Court. If contributions remain unpaid at the end of the year, the Court may need to resort to the WCF, whose purpose is to overcome temporary cash shortfalls during the budget implementation and, in addition, whose available amount may not be sufficient to cater for liquidity shortfalls.

153. **The Committee continued to urge 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 Financial Regulations and Rules ("FRR"). The Committee requested that the Court once again notify those States Parties that had not paid their contributions in full of their payment obligations prior to the nineteenth session of the Assembly in December 2020.**

154. **Furthermore, while welcoming the efforts made in previous years by the Court in order to avoid a liquidity shortfall, the Committee recommended that the Court use and further develop different forms of interactions with States Parties to minimise the**

risk to liquidity, such as: formal letters to relevant national authorities; facilitating video-conferences or meetings with high-level or technical State representatives engaged in the payment process, and further engaging with other relevant partners to address their intended payment schedule; contact early in the year (January/February 2021) with embassies of the main contributors to obtain clarity on when payment of contributions to the Court could be expected; as well as enhancing the coordination with the President of the Assembly of States Parties and the facilitator on arrears.

## B. States in arrears

155. The Committee observed that as at 15 September 2020, 11 States Parties were in arrears and would not be able to vote in accordance with article 112, paragraph 8 of the Rome Statute.

156. The Committee recalled 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, and that requests for exemption should only be granted after the payment of a minimum amount identified and once a payment plan for the remaining balance is presented.<sup>1</sup>

157. **The Committee considered that the upcoming elections of Judges and the Prosecutor presented a situation where voting rights would be highly sought after and thus urged States in arrears to settle their accounts in a timely manner.**

158. The Committee reiterated its recommendation 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 nineteenth session of the Assembly, highlighting the importance of their contributions for the budget and the financial stability of the Court, and for the States Parties themselves to regain their voting rights.**

## C. Precautionary reserves

159. 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 and the CF.

160. The Court's latest monthly financial situation report was dated 31 August 2020. It showed that the cash balance of the General Fund was €25.4 million, the WCF €11.5 million, and the CF €5.2 million.

### 1. Liquidity issue

161. The Committee considered the liquidity situation of the Court as at 31 August 2020, as reflected in the monthly financial report.

162. The Committee reiterated its concern regarding the trend of increasing arrears in recent years, which resulted in a significant risk of a liquidity shortfall, as had also been highlighted in the External Auditor's "Final audit report on the budget process of the International Criminal Court".<sup>2</sup>

163. The Committee noted that the Court had made cash flow forecasts for the remaining part of the year. The forecasts were calculated according to two different bases: 1) trends for contributions received in 2019; and 2) contributions received up to 31 August plus confirmation provided by States Parties regarding payment dates during the remainder of 2020. Both projections yielded a liquidity shortfall by the end of the year. The shortfall of the first forecast would consume a significant portion of the WCF, while the second would lead to a €22 million deficit, almost twice the amount available in the WCF. The Committee was inclined to take the second scenario as more realistic.

<sup>1</sup> ICC-ASP/18/12, para. 37.

<sup>2</sup> ICC-ASP/18/2/Rev.1, paras. 178-188.

164. Despite the prevailing difficulties and uncertainties due to the global economic situation, **the Committee recommended that the Court, if liquidity issues do occur, seek to effectively manage the available resources throughout the remaining months of the year. In addition, the Committee recommended that, in the event of a liquidity shortage occurring before the session of the Assembly, the Bureau, upon recommendation of the Committee, consider available options to deal with the situation.**

## 2. Working Capital Fund

165. The WCF was established to ensure capital for the Court to meet short-term liquidity problems pending receipt of assessed contributions.<sup>3</sup>

166. At its thirty-third session, the Committee had recommended using an amount of €2.5 million of the cash surplus from 2017 to reach the established level of the WCF of €11.6 million as decided by the Assembly at its seventeenth session in 2018.<sup>4</sup> The Committee had also reiterated its previous recommendation that the level of the WCF be maintained at one month of the Court's expenditure, and recommended that the Assembly approve an increase in the notional level to €12.3 million.

167. The Committee took note that the Assembly, at its eighteenth session, had noted that the Court would replenish the Working Capital Fund to the level of €11.54 million, exceptionally using the available cash surplus from 2017, in line with the recommendation of the Committee. The Assembly had also noted the recommendation of the Committee that the level of the WCF be maintained at one month of the Court's expenditure, and therefore be increased to the notional level of €12.3 million. The Assembly had noted that States Parties would continue to consider this matter in The Hague Working Group facilitation on the budget.

168. As noted above, the Court carried out two cash flow estimates for the remainder of 2020 utilizing a different approach for each. Both projections came up with a shortfall by the end of the year.

169. **In light of the liquidity risk faced by the Court, the Committee recommended that the Bureau and the Assembly keep the level of the Working Capital Fund under review.**

## 3. Contingency Fund

170. The CF was established to ensure that the Court is able to meet unforeseen and unavoidable expenses.<sup>5</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>6</sup>

171. The Committee recalled that, at its eighteenth session, the Assembly, after noting the current level of the CF of €5.2 million, decided to maintain the CF at the notional level of €7.0 million for 2020.<sup>7</sup> Moreover, the Assembly had requested that the Bureau keep the €7.0 million threshold under review in light of further experience on the functioning of the CF.<sup>8</sup>

172. The Committee noted that the balance of the CF stood at €5.2 million at the end of August 2020, a shortfall of €1.8 million. **In view of the current circumstances the Committee recommended that the Court maintain the level at €5.2 million, and that priority be given to reaching the notional level when the situation allows.**

<sup>3</sup> Regulation 6.2 of the Financial Regulations and Rules.

<sup>4</sup> *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. I, part III, ICC-ASP/17/Res.4., B., para. 5.

<sup>5</sup> Rule 6.6 of the Financial Regulations and Rules.

<sup>6</sup> *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.4, section B, para. 1; and *Official Records ... Eight session ... 2009* (ICC-ASP/8/20), Vol. I, part II, ICC-ASP/8/Res.7, Section E, para. 2.

<sup>7</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part III, ICC-ASP/18/Res.1, section D., paras. 1-2.

<sup>8</sup> *Idem.*, para. 3.

## D. Programme performance of the 2019 approved budget

### 1. General observations

173. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2019”<sup>9</sup> and noted that in 2019, the Court’s total actual expenditure including CF amounted to €147.6 million, which represents 99.6 per cent of the approved 2019 budget of €148.14 million. The remaining balance of €0.5 million included unspent provisions of €0.3 million for the multi-year IT/IM Strategy project that would be carried forward to the 2020 financial year.<sup>10</sup>

174. The implementation rate of the regular budget for 2019 was 98.3 per cent or a total of €145.67 million against an approved budget of €148.14 million.

175. Four CF notifications were submitted to the Committee with a total notified amount of €2.7 million, €1.9 million of which was actually needed. The Committee welcomed the Court’s effort in order to absorb the expenditure for unforeseen situations and developments within its regular budget.

**Table 8: Consolidated Budget Performance in 2019 by Major Programme and Programme (thousands of euros)**

<i>Major Programme / Programme</i>	<i>Approved Budget 2019</i> [1]	<i>Actual Expenditure* 2019</i> [2]	<i>Variance</i> [3]=[1]-[2]	<i>Implementation rate in %</i> [4]=[2]/[1]
<b>Major Programme I / Judiciary</b>	<b>12,107.6</b>	<b>11,592.6</b>	<b>515.0</b>	<b>95.7</b>
The Presidency	1,255.9	1,070.0	185.9	85.2
Chambers	10,851.7	10,522.6	329.1	97.0
Liaison Offices	-	-	-	-
<b>Major Programme II / Office of the Prosecutor</b>	<b>46,802.5</b>	<b>46,446.9</b>	<b>355.6</b>	<b>99.2</b>
The Prosecutor	11,632.3	9,837.8	1,794.5	84.6
Jurisdiction, Complementarity and Cooperation Division	3,994.7	3,890.4	104.3	97.4
Investigation Division	19,523.4	21,107.4	(1,584.0)	108.1
Prosecution Division	11,652.1	11,611.2	40.9	99.6
<b>Major Programme III / Registry</b>	<b>76,651.2</b>	<b>75,435.0</b>	<b>1,216.2</b>	<b>98.4</b>
Office of the Registrar	1,720.4	1,979.4	(259.0)	115.1
Division of Management Services (DMS)	18,848.0	18,314.2	533.8	97.2
Division of Judicial Services (DJS)	33,372.9	33,164.8	208.1	99.4
Division of External Operations (DEO)	22,709.9	21,976.5	733.4	96.8
<b>Major Programme IV / Secretariat of the ASP</b>	<b>2,841.7</b>	<b>2,803.0</b>	<b>38.7</b>	<b>98.6</b>
<b>Major Programme V / Premises</b>	<b>1,800.0</b>	<b>1,800.0</b>	<b>-</b>	<b>100.0</b>
<b>Major Programme VI / Secretariat of the TFV</b>	<b>3,130.3</b>	<b>2,803.8</b>	<b>326.5</b>	<b>89.6</b>
<b>Major Programme VII-5 / Independent Oversight Mechanism</b>	<b>531.1</b>	<b>521.6</b>	<b>9.5</b>	<b>98.2</b>
<b>Major Programme VII-6 / Office of Internal Audit</b>	<b>685.6</b>	<b>686.3</b>	<b>(0.7)</b>	<b>100.1</b>
<b>Subtotal</b>	<b>144,550.0</b>	<b>142,089.1</b>	<b>2,460.9</b>	<b>98.3</b>
<b>Major Programme VII-2 / Host State Loan</b>	<b>3,585.1</b>	<b>3,585.1</b>	<b>(0.0)</b>	<b>100.0</b>
<b>ICC Total</b>	<b>148,135.1</b>	<b>145,674.2</b>	<b>2,460.9</b>	<b>98.3</b>

\* Expenditure for 2019 is based on preliminary, unaudited figures which are subject to change.

<sup>9</sup> CBF/34/8.

<sup>10</sup> Official Records ... Eighteenth session ... 2019 (ICC-ASP/18/20), vol. I, part III, ICC-ASP/18/Res.1, section O.

*Judicial developments impacting the use of budgetary resources*

176. The Committee noted that unforeseen changes to judicial activities, the revision of the UNCS costs, as well as other external and internal factors had a direct impact on the use of budgetary resources approved by the Assembly.

177. In this context, the Committee observed that instead of three cases that were supposed to be on trial (*Ongwen*, *Gbagbo/Blé Goudé* and *Al Hassan* for 10 days), only one trial was conducted during the whole year (*Ongwen* case). This resulted in low trial and case management activities with considerably fewer witnesses appearing for testimony (change in assumptions from 103 witnesses to an actual number of 44) and fewer days of courtroom hearings (change in assumptions from 294 planned courtroom days to 94 actual). These factors were reflected in a lower implementation rate of the approved budget than originally foreseen, with *Contractual services* expenditure having an under-implementation of approximately €1.5 million (62.4 per cent), *Travel* with an under-implementation of €0.8 million (87.2 per cent) and *General operating expenses* with an under-implementation of €1.0 million (93.5 per cent).

178. On the other hand, significant unforeseen developments occurred in 2019, for which savings were used to offset the unbudgeted expenditure. Such as in the situation of the Central African Republic related to the new case *Yekatom* and *Ngaiissona*, where additional resources for legal aid were required; the change in the case of *Gbagbo/Blé Goudé* required additional payments for overtime of security staff, and unplanned expenses in the Bangladesh/Myanmar situation were needed. In particular, the overspend of €2.7 million in 2019 on staff costs was attributable to the application of the revised UNCS for Professional and General Service staff issued in 2019.

179. The Committee observed that in an effort to keep expenditure within the budgetary envelope, many measures were taken by the Court's management to reduce staff and non-staff costs.

*Staff costs and GTA*

180. In 2019, the Court responded to an unforeseen increase in staff costs (€2.7 million) due to the revised UNCS salary scales for Professional and General Service, some changes actually adopted retroactively from 2017, by taking different actions.<sup>11</sup> The Committee observed that some measures taken by the management of the Court could be considered as one-time action: rescheduled recruitment activities, postponed date of entry on duty, unfilled posts etc. However some measures taken by the Court's management could be considered as more sustainable and could be reflected in future budget cycles: to extend and possibly reduce the courtroom support teams from two to one by improved planning and scheduling of hearings, increased field presence in the Investigation Division (security permitting), creating investigation capacity in the field, etc.

**181. The Committee recommended that different organs of the Court make every effort to manage their human resources in the future in a flexible and justifiable manner, maintaining budgetary integrity while allowing the Court to react to unexpected situations as far as possible, to redeploy resources based on actual workload requirements, and to redeploy or discontinue posts that were unfilled and not needed.**

*Contractual services*

182. Contractual services were implemented at 57.5 per cent, (actual expenditure of €2.3 million against the approved budget of €4.0 million.) This under-implementation is attributable to the postponement of some services such as the cleaning of the mirror pond, SAP technical consultancy, delays in procurement and the implementation of the IT/IM Strategy, as well as victim-related expenditure. The OTP issued SSA contracts to individuals for transcription and translation outsourcing services in order to avoid various problems relating to the security and vetting of outsourcing companies.

<sup>11</sup>The post adjustment increase for professional staff, and three GS salary increases retroactive from 1 May 2017, as well as a cost of living increase for The Hague effective 1 October 2019.



183. The under-implementation in outsourced translation in Major Programme IV (Secretariat of the Assembly) is attributable to a reduction in the volume of papers and information documents translated externally using SYSTRAN (an automated translation system).

## 2. IT expenditure

184. The total Court-wide IT expenditure was not presented in the “Report on activities and programme performance of the International Criminal Court for the year 2019”.<sup>12</sup> From the report it can be seen that the Information Management Services Section has overspent its approved budget of €11,123.8 thousand by €110.1 thousand leading to an implementation rate of 101 per cent. The total ICT expenditure information is presented in Annex IX(b) to the 2021 proposed programme budget.<sup>13</sup> Accordingly the Court-wide IT expenditure in 2019 was €12,262.2 thousand for “lights-on” costs, and additionally €1,915.6 thousand for the Five-Year IT/IM Strategy. In 2019, the Court asked for approval to carry-forward to the 2020 budget unspent funds from the Five-Year IT/IM Strategy in an amount of €307.0 thousand.<sup>14</sup>

## 3. Travel expenditure

185. The Committee noted that the Court reduced travel expenditures from €6,152.5 thousand to €5,361.9 thousand, thus generating savings of €800 thousand in 2019. The Committee welcomed the efforts made by the Court and encouraged the Court to further improve its mission plan and reduce and reprioritize trip requirements.

186. The Committee welcomed the efforts made by the Registry in respect of the review and revision of mission plans, which could assist management in deciding on the prioritisation of missions and could provide a general overview of all missions taken to situation and non-situation countries.

## 4. Overtime

187. The implementation rate of actual expenditure for overtime was 169.6 per cent due to unforeseen developments in the CIV case (*Gbagbo/Blé Goudé*), where the need to pay for security staff exceeded this budget line.

## 5. Expenditure for legal aid

188. The expenditure for legal aid was overspent due to unforeseen developments in the cases of *Alfred Yekatom* and *Patrice-Edouard Ngaïssona*.

## 6. Training

189. The training budget was implemented at a rate of 68.6 per cent in view of the fact that the training programmes for staff were organised on the premises rather than relying on external training.

## 7. Transfer of funds

190. The Court reported on two transfers of funds of an amount greater than €200 thousand during 2019:

- a) an amount of €451 thousand was transferred from Chambers’ general temporary assistance to short-term assistance; and

<sup>12</sup> CBF34/8.

<sup>13</sup> ICC-ASP/19/10, Annex IX (b), page 198.

<sup>14</sup> The amount of €307.0 thousand endorsed as carry-forward from 2019 to 2020 is divided as follows: €150.0 thousand for Administration and €157.0 thousand for Information Security non-staff costs. Ref. to ICC-ASP/18/Res.1, Section O, pages 10-11.

b) an amount of €370 thousand was transferred from the Services Section contractual services to Deputy Prosecutor for investigations to meet payroll costs due to the impact of the UNCS increase in staff costs.

191. The Committee welcomed the enhanced transparency reflected in the presentation of the transfers of funds in the programme performance report. While the Committee acknowledged that such transfers are in conformity with the FRR and might be required to ensure flexibility, it reiterated its previous recommendations on the transfer of funds<sup>15</sup> stressing that the principles of fiscal discipline and reasonable use of resources should be applied.

192. The Committee emphasized that any transfer of funds shall occur only with respect to resource requirements that were unforeseen or unplanned at the time of the submission of the proposed programme budget, and that such transfers of funds should not be considered in the calculation of the baseline for the following year.

## 8. Contingency Fund notifications in 2019

193. In 2019, the Court was confronted with a number of unforeseen developments and submitted four CF notifications as detailed in Table 9 below.

**Table 9: Summary of notifications to access the Contingency Fund in 2019**

<i>Date</i>	<i>Justification</i>	<i>Amount requested (€000)</i>	<i>Actual expenditure 2019</i>	<i>Implementation ration [%]</i>
08/04/2019	Unforeseen and unavoidable costs with regard to the case of <i>The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé</i> in the situation in Côte d'Ivoire (to cover the first half of 2019)	327.38	300.00	90.9
24/07/2019	Unforeseen and unavoidable costs with regard to the case of <i>The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé</i> in the situation in Côte d'Ivoire (to cover the second half of 2019)	130.70	<b>116.3</b>	89.0
31/07/2019	Unforeseen and unavoidable costs with regard to the case of <i>The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiïsona</i> in the Situation in the Central African Republic II	1,989.18	<b>1,456.5</b>	73.2
22/11/2019	Unforeseen and unavoidable costs associated with the Bangladesh/Myanmar situation.	244.91	55.2	22.5
<b>Total</b>		<b>2,692.17</b>	<b>1,925.7</b>	<b>71.5%</b>

194. The Committee noted that the overall use of resources for unforeseen situations amounted to €1,925.7 thousand (or 71.5 per cent), compared to the total notified amount of €2,692.20 thousand and that these resource requirements were absorbed within the regular approved budget.

<sup>15</sup>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.1, para. 58; and Official Records ... Sixteenth session ... 2017 (ICC-ASP/16/20), vol. II, part B.1, para. 61.

## E. Budget performance in 2020

### 1. Budget performance in the first half of 2020

195. The Committee had before it the “Report on Budget Performance of the International Criminal Court as at 30 June 2020,”<sup>1</sup> as well as the forecast performance as at 31 December 2020. The Committee noted that the implementation rate at mid-year was 52.4 per cent, or €76.25 million, against the 2020 approved budget of €145.62 million (excluding the host State loan). The Committee noted that this represented a decrease of 2.1 per cent compared to the implementation rate of 54.5 per cent as at 30 June 2019.

196. The forecast implementation rate for the Court as at 31 December 2020, including the interest and capital repayments on the host State loan, was estimated at 98.2 per cent, or €146.53 million, against the approved budget for 2020 of €149.21 million.

197. The Committee noted that although the implementation rate was less than at the same point in 2019, it remained high. The Committee noted its concern as fixed costs were rising and the Court would need to increasingly look to slow the rate of expenditure through careful management of its flexible and discretionary budgets. The Court explained that a higher percentage of procurement expenditure occurs during the first half of the financial year.

198. The Committee noted that expenditure against staff costs and consultants, 104.1 per cent and 179.4 per cent respectively, is forecast to significantly exceed the current budget allocations for these items. The Court explained that other parts of the budget would be deprioritised to fund these overspends. In addition, the Court also expects overtime requirements to increase in the second half of 2020 with 74 per cent of total expenditure on overtime occurring in the final six months of the year.

199. The staff costs forecast (excluding consultants) is high at 103.7 per cent, and therefore the Court is required to reduce expenditure against flexible and discretionary items. A significant reduction in travel and training because of the COVID-19 pandemic has made this achievable in 2020 and likely in 2021. However, this does point to a structural issue that will need to be proactively managed to ensure budgets in the medium term remain affordable for States Parties.

**Table 10: Budget performance by item of expenditure as at 30 June 2020 (thousands of euros)**

Item	Approved Budget 2020	Actual Expenditure* as at 30 June 2020	Implementation Rate as at 30 June 2020 in %	Forecast Expenditure 2020	Forecast Implementation Rate 2020 in %
Judges	5,516.9	3,512.5	63.7	5,512.5	99.9
<b>Sub-total judges</b>	<b>5,516.9</b>	<b>3,512.5</b>	<b>63.7</b>	<b>5,512.5</b>	<b>99.9</b>
Staff costs	87,486.1	44,604.2	51.0	91,116.4	104.1
General temporary assistance	17,341.4	8,589.7	49.5	17,731.5	102.2
Temporary assistance for meetings	283.5	25.1	8.9	218.8	77.2
Overtime	223.5	87.5	39.2	152.0	68.0
<b>Sub-total staff costs</b>	<b>105,334.5</b>	<b>53,306.5</b>	<b>50.6</b>	<b>109,218.7</b>	<b>103.7</b>
Travel	6,332.2	1,099.0	17.4	3,102.8	49.0
Hospitality	28.0	19.5	69.5	23.2	82.7
Contractual services	4,072.7	1,527.8	37.5	3,619.2	88.9
Training	1,045.1	320.2	30.6	475.6	45.5
Consultants	689.4	750.7	108.9	1,236.6	179.4
Counsel for defence	3,167.5	1,632.2	51.5	2,722.7	86.0
Counsel for victims	1,300.0	639.1	49.2	1,222.0	94.0
General operating expenses	15,523.9	12,238.9	78.8	13,700.4	88.3
Supplies and materials	1,233.7	694.8	56.3	1,028.6	83.4
Furniture and equipment	1,376.6	512.2	37.2	1,081.2	78.5
<b>Sub-total non-staff costs</b>	<b>34,769.1</b>	<b>19,434.4</b>	<b>55.9</b>	<b>28,212.3</b>	<b>81.1</b>
<b>Total</b>	<b>145,620.5</b>	<b>76,253.4</b>	<b>52.4</b>	<b>142,943.5</b>	<b>98.2</b>
Host State Loan	3,585.1	3,585.1	100.0	3,585.1	100.0
<b>Total ICC Incl. Host State Loan</b>	<b>149,205.6</b>	<b>79,838.5</b>	<b>53.5</b>	<b>146,528.7</b>	<b>98.2</b>

<sup>1</sup> CBF/35/9/Rev.1.

*\* Actual expenditure, which is subject to change, includes commitments but excludes all CF-related costs in the process of being reclassified.*

## 2. Disbursement of unliquidated obligations

200. At its thirty-second session, the Committee had observed that the amount of unliquidated obligations of the Court as at 31 December 2018 stood at €6,054 thousand, which represented an increase of €767 thousand compared to 2017. As for Major Programme III (Registry), the unliquidated obligations amounted to €4,716 thousand, which represented an increase of 18.7 per cent compared to 2017 (€3,974 thousand). Furthermore, the Committee noted the significant number of open trips in the Division of External Operations (140 open trips). The Committee had expressed its concern about such developments and requested to be updated about the disbursement of all open purchase orders and open trips.<sup>2</sup>

201. The Committee observed that the amount of unliquidated obligations of the Court as at 31 December 2019 stood at €4,043 thousand, which represented a decrease of €2,010 thousand compared to 2018 (€6,054 thousand). The Committee welcomed the progress made by the Court in order to decrease open purchase orders (decreased by 31 per cent) and open travel claims (decreased by 38 per cent) at the end of 2019.

202. Furthermore, the Committee noted that there were no 2018 unliquidated orders or open travel claims at the end of 2019. Of a total of €6.1 million in unliquidated obligations at the end of 2018, €4.9 million was spent in 2019 and €1.2 million represented a saving, which would be considered in the calculation of the 2018 cash surplus. The Committee noted that the cash surplus would be apportioned among States Parties in accordance with the provisions of the Financial Regulations and Rules.<sup>3</sup>

**203. While noting the progress made by the Court, the Committee requested that it be informed at its thirty-sixth session about unliquidated obligations as at 31 December 2020, and about the disbursement of all open purchase orders and open travel claims.**

## 3. Contingency Fund notifications in 2020

204. As at 30 September 2020, the Court had submitted three CF notifications for a total amount of €2,799.21 thousand, (see Annex IV).

**205. The Committee recommended that the Court make every effort to absorb all unforeseen expenditure notified against the Contingency Fund within its regular budget. The Committee requested that the Court provide an updated forecast to the Assembly for its nineteenth session, through the Committee, that would include actual expenditure in respect of both the regular budget and the Contingency Fund notifications until the end of October 2020.**

# IV. Institutional reform and administrative matters

## A. Human resource matters

### 1. Equitable geographical distribution and gender balance

#### (a) Geographical distribution

206. The Committee recalled that the Registry's Strategic Plan 2019-2021 included improving geographical representation and gender balance among the Registry staff as one of the three priorities and further noted that the Registry was intending to take additional measures in accordance with the existing legal framework to redress imbalances.<sup>4</sup>

207. The Court submitted a paper on the geographical representation of the Court Professional staff as at 31 July 2020. The Court indicated that the number of in-balance States Parties as at 31 July 2020 was 21; over-represented 24; under-represented 22; non-represented

<sup>2</sup> CBF/34/8, annex XIV.

<sup>3</sup> Regulation 4.7.

<sup>4</sup> CBF/33/15, para. 19.

56; and non-States Parties 25. Those numbers were 18, 27, 22, 55 and 25, respectively, for the same period in 2019. The figures showed an increase of three in the in-balance States and a decrease of three in the over-represented States; the rest of the categories virtually remained the same. The Committee encouraged the Court to continue building on this trend.

208. The Court listed measures and activities which were taken in an attempt to mitigate the existing imbalances in geographical representation. **The Committee reiterated its previous recommendations that the Court come back with a medium to long-term plan and well-defined objectives for addressing the situation.**

209. The number of the Court's Professional staff, excluding elected officials and language staff, was 458. At the regional level, 16.2 per cent of the staff came from African countries, 6.8 per cent from Asia, 10.5 per cent from Eastern Europe, 7.2 per cent from GRULAC and 59.4 per cent from WEOG. Detailed information revealed imbalances within and among regions. The Committee observed that the regional imbalances in representation were likewise mirrored in the Professional posts at grade levels (D-1), (P-5) and (P-4). **The Committee recommended that the Court continue its efforts to narrow the gap in geographical representation. Moreover, the Committee urged the Court to evaluate the effectiveness of the measures and activities already taken and report to the Committee at its thirty-sixth session.**

210. The Court reported that the number of Professional staff who belong to non-ratified States Parties was 59 as of 31 July 2020, compared to 58 over the same period in 2019. **The Committee recommended that whenever any of those 59 posts from non-ratified States became vacant the Court should try to fill it by recruiting candidates from non-represented and under-represented States.**

(b) Gender balance

211. The Court's Human Resources report contained data on staff gender in major programmes and professional grade levels as of 31 July 2020. Overall, the Court's staff were almost equally divided gender-wise, specifically 49.4 per cent females against 50.6 per cent males; the percentages were almost the same for the same period in 2019.

212. In the Judiciary, females comprised 53 per cent of the professional staff, 49 per cent at the OTP, 49 per cent at the Registry, 40 per cent at the Secretariat of the Assembly and 57 per cent at the TFV. The rest of the programmes each had a negligible number of staff. The overall narrow gender divisions within the first three major programmes are due to the large number of females in lower grade level posts in those programmes.

213. The Court's report revealed a significant gender imbalance in favour of male staff at the higher professional grade levels, i.e. (D-1), (P-5) and (P-4). Specifically, two thirds (66.4 per cent) of those posts were occupied by males whereas the remaining one third (33.6 per cent) was filled by females. The reverse situation prevailed at the lower professional scale levels ((P-3) to (P-1)) where females comprised a majority of 53.3 per cent of the total staff in those posts versus 44.3 per cent for males. **The Committee recommended that the Court continue its efforts directed at narrowing gender disparity at the senior professional posts.**

## B. Audit matters

### 1. Reports of the Audit Committee in 2020

214. The Committee was pleased to take note of the Audit Committee (the "AC") reports in 2020,<sup>5</sup> with regard mainly to governance matters, oversight of internal and external audit matters, as well as the follow up on the implementation of recommendations, as part of the AC's clearly defined mandate. The Committee noted that the findings and recommendations

<sup>5</sup> Report of the Audit Committee on the work at its eleventh session (AC/11/5); and Report of the Audit Committee on the work at its twelfth session (AC/12/5), available on the Webpage of the Audit Committee under: [https://asp.icc-cpi.int/en\\_menus/asp/AuditCommittee/Pages/default.aspx](https://asp.icc-cpi.int/en_menus/asp/AuditCommittee/Pages/default.aspx).

of the AC were of added value for the deliberations of the Committee and complemented its own mandate.

215. The Committee was greatly concerned by the performance of the Office of Internal Audit and noted that a Performance Improvement Plan had been prepared to enhance the situation in the Office.

216. **The Committee recommended that at its thirty-sixth session, the Audit Committee present a progress report on the performance of the Office of Internal Audit.**

217. **The Committee endorsed the recommendations of the Audit Committee.**

## 2. External audit matters

### (a) 2019 Financial Statements of the Court

218. The Committee considered the “Financial Statements of the International Criminal Court for the year ended 31 December 2019”<sup>6</sup> and welcomed the presentation by the representative of the External Auditor. The Committee took note that the External Auditor had given an unqualified opinion.

219. The Committee endorsed the two recommendations made by the External Auditor, as both would enhance the transparency of budget implementation and improve the administration of the Court:

a) The External Auditor recommended that Notes supporting employee benefits figures in the financial statements should disclose more detailed information and distinguish exogenous factors from internal causes to explain the main variations from the previous year; and

b) The External Auditor recommended finalizing the new standard operating procedure (SOP) for Miscellaneous Obligation Documents (MOD) and the appropriate guidelines.

220. **The Committee recommended that the Assembly approve the financial statements of the Court for the year ended 31 December 2019.**

### (b) 2019 Financial Statements of the Trust Fund for Victims

221. The Committee considered the “Financial Statements of the Trust Fund for Victims for the year ended 31 December 2019.”<sup>7</sup>

222. The Committee noted that the External Auditor had expressed an unqualified opinion. No recommendations were made by the External Auditor. However two points were emphasized by the External Auditor that should be followed up:

a) the investment of available resources in financial instruments in US dollars; and

b) the monitoring of conventions and agreements with donors.

223. **The Committee recommended that the Assembly approve the financial statements of the Trust Fund for Victims for the year ended 31 December 2019.**

### (c) Performance audit

224. The Committee recalled that, at its eighteenth session, the Assembly had requested that the External Auditor conduct “an evaluation of the oversight bodies of the Court as part of its work in 2020, replacing the performance audit, and to recommend possible actions on their respective mandates and reporting lines, while fully respecting the independence of the Court as a whole”.<sup>8</sup> The Committee noted that this request had been recommended by The Hague Working Group facilitation on Budget Management Oversight.

<sup>6</sup> ICC-ASP/19/12.

<sup>7</sup> ICC-ASP/19/13.

<sup>8</sup> ICC-ASP/18/20, vol. I, Part III, section I, para. 6, page 20.

225. The Committee received a brief update on progress made by the External Auditor in view of its mission as requested by the Assembly. The Committee was also informed that the External Auditor had prepared a paper on the oversight bodies, which would be shared with those bodies in advance of a workshop. Furthermore, the Committee observed that only representatives of the oversight bodies would be invited to the workshop and discussion on this matter. The External Auditor advised that the travel restrictions caused by COVID-19 had resulted in delays, and an appropriate format for the workshop should be implemented.

226. **The Committee recommended that the External Auditor share the paper well in advance of the workshop in order to give sufficient time for proper review and analysis.**

(d) Follow up on the recommendations of the External Auditor

227. In light of the fact that the term of the current External Auditor will end with the financial statements of the Court and the Trust Fund for Victims for the year 2020, **the Committee recommended that the outgoing External Auditor continue to liaise with the Court regarding the implementation of all outstanding recommendations, and include all outstanding issues in a handover document for the new External Auditor. The Committee looked forward to being informed about the implementation of all outstanding recommendations through the Audit Committee. The Committee further urged the Board of the Trust Fund for Victims to seriously consider finalizing the four long outstanding and partially implemented recommendations.**

## V. Other matters

### A. Assessment of litigation risk related to cases before the ILOAT and the Internal Appeals Board

228. At its thirty-third session in 2019, the Committee had requested to receive an update from the Court at its thirty-fourth session on the status of cases before the International Labour Organization Administrative Tribunal (“ILOAT”) and the internal Appeals Board.<sup>9</sup> Due to the limitations imposed by COVID-19, this item was deferred to the thirty-fifth session.

229. The Committee was briefed by the Court on significant developments in ongoing staff cases as at 4 August 2020 and considered some additional information provided by the Court during the session.

#### 1. Cases before the ILOAT

230. The Committee observed that the ILOAT had delivered two judgments in 2020, one in February and one in July. Noting that the ILOAT holds two sessions per year, no other judgments or financial compensations were ordered.

231. The Committee noted that 42 cases were pending before the ILOAT, representing an increase of four cases compared to the situation in August 2019. The Committee expressed its concern that the number of cases before ILOAT reflected an upward trend.

#### 2. Cases before the internal Appeals Board

232. The Committee noted that there were 16 cases pending at various stages of internal proceedings, representing an increase of five compared to August 2019.

233. **The Committee encouraged the Board to reach amicable settlements as far as possible, and further urged 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

<sup>9</sup> ICC-ASP/18/15, para. 267.

234. The Committee observed that by the end of 2019, the provisions for litigation primarily before the ILOAT filed by current or former members of the Court amounted to €263 thousand, and that an amount of €65 thousand had been recorded as a contingent liability. For two of the judgements that were delivered by the ILOAT in 2020, the Court had not estimated provisions, so that the remaining balance of provisions remained the same.

235. The Committee observed that the high number of litigation cases and their potential financial impact remained significant and thus decided to continue monitoring all cases pending before the ILOAT and before the internal mechanism, and other relevant developments concerning litigation.

236. **The Committee recommended that the Court provide a follow-up report at its thirty-sixth session on the status of the cases before the ILOAT and before the internal Appeals Board and any risk associated with litigation.**

#### 4. Alternative dispute resolution mechanism

237. The Committee recalled that an expert had been appointed by the Court in June 2019 to conduct an assessment of the internal conflict management system and provide an advisory opinion on the potential establishment of an informal mechanism such as an ombudsman or mediation channel.

238. The Committee had before it the report of the expert on “Informal conflict resolution at the International Criminal Court”, dated 31 December 2019. The Committee noted that the report had been shared with the Independent Expert Review (IER) of the Court in view of its mandate, which included looking into “1.12 Establishment of Ombudsman / internal grievance procedures”.<sup>10</sup> Currently the Court is awaiting the recommendations and observations of the IER before proposing further steps regarding the establishment of the Court’s informal dispute mechanism.

239. The Committee commended the Court for investigating options for alternative dispute resolution. **The Committee recommended that it be informed at its thirty-sixth session about the outcome of the Court’s consideration of the recommendations of the Independent Expert Review, including the potential financial implications of the establishment of an informal dispute mechanism.**

#### B. Future sessions of the Committee

240. The Committee tentatively decided to hold its thirty-sixth session from 17 to 21 May 2021, and its thirty-seventh session from 6 to 17 September 2021, in The Hague.

<sup>10</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part III, ICC-ASP/18/Res.7, annex I, appendix II A.



## Annex I

## Status of contributions as at 31 August 2020 (in euros)

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>2</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL <sup>1</sup>			
1	Afghanistan	-	-	-	-	-	-	-	
2	Albania	-	-	-	-	-	-	-	
3	Andorra	-	-	-	-	-	-	-	
4	Antigua and Barbuda	-	372	21,927	186	5,370	-	27,855	2015-2020
5	Argentina	-	-	2,233,145	-	2,432,995	-	4,666,140	2019-2020
6	Australia	-	-	-	-	-	-	-	-
7	Austria	-	-	-	-	-	-	-	-
8	Bangladesh	-	-	-	-	-	-	-	-
9	Barbados	-	-	-	-	-	-	-	-
10	Belgium	-	-	-	-	-	-	-	-
11	Belize	-	-	-	143	2,613	-	2,756	2020
12	Benin	-	-	-	430	7,983	-	8,413	2020
13	Bolivia (Plurinational State of)	-	-	42,353	-	42,526	-	84,879	2019-2020
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	-
15	Botswana	-	-	-	-	3,154	-	3,154	2020
16	Brazil	-	416,882	10,059,104	416,882	7,838,909	-	18,731,777	2018-2020
17	Bulgaria	-	-	-	-	-	-	-	-
18	Burkina Faso	-	-	-	-	3,348	-	3,348	2020
19	Cabo Verde	-	143	2,602	143	2,613	-	5,501	2019-2020
20	Cambodia	-	-	-	-	-	-	-	-
21	Canada	-	-	-	-	-	-	-	-
22	Central African Republic	8	486	10,571	143	2,613	-	13,821	2015-2020
23	Chad	393	523	47,122	154	10,595	-	58,787	2015-2020
24	Chile	-	-	-	-	1,082,170	-	1,082,170	2020
25	Colombia	-	-	-	-	46,163	-	46,163	2020
26	Comoros	8	514	24,186	143	2,613	46	27,510	2007-2020
27	Congo	335	2,538	91,837	706	15,965	73	111,454	2012-2020
28	Cook Islands	-	-	-	-	-	-	-	-
29	Costa Rica	-	-	-	-	-	-	-	-
30	Côte d'Ivoire	-	-	-	-	24,770	-	24,770	2020
31	Croatia	-	-	-	-	-	-	-	-
32	Cyprus	-	-	-	-	-	-	-	-
33	Czechia	-	-	-	-	-	-	-	-
34	Democratic Republic of the Congo	-	-	383	32	14,514	-	14,929	2019-2020
35	Denmark	-	-	-	-	-	-	-	-
36	Djibouti	-	-	-	-	-	-	-	-
37	Dominica	-	-	-	-	-	-	-	-
38	Dominican Republic	-	-	4,395	6,392	140,932	-	151,719	2019-2020
39	Ecuador	-	-	-	-	212,776	-	212,776	2020
40	El Salvador	-	-	-	-	-	-	-	-

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>2</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL <sup>1</sup>			
41	Estonia	-	-	-	-	-	-	-	
42	Fiji	-	-	-	3,556	-	3,556	2020	
43	Finland	-	-	-	-	-	-	-	
44	France	-	-	-	-	-	-	-	
45	Gabon	-	-	1,793	39,914	-	41,707	2020	
46	Gambia	-	-	143	2,613	-	2,756	2020	
47	Georgia	-	-	-	-	-	-	-	
48	Germany	-	-	-	-	-	-	-	
49	Ghana	-	4,222	1,986	39,914	-	46,122	2019-2020	
50	Greece	-	-	-	-	-	-	-	
51	Grenada	-	-	-	-	-	-	-	
52	Guatemala	-	968	3,836	95,793	-	100,597	2019-2020	
53	Guinea	134	514	32,119	143	7,983	40,977	2011-2020	
54	Guyana	-	-	-	-	-	-	-	
55	Honduras	-	2,037	1,136	23,948	-	27,121	2019-2020	
56	Hungary	-	-	-	-	-	-	-	
57	Iceland	-	-	-	-	-	-	-	
58	Ireland	-	-	-	-	-	-	-	
59	Italy	-	-	-	-	-	-	-	
60	Japan	-	-	-	-	-	-	-	
61	Jordan	-	-	-	55,861	-	55,861	2020	
62	Kenya	-	-	-	-	-	-	-	
63	Kiribati	-	-	-	-	-	-	-	
64	Latvia	-	-	-	-	-	-	-	
65	Lesotho	-	-	-	168	-	168	2020	
66	Liberia	-	405	7,599	143	2,613	10,760	2016-2020	
67	Liechtenstein	-	-	-	-	-	-	-	
68	Lithuania	-	-	-	-	-	-	-	
69	Luxembourg	-	-	-	-	-	-	-	
70	Madagascar	-	-	390	10,595	-	10,985	2020	
71	Malawi	-	-	-	-	-	-	-	
72	Maldives	-	-	-	-	-	-	-	
73	Mali	-	-	-	-	-	-	-	
74	Malta	-	-	-	-	-	-	-	
75	Marshall Islands	-	-	123	2,613	-	2,736	2020	
76	Mauritius	-	-	-	-	-	-	-	
77	Mexico	-	-	-	3,435,483	-	3,435,483	2020	
78	Mongolia	-	-	-	-	-	-	-	
79	Montenegro	-	-	-	-	-	-	-	
80	Namibia	-	-	-	-	-	-	-	
81	Nauru	-	-	-	-	-	-	-	
82	Netherlands	-	-	-	-	-	-	-	
83	New Zealand	-	-	-	-	-	-	-	
84	Niger	30	1,031	41,566	287	5,370	48,376	2009-2020	
85	Nigeria	-	10,539	661,605	12,785	664,745	1,349,674	2019-2020	
86	North Macedonia	-	-	-	1,136	18,578	19,714	2020	

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds <sup>2</sup>	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL <sup>1</sup>			
87	Norway	-	-	-	-	-	-	-	
88	Panama	-	-	369	749	119,596	-	120,714	2019-2020
89	Paraguay	-	-	15,977	1,423	42,526	-	59,926	2019-2020
90	Peru	-	-	13,346	16,621	404,217	-	434,184	2019-2020
91	Poland	-	-	-	-	-	-	-	-
92	Portugal	-	-	-	-	-	-	-	-
93	Republic of Korea	-	-	-	-	-	-	-	-
94	Republic of Moldova	-	-	-	-	-	-	-	-
95	Romania	-	-	-	-	-	-	-	-
96	Saint Kitts and Nevis	-	143	2,602	143	2,613	-	5,501	2019-2020
97	Saint Lucia	-	-	-	-	-	-	-	-
98	Saint Vincent and the Grenadines	-	-	-	-	-	-	-	-
99	Samoa	-	-	-	-	-	-	-	-
100	San Marino	-	-	-	-	-	-	-	-
101	Senegal	-	1,700	27,008	850	14,514	-	44,072	2017-2020
102	Serbia	-	-	-	-	-	-	-	-
103	Seychelles	-	-	-	143	5,370	-	5,513	2020
104	Sierra Leone	-	-	-	-	-	-	-	-
105	Slovakia	-	-	-	-	-	-	-	-
106	Slovenia	-	-	-	-	-	-	-	-
107	South Africa	-	-	-	-	-	-	-	-
108	Spain	-	-	-	-	-	-	-	-
109	State of Palestine	-	-	-	-	-	-	-	-
110	Suriname	-	882	27,971	441	13,353	-	42,647	2018-2020
111	Sweden	-	-	-	-	-	-	-	-
112	Switzerland	-	-	-	-	-	-	-	-
113	Tajikistan	-	-	-	430	10,595	-	11,025	2020
114	Timor-Leste	-	-	-	-	221	-	221	2020
115	Trinidad and Tobago	-	-	14,807	-	106,388	-	121,195	2019-2020
116	Tunisia	-	-	-	5,112	66,474	-	71,586	2020
117	Uganda	-	-	-	850	14,514	-	15,364	2020
118	United Kingdom	-	-	-	-	-	-	-	-
119	United Republic of Tanzania	-	-	-	893	14,514	-	15,407	2020
120	Uruguay	-	-	-	-	231,354	-	231,354	2020
121	Vanuatu	-	-	-	143	2,613	-	2,756	2020
122	Venezuela (Bolivarian Republic of)	-	320,118	8,453,445	89,087	1,935,743	-	10,798,393	2014-2020
123	Zambia	37	2,885	56,659	850	14,514	-	74,945	2016-2020
	<b>Total</b>	<b>945</b>	<b>759,675</b>	<b>21,899,925</b>	<b>566,990</b>	<b>19,301,488</b>	<b>295</b>	<b>42,529,318</b>	

1) The outstanding shares are as after the accession of Kiribati to the Rome Statute on 1 February 2020.

2) Regarding outstanding amounts of assessed contributions to i) the Contingency Fund and ii) the permanent premises by new States Parties that joined the Court after 2015.

## Annex II

Legal aid expenditure (in euros) for defence and victims, including the Contingency Fund (2015-2020)<sup>1</sup>

	Approved Budget 2015 incl. CF	Exp. 2015 incl. CF	IR 2015 incl. CF	Approved Budget 2016 incl. CF	Exp. 2016 incl. CF	IR 2016 incl. CF	Approved Budget 2017 incl. CF	Exp. 2017 incl. CF	IR 2017 incl. CF	Approved Budget 2018 incl. CF	Exp. 2018 incl. CF	IR 2018 incl. CF	Approved Budget 2019 incl. CF	Exp. 2019 incl. CF	IR 2019 incl. CF	Approved Budget 2020 incl. CF	Forecast exp. 2020 incl. CF	Forecast IR 2020 incl. CF <sup>2</sup>
Legal aid for defence	2,155,600	2,786,737	129.3%	4,339,900	4,770,824	109.9%	3,328,190	3,628,583	109.0%	2,883,000	3,628,307	125.9%	3,187,800	3,249,073	101.9%	2,867,500	2,182,631	76.1%
Ad-hoc counsel	200,000	244,642	122.3%	181,500	179,179	98.7%	200,000	284,678	142.3%	500,000	352,975	70.6%	300,000	195,327.	65.1%	300,000	200,000	66.7%
CF defence <sup>3</sup>	1,551,100	1,847,290	119.1%	0	0	0.0%	926,200	925,221	99.9%	262,700	250,693	95.4%	822,200	674,000	82.0%	796,000	796,000	100.0%
<i>Sub-total legal aid for defence</i>	<i>3,906,700</i>	<i>4,878,669</i>	<i>124.9%</i>	<i>4,521,400</i>	<i>4,950,003</i>	<i>109.5%</i>	<i>4,454,390</i>	<i>4,838,482</i>	<i>108.6%</i>	<i>3,645,700</i>	<i>4,231,975</i>	<i>116.1%</i>	<i>4,310,000</i>	<i>4,118,400</i>	<i>95.6%</i>	<i>3,963,500</i>	<i>3,178,631</i>	<i>80.2%</i>
Legal aid for victims	1,862,100	1,233,556	66.2%	1,963,200	1,344,596	68.5%	1,002,800	942,750	94.0%	1,165,000	1,466,223	125.9%	1,101,500	1,200,200	109.0%	1,300,000	1,125,880	86.6%
CF victims <sup>2</sup>	0	0	0.0%	0	0	0.0%	425,260	398,660	93.7%	0	0	0.0%	173,000	88,400	51.1%	336,000	166,252	49.5%
<i>Sub-total legal aid for victims</i>	<i>1,862,100</i>	<i>1,233,556</i>	<i>66.2%</i>	<i>1,963,200</i>	<i>1,344,596</i>	<i>68.5%</i>	<i>1,428,060</i>	<i>1,341,410</i>	<i>93.9%</i>	<i>1,165,000</i>	<i>1,466,223</i>	<i>125.9%</i>	<i>1,274,500</i>	<i>1,288,600</i>	<i>101.1%</i>	<i>1,636,000</i>	<i>1,292,132</i>	<i>79.0%</i>
<b>Total legal aid incl. CF</b>	<b>5,768,800</b>	<b>6,112,225</b>	<b>106.0%</b>	<b>6,484,600</b>	<b>6,294,599</b>	<b>97.1%</b>	<b>5,882,450</b>	<b>6,179,892</b>	<b>105.1%</b>	<b>4,810,700</b>	<b>5,698,198</b>	<b>118.4%</b>	<b>5,584,500</b>	<b>5,407,000</b>	<b>96.8%</b>	<b>5,599,500</b>	<b>4,470,762</b>	<b>79.8%</b>

IR: Implementation rate.

CF: Contingency Fund.

<sup>1</sup> Based on information provided by the Court.<sup>2</sup> Based on an updated forecast as at the end of September 2020.<sup>3</sup> CF defence and victims for the years 2013, 2014 and 2018 are based on Revised CF Notifications.

## Annex III

## Budgetary implications of the Committee's recommendations (in thousands of euros)

Programme Budget 2021 (thousands of euro)	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Judiciary	12,081.5	(299.7)	(2.5)	11,781.8	(25.5)	(325.2)	(2.7)	11,756.3
Office of the Prosecutor	47,383.4	5.2	0.0	47,388.6	(53.8)	(48.6)	(0.1)	47,334.8
Registry	75,916.9	0.8	0.0	75,917.7	(133.7)	(132.9)	(0.2)	75,784.0
Secretariat of the Assembly of States Parties	3,316.7	(479.7)	(14.5)	2,837.0	-	(479.7)	(14.5)	2,837.0
Premises	2,270.0	-	-	2,270.0	-	-	-	2,270.0
Secretariat of the Trust Fund for Victims	3,226.1	-	-	3,226.1	(26.5)	(26.5)	(0.8)	3,199.6
Independent Oversight Mechanism	704.7	34.8	4.9	739.5	-	34.8	4.9	739.5
Office of Internal Audit	721.2	35.3	4.9	756.5	(3.8)	31.5	4.4	752.7
<b>Subtotal</b>	<b>145,620.5</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>144,917.2</b>	<b>(243.3)</b>	<b>(946.6)</b>	<b>(0.7)</b>	<b>144,673.9</b>
Host State Loan	3,585.1	-	-	3,585.1	-	-	-	3,585.1
<b>Total ICC</b>	<b>149,205.6</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>148,502.3</b>	<b>(243.3)</b>	<b>(946.6)</b>	<b>(0.6)</b>	<b>148,259.0</b>

ICC	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
<i>Judges</i>	5,516.9	(805.8)	(14.6)	4,711.1	-	(805.8)	(14.6)	4,711.1
Professional staff	61,403.7	3,207.0	5.2	64,610.7	(23.5)	3,183.5	5.2	64,587.2
General Service staff	26,082.4	(1,073.9)	(4.1)	25,008.5	(3.0)	(1,076.9)	(4.1)	25,005.5
<i>Subtotal staff</i>	87,486.1	2,133.1	2.4	89,619.2	(26.5)	2,106.6	2.4	89,592.7
General temporary assistance	17,341.4	1,414.4	8.2	18,755.8	(107.5)	1,306.9	7.5	18,648.3
Temporary assistance for meetings	283.5	228.3	80.5	511.8	-	228.3	80.5	511.8
Overtime	223.5	13.7	6.1	237.2	-	13.7	6.1	237.2
<i>Subtotal other staff</i>	17,848.4	1,656.4	9.3	19,504.8	(107.5)	1,548.9	8.7	19,397.3
Travel	6,332.2	(2,209.8)	(34.9)	4,122.4	(25.5)	(2,235.3)	(35.3)	4,096.9
Hospitality	28.0	-	-	28.0	-	-	-	28.0
Contractual services	4,072.7	(16.7)	(0.4)	4,056.0	-	(16.7)	(0.4)	4,056.0
Training	1,045.1	(416.5)	(39.9)	628.6	(3.8)	(420.3)	(40.2)	624.8
Consultants	689.4	(62.2)	(9.0)	627.2	-	(62.2)	(9.0)	627.2
Counsel for defence	3,167.5	856.2	27.0	4,023.7	(80.0)	776.2	24.5	3,943.7
Counsel for victims	1,300.0	427.1	32.9	1,727.1	-	427.1	32.9	1,727.1
General operating expenses	15,523.9	(1,497.4)	(9.6)	14,026.5	-	(1,497.4)	(9.6)	14,026.5
Supplies and materials	1,233.7	(122.7)	(9.9)	1,111.0	-	(122.7)	(9.9)	1,111.0
Furniture and equipment	1,376.6	(645.0)	(46.9)	731.6	-	(645.0)	(46.9)	731.6
<i>Subtotal non-staff</i>	34,769.1	(3,687.0)	(10.6)	31,082.1	(109.3)	(3,796.3)	(10.9)	30,972.8
<b>Total</b>	<b>145,620.5</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>144,917.2</b>	<b>(243.3)</b>	<b>(946.6)</b>	<b>(0.7)</b>	<b>144,673.9</b>
Host State Loan	3,585.1	-	-	3,585.1	-	-	-	3,585.1
<b>Total Including Host State Loan</b>	<b>149,205.6</b>	<b>(703.3)</b>	<b>(0.5)</b>	<b>148,502.3</b>	<b>(243.3)</b>	<b>(946.6)</b>	<b>(0.6)</b>	<b>148,259.0</b>

Major Programme I Judiciary	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
<i>Judges</i>	5,516.9	(805.8)	(14.6)	4,711.1	-	(805.8)	(14.6)	4,711.1
Professional staff	4,458.6	407.4	9.1	4,866.0	-	407.4	9.1	4,866.0
General Service staff	883.3	(2.1)	(0.2)	881.2	-	(2.1)	(0.2)	881.2
<i>Subtotal staff</i>	5,341.9	405.3	7.6	5,747.2	-	405.3	7.6	5,747.2
General temporary assistance	1,078.2	100.8	9.3	1,179.0	-	100.8	9.3	1,179.0
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	1,078.2	100.8	9.3	1,179.0	-	100.8	9.3	1,179.0
Travel	100.7	-	-	100.7	(25.5)	(25.5)	(25.3)	75.2
Hospitality	11.0	-	-	11.0	-	-	-	11.0
Contractual services	-	-	-	-	-	-	-	-
Training	27.8	-	-	27.8	-	-	-	27.8
Consultants	5.0	-	-	5.0	-	-	-	5.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	144.5	-	-	144.5	(25.5)	(25.5)	(17.6)	119.0
<b>Total</b>	<b>12,081.5</b>	<b>(299.7)</b>	<b>(2.5)</b>	<b>11,781.8</b>	<b>(25.5)</b>	<b>(325.2)</b>	<b>(2.7)</b>	<b>11,756.3</b>

1100 The Presidency	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
<i>Judges</i>	28.0	-	-	28.0	-	-	-	28.0
Professional staff	835.4	75.2	9.0	910.6	-	75.2	9.0	910.6
General Service staff	304.9	1.1	0.4	306.0	-	1.1	0.4	306.0
<i>Subtotal staff</i>	1,140.3	76.3	6.7	1,216.6	-	76.3	6.7	1,216.6
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	-	-	-	-	-	-	-	-
Travel	100.7	-	-	100.7	(25.5)	(25.5)	(25.3)	75.2
Hospitality	10.0	-	-	10.0	-	-	-	10.0
Contractual services	-	-	-	-	-	-	-	-
Training	6.8	0.5	7.4	7.3	-	0.5	7.4	7.3
Consultants	5.0	-	-	5.0	-	-	-	5.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	122.5	0.5	0.4	123.0	(25.5)	(25.0)	(20.4)	97.5
<b>Total</b>	<b>1,290.8</b>	<b>76.8</b>	<b>5.9</b>	<b>1,367.6</b>	<b>(25.5)</b>	<b>51.3</b>	<b>4.0</b>	<b>1,342.1</b>

<b>1200 Chambers</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
<i>Judges</i>	5,488.9	(805.8)	(14.7)	4,683.1	-	(805.8)	(14.7)	4,683.1
Professional staff	3,623.2	332.2	9.2	3,955.4	-	332.2	9.2	3,955.4
General Service staff	578.4	(3.2)	(0.6)	575.2	-	(3.2)	(0.6)	575.2
<i>Subtotal staff</i>	4,201.6	329.0	7.8	4,530.6	-	329.0	7.8	4,530.6
General temporary assistance	1,078.2	100.8	9.3	1,179.0	-	100.8	9.3	1,179.0
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	1,078.2	100.8	9.3	1,179.0	-	100.8	9.3	1,179.0
Travel	-	-	-	-	-	-	-	-
Hospitality	1.0	-	-	1.0	-	-	-	1.0
Contractual services	-	-	-	-	-	-	-	-
Training	21.0	(0.5)	(2.4)	20.5	-	(0.5)	(2.4)	20.5
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	22.0	(0.5)	(2.3)	21.5	-	(0.5)	(2.3)	21.5
<b>Total</b>	<b>10,790.7</b>	<b>(376.5)</b>	<b>(3.5)</b>	<b>10,414.2</b>	<b>-</b>	<b>(376.5)</b>	<b>(3.5)</b>	<b>10,414.2</b>

<b>Major Programme II Office of the Prosecutor</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	26,721.5	1,277.8	4.8	27,999.3	-	1,277.8	4.8	27,999.3
General Service staff	5,429.4	(396.8)	(7.3)	5,032.6	-	(396.8)	(7.3)	5,032.6
<i>Subtotal staff</i>	32,150.9	881.0	2.7	33,031.9	-	881.0	2.7	33,031.9
General temporary assistance	10,360.8	893.2	8.6	11,254.0	(53.8)	839.4	8.1	11,200.2
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	10,360.8	893.2	8.6	11,254.0	(53.8)	839.4	8.1	11,200.2
Travel	3,095.7	(1,122.0)	(36.2)	1,973.7	-	(1,122.0)	(36.2)	1,973.7
Hospitality	5.0	-	-	5.0	-	-	-	5.0
Contractual services	527.0	(157.0)	(29.8)	370.0	-	(157.0)	(29.8)	370.0
Training	290.0	(280.0)	(96.6)	10.0	-	(280.0)	(96.6)	10.0
Consultants	50.0	-	-	50.0	-	-	-	50.0
General operating expenses	640.0	(200.0)	(31.3)	440.0	-	(200.0)	(31.3)	440.0
Supplies and materials	90.0	(10.0)	(11.1)	80.0	-	(10.0)	(11.1)	80.0
Furniture and equipment	174.0	-	-	174.0	-	-	-	174.0
<i>Subtotal non-staff</i>	4,871.7	(1,769.0)	(36.3)	3,102.7	-	(1,769.0)	(36.3)	3,102.7
<b>Total</b>	<b>47,383.4</b>	<b>5.2</b>	<b>0.0</b>	<b>47,388.6</b>	<b>(53.8)</b>	<b>(48.6)</b>	<b>(0.1)</b>	<b>47,334.8</b>

2110 Immediate Office of the Prosecutor / Legal Advisory Section	2020	Resource changes		Proposed 2021	CBF Recommended Changes	Resource changes		Proposed 2021
	Approved Budget	Amount	%	Budget Before CBF recommendations		Budget After CBF recommendations		
Professional staff	1,443.0	1.9	0.1	1,444.9	-	1.9	0.1	1,444.9
General Service staff	295.2	1.0	0.3	296.2	-	1.0	0.3	296.2
<i>Subtotal staff</i>	<i>1,738.2</i>	<i>2.9</i>	<i>0.2</i>	<i>1,741.1</i>	<i>-</i>	<i>2.9</i>	<i>0.2</i>	<i>1,741.1</i>
General temporary assistance	122.1	65.2	53.4	187.3	(53.8)	11.4	9.3	133.5
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>122.1</i>	<i>65.2</i>	<i>53.4</i>	<i>187.3</i>	<i>(53.8)</i>	<i>11.4</i>	<i>9.3</i>	<i>133.5</i>
Travel	179.4	(33.3)	(18.6)	146.1	-	(33.3)	(18.6)	146.1
Hospitality	5.0	-	-	5.0	-	-	-	5.0
Contractual services	30.0	(20.0)	(66.7)	10.0	-	(20.0)	(66.7)	10.0
Training	290.0	(280.0)	(96.6)	10.0	-	(280.0)	(96.6)	10.0
Consultants	50.0	-	-	50.0	-	-	-	50.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>554.4</i>	<i>(333.3)</i>	<i>(60.1)</i>	<i>221.1</i>	<i>-</i>	<i>(333.3)</i>	<i>(60.1)</i>	<i>221.1</i>
<b>Total</b>	<b>2,414.7</b>	<b>(265.2)</b>	<b>(11.0)</b>	<b>2,149.5</b>	<b>(53.8)</b>	<b>(319.0)</b>	<b>(13.2)</b>	<b>2,095.7</b>

2120 Services Section	2020	Resource changes		Proposed 2021	CBF Recommended Changes	Resource changes		Proposed 2021
	Approved Budget	Amount	%	Budget Before CBF recommendations		Budget After CBF recommendations		
Professional staff	1,484.8	131.4	8.8	1,616.2	-	131.4	8.8	1,616.2
General Service staff	910.0	(5.2)	(0.6)	904.8	-	(5.2)	(0.6)	904.8
<i>Subtotal staff</i>	<i>2,394.8</i>	<i>126.2</i>	<i>5.3</i>	<i>2,521.0</i>	<i>-</i>	<i>126.2</i>	<i>5.3</i>	<i>2,521.0</i>
General temporary assistance	2,024.8	356.9	17.6	2,381.7	-	356.9	17.6	2,381.7
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>2,024.8</i>	<i>356.9</i>	<i>17.6</i>	<i>2,381.7</i>	<i>-</i>	<i>356.9</i>	<i>17.6</i>	<i>2,381.7</i>
Travel	414.4	(168.8)	(40.7)	245.6	-	(168.8)	(40.7)	245.6
Hospitality	-	-	-	-	-	-	-	-
Contractual services	497.0	(137.0)	(27.6)	360.0	-	(137.0)	(27.6)	360.0
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	30.0	(2.5)	(8.3)	27.5	-	(2.5)	(8.3)	27.5
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>941.4</i>	<i>(308.3)</i>	<i>(32.7)</i>	<i>633.1</i>	<i>-</i>	<i>(308.3)</i>	<i>(32.7)</i>	<i>633.1</i>
<b>Total</b>	<b>5,361.0</b>	<b>174.8</b>	<b>3.3</b>	<b>5,535.8</b>	<b>-</b>	<b>174.8</b>	<b>3.3</b>	<b>5,535.8</b>



<b>2160 Information, Knowledge and Evidence Management Section</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	1,126.6	103.2	9.2	1,229.8	-	103.2	9.2	1,229.8
General Service staff	1,470.0	(153.4)	(10.4)	1,316.6	-	(153.4)	(10.4)	1,316.6
<i>Subtotal staff</i>	<i>2,596.6</i>	<i>(50.2)</i>	<i>(1.9)</i>	<i>2,546.4</i>	-	<i>(50.2)</i>	<i>(1.9)</i>	<i>2,546.4</i>
General temporary assistance	1,114.6	(77.2)	(6.9)	1,037.4	-	(77.2)	(6.9)	1,037.4
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,114.6</i>	<i>(77.2)</i>	<i>(6.9)</i>	<i>1,037.4</i>	-	<i>(77.2)</i>	<i>(6.9)</i>	<i>1,037.4</i>
Travel	17.3	(8.5)	(49.1)	8.8	-	(8.5)	(49.1)	8.8
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	10.0	(2.5)	(25.0)	7.5	-	(2.5)	(25.0)	7.5
Supplies and materials	60.0	(7.5)	(12.5)	52.5	-	(7.5)	(12.5)	52.5
Furniture and equipment	174.0	-	-	174.0	-	-	-	174.0
<i>Subtotal non-staff</i>	<i>261.3</i>	<i>(18.5)</i>	<i>(7.1)</i>	<i>242.8</i>	-	<i>(18.5)</i>	<i>(7.1)</i>	<i>242.8</i>
<b>Total</b>	<b>3,972.5</b>	<b>(145.9)</b>	<b>(3.7)</b>	<b>3,826.6</b>	-	<b>(145.9)</b>	<b>(3.7)</b>	<b>3,826.6</b>

<b>2200 Jurisdiction, Complementarity and Cooperation Division</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	2,833.0	260.9	9.2	3,093.9	-	260.9	9.2	3,093.9
General Service staff	350.0	(2.0)	(0.6)	348.0	-	(2.0)	(0.6)	348.0
<i>Subtotal staff</i>	<i>3,183.0</i>	<i>258.9</i>	<i>8.1</i>	<i>3,441.9</i>	-	<i>258.9</i>	<i>8.1</i>	<i>3,441.9</i>
General temporary assistance	427.4	39.9	9.3	467.3	-	39.9	9.3	467.3
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>427.4</i>	<i>39.9</i>	<i>9.3</i>	<i>467.3</i>	-	<i>39.9</i>	<i>9.3</i>	<i>467.3</i>
Travel	419.1	(113.4)	(27.1)	305.7	-	(113.4)	(27.1)	305.7
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>419.1</i>	<i>(113.4)</i>	<i>(27.1)</i>	<i>305.7</i>	-	<i>(113.4)</i>	<i>(27.1)</i>	<i>305.7</i>
<b>Total</b>	<b>4,029.5</b>	<b>185.4</b>	<b>4.6</b>	<b>4,214.9</b>	-	<b>185.4</b>	<b>4.6</b>	<b>4,214.9</b>

<b>2300</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
<b>Investigation Division</b>								
Professional staff	10,784.4	770.8	7.1	11,555.2	-	770.8	7.1	11,555.2
General Service staff	1,844.2	(164.4)	(8.9)	1,679.8	-	(164.4)	(8.9)	1,679.8
<i>Subtotal staff</i>	<i>12,628.6</i>	<i>606.4</i>	<i>4.8</i>	<i>13,235.0</i>	<i>-</i>	<i>606.4</i>	<i>4.8</i>	<i>13,235.0</i>
General temporary assistance	4,800.3	329.3	6.9	5,129.6	-	329.3	6.9	5,129.6
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>4,800.3</i>	<i>329.3</i>	<i>6.9</i>	<i>5,129.6</i>	<i>-</i>	<i>329.3</i>	<i>6.9</i>	<i>5,129.6</i>
Travel	1,724.0	(655.6)	(38.0)	1,068.4	-	(655.6)	(38.0)	1,068.4
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	630.0	(197.5)	(31.3)	432.5	-	(197.5)	(31.3)	432.5
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>2,354.0</i>	<i>(853.1)</i>	<i>(36.2)</i>	<i>1,500.9</i>	<i>-</i>	<i>(853.1)</i>	<i>(36.2)</i>	<i>1,500.9</i>
<b>Total</b>	<b>19,782.9</b>	<b>82.6</b>	<b>0.4</b>	<b>19,865.5</b>	<b>-</b>	<b>82.6</b>	<b>0.4</b>	<b>19,865.5</b>

<b>2400</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
<b>Prosecution Division</b>								
Professional staff	9,049.7	9.6	0.1	9,059.3	-	9.6	0.1	9,059.3
General Service staff	560.0	(72.8)	(13.0)	487.2	-	(72.8)	(13.0)	487.2
<i>Subtotal staff</i>	<i>9,609.7</i>	<i>(63.2)</i>	<i>(0.7)</i>	<i>9,546.5</i>	<i>-</i>	<i>(63.2)</i>	<i>(0.7)</i>	<i>9,546.5</i>
General temporary assistance	1,871.6	179.1	9.6	2,050.7	-	179.1	9.6	2,050.7
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,871.6</i>	<i>179.1</i>	<i>9.6</i>	<i>2,050.7</i>	<i>-</i>	<i>179.1</i>	<i>9.6</i>	<i>2,050.7</i>
Travel	341.5	(142.4)	(41.7)	199.1	-	(142.4)	(41.7)	199.1
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>341.5</i>	<i>(142.4)</i>	<i>(41.7)</i>	<i>199.1</i>	<i>-</i>	<i>(142.4)</i>	<i>(41.7)</i>	<i>199.1</i>
<b>Total</b>	<b>11,822.8</b>	<b>(26.5)</b>	<b>(0.2)</b>	<b>11,796.3</b>	<b>-</b>	<b>(26.5)</b>	<b>(0.2)</b>	<b>11,796.3</b>

Major Programme III Registry	2020	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
	Approved Budget	Amount	%			Amount	%	
Professional staff	27,710.0	1,221.9	4.4	28,931.9	-	1,221.9	4.4	28,931.9
General Service staff	19,108.4	(718.4)	(3.8)	18,390.0	-	(718.4)	(3.8)	18,390.0
<i>Subtotal staff</i>	<i>46,818.4</i>	<i>503.5</i>	<i>1.1</i>	<i>47,321.9</i>	<i>-</i>	<i>503.5</i>	<i>1.1</i>	<i>47,321.9</i>
General temporary assistance	3,577.8	201.3	5.6	3,779.1	(53.7)	147.6	4.1	3,725.4
Temporary assistance for meetings	189.3	172.5	91.1	361.8	-	172.5	91.1	361.8
Overtime	209.5	13.7	6.5	223.2	-	13.7	6.5	223.2
<i>Subtotal other staff</i>	<i>3,976.6</i>	<i>387.5</i>	<i>9.7</i>	<i>4,364.1</i>	<i>(53.7)</i>	<i>333.8</i>	<i>8.4</i>	<i>4,310.4</i>
Travel	2,058.2	(559.4)	(27.2)	1,498.8	-	(559.4)	(27.2)	1,498.8
Hospitality	4.0	-	-	4.0	-	-	-	4.0
Contractual services	2,785.5	297.9	10.7	3,083.4	-	297.9	10.7	3,083.4
Training	642.8	(118.1)	(18.4)	524.7	-	(118.1)	(18.4)	524.7
Consultants	260.8	246.0	94.3	506.8	-	246.0	94.3	506.8
Counsel for defence	3,167.5	856.2	27.0	4,023.7	(80.0)	776.2	24.5	3,943.7
Counsel for victims	1,300.0	427.1	32.9	1,727.1	-	427.1	32.9	1,727.1
General operating expenses	12,584.5	(1,291.4)	(10.3)	11,293.1	-	(1,291.4)	(10.3)	11,293.1
Supplies and materials	1,126.0	(106.5)	(9.5)	1,019.5	-	(106.5)	(9.5)	1,019.5
Furniture and equipment	1,192.6	(642.0)	(53.8)	550.6	-	(642.0)	(53.8)	550.6
<i>Subtotal non-staff</i>	<i>25,121.9</i>	<i>(890.2)</i>	<i>(3.5)</i>	<i>24,231.7</i>	<i>(80.0)</i>	<i>(970.2)</i>	<i>(3.9)</i>	<i>24,151.7</i>
<b>Total</b>	<b>75,916.9</b>	<b>0.8</b>	<b>0.0</b>	<b>75,917.7</b>	<b>(133.7)</b>	<b>(132.9)</b>	<b>(0.2)</b>	<b>75,784.0</b>

3100 Office of the Registrar	2020	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
	Approved Budget	Amount	%			Amount	%	
Professional staff	1,500.0	(19.3)	(1.3)	1,480.7	-	(19.3)	(1.3)	1,480.7
General Service staff	151.8	(1.6)	(1.1)	150.2	-	(1.6)	(1.1)	150.2
<i>Subtotal staff</i>	<i>1,651.8</i>	<i>(20.9)</i>	<i>(1.3)</i>	<i>1,630.9</i>	<i>-</i>	<i>(20.9)</i>	<i>(1.3)</i>	<i>1,630.9</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	34.2	(14.7)	(43.0)	19.5	-	(14.7)	(43.0)	19.5
Hospitality	4.0	-	-	4.0	-	-	-	4.0
Contractual services	-	-	-	-	-	-	-	-
Training	8.0	(1.2)	(15.0)	6.8	-	(1.2)	(15.0)	6.8
Consultants	-	5.0	-	5.0	-	5.0	-	5.0
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>46.2</i>	<i>(10.9)</i>	<i>(23.6)</i>	<i>35.3</i>	<i>-</i>	<i>(10.9)</i>	<i>(23.6)</i>	<i>35.3</i>
<b>Total</b>	<b>1,698.0</b>	<b>(31.8)</b>	<b>(1.9)</b>	<b>1,666.2</b>	<b>-</b>	<b>(31.8)</b>	<b>(1.9)</b>	<b>1,666.2</b>

<b>3200 Division of Management Services (DMS)</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	3,869.1	247.2	6.4	4,116.3	-	247.2	6.4	4,116.3
General Service staff	9,686.3	(240.1)	(2.5)	9,446.2	-	(240.1)	(2.5)	9,446.2
<i>Subtotal staff</i>	<i>13,555.4</i>	<i>7.1</i>	<i>0.1</i>	<i>13,562.5</i>	<i>-</i>	<i>7.1</i>	<i>0.1</i>	<i>13,562.5</i>
General temporary assistance	707.8	52.4	7.4	760.2	-	52.4	7.4	760.2
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	194.5	8.7	4.5	203.2	-	8.7	4.5	203.2
<i>Subtotal other staff</i>	<i>902.3</i>	<i>61.1</i>	<i>6.8</i>	<i>963.4</i>	<i>-</i>	<i>61.1</i>	<i>6.8</i>	<i>963.4</i>
Travel	208.2	(78.5)	(37.7)	129.7	-	(78.5)	(37.7)	129.7
Hospitality	-	-	-	-	-	-	-	-
Contractual services	390.5	(150.1)	(38.4)	240.4	-	(150.1)	(38.4)	240.4
Training	361.4	2.9	0.8	364.3	-	2.9	0.8	364.3
Consultants	33.0	(7.5)	(22.7)	25.5	-	(7.5)	(22.7)	25.5
General operating expenses	3,078.3	(454.7)	(14.8)	2,623.6	-	(454.7)	(14.8)	2,623.6
Supplies and materials	291.7	(59.4)	(20.4)	232.3	-	(59.4)	(20.4)	232.3
Furniture and equipment	378.5	(368.5)	(97.4)	10.0	-	(368.5)	(97.4)	10.0
<i>Subtotal non-staff</i>	<i>4,741.6</i>	<i>(1,115.8)</i>	<i>(23.5)</i>	<i>3,625.8</i>	<i>-</i>	<i>(1,115.8)</i>	<i>(23.5)</i>	<i>3,625.8</i>
<b>Total</b>	<b>19,199.3</b>	<b>(1,047.6)</b>	<b>(5.5)</b>	<b>18,151.7</b>	<b>-</b>	<b>(1,047.6)</b>	<b>(5.5)</b>	<b>18,151.7</b>

<b>3300 Division of Judicial Services (DJS)</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	11,744.3	872.6	7.4	12,616.9	-	872.6	7.4	12,616.9
General Service staff	4,961.6	(132.4)	(2.7)	4,829.2	-	(132.4)	(2.7)	4,829.2
<i>Subtotal staff</i>	<i>16,705.9</i>	<i>740.2</i>	<i>4.4</i>	<i>17,446.1</i>	<i>-</i>	<i>740.2</i>	<i>4.4</i>	<i>17,446.1</i>
General temporary assistance	1,271.4	301.1	23.7	1,572.5	(53.7)	247.4	19.5	1,518.8
Temporary assistance for meetings	189.3	87.7	46.3	277.0	-	87.7	46.3	277.0
Overtime	15.0	5.0	33.3	20.0	-	5.0	33.3	20.0
<i>Subtotal other staff</i>	<i>1,475.7</i>	<i>393.8</i>	<i>26.7</i>	<i>1,869.5</i>	<i>(53.7)</i>	<i>340.1</i>	<i>23.0</i>	<i>1,815.8</i>
Travel	324.3	136.9	42.2	461.2	-	136.9	42.2	461.2
Hospitality	-	-	-	-	-	-	-	-
Contractual services	1,236.7	480.0	38.8	1,716.7	-	480.0	38.8	1,716.7
Training	91.1	(30.5)	(33.5)	60.6	-	(30.5)	(33.5)	60.6
Consultants	227.8	243.0	106.7	470.8	-	243.0	106.7	470.8
Counsel for defence	3,167.5	856.2	27.0	4,023.7	(80.0)	776.2	24.5	3,943.7
Counsel for victims	1,300.0	427.1	32.9	1,727.1	-	427.1	32.9	1,727.1
General operating expenses	6,455.0	(163.8)	(2.5)	6,291.2	-	(163.8)	(2.5)	6,291.2
Supplies and materials	318.5	(3.9)	(1.2)	314.6	-	(3.9)	(1.2)	314.6
Furniture and equipment	760.0	(249.5)	(32.8)	510.5	-	(249.5)	(32.8)	510.5
<i>Subtotal non-staff</i>	<i>13,880.9</i>	<i>1,695.5</i>	<i>12.2</i>	<i>15,576.4</i>	<i>(80.0)</i>	<i>1,615.5</i>	<i>11.6</i>	<i>15,496.4</i>
<b>Total</b>	<b>32,062.5</b>	<b>2,829.5</b>	<b>8.8</b>	<b>34,892.0</b>	<b>(133.7)</b>	<b>2,695.8</b>	<b>8.4</b>	<b>34,758.3</b>

<b>3800 Division of External Operations (DEO)</b>	2020 <i>Approved Budget</i>	<i>Resource changes</i>		<i>Proposed 2021 Budget Before CBF recommendations</i>	<i>CBF Recommended Changes</i>	<i>Resource changes</i>		<i>Proposed 2021 Budget After CBF recommendations</i>
		<i>Amount</i>	<i>%</i>			<i>Amount</i>	<i>%</i>	
Professional staff	10,596.6	121.4	1.1	10,718.0	-	121.4	1.1	10,718.0
General Service staff	4,308.7	(344.3)	(8.0)	3,964.4	-	(344.3)	(8.0)	3,964.4
<i>Subtotal staff</i>	<i>14,905.3</i>	<i>(222.9)</i>	<i>(1.5)</i>	<i>14,682.4</i>	<i>-</i>	<i>(222.9)</i>	<i>(1.5)</i>	<i>14,682.4</i>
General temporary assistance	1,598.6	(152.2)	(9.5)	1,446.4	-	(152.2)	(9.5)	1,446.4
Temporary assistance for meetings	-	84.8	-	84.8	-	84.8	-	84.8
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,598.6</i>	<i>(67.4)</i>	<i>(4.2)</i>	<i>1,531.2</i>	<i>-</i>	<i>(67.4)</i>	<i>(4.2)</i>	<i>1,531.2</i>
Travel	1,491.5	(603.1)	(40.4)	888.4	-	(603.1)	(40.4)	888.4
Hospitality	-	-	-	-	-	-	-	-
Contractual services	1,158.3	(32.0)	(2.8)	1,126.3	-	(32.0)	(2.8)	1,126.3
Training	182.3	(89.3)	(49.0)	93.0	-	(89.3)	(49.0)	93.0
Consultants	-	5.5	-	5.5	-	5.5	-	5.5
General operating expenses	3,051.2	(672.9)	(22.1)	2,378.3	-	(672.9)	(22.1)	2,378.3
Supplies and materials	515.8	(43.2)	(8.4)	472.6	-	(43.2)	(8.4)	472.6
Furniture and equipment	54.1	(24.0)	(44.4)	30.1	-	(24.0)	(44.4)	30.1
<i>Subtotal non-staff</i>	<i>6,453.2</i>	<i>(1,459.0)</i>	<i>(22.6)</i>	<i>4,994.2</i>	<i>-</i>	<i>(1,459.0)</i>	<i>(22.6)</i>	<i>4,994.2</i>
<b>Total</b>	<b>22,957.1</b>	<b>(1,749.3)</b>	<b>(7.6)</b>	<b>21,207.8</b>	<b>-</b>	<b>(1,749.3)</b>	<b>(7.6)</b>	<b>21,207.8</b>

<b>Major Programme IV Secretariat of the Assembly of States Parties</b>	2020 <i>Approved Budget</i>	<i>Resource changes</i>		<i>Proposed 2021 Budget Before CBF recommendations</i>	<i>CBF Recommended Changes</i>	<i>Resource changes</i>		<i>Proposed 2021 Budget After CBF recommendations</i>
		<i>Amount</i>	<i>%</i>			<i>Amount</i>	<i>%</i>	
Professional staff	658.4	141.9	21.6	800.3	-	141.9	21.6	800.3
General Service staff	372.1	45.0	12.1	417.1	-	45.0	12.1	417.1
<i>Subtotal staff</i>	<i>1,030.5</i>	<i>186.9</i>	<i>18.1</i>	<i>1,217.4</i>	<i>-</i>	<i>186.9</i>	<i>18.1</i>	<i>1,217.4</i>
General temporary assistance	482.1	47.7	9.9	529.8	-	47.7	9.9	529.8
Temporary assistance for meetings	94.2	55.8	59.2	150.0	-	55.8	59.2	150.0
Overtime	14.0	-	-	14.0	-	-	-	14.0
<i>Subtotal other staff</i>	<i>590.3</i>	<i>103.5</i>	<i>17.5</i>	<i>693.8</i>	<i>-</i>	<i>103.5</i>	<i>17.5</i>	<i>693.8</i>
Travel	748.2	(371.0)	(49.6)	377.2	-	(371.0)	(49.6)	377.2
Hospitality	7.0	-	-	7.0	-	-	-	7.0
Contractual services	615.2	(111.9)	(18.2)	503.3	-	(111.9)	(18.2)	503.3
Training	7.4	-	-	7.4	-	-	-	7.4
Consultants	276.0	(276.0)	(100.0)	-	-	(276.0)	(100.0)	-
General operating expenses	22.4	(5.0)	(22.3)	17.4	-	(5.0)	(22.3)	17.4
Supplies and materials	14.7	(6.2)	(42.2)	8.5	-	(6.2)	(42.2)	8.5
Furniture and equipment	5.0	-	-	5.0	-	-	-	5.0
<i>Subtotal non-staff</i>	<i>1,695.9</i>	<i>(770.1)</i>	<i>(45.4)</i>	<i>925.8</i>	<i>-</i>	<i>(770.1)</i>	<i>(45.4)</i>	<i>925.8</i>
<b>Total</b>	<b>3,316.7</b>	<b>(479.7)</b>	<b>(14.5)</b>	<b>2,837.0</b>	<b>-</b>	<b>(479.7)</b>	<b>(14.5)</b>	<b>2,837.0</b>

4100 ASP Conference	2020	Resource changes		Proposed 2021	CBF Recommended Changes	Resource changes		Proposed 2021
	Approved Budget	Amount	%	Budget Before CBF recommendations		Amount	%	Budget After CBF recommendations
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	-	-	-	-	-	-	-	-
General temporary assistance	236.3	25.3	10.7	261.6	-	25.3	10.7	261.6
Temporary assistance for meetings	27.1	62.9	232.1	90.0	-	62.9	232.1	90.0
Overtime	9.0	-	-	9.0	-	-	-	9.0
<i>Subtotal other staff</i>	272.4	88.2	32.4	360.6	-	88.2	32.4	360.6
Travel	64.0	(64.0)	(100.0)	-	-	(64.0)	(100.0)	-
Hospitality	-	-	-	-	-	-	-	-
Contractual services	428.9	(75.9)	(17.7)	353.0	-	(75.9)	(17.7)	353.0
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	11.0	(5.0)	(45.5)	6.0	-	(5.0)	(45.5)	6.0
Supplies and materials	10.0	(5.0)	(50.0)	5.0	-	(5.0)	(50.0)	5.0
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	513.9	(149.9)	(29.2)	364.0	-	(149.9)	(29.2)	364.0
<b>Total</b>	<b>786.3</b>	<b>(61.7)</b>	<b>(7.8)</b>	<b>724.6</b>	<b>-</b>	<b>(61.7)</b>	<b>(7.8)</b>	<b>724.6</b>

4200 ASP Secretariat	2020	Resource changes		Proposed 2021	CBF Recommended Changes	Resource changes		Proposed 2021
	Approved Budget	Amount	%	Budget Before CBF recommendations		Amount	%	Budget After CBF recommendations
Professional staff	505.9	109.2	21.6	615.1	-	109.2	21.6	615.1
General Service staff	288.8	33.3	11.5	322.1	-	33.3	11.5	322.1
<i>Subtotal staff</i>	794.7	142.5	17.9	937.2	-	142.5	17.9	937.2
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	5.0	-	-	5.0	-	-	-	5.0
<i>Subtotal other staff</i>	5.0	-	-	5.0	-	-	-	5.0
Travel	102.1	(75.2)	(73.7)	26.9	-	(75.2)	(73.7)	26.9
Hospitality	1.0	-	-	1.0	-	-	-	1.0
Contractual services	-	-	-	-	-	-	-	-
Training	2.9	0.3	10.3	3.2	-	0.3	10.3	3.2
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	4.7	(1.2)	(25.5)	3.5	-	(1.2)	(25.5)	3.5
Furniture and equipment	5.0	-	-	5.0	-	-	-	5.0
<i>Subtotal non-staff</i>	115.7	(76.1)	(65.8)	39.6	-	(76.1)	(65.8)	39.6
<b>Total</b>	<b>915.4</b>	<b>66.4</b>	<b>7.3</b>	<b>981.8</b>	<b>-</b>	<b>66.4</b>	<b>7.3</b>	<b>981.8</b>

<b>4400 Office of the President of the Assembly</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	-	-	-	-	-	-	-	-
General temporary assistance	113.5	10.1	8.9	123.6	-	10.1	8.9	123.6
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	113.5	10.1	8.9	123.6	-	10.1	8.9	123.6
Travel	115.7	(13.1)	(11.3)	102.6	-	(13.1)	(11.3)	102.6
Hospitality	-	-	-	-	-	-	-	-
Contractual services	12.0	(6.0)	(50.0)	6.0	-	(6.0)	(50.0)	6.0
Training	-	-	-	-	-	-	-	-
Consultants	-	-	-	-	-	-	-	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	127.7	(19.1)	(15.0)	108.6	-	(19.1)	(15.0)	108.6
<b>Total</b>	<b>241.2</b>	<b>(9.0)</b>	<b>(3.7)</b>	<b>232.2</b>	<b>-</b>	<b>(9.0)</b>	<b>(3.7)</b>	<b>232.2</b>

<b>4500 Committee on Budget and Finance</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	152.5	32.7	21.4	185.2	-	32.7	21.4	185.2
General Service staff	83.3	11.7	14.0	95.0	-	11.7	14.0	95.0
<i>Subtotal staff</i>	235.8	44.4	18.8	280.2	-	44.4	18.8	280.2
General temporary assistance	132.3	12.3	9.3	144.6	-	12.3	9.3	144.6
Temporary assistance for meetings	60.0	-	-	60.0	-	-	-	60.0
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	192.3	12.3	6.4	204.6	-	12.3	6.4	204.6
Travel	299.8	(52.1)	(17.4)	247.7	-	(52.1)	(17.4)	247.7
Hospitality	6.0	-	-	6.0	-	-	-	6.0
Contractual services	144.3	-	-	144.3	-	-	-	144.3
Training	4.5	(0.3)	(6.7)	4.2	-	(0.3)	(6.7)	4.2
Consultants	-	-	-	-	-	-	-	-
General operating expenses	11.4	-	-	11.4	-	-	-	11.4
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	466.0	(52.4)	(11.2)	413.6	-	(52.4)	(11.2)	413.6
<b>Total</b>	<b>894.1</b>	<b>4.3</b>	<b>0.5</b>	<b>898.4</b>	<b>-</b>	<b>4.3</b>	<b>0.5</b>	<b>898.4</b>

<b>4600 Assembly Mandated Bodies for 2020</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	-	-	-	-	-	-	-	-
General Service staff	-	-	-	-	-	-	-	-
<i>Subtotal staff</i>	-	-	-	-	-	-	-	-
General temporary assistance	-	-	-	-	-	-	-	-
Temporary assistance for meetings	7.1	(7.1)	(100.0)	-	-	(7.1)	(100.0)	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	7.1	(7.1)	(100.0)	-	-	(7.1)	(100.0)	-
Travel	166.6	(166.6)	(100.0)	-	-	(166.6)	(100.0)	-
Hospitality	-	-	-	-	-	-	-	-
Contractual services	30.0	(30.0)	(100.0)	-	-	(30.0)	(100.0)	-
Training	-	-	-	-	-	-	-	-
Consultants	276.0	(276.0)	(100.0)	-	-	(276.0)	(100.0)	-
General operating expenses	-	-	-	-	-	-	-	-
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	472.6	(472.6)	(100.0)	-	-	(472.6)	(100.0)	-
<b>Total</b>	<b>479.7</b>	<b>(479.7)</b>	<b>(100.0)</b>	-	-	<b>(479.7)</b>	<b>(100.0)</b>	-

<b>Major Programme V Premises</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			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	2,270.0	-	-	2,270.0	-	-	-	2,270.0
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	2,270.0	-	-	2,270.0	-	-	-	2,270.0
<b>Total</b>	<b>2,270.0</b>	-	-	<b>2,270.0</b>	-	-	-	<b>2,270.0</b>



<b>Major Programme VI Secretariat of the Trust Fund for Victims</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	976.7	78.2	8.0	1,054.9	(23.5)	54.7	5.6	1,031.4
General Service staff	137.0	(0.8)	(0.6)	136.2	(3.0)	(3.8)	(2.8)	133.2
<i>Subtotal staff</i>	<i>1,113.7</i>	<i>77.4</i>	<i>6.9</i>	<i>1,191.1</i>	<i>(26.5)</i>	<i>50.9</i>	<i>4.6</i>	<i>1,164.6</i>
General temporary assistance	1,573.3	149.1	9.5	1,722.4	-	149.1	9.5	1,722.4
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>1,573.3</i>	<i>149.1</i>	<i>9.5</i>	<i>1,722.4</i>	<i>-</i>	<i>149.1</i>	<i>9.5</i>	<i>1,722.4</i>
Travel	301.0	(156.1)	(51.9)	144.9	-	(156.1)	(51.9)	144.9
Hospitality	1.0	-	-	1.0	-	-	-	1.0
Contractual services	145.0	(45.7)	(31.5)	99.3	-	(45.7)	(31.5)	99.3
Training	32.2	(13.0)	(40.4)	19.2	-	(13.0)	(40.4)	19.2
Consultants	51.9	(11.7)	(22.5)	40.2	-	(11.7)	(22.5)	40.2
General operating expenses	5.0	-	-	5.0	-	-	-	5.0
Supplies and materials	3.0	-	-	3.0	-	-	-	3.0
Furniture and equipment	-	-	-	-	-	-	-	-
<i>Subtotal non-staff</i>	<i>539.1</i>	<i>(226.5)</i>	<i>(42.0)</i>	<i>312.6</i>	<i>-</i>	<i>(226.5)</i>	<i>(42.0)</i>	<i>312.6</i>
<b>Total</b>	<b>3,226.1</b>	<b>-</b>	<b>-</b>	<b>3,226.1</b>	<b>(26.5)</b>	<b>(26.5)</b>	<b>(0.8)</b>	<b>3,199.6</b>

<b>Major Programme VII-5 Independent Oversight Mechanism</b>	2020 Approved Budget	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
		Amount	%			Amount	%	
Professional staff	414.8	35.9	8.7	450.7	-	35.9	8.7	450.7
General Service staff	76.1	(0.4)	(0.5)	75.7	-	(0.4)	(0.5)	75.7
<i>Subtotal staff</i>	<i>490.9</i>	<i>35.5</i>	<i>7.2</i>	<i>526.4</i>	<i>-</i>	<i>35.5</i>	<i>7.2</i>	<i>526.4</i>
General temporary assistance	147.1	10.9	7.4	158.0	-	10.9	7.4	158.0
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>147.1</i>	<i>10.9</i>	<i>7.4</i>	<i>158.0</i>	<i>-</i>	<i>10.9</i>	<i>7.4</i>	<i>158.0</i>
Travel	17.6	(1.4)	(8.0)	16.2	-	(1.4)	(8.0)	16.2
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	16.4	(5.7)	(34.8)	10.7	-	(5.7)	(34.8)	10.7
Consultants	25.7	(0.5)	(1.9)	25.2	-	(0.5)	(1.9)	25.2
General operating expenses	2.0	(1.0)	(50.0)	1.0	-	(1.0)	(50.0)	1.0
Supplies and materials	-	-	-	-	-	-	-	-
Furniture and equipment	5.0	(3.0)	(60.0)	2.0	-	(3.0)	(60.0)	2.0
<i>Subtotal non-staff</i>	<i>66.7</i>	<i>(11.6)</i>	<i>(17.4)</i>	<i>55.1</i>	<i>-</i>	<i>(11.6)</i>	<i>(17.4)</i>	<i>55.1</i>
<b>Total</b>	<b>704.7</b>	<b>34.8</b>	<b>4.9</b>	<b>739.5</b>	<b>-</b>	<b>34.8</b>	<b>4.9</b>	<b>739.5</b>

<b>Major Programme VII-6 Office of Internal Audit</b>	2020	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
	Approved Budget	Amount	%			Amount	%	
Professional staff	463.7	43.9	9.5	507.6	-	43.9	9.5	507.6
General Service staff	76.1	(0.4)	(0.5)	75.7	-	(0.4)	(0.5)	75.7
<i>Subtotal staff</i>	<i>539.8</i>	<i>43.5</i>	<i>8.1</i>	<i>583.3</i>	-	<i>43.5</i>	<i>8.1</i>	<i>583.3</i>
General temporary assistance	122.1	11.4	9.3	133.5	-	11.4	9.3	133.5
Temporary assistance for meetings	-	-	-	-	-	-	-	-
Overtime	-	-	-	-	-	-	-	-
<i>Subtotal other staff</i>	<i>122.1</i>	<i>11.4</i>	<i>9.3</i>	<i>133.5</i>	-	<i>11.4</i>	<i>9.3</i>	<i>133.5</i>
Travel	10.8	0.1	0.9	10.9	-	0.1	0.9	10.9
Hospitality	-	-	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-	-	-
Training	28.5	0.3	1.1	28.8	(3.8)	(3.5)	(12.3)	25.0
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>59.3</i>	<i>(19.6)</i>	<i>(33.1)</i>	<i>39.7</i>	<i>(3.8)</i>	<i>(23.4)</i>	<i>(39.5)</i>	<i>35.9</i>
<b>Total</b>	<b>721.2</b>	<b>35.3</b>	<b>4.9</b>	<b>756.5</b>	<b>(3.8)</b>	<b>31.5</b>	<b>4.4</b>	<b>752.7</b>

<b>Major Programme VII-2 Host State Loan</b>	2020	Resource changes		Proposed 2021 Budget Before CBF recommendations	CBF Recommended Changes	Resource changes		Proposed 2021 Budget After CBF recommendations
	Approved Budget	Amount	%			Amount	%	
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>3,585.1</i>	<i>-</i>	<i>-</i>	<i>3,585.1</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>3,585.1</i>
<b>Total Including Host State Loan</b>	<b>3,585.1</b>	<b>-</b>	<b>-</b>	<b>3,585.1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,585.1</b>

## Annex IV

**Requests to access the Contingency Fund  
(as at 30 September 2020)**

<i>Number</i>	<i>Date</i>	<i>Justification</i>	<i>Amount requested (thousand €)</i>
1.	10/01/2020 Confidential	Unavoidable costs associated with the case of <i>The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé</i> (“Gbagbo and Blé Goudé Case”) in the situation in Côte d'Ivoire(CIV) in2020.	€138.51
2.	19/06/2020	Unforeseen and unavoidable costs associated with the case of <i>The Prosecutor v. Al Hassan</i> in the situation in Mali	€909.5
3.	24/06/2020	Unforeseen and unavoidable costs associated with the case of <i>The Prosecutor v. Yekatom and Ngaïssona</i> in the situation in the Central African Republic II (CAR).	€1,751.3
<b><i>Total amount of notifications</i></b>			<b>€ 2,799.31</b>

## Annex V

## Yearly increases in approved budgets and actual expenditure 2013-2020

21.

Major Programme		Approved Budget								2013-2020 increase
		2013	2014	2015	2016	2017	2018	2019	2020	
MP I: Judiciary	Total	10,697.9	10,045.8	12,034.2	12,430.6	12,536.0	12,712.0	12,107.6	12,081.5	1,799.5
	Variance	413.9	-652.1	1,988.4	396.4	105.4	176	-602.4	-26.1	1,383.6
	Variance in %	4.0%	-6.1%	19.8%	3.3%	0.8%	1.4%	-4.7%	-0.2%	12.3%
<i>Actual Expenditure</i>		9,874.5	10,529.8	11,023.8	12,702.8	12,232.3	12,237.7	11,592.6	11,840.8*	1,966.3
<i>Implementation Rate in %</i>		92.3%	104.8%	91.6%	102.2%	97.6%	96.3%	97.0%	98.0%	<i>Average 97.5%</i>
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	46,802.5	47,383.4	19,117.7
	Variance	542.0	4,954.3	6,392.6	3,621.1	1,740.5	1,017.6	810.7	580.9	19,659.7
	Variance in %	2.0%	17.5%	19.2%	9.1%	4.0%	2.3%	1.8%	1.2%	69.6%
<i>Actual Expenditure</i>		28,924.9	32,723.7	40,581.2	41,960.3	44,432	44,226.9	46,801.9	46,919.7*	17,994.8
<i>Implementation Rate in %</i>		102.3%	98.5%	102.4%	97.1%	98.8%	96.2%	100%	99.0%	<i>Average 99.3%</i>
MP III: Registry	Total	64,520.9	66,293.1	65,025.9	72,759.2	76,632.6	77,142.5	76,651.2	75,916.9	11,396.0
	Variance	-520.8	1,772.2	-1,267.2	7,733.3	3,873.4	509.9	-491.3	-734.3	10,875.2
	Variance in %	-0.8%	2.7%	-1.9%	11.9%	5.3%	0.7%	-0.6%	-1.0%	16.9%
<i>Actual Expenditure</i>		64,203	65,738	67,988.3	73,278.6	78,811.5	77,677.2	76,571.9	74,688.5*	10,485.5
<i>Implementation Rate in %</i>		99.5%	99.2%	104.6%	100.7%	102.8%	100.7%	99.9%	98.4%	<i>Average 100.7%</i>
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	3,130.3	3,226.1	1,646.1
	Variance	129.4	5.8	229.9	68.8	290.0	367.0	588.8	95.8	1,775.5
	Variance in %	8.9%	0.4%	14.5%	3.8%	15.4%	16.9%	23.1%	3.1%	112.4%
<i>Actual Expenditure</i>		1,432.0	1,425.7	1,542.9	1,640.7	1,704.3	2,031.3	2,803.8	3,049.4*	1,617.4
<i>Implementation Rate in %</i>		90.6%	89.9%	85.0%	87.1%	78.4%	79.9%	89.5%	94.5%	<i>Average 86.9%</i>

22. \* Expenditures for 2020 are forecast expenditures as at June 2020.

## Annex VI

## List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>ASP document symbol (if converted)</i>
CBF/35/1	Provisional agenda	
CBF/35/2	Report of the Office of the Prosecutor on indicators to measure the Court's broader catalytic impact upon national jurisdictions	
CBF/35/3	Framework for the Registry's Field Engagement	
CBF/35/4	Progress Report TFV - Voluntary Contributions	
CBF/35/6	Progress Report TFV- Reparations	
CBF/35/7	STFV Response on financial administration	
CBF/35/8	ENG-Report Court on- its Five-Year IT-IM Strategy	
CBF/35/9/Rev.1	Report on Budget performance as at 30 June 2020 – Revised	
CBF/35/10	Response of the Trust Fund for Victims to queries in relation to adaptation of the overall budgetary framework	
CBF/35/11	Overview of resource reallocation in the Proposed Programme Budget for 2021	
	Proposed Programme Budget for 2021 of the International Criminal Court	ICC-ASP/19/10
	Proposed Programme Budget for 2021 of the International Criminal Court - Executive Summary	ICC-ASP/19/INF.3
	Financial statements of the International Criminal Court for the year ended 31 December 2019	ICC-ASP/19/12
	Financial statements of the Trust Fund for Victims for the year ended 31 December 2019	ICC-ASP/19/13
	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 2019 to 30 June 2020	ICC-ASP/19/14
AC/11/5	Report of the Audit Committee on the work of its eleventh session	
AC/12/5	Report of the Audit Committee on the work of its twelfth session	

## Part C

### Related documents

#### 1. Financial statements of the International Criminal Court for the year ended 31 December 2019\*

##### Contents

	<i>Page</i>
Letter of transmittal.....	306
Statement on Internal Financial Control .....	307
Independent auditor’s opinion.....	308
Statement I - Statement of financial position as at 31 December 2019.....	310
Statement II - Statement of financial performance for the year ended 31 December 2019	311
Statement III - Statement of changes in net assets/equity for the year ended 31 December 2019.....	312
Statement IV - Statement of cash flows for the year ended 31 December 2019.....	313
Statement V - Statement of comparison of budget and actual amounts for the year ended 31 December 2019.....	314
Notes to the financial statements.....	315
1. The International Criminal Court and its objectives .....	315
2. Summary of significant accounting and financial reporting policies.....	317
3. Cash and cash equivalents.....	327
4. Accounts receivable from non-exchange transactions .....	327
5. Other accounts receivable .....	328
6. Prepayments and other current assets .....	329
7. Property, plant and equipment .....	329
8. Intangible assets .....	330
9. Accounts payable .....	331
10. Employee benefit liabilities .....	332
11. Host State loan .....	336
12. Deferred revenue and accrued expenses .....	336
13. Provisions.....	337
14. Net assets/equity .....	338
15. Revenue .....	338
16. Employee benefit expenses .....	339
17. Travel and hospitality expenses .....	339
18. Expenses for contractual services .....	339
19. Expenses for counsel fees .....	340
20. Operating expenses .....	340
21. Supplies and materials expenses .....	340

\* Previously issued as ICC-ASP/19/12.

22.	Depreciation, amortization and impairment .....	340
23.	Financial expenses .....	340
24.	Statement of Comparison of Budget and Actual Amounts .....	341
25.	Segment Reporting.....	342
26.	Commitments and operating leases.....	345
27.	Contingent liabilities .....	345
28.	Related party disclosures .....	346
29.	Write-off losses of cash and receivables .....	346
30.	Events after the reporting date .....	346
	Annexes: .....	348
	Schedule 1: Status of contributions as at 31 December 2019.....	348
	Schedule 2: Status of Working Capital Fund and Contingency Fund as at 31 December 2019.....	350
	Schedule 3: Status of advances to the Working Capital Fund as at 31 December 2019 .	351
	Schedule 4: Status of contributions to the Contingency Fund for 2019.....	353
	Schedule 5: Status of cash surplus as at 31 December 2019.....	355
	Schedule 6: Status of voluntary contributions as at 31 December 2019 .....	356
	Schedule 7: Status of trust funds as at 31 December 2019.....	357
	Final audit report on the financial statements of the International Criminal Court for the period ended 31 December 2019.....	360

## Letter of transmittal

9 June 2020

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 2019.

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

In accordance with Financial Rule 101.1(b), the Registrar in his capacity as principal administrative officer of the Court is “*responsible and accountable for ensuring that these Rules are administered in a coherent manner by all organs of the Court, including through appropriate institutional arrangements with the Office of the Prosecutor with regard to management and administrative functions falling under the authority of that Office by virtue of article 42, paragraph 2, of the Rome Statute*”. Financial Regulation 11 and, *inter alia*, Rule 111.1, assign responsibility for the accounts to me. In accordance with this Financial Regulation and Rule, I have prescribed and maintained financial and subsidiary records, established the accounting procedures of the Court and designated the officials responsible for performing accounting functions.

In line with the Court’s Financial Regulation 1.4, these “*Regulations shall be implemented in a manner consistent with the responsibilities of the Prosecutor and the Registrar as set out in articles 42, paragraph 2, and 43, paragraph 1, of the Rome Statute. The Prosecutor and the Registrar shall cooperate, taking into account the independent exercise by the Prosecutor of his or her functions under the Statute*”.

Furthermore, in accordance with Financial Regulation 10.1, as Registrar I have responsibility for maintaining “*an internal financial control which shall provide for effective current examination and/or review of financial transactions in order to ensure:*

- (i) *The regularity of the receipt, custody and disposal of all funds and other financial resources of the Court;*
- (ii) *The conformity of obligations and expenditures with the appropriations or other financial provisions voted by the Assembly of States Parties, or with the purposes and rules relating to trust funds and special accounts; and*
- (iii) *The economic use of resources of the Court”.*

Having made appropriate institutional arrangements in cooperation with the Office of the Prosecutor as provided for in Rule 101.1(b), I am satisfied that appropriate systems of internal financial control were in place throughout the financial period of 2019.

### Review of effectiveness of the system of internal financial control

The effectiveness of the system of internal financial control and compliance with the Court’s Financial Regulations and Rules relies on operational managers (certifying officers) within the Court.

My review of the effectiveness of the system of internal control and compliance with the Court’s Financial Rules and Regulations is informed by the work of the internal auditors and comments made by the external auditors in their reports.

I am satisfied that I have received the necessary assurances to confirm that an appropriate framework of internal financial control was in place during 2019.

Peter Lewis  
Registrar

9 June 2020

**Independent auditor's opinion**

Cour des comptes  
FRANCE



The First President

Paris, 30 JUN 2020

To Mr Peter Lewis  
Registrar  
International Criminal Court

**AUDIT OPINION****Opinion**

We have audited the Financial Statements of the International Criminal Court ("the Court"), for the 12 months period ended 31 December 2019. These Financial Statements include a Statement of Financial Position as at 31 December 2019, 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.

Based on our audit, the Financial Statements give a fair view of the financial position of the International Criminal Court as at 31 December 2019, 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 ended 31 December 2019 in conformity with the International Public Sector Accounting Standards (IPSAS).

**Basis for Opinion**

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 Article 12 of the Financial Regulations of the Organization. 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".

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**

By virtue of Regulation 11 of the Financial Regulations, 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**

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.

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.



**Pierre MOSCOVICI**

## Statement I

### International Criminal Court - Statement of financial position as at 31 December 2019 (in thousands of euros)

	Note.	2019	2018 (restated)
<b>Assets</b>			
<i>Current assets</i>			
Cash and cash equivalents	3	14,575	18,892
Accounts receivable (non-exchange transactions)	4	17,630	14,832
Other accounts receivable	5	1,243	1,352
Prepayments and other current assets	6	2,732	2,935
<i>Total current assets</i>		<i>36,180</i>	<i>38,011</i>
<i>Non-current assets</i>			
Accounts receivable (non-exchange transactions)	4	25	31
Property, plant and equipment	7	168,643	179,103
Intangible assets	8	2,448	1,530
Reimbursement right	10	31,897	28,648
<i>Total non-current assets</i>		<i>203,013</i>	<i>209,312</i>
<b>Total assets</b>		<b>239,193</b>	<b>247,323</b>
<b>Liabilities</b>			
<i>Current liabilities</i>			
Accounts payable	9	6,330	7,529
Employee benefit liabilities	10	11,347	10,129
Host State loan	11	1,887	1,843
Deferred revenue and accrued expenses	12	7,749	6,955
Provisions	13	363	1,212
<i>Total current liabilities</i>		<i>27,676</i>	<i>27,668</i>
<i>Non-current liabilities</i>			
Accounts payable	9	282	636
Employee benefit liabilities	10	78,956	59,345
Host State loan	11	66,978	68,865
<i>Total non-current liabilities</i>		<i>146,216</i>	<i>128,846</i>
<b>Total liabilities</b>		<b>173,892</b>	<b>156,514</b>
<b>Net assets/equity</b>			
Contingency Fund	14	5,242	5,243
Working Capital Fund	14	5,951	9,058
Other fund balances	14	54,108	76,508
<b>Total net assets/equity</b>		<b>65,301</b>	<b>90,809</b>
<b>Total liabilities and net assets/equity</b>		<b>239,193</b>	<b>247,323</b>

(a) 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 2019 (in thousands of euros)

	Note	2019	2018
<b>Revenue</b>			
Assessed contributions	15	143,122	145,446
Voluntary contributions	15	1,998	2,038
Financial revenue	15	75	158
Other revenue	15	1,073	413
<b>Total revenue</b>		<b>146,268</b>	<b>148,055</b>
<b>Expenses</b>			
Employee benefit expenses	16	114,892	108,099
Travel and hospitality	17	5,592	5,668
Contractual services	18	5,343	6,158
Counsel fees	19	5,322	5,603
Operating expenses	20	14,063	12,969
Supplies and materials	21	1,658	2,456
Depreciation and amortization	22	12,026	12,344
Financial expenses	23	1,840	1,860
<b>Total expenses</b>		<b>160,736</b>	<b>155,157</b>
<i>Surplus/(deficit) for the period</i>		<i>(14,468)</i>	<i>(7,102)</i>

(b) The accompanying notes form an integral part of these financial statements.

## Statement III

### International Criminal Court - Statement of changes in net assets/equity for the year ended 31 December 2019 (in thousands of euros)

	<i>General</i>							<i>Total Net Assets/equity</i>
	<i>General Fund</i>							
	<i>Working Capital Fund</i>	<i>Contin- gency Fund</i>	<i>Funds for Employee Benefit Liabilities</i>	<i>Cash Surplus/ (Deficit)</i>	<i>Remeasur- ement of post- employ- ment related plans</i>	<i>Other General Fund Balances</i>	<i>Trust Funds</i>	
<b>Opening balance as at 1 January 2018</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>
<b>Movement in net assets/equity in 2018</b>								
Surplus/(deficit)	-	-	-	-	-	(7,427)	325	(7,102)
Net remeasurement gains/(losses) post-employment plans	-	-	-	-	(1,391)	-	-	(1,391)
Transfers	9,041	1,479	(216)	5,622	-	(15,926)	-	-
Prior year cash surplus/(deficit)	-	-	-	2,993	-	(2,993)	-	-
2016 Trust Fund for Victims Secretariat's surplus	-	-	-	-	-	476	-	476
<b>Total movements during the year</b>	<b>9,041</b>	<b>1,479</b>	<b>(216)</b>	<b>8,615</b>	<b>(1,391)</b>	<b>(25,870)</b>	<b>325</b>	<b>(8,016)</b>
<b>Total net assets/equity as at 31 December 2018</b>	<b>9,058</b>	<b>5,243</b>	<b>263</b>	<b>2,993</b>	<b>(8,041)</b>	<b>79,272</b>	<b>2,021</b>	<b>90,809</b>
<b>Movement in net assets/equity in 2019</b>								
Surplus/(deficit)	-	-	-	-	-	(14,661)	193	(14,468)
Net remeasurement gains/(losses) post-employment plans	-	-	-	-	(11,511)	-	-	(11,511)
Transfers	(3,076)	-	29	(2,993)	-	6,040	-	-
Prior year cash surplus/(deficit)	-	-	-	(1,439)	-	1,439	-	-
Refunds to withdrawn States	(31)	(1)	-	-	-	-	-	(32)
2017 Trust Fund for Victims Secretariat's surplus	-	-	-	-	-	505	-	505
<b>Total movements during the year</b>	<b>(3,107)</b>	<b>(1)</b>	<b>29</b>	<b>(4,432)</b>	<b>(11,511)</b>	<b>(6,677)</b>	<b>193</b>	<b>(25,506)</b>
<b>Total net assets/equity as at 31 December 2019</b>	<b>5,951</b>	<b>5,242</b>	<b>292</b>	<b>(1,439)</b>	<b>(19,552)</b>	<b>72,594</b>	<b>2,213</b>	<b>65,301</b>

(c) 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 2019 (in thousands of euros)

	Note.	2019	2018 (restated)
<b>Cash flows from operating activities</b>			
Surplus/(deficit) for the period (Statement II)		(14,468)	(7,102)
Unrealized foreign exchange differences		(8)	(56)
Discount on host State loan		-	-
Depreciation and amortization		12,026	12,344
(Gain)/loss on disposal of property, plant and equipment		-	23
Interest expense		1,742	1,784
(Increase)/decrease in accounts receivable from non-exchange transactions		(2,793)	9,605
(Increase)/decrease in other accounts receivable		109	(224)
(Increase)/decrease in prepayments and other current assets		205	(637)
(Increase)/decrease in reimbursement right		(3,249)	40
Increase/(decrease) in accounts payable		(1,082)	662
Increase/(decrease) in employee benefit liabilities		20,829	4,198
Remeasurement (gain)/loss of post-employment related plans		(11,511)	(1,391)
Increase/(decrease) in deferred revenue and accrued expenses		794	(158)
Increase/(decrease) in provisions		(849)	(1,168)
Less: Interest income		(75)	(110)
<b>Net cash flows from operating activities</b>		<b>1,670</b>	<b>17,810</b>
<b>Cash flows from investing activities</b>			
Plus: Interest received		73	133
Proceeds from sale of property, plant and equipment		-	-
Purchase of property, plant and equipment		(1,159)	(1,790)
Purchase of intangible assets		(1,324)	(814)
<b>Net cash flows from investing activities</b>		<b>(2,410)</b>	<b>(2,471)</b>
<b>Cash flows from financing activities</b>			
Refund to withdrawn States		(32)	-
Transfer from/to fund balances		32	
Repayment of host State loan		(3,585)	(3,585)
<b>Net cash flows from financing activities</b>		<b>(3,585)</b>	<b>(3,585)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(4,325)</b>	<b>11,754</b>
Cash and cash equivalents at beginning of financial period	3	18,892	7,082
Unrealized foreign exchange gains/(losses) on cash and cash equivalents		8	56
<b>Cash and cash equivalents as at 31 December (Statement I)</b>	<b>3</b>	<b>14,575</b>	<b>18,892</b>

(d) 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 2019 (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)<sup>1</sup></i>	<i>Carry forward for IT/IM strategy</i>	<i>Access to Contingency Fund</i>	<i>Contingency Fund notification</i>
	<i>I</i>	<i>II</i>	<i>III=I-II</i>	<i>IV</i>	<i>V=II+IV</i>	<i>VI=I-V</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>
Judiciary	12,108	11,593	515	-	11,593	515	-	-	-
Office of the Prosecutor	46,803	46,447	356	-	46,447	355	-	-	171
Registry	76,651	75,435	1,216	1,926	77,360	(709)	307	-	2,521
Secretariat of the Assembly of States Parties	2,842	2,803	39	-	2,803	39	-	-	-
Premises	1,800	1,800	-	-	1,800	-	-	-	-
Secretariat of the Trust Fund for Victims	3,130	2,804	327	-	2,804	327	-	-	-
Independent Oversight Mechanism	531	522	9	-	522	9	-	-	-
Office of Internal Audit	686	686	-	-	686	-	-	-	-
Host State Loan	3,585	3,585	-	-	3,585	-	-	-	-
<b>Total</b>	<b>148,135</b>	<b>145,674</b>	<b>2,461</b>	<b>1,926</b>	<b>147,600</b>	<b>535</b>	<b>307</b>	<b>-</b>	<b>2,692</b>

(e) <sup>1</sup>ICC-ASP/18/Res.1, part H

(f) <sup>2</sup>ICC-ASP/18/Res.1, part O

(g) 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.

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 country offices to enable it to conduct its field operations. These country offices are in Uganda, the Democratic Republic of the Congo, the Central African Republic, the Republic of Côte d’Ivoire, Mali and Georgia.

#### 1.2 Programme budget:

For the purposes of the 2019 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:

#### Judiciary

##### The Presidency:

- (i) comprises the President and the First and Second Vice-Presidents;
- (ii) oversees and supports the fair, open and effective conduct of proceedings and performs all judicial functions within its preserve;
- (iii) is responsible for the proper administration of the Court (with the exception of the Office of the Prosecutor) and oversees the work of the Registry. The Presidency will coordinate with and seek the concurrence of the Prosecutor on all matters of mutual concern; and
- (iv) broadens global understanding of and support for the work of the Court by representing it in the international arena.

##### Chambers:

- (v) comprises an Appeals Division, a Trial Division and a Pre-Trial Division. The Appeals Division is composed of the President of the Court and four other judges; the Trial Division and Pre-Trial Division are composed of not less than six judges; and
- (vi) ensures the conduct of fair, effective and open proceedings, safeguarding the rights of all parties.

#### The Office of the Prosecutor:

- (i) The Office of the Prosecutor embraces the effective and efficient conduct of preliminary examinations, investigation and prosecution of perpetrators of genocide, crimes against humanity, war crimes and the crime of aggression, in accordance with its mandate under the Rome Statute;
- (ii) The Office of the Prosecutor pursues this mission independently, impartially and objectively;

(iii) The Office is headed by the Prosecutor, who has full authority over the management and administration of the Office; and

(iv) comprises four programmes: Immediate Office (which comprises all staff functions that support and provide advice to the Prosecutor and the entire Office), Judicial Complementarity and Cooperation Division, Investigation Division, and Prosecution Division.

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) implements mechanisms to assist and safeguard the rights of victims, witnesses and the defence; and

(iii) manages the internal security of the Court.

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 Committee on Budget and Finance (“the Committee”), as well as other subsidiary bodies of the Assembly,<sup>1</sup> with independent substantive servicing and administrative and technical assistance. Specifically, the Secretariat:

(i) organizes sessions 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.

Premises:

Stakeholders are provided with an overview of the resources required by the Court for the maintenance of its permanent premises.

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 2019.

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 and capital 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 from the Assembly’s acceptance of the host State’s offer of a loan for the permanent premises to be repaid over a period of 30 years at an interest rate of 2.5 per cent.

<sup>1</sup> In 2019, these bodies included the Audit Committee, the Committee on the Election of the Prosecutor, the Working Group on Amendments, and the Working Group on the Revision of the Judges’ Remuneration.

**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.

**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:**

1.4 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 differences.

2.2 Financial period: the financial period is one calendar year.

2.3 Historical cost basis: the financial statements are prepared on the historical cost basis of accounting.

**Currency of accounts and treatment of exchange rate movements**

2.4 The Court's functional and presentation currency is the euro.

2.5 Foreign currency transactions are translated into the functional currency using the United Nations operational rates of exchange which approximate the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions, and from the translation at year-end of exchange rates of monetary assets and liabilities denominated in foreign currencies, are recognized in the Statement of financial performance.

2.6 Non-monetary assets and items that are measured in terms of historical cost in foreign currency are translated using the exchange rate at the date of the transaction and are not retranslated at the reporting date.

**Use of estimates and judgements**

2.7 The preparation of the financial statements in conformity with IPSAS requires management to make judgements, estimates and assumptions that affect the application of

accounting policies and the reported amounts of assets, liabilities, revenue and expenses. The estimates and associated assumptions are based on past experience and various other factors that are believed to be reasonable under the circumstances, and information available at the date of preparation of the financial statements, the results of which form the basis of judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

2.8 The estimates and underlying assumptions are reviewed on an on-going basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised and any future periods affected.

2.9 The judgements made by management in the application of IPSAS that have a significant effect on the financial statements and estimates with a significant risk of material adjustment in the next year are as follows:

(a) The Court recognized provisions as a result of litigations 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 person to whom the Court was 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**

2.10 Cash and cash equivalents are held at nominal value and comprise cash on hand, funds held in current accounts, interest-bearing bank accounts and time deposits with a maturity of less than three months.

### **Financial instruments**

2.11 The Court classifies its financial instruments as loans and receivables and other financial liabilities. Financial assets consist mainly of short-term bank deposits and accounts receivable. Financial liabilities consist mainly of a long-term loan for the construction of the premises and accounts payable.

2.12 All financial instruments are initially recognized in the Statement of financial position at their fair values plus transaction costs. Subsequently, they are measured at amortized cost using the effective interest rate method. The historical cost-carrying amount of receivables and payables subject to normal trade credit terms approximates the fair value of the transaction.

### **Financial risks**

2.13 In the normal course of business, the Court is exposed to financial risk, such as market risk (foreign currency exchange and interest rate), credit risk and liquidity risk.

2.14 Currency risk: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Court is exposed to currency risk through transactions in foreign currencies relating mostly to its field operations.

2.15 Interest rate risk: the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Court deposits its funds only in short-term fixed interest accounts, and therefore has no significant interest rate risk exposure. The loan granted by the host State carries a fixed interest rate and does not expose the Court to interest rate risk.

2.16 Credit risk: the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Court is exposed to credit risk through receivables 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 and its

governing bodies are required to increase their political and diplomatic contacts with States with outstanding contributions, especially those with large arrears.

2.17 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.

2.18 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.

### **Receivables**

2.19 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**

2.20 Other current assets include interest accrued on bank accounts and deposits. Prepayments include education grants 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**

2.21 Property, plant and equipment are tangible assets that are held for use in the supply of services or for administrative purposes.

2.22 Items of property, plant and equipment are measured at cost less accumulated depreciation and impairment losses.

2.23 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.

2.24 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.

2.25 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.

2.26 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.

2.27 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.

2.28 Estimated useful lives are as follows:

	<i>2018</i>
Motor vehicles	4 - 6 years

ICT equipment	3 - 5 years
Furniture and fittings	7 - 10 years
Building components	4 - 40 years
Other assets	5 - 20 years

### Permanent Premises

2.29 The Permanent Premises Project was established by the Assembly by resolution ICC-ASP/4/Res.2, which emphasized 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 leases on the interim premises by 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 the Assembly decisions 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

2.30 Lease agreements entered into at the Court 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

2.31 Intangible assets consist of purchased or internally developed computer software and licences. These assets are amortized using the straight-line method based on an expected useful life or over the licence validity period.

### Impairment of non-cash generating assets

2.32 The assets that the Court holds are normally not held to generate commercial returns and are therefore non-cash generating assets.

2.33 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.

2.34 The asset is impaired if the carrying amount of the asset is higher than the recoverable service amount. The recoverable service amount is the higher of the assets’ fair value less cost to sell and its value in use.

2.35 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.

2.36 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.

2.37 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.

2.38 The Court will assess 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**

2.39 The Court recognized the reimbursement right which arises under the insurance contract 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**

2.40 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**

2.41 Deferred revenue includes pledged contributions for future financial periods and other revenue received but not yet earned.

2.42 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**

2.43 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.

2.44 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**

2.45 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.

2.46 Short-term benefits fall due for settlement within the twelve months after service is rendered and include salary, various allowances, paid sick leave and annual leave. Short-term employee benefits are recognized as expense and liability as services are rendered. Benefits that are earned but not yet paid are recorded as expenses in the period to which they relate and reported in the Statement of financial position as liabilities or provisions.

2.47 Annual leave is recognized as an expense as employees render services that increase their entitlement to future compensated absences.

2.48 Post-employment benefits include pension benefits and after-service health insurance (ASHI).

2.49 The Court is a member organization participating in the United Nations Joint Staff Pension Fund (the "Fund"), which was established by the United Nations General Assembly to provide retirement, death, disability and related benefits to employees. The Fund is a funded, multi-employer defined benefit plan. As specified in Article 3(b) of the Regulations of the Fund, membership in 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.

2.50 The Fund 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 Fund. The Court and the Fund, 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 Fund during the financial period are recognized as expenses in the Statement of Financial Performance.

2.51 Pension benefits for judges: the scheme is a defined benefit scheme which provides the following for its members: a defined retirement pension for judges after the completion of the nine-year term (prorated if a nine-year term is not completed); a pension for the surviving spouse at 50 per cent of the judges' entitlement; and a disability pension for judges. Allianz Netherlands have been designated as administrator of the judges' pension scheme. The contract with Allianz Netherlands commenced on 31 December 2008 and was valid until 31 December 2019. At the end of 2019 the Court signed a new contract for the insurance and administration of the judges' pension benefits. According to this contract AXA France will be responsible for administering the Court's judges' pensions in compliance with the pension scheme regulations of the judges starting from 1 January 2020. The contract with AXA France is valid for five years, until 31 December 2024. Upon expiration, the contract may be extended for successive periods of five years each time, upon both Parties' agreement. Accrued pension rights of judges during the contract period are fully insured by AXA France. Allianz Netherlands will remain responsible for payment of judges pensions paid up until 31 December 2019. Judges' pension benefits are not affected by the above change of the judges' pension administrator. Respectively pension liabilities and reimbursement rights of the Court for the judges' pensions are not affected by the change of administrator. However, there are changes in insurance premiums paid by the Court, due to changes in actuarial assumptions, like interest rates, longevity, mortality and disability assumptions, investment costs, administration costs as well as changes in the population of judges and their dependants.

- Premium paid in 2020 to AXA France was €1,211 thousand versus €1,367 in 2019 paid to Allianz Netherlands.
- Interest rate used by AXA France is Euroswap Interest Rate curve UFR plus 0.10% versus fixed rate of 1% used by Allianz Netherlands.
- Mortality and longevity assumptions used by AXA France is based on the table IPS55 and the table TGF05 versus mortality and longevity assumptions used by Allianz Netherlands, which was based on AG2012-2062 tables.



- Administration and investment fees paid to AXA France for 2020 was €10 thousand versus €121 thousand paid to Allianz Netherlands for interest guarantee, longevity and solvability for 2019.

Actuarial calculation of premiums for active judges as at 1 January 2020 for five years (2020 to 2024), including administration and investment fees, is €3,792 thousand. The actuarial calculation of premiums will be changing depending on the actual population of judges and their dependants.

2.52 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 an amount of 50 per cent. ASHI is a defined benefit plan.

2.53 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.

2.54 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.

2.55 Post-employment benefits and other long-term benefits are calculated by independent actuaries.

2.56 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**

2.57 The loan described in note 2.29(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**

2.58 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. If the outflow of economic benefits to settle the obligations is no longer probable, the provision is reversed.

2.59 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**

2.60 Assessed contributions revenue is recognized when the assessments to the States Parties of the adopted programme budget have been approved by the Assembly at the beginning of the year to which assessment relates.

2.61 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.

2.62 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.

2.63 Assessed contributions to replenishment of the Contingency Fund: are recognized as revenue when approved by the Assembly in the period for which replenishment is approved. If the fund is replenished through application of cash surpluses, such replenishment is not recognized as revenue but as transfer between the funds in net assets/equity.

2.64 Goods-in-kind contributions are recognized at their fair value and goods and the corresponding revenue are recognized immediately if no condition is attached. If conditions are attached, a liability is recognized until such time as the conditions are met and the obligation is satisfied. Revenue is recognized at fair value, measured as of the date of acquisition of the donated assets.

2.65 Services-in-kind: revenue resulting from services-in-kind is not recognized. Major services-in-kind are disclosed in the financial statements, including their fair value, when it is practicable to determine it.

### **Exchange revenue**

2.66 Financial revenue: comprises interest revenue and net foreign exchange gains. Interest revenue is recognized in the Statement of financial performance as it accrues, taking into account the effective yield on the asset. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if positive, is recognized as revenue.

2.67 Gains and losses on disposals: of property, plant and equipment are determined by comparing proceeds with the carrying amount, and are included in the Statement of financial performance.

### **Expenses**

2.68 Financial expenses comprise bank charges, interest expenses and net foreign exchange loss. Interest expenses are recognized as they occur for interest-bearing financial instruments, measured at amortized cost using the effective interest rate method. At the end of the financial period, a net balance of the account for foreign exchange gains and losses, if negative, is recognized as an expense.

2.69 Expenses arising from the purchase of goods and services: are recognized at the point that the supplier has performed its contractual obligations, which is when the goods and services are received and accepted by the Court.

### **Fund accounting and segment reporting**

2.70 A segment is a distinguishable activity or group of activities for which it is appropriate to separately report financial information. Segment information is based on principal activities and sources of financing of the Court. Separate financial information is reported for two segments: General and Trust Funds.

2.71 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.

2.72 The general segment: accounts for the Court's primary activities under the Rome Statute comprise:

(a) The General Fund: established for the purpose of accounting for the expenditures of the Court.

(b) The Working Capital Fund: 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.

2.73 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**

2.74 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.

2.75 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.

2.76 Reserve accounts and special accounts funded wholly or in part by assessed contributions may be established by the Assembly.

#### **Budget comparison**

2.77 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.

2.78 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.

#### Restatement of prior year comparatives

2.79 Comparative information for 2018 is restated to reflect reclassification of Host State loan principal of €1,801 payable in February 2019 from accrued expenses to accounts payable. This reclassification does not affect net assets/equity and has the following effect:

2.80 In thousands of euros	2018 Financial Statements ICC-ASP/18/12	Reclassification	Comparative information in 2019 financial statements
Accounts Payable – current	5,728	1,801	7,529
Deferred revenue and accrued expenses	8,756	(1,801)	6,955
Total net assets/equity	90,809	-	90,809

### 3. Cash and cash equivalents

<i>In thousands of euros</i>	2019	2018
Cash on hand	63	94
Cash at bank	14,512	18,798
<b>Total</b>	<b>14,575</b>	<b>18,892</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. Cash and cash equivalents include an amount equivalent to €289 thousand (2018: €206 thousand) held in currencies other than the euro.

### 4. Accounts receivable from non-exchange transactions

<i>In thousands of euros</i>	2019	2018
<b>Current</b>		
Assessed contributions receivable (regular budget)	25,772	21,122
Assessed contributions receivable (other)	6	6
Voluntary contributions receivable	65	35
<b>Non-current</b>		
Assessed contributions receivable (other)	26	31
<b>Total accounts receivable, gross</b>	<b>25,869</b>	<b>21,194</b>
Provision for doubtful debt	(8,214)	(6,331)
<b>Total accounts receivable, net</b>	<b>17,655</b>	<b>14,863</b>

4.1 Assessed contributions receivable (regular budget): Assessed contributions comprise the majority of the Court's receivables. The outstanding balance of €25,772 thousand comprises €11,361 thousand due for prior financial periods and €14,411 thousand due for 2019 (Schedule 1). Contributions received from States Parties in excess of contributions due in an amount of €2,566 thousand are reported as contributions received in advance (note 12.1). The status of outstanding contributions as at 31 December 2019 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 permanent premises from States which acceded to the Rome Statute after 2015.

4.3 Voluntary contributions receivable: the amount of €65 thousand represents an outstanding amount receivable from European Commission for 2018-2019 project.

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 1 January 2019	6,331
Increase/(decrease) in provision	1,883
<b>Provision for doubtful debt as at 31 December 2019</b>	<b>8,214</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)	-	14,411	8,839	2,522	25,722
Assessed contributions receivable (other)	31	-	1	-	32
Voluntary contributions receivable	-	65	-	-	65
<b>Total accounts receivable, gross</b>	<b>31</b>	<b>14,476</b>	<b>8,840</b>	<b>2,522</b>	<b>25,869</b>

**5. Other accounts receivable**

<i>In thousands of euros</i>	<i>2019</i>	<i>2018</i>
Receivable from governments	496	1,118
Other receivables	3,078	2,138
<b>Other accounts receivable, gross</b>	<b>3,574</b>	<b>3,256</b>
Provision for doubtful debt	(2,331)	(1,904)
<b>Other accounts receivable, net</b>	<b>1,243</b>	<b>1,352</b>

5.1 Receivables from governments represent receivables for refundable energy tax and VAT.

5.2 Other receivables mainly comprise 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.

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. In the case referenced ICC-01/05-01/13, a request was made to reimburse to the Court €453 thousand for legal aid fees received in said case, of which only €26 thousand was recovered in 2019 resulting in increase in provision of €427 thousand.

**Changes in provision for doubtful debt**

<i>In thousands of euros</i>	<i>Other receivables</i>
Provision for doubtful debt as at 1 January 2019	1,904
Increase in provision	427
<b>Provision for doubtful debt as at 31 December 2019</b>	<b>2,331</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	496	-	-	496
Other receivables	1,106	554	1,418	3,078
<b>Other accounts receivable, gross</b>	<b>1,602</b>	<b>554</b>	<b>1,418</b>	<b>3,574</b>

## 6. Prepayments and other current assets

<i>In thousands of euros</i>	2019	2018
Advances	2,111	2,049
Prepaid expenses	564	831
Accrued interest	57	55
<b>Total</b>	<b>2,732</b>	<b>2,935</b>

6.1 Advances mainly represent education grant advances for the portion of the school year to be completed during 2020.

6.2 Prepaid expenses mainly represent payments to vendors for software maintenance and licences relating to periods after 31 December 2019.

## 7. Property, plant and equipment

As at 31 December 2019

<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>Leasehold improvements</i>	<i>Other assets</i>	<i>Total</i>
<b>Cost</b>									
At 1 January 2019	9,741	297	197,478	3,896	621	9,591	-	2,523	224,147
Additions	-	407	158	-	2	453	-	140	1,160
Capitalization	-	(704)	-	-	-	-	704	-	-
Disposals/Write-offs	-	-	-	(259)	(3)	(905)	-	(32)	(1,199)
<b>At 31 December 2019</b>	<b>9,741</b>	<b>-</b>	<b>197,636</b>	<b>3,636</b>	<b>620</b>	<b>9,139</b>	<b>704</b>	<b>2,631</b>	<b>224,108</b>
<b>Accumulated depreciation</b>									
Accumulated depreciation at 1 January 2019	-	-	32,619	2,571	492	7,586	-	1,776	45,044
Depreciation Charge	-	-	9,973	405	27	1,007	12	196	11,620
Disposals/Write-offs	-	-	-	(259)	(3)	(905)	-	(32)	(1,199)
<b>At 31 December 2019</b>	<b>-</b>	<b>-</b>	<b>42,592</b>	<b>2,717</b>	<b>516</b>	<b>7,688</b>	<b>12</b>	<b>1,940</b>	<b>55,465</b>
<b>Net book value</b>									
at 1 January 2019	9,741	297	164,859	1,325	129	2,005	-	747	179,103
<b>At 31 December 2019</b>	<b>9,741</b>	<b>-</b>	<b>155,044</b>	<b>920</b>	<b>104</b>	<b>1,451</b>	<b>692</b>	<b>691</b>	<b>168,643</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.

**As at 31 December 2018**

<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 2018	9,741	10	197,183	3,335	572	10,205	2,488	223,534
Additions	-	291	244	561	51	451	193	1,791
Capitalization	-	(4)	4	-	-	-	-	-
Reclassification	-	-	47	-	-	-	(47)	-
Disposals/Write-offs	-	-	-	-	(1)	(1,065)	(111)	(1,177)
<b>At 31 December 2018</b>	<b>9,741</b>	<b>297</b>	<b>197,478</b>	<b>3,896</b>	<b>622</b>	<b>9,591</b>	<b>2,523</b>	<b>224,148</b>
<b>Accumulated depreciation</b>								
Accumulated depreciation at 1 January 2018	-	-	22,249	2,205	468	7,615	1,711	34,248
Depreciation Charge	-	-	10,365	367	25	1,013	181	11,951
Reclassification	-	-	5	-	-	-	(5)	-
Disposals/Write-offs	-	-	-	-	(1)	(1,042)	(111)	(1,154)
<b>At 31 December 2018</b>	<b>-</b>	<b>-</b>	<b>32,619</b>	<b>2,571</b>	<b>492</b>	<b>7,587</b>	<b>1,776</b>	<b>45,045</b>
<b>Net book value</b>								
at 1 January 2018	9,741	10	174,934	1,130	104	2,590	777	189,286
<b>At 31 December 2018</b>	<b>9,741</b>	<b>297</b>	<b>164,859</b>	<b>1,325</b>	<b>130</b>	<b>2,004</b>	<b>747</b>	<b>179,103</b>

**8. Intangible assets****As at 31 December 2019**

<i>In thousands of euros</i>	<i>Software externally acquired</i>	<i>Software in development</i>	<i>Software internally developed</i>	<i>Total</i>
<b>Cost</b>				
At 1 January 2019	11,079	518	328	11,925
Additions	85	1,011	228	1,324
Retirement / Write-off	-	-	-	-
Capitalization	-	(368)	368	-
<b>At 31 December 2019</b>	<b>11,164</b>	<b>1,161</b>	<b>924</b>	<b>13,249</b>
<b>Accumulated Amortization</b>				
At 1 January 2019	10,390	-	5	10,395
Amortization charge	333	-	73	406
<b>At 31 December 2019</b>	<b>10,723</b>	<b>-</b>	<b>78</b>	<b>10,801</b>
<b>Net book value</b>				
At 1 January 2019	689	518	323	1,530
<b>At 31 December 2019</b>	<b>441</b>	<b>1,161</b>	<b>846</b>	<b>2,448</b>

8.1 Software in development represents costs of developing three software: a) Digital storage for forensic files preservation, b) Electronic phone billing and c) Judicial workflow platform. Completion of these projects are expected in 2020 and 2021.



8.2 In 2019 two intangible assets were developed internally: a) Human Resources Renewal and b) mission planning solution phase 2.

### 8.3 As at 31 December 2018

<i>In thousands of euros</i>	<i>Software externally acquired</i>	<i>Software in development</i>	<i>Software internally developed</i>	<i>Total</i>
<b>Cost</b>				
At 1 January 2018	11,025	86	-	11,111
Additions	54	760	-	814
Retirement / Write-off	-	-	-	-
Capitalization	-	(328)	328	-
<b>At 31 December 2018</b>	<b>11,079</b>	<b>518</b>	<b>328</b>	<b>11,925</b>
<b>Accumulated Amortization</b>				
At 1 January 2018	10,002	-	-	10,002
Amortization charge	388	-	5	393
<b>At 31 December 2018</b>	<b>10,390</b>	<b>-</b>	<b>5</b>	<b>10,395</b>
<b>Net book value</b>				
At 1 January 2018	1,023	86	-	1,109
<b>At 31 December 2018</b>	<b>689</b>	<b>518</b>	<b>323</b>	<b>1,530</b>

## 9. Accounts payable

<i>In thousands of euros</i>	<i>2019</i>	<i>2018 (restated)</i>
<b>Current</b>		
Host State loan principal payable	1,843	1,801
Counsel payables	502	379
Suppliers	3,052	4,630
Secretariat of the Trust Fund for Victims	636	506
Other payables	297	213
<i>Total current</i>	<i>6,330</i>	<i>7,529</i>
<b>Non-current</b>		
Secretariat of the Trust Fund for Victims	282	636
<i>Total non-current</i>	<i>282</i>	<i>636</i>
<b>Total accounts payable</b>	<b>6,612</b>	<b>8,165</b>

9.1 Liability towards the Secretariat of the Trust Fund for Victims represents amount assessed for funding of the Secretariat net of expenses incurred against this assessment. 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 increase net assets or revenue of the Court, but are recognized as a payable to the Trust Fund. The payable to the Trust Fund is reduced as expenses are incurred by the Secretariat. Liabilities to vendors and the staff of the Secretariat are settled directly by the Court. The payables 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.

## 10. Employee benefit liabilities

<i>In thousands of euros</i>	2019	2018
<b>Current</b>		
Salaries and entitlements	839	468
Annual leave accrual	6,848	6,303
Other long-term benefits	2,155	1,867
Post-employment benefits	1,505	1,491
<i>Sub-total current</i>	<i>11,347</i>	<i>10,129</i>
<b>Non-current</b>		
Other long-term benefits	12,450	9,939
Post-employment benefits	66,506	49,406
<i>Sub-total non-current</i>	<i>78,956</i>	<i>59,345</i>
<b>Total</b>	<b>90,303</b>	<b>69,474</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 2019, €6,848 thousand represents the accumulated annual leave accrual for all staff members of the Court.

### 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>	<b>2019</b>	<b>2018</b>
Discount rate:		
Judges pension scheme	0.75%	1.65%
Relocation allowance and other benefits of judges	0.04%	0.30%
Home leave and family visit of staff	0.04%	0.30%
ASHI	0.9%	1.95%
Staff repatriation grant	0.74%	1.42%
Other benefits of staff	0.72%	1.35%
Wage inflation	1.50%	1.50%
Price inflation	2.00%	2.00%
Medical cost trend rate	5.00%	5.00%
Individual salary increase rate	1.20%	1.20%
<b>Demographic assumptions</b>		
Individual turnover rates	From 0% to 17% depending on age group	
Disability rates	Based on UNJSPF (2019)	
ASHI participation rate	66.67%	
Mortality tables	UNJSPF active and inactive (2019)	
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.

10.5 The actuarial losses due to changes in financial assumptions are caused by the changes of the discount rates. The discount rates for all defined benefit plans and other long-term employee benefit plans have decreased. The actuarial gains and losses due to changes in demographic assumptions are caused by changes in mortality rates, disability rates, turnover rates and the participation rates. The participation rate is only applicable to the ASHI post-employment plan. The actuarial gains and losses due to experience adjustments are mainly caused by deviation of the actual benefits paid from the expected benefits paid, increase in health insurance premiums and a higher increase in salary than initially was expected.

#### 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 2019</b>	<b>28,648</b>	<b>576</b>	<b>22,249</b>	<b>11,231</b>	<b>62,704</b>
Service cost	882	231	2,401	2,482	5,995
Interest expense	475	2	480	160	1,118
Remeasurement (gains)/losses	3,313	233	11,030	848	15,423
Benefits paid	(1,421)	(218)	(46)	(941)	(2,626)
<b>Present value of the defined benefit obligation as at 31 December 2019</b>	<b>31,897</b>	<b>824</b>	<b>36,114</b>	<b>13,780</b>	<b>82,614</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 2019</b>	<b>28,648</b>
Interest revenue	471
Remeasurement gains/(losses)	2,832
Contributions by employer	1,488
Benefits paid	(1,421)
Administration cost	(121)
<b>Reimbursement right as at 31 December 2019</b>	<b>31,897</b>

10.6 The fair value of the reimbursement rights is deemed to be the present value of the related obligation. Administration cost of €121 thousand was paid to judges pension scheme administrator in 2019.

**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	882	231	2,401	2,482	5,995
Net interest on the net defined benefit liability/(asset)	4	2	480	160	647
Administration costs	121	-	-	-	121
Remeasurement of the net defined benefit liability	-	233	-	848	1080
Defined benefit cost recorded in profit or loss 1,007		466	2,881	3,490	7,844
Remeasurement of the net defined benefit liability	481	-	11,030	-	11,510
Defined benefit cost recorded in net assets/equity	481	-	11,030	-	11,510
<b>Total defined benefit cost</b>	<b>1,488</b>	<b>466</b>	<b>13,911</b>	<b>3,490</b>	<b>19,354</b>

**Sensitivity analysis**

10.7 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% change of the assumptions at the end of 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	0.75	31,897	1.00	30,901	0.50	32,944
Home leave benefits	0.04	95	0.29	95	(0.21)	95
Removal/travel on separation	0.04	117	0.29	116	(0.21)	118
Relocation allowance	0.04	602	0.29	597	(0.21)	606
Survivors benefit	0.04	11	0.29	11	(0.21)	11
<b>Staff</b>						
Home leave benefits	0.04	1,171	0.29	1,170	(0.21)	1,173
Family visit	0.04	36	0.29	36	(0.21)	36
Removal/Travel on separation	0.72	3,028	0.97	2,967	0.47	3,091
Repatriation grant	0.74	9,076	0.99	8,879	0.49	9,281
Death grant	0.72	469	0.97	460	0.47	478
ASHI	0.90	36,114	1.15	33,365	0.65	39,139

10.8 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>	4%	5%	6%
Defined benefit obligation as at 31/12/2019	29,826	36,114	44,175
Current Service cost for Fiscal year 2020	2,773	3,360	4,113

**United Nations Joint Staff Pension Fund**

10.9 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.

10.10 The Court's financial obligation to the Fund consists of its mandated contribution, at the rate established by the United Nations General Assembly (currently at 7.9% for participants and 15.8% 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.

10.11 The latest actuarial valuation for the Fund was completed as of 31 December 2017, and the valuation as of 31 December 2019 is currently being performed. A roll forward of the participation data as of 31 December 2017 to 31 December 2018 was used by the Fund for its 2018 financial statements

10.12 The actuarial valuation as of 31 December 2017 resulted in a funded ratio of actuarial assets to actuarial liabilities, assuming no future pension adjustments, of 139.2%. The funded ratio was 102.7% when the current system of pension adjustments was taken into account.

10.13 After assessing the actuarial sufficiency of the Fund, the Consulting Actuary concluded that there was no requirement, as of 31 December 2017, 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.

10.14 Should Article 26 be invoked due to an actuarial deficiency, either during the ongoing operation or due to the termination of the Fund, 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 Fund during the preceding three years (2016, 2017 and 2018) amounted to USD 7,131.56 million, of which approximately 1.06% was contributed by the Court.

10.15 During 2019, contributions paid to Fund amounted to €26.3 million (2018 €23.2 million). No significant variance is expected in the contributions due in 2020.

10.16 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.

10.17 The United Nations Board of Auditors carries out an annual audit of the Fund and reports to the Fund Pension Board and to the United Nations General Assembly on the audit every year. The Fund publishes quarterly reports on its investments and these can be viewed by visiting the Fund at [www.unjspf.org](http://www.unjspf.org).

### Service-incurred injury

10.18 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 2019 for this insurance was €442 thousand.

### Secretariat of the Trust Fund for Victims

10.19 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 €675 thousand.

10.20 The value of annual leave due to employees of the Secretariat of the Trust Fund for Victims as at 31 December 2019, also provided on a pooled basis, are included in the Court's liabilities and amounted to €126 thousand.

## 11. Host State loan

<i>In thousands of euros</i>	2019	2018
Host State loan current	1,887	1,843
Host State loan non-current	66,978	68,865
<b>Total</b>	<b>68,865</b>	<b>70,708</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 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	84,250	98,590

## 12. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	2019	2018 (restated)
Assessed contributions in advance	2,566	1,509
Deferred voluntary contributions	1,097	1,191

Accrued expenses	2,344	2,471
Accrual on host State loan	1,742	1,784
<b>Total</b>	<b>7,749</b>	<b>6,955</b>

12.1 Assessed contributions received in advance: €2,566 thousand was received from States Parties prior to the year to which they relate. Contributions received in advance increased by €1,057 thousand. The details of received contributions relating to year 2020 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 €1,097 thousand relates 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 2019 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 interest accrued on Host State loan until 31 December 2019 due for payment in February 2020.

### 13. Provisions

<i>In thousands of euros</i>	2019	2018
Provision for litigation	263	898
Provision for US tax	100	111
Other provisions	-	203
<b>Total</b>	<b>363</b>	<b>1,212</b>

#### Changes in provisions

<i>In thousands of euros</i>	<i>Litigation provision</i>	<i>US tax provision</i>	<i>Other provisions</i>	<i>Total</i>
Provision as at 1 January 2019	898	111	203	1,212
Increase in provision	-	17	-	17
Decrease due to payments	(92)	(24)	(203)	(319)
Decrease due to reversals	(543)	(4)	-	(547)
<b>Provision as at 31 December 2019</b>	<b>263</b>	<b>100</b>	<b>-</b>	<b>363</b>

13.1 Provision for litigation of €263 thousand corresponds to estimated liability of the Court for cases filed by current or former staff members of the Court, including primarily with the Administrative Tribunal of the International Labour Organization (ILOAT). In addition there are other cases pending 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 €100 thousand estimated for the year 2019 for United States taxpayers on the payroll of the Court during this period.

## 14. Net assets/equity

<i>In thousands of euros</i>	<i>2019</i>	<i>2018</i>
<b>General</b>		
Contingency Fund	5,242	5,243
Working Capital Fund	5,951	9,058
<b>General Funds</b>		
Funds for Employee Benefit Liabilities	292	263
Cash Surplus / (Deficit)	(1,439)	2,993
Other General Fund	72,594	79,272
Remeasurement of post-employment related plans	(19,552)	(8,041)
<b>Total General balances</b>	<b>63,088</b>	<b>88,788</b>
Trust Funds	2,213	2,021
<b>Total</b>	<b>65,301</b>	<b>90,809</b>

14.1 Remeasurement of post-employment related plans: the balance of €19,552 thousand represents actuarial losses relating to pension of Judges and after service health insurance plan of the Court's staff.

## 15. Revenue

<i>In thousands of euros</i>	<i>2019</i>	<i>2018</i>
<b>Assessed contributions</b>		
To programme budget	145,005	144,890
Change in provision for doubtful debt	(1,883)	556
<i>Sub-total assessed contributions</i>	<i>143,122</i>	<i>145,446</i>
<b>Voluntary contributions</b>		
To trust funds (Schedule 6)	1,998	2,038
<i>Sub-total voluntary contributions</i>	<i>1,998</i>	<i>2,038</i>
<b>Financial revenue</b>		
Interest revenue	75	110
Net foreign exchange gain	-	48
<i>Sub-total financial revenue</i>	<i>75</i>	<i>158</i>
<b>Other revenue</b>		
Other miscellaneous revenue	1,073	413
<i>Sub-total other revenue</i>	<i>1,073</i>	<i>413</i>
<b>Total revenue</b>	<b>146,268</b>	<b>148,055</b>

15.1 Assessed contributions to programme budget: the Assembly, in its resolution ICC-ASP/17/Res.4, approved the funding of the appropriations of the Court for the financial period 1 January to 31 December 2019 in the amount of €148,135 thousand. €3,130 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 2019, an estimate of a doubtful debt provision increased by €1,883 thousand.

15.3 Details of voluntary contributions by donors are provided in Schedule 6.

### Contributions in kind

15.4 In 2019 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 2019 is estimated at €1.2 million.

15.5 In 2019 the eighteenth session of the Assembly of States Parties was conducted at the World Forum Convention Centre in The Hague. The premises were provided by the host State. The approximate amount of this donation in kind is €326 thousand.

## 16. Employee benefit expenses

<i>In thousands of euros</i>	2019	2018
Judges' salaries	3,401	3,373
Judges' entitlements and allowances	1,802	1,516
Staff salaries	60,848	57,571
Staff entitlements and allowances	32,404	29,414
Temporary assistance	16,437	16,225
<b>Total</b>	<b>114,892</b>	<b>108,099</b>

16.1 In 2019 no ex-gratia payment was made.

## 17. Travel and hospitality expenses

<i>In thousands of euros</i>	2019	2018
Hospitality	14	31
Travel	5,578	5,637
<b>Total</b>	<b>5,592</b>	<b>5,668</b>

## 18. Expenses for contractual services

<i>In thousands of euros</i>	2019	2018
Public information	185	489
External translation	89	489
Training	696	851
Consultants and individual contractors	2,470	1,826
Other contractual services	1,903	2,503
<b>Total</b>	<b>5,343</b>	<b>6,158</b>

**19. Expenses for counsel fees**

<i>In thousands of euros</i>	2019	2018
Counsel for defence	4,044	4,191
Counsel for victims	1,278	1,412
<b>Total</b>	<b>5,322</b>	<b>5,603</b>

**20. Operating expenses**

<i>In thousands of euros</i>	2019	2018
Rental, utility and maintenance	6,922	6,038
Communications and software maintenance	3,138	3,290
Witness-related expenses	1,807	1,895
Other operating expenses	2,196	1,746
<b>Total</b>	<b>14,063</b>	<b>12,969</b>

**21. Supplies and materials expenses**

<i>In thousands of euros</i>	2019	2018
Office supplies	385	551
Library books, magazines and subscriptions	255	333
Other supplies	402	425
Low value asset purchases	616	1,147
<b>Total</b>	<b>1,658</b>	<b>2,456</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>	2019	2018
Depreciation	11,620	11,951
Amortization	406	393
<b>Total</b>	<b>12,026</b>	<b>12,344</b>

22.1 No material impairment losses were incurred in 2019.

**23. Financial expenses**

<i>In thousands of euros</i>	2019	2018
Bank charges	70	76
Interest expense on the host State loan	1,742	1,784
Foreign currency exchange loss	28	-
<b>Total</b>	<b>1,840</b>	<b>1,860</b>

23.1 Interest expense on the host State loan amounting to €1,742 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 2019 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>	535	-	-	535
Basis differences	2,267	-	-	2,267
Presentation differences	-	(2,410)	(3,585)	(5,995)
Entity differences	(1,132)	-	-	(1,132)
<b>Actual amount in the Statement of cash flows (Statement IV)</b>	<b>1,670</b>	<b>(2,410)</b>	<b>(3,585)</b>	<b>(4,325)</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 2019.

## 25. Segment Reporting

### Statement of financial position by segment as at 31 December 2019

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Inter- segment</i>	<i>Total</i>
<b>Assets</b>				
<i>Current assets</i>				
Cash and cash equivalents	11,191	3,384	-	14,575
Accounts receivable (non-exchange transactions)	17,565	65	-	17,630
Other accounts receivable	1,157	-	86	1,243
Prepayments and other current assets	2,729	3	-	2,732
<i>Total current assets</i>	<i>32,642</i>	<i>3,452</i>	<i>86</i>	<i>36,180</i>
<i>Non-current assets</i>				
Accounts receivable (non-exchange transactions)	25	-	-	25
Property, plant and equipment	168,643	-	-	168,643
Intangible assets	2,448	-	-	2,448
Reimbursement right	31,897	-	-	31,897
<i>Total non-current assets</i>	<i>203,013</i>	<i>-</i>	<i>-</i>	<i>203,013</i>
<b>Total assets</b>	<b>235,655</b>	<b>3,452</b>	<b>86</b>	<b>239,193</b>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Accounts payable	6,163	81	86	6,330
Employee benefit liabilities	11,314	33	-	11,347
Host State loan	1,887	-	-	1,887
Deferred revenue and accrued expenses	6,624	1,125	-	7,749
Provisions	363	-	-	363
<i>Total current liabilities</i>	<i>26,351</i>	<i>1,239</i>	<i>86</i>	<i>27,676</i>
<i>Non-current liabilities</i>				
Accounts payable	282	-	-	282
Employee benefit liabilities	78,956	-	-	78,956
Host State loan	66,978	-	-	66,978
<i>Total non-current liabilities</i>	<i>146,216</i>	<i>-</i>	<i>-</i>	<i>146,216</i>
<b>Total liabilities</b>	<b>172,567</b>	<b>1,239</b>	<b>86</b>	<b>173,892</b>
<b>Net assets/equity</b>				
Contingency Fund	5,242	-	-	5,242
Working Capital Fund	5,951	-	-	5,951
Other fund balances	51,895	2,213	-	54,108
<b>Total net assets/equity</b>	<b>63,088</b>	<b>2,213</b>	<b>-</b>	<b>65,301</b>
<b>Total liabilities and net assets/equity</b>	<b>235,655</b>	<b>3,452</b>	<b>86</b>	<b>239,193</b>

## Statement of financial position by segment as at 31 December 2018

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Inter- segment</i>	<i>Total</i>
<b>Assets</b>				
<i>Current assets</i>				
Cash and cash equivalents	14,790	4,102	-	18,892
Accounts receivable (non-exchange transactions)	14,797	35	-	14,832
Other accounts receivable	2,175	-	(823)	1,352
Prepayments and other current assets	2,909	26	-	2,935
<b>Total current assets</b>	<b>34,671</b>	<b>4,163</b>	<b>(823)</b>	<b>38,011</b>
<i>Non-current assets</i>				
Accounts receivable (non-exchange transactions)	31	-	-	31
Property, plant and equipment	179,103	-	-	179,103
Intangible assets	1,530	-	-	1,530
Reimbursement right	28,648	-	-	28,648
<b>Total non-current assets</b>	<b>209,312</b>	<b>-</b>	<b>-</b>	<b>209,312</b>
<b>Total assets</b>	<b>243,983</b>	<b>4,163</b>	<b>(823)</b>	<b>247,323</b>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Accounts payable	7,415	937	(823)	7,529
Employee benefit liabilities	10,121	8	-	10,129
Host State loan	1,843	-	-	1,843
Deferred revenue and accrued expenses	5,759	1,196	-	6,955
Provisions	1,212	-	-	1,212
<b>Total current liabilities</b>	<b>26,350</b>	<b>2,141</b>	<b>(823)</b>	<b>27,668</b>
<i>Non-current liabilities</i>				
Accounts payable	636	-	-	636
Employee benefit liabilities	59,345	-	-	59,345
Host State loan	68,865	-	-	68,865
<b>Total non-current liabilities</b>	<b>128,846</b>	<b>-</b>	<b>-</b>	<b>128,846</b>
<b>Total liabilities</b>	<b>155,196</b>	<b>2,141</b>	<b>(823)</b>	<b>156,514</b>
<b>Net assets/equity</b>				
Contingency Fund	5,243	-	-	5,243
Working Capital Fund	9,058	-	-	9,058
Other fund balances	74,487	2,021	-	76,508
<b>Total net assets/equity</b>	<b>88,788</b>	<b>2,021</b>	<b>-</b>	<b>90,809</b>
<b>Total liabilities and net assets/equity</b>	<b>243,983</b>	<b>4,163</b>	<b>(823)</b>	<b>247,323</b>

**Statement of financial performance by segment for the year ended 31 December 2019**

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Total</i>
<b>Revenue</b>			
Assessed contributions	143,122	-	143,122
Voluntary contributions	-	1,998	1,998
Financial revenue	75	-	75
Other revenue	1,073	-	1,073
<b>Total revenue</b>	<b>144,270</b>	<b>1,998</b>	<b>146,268</b>
<b>Expenses</b>			
Employee benefit expenses	114,162	730	114,892
Travel and hospitality	5,061	531	5,592
Contractual services	4,918	425	5,343
Counsel fees	5,322	-	5,322
Operating expenses	13,962	101	14,063
Supplies and materials	1,640	18	1,658
Depreciation and amortization	12,026	-	12,026
Financial expenses	1,840	-	1,840
<b>Total expenses</b>	<b>158,931</b>	<b>1,805</b>	<b>160,736</b>
<b>Surplus/(deficit) for the period</b>	<b>(14,661)</b>	<b>193</b>	<b>(14,468)</b>

**Statement of financial performance by segment for the year ended 31 December 2018**

<i>In thousands of euros</i>	<i>General</i>	<i>Trust Funds</i>	<i>Total</i>
<b>Revenue</b>			
Assessed contributions	145,446	-	145,446
Voluntary contributions	-	2,038	2,038
Financial revenue	158	-	158
Other revenue	411	2	413
<b>Total revenue</b>	<b>146,015</b>	<b>2,040</b>	<b>148,055</b>
<b>Expenses</b>			
Employee benefit expenses	107,384	715	108,099
Travel and hospitality	5,289	379	5,668
Contractual services	5,746	412	6,158
Counsel fees	5,602	1	5,603
Operating expenses	12,762	207	12,969
Supplies and materials	2,456	-	2,456
Depreciation and amortization	12,344	-	12,344
Financial expenses	1,859	1	1,860
<b>Total expenses</b>	<b>153,442</b>	<b>1,715</b>	<b>155,157</b>
<b>Surplus/(deficit) for the period</b>	<b>(7,427)</b>	<b>325</b>	<b>(7,102)</b>

## 26. Commitments and operating leases

### Operating leases

26.1 Operating costs include lease payments in an amount of €2,449 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 2019 contractual commitments of the Court for the acquisition of property plant and equipment contracted but not delivered amounted to €139 thousand.

## 27. Contingent liabilities

27.1 At the end of 2019, one case filed by a staff member of the Court with the ILOAT has been identified for which it is not considered likely that an outflow of economic resources will be required. A total of approximately €65 thousand is disclosed as contingent liabilities for this case. In addition, there are cases against the Court pending before ILOAT the liability for which cannot be reliably estimated. With regard to one such case, in general, there are strong arguments that the Complaint falls outside the Tribunal's jurisdiction (both subject matter and temporal jurisdiction) and is therefore irreceivable. Nevertheless, there is a risk of legal liability. However, due to the myriad of ways in which the Tribunal could approach the question of appropriate relief, the Court's liability cannot be reliably estimated.

27.2 On 19 March 2019, Mr. Jean-Pierre Bemba Gombo filed a second public redacted version of his request for compensation and damages pursuant to article 85 of the Rome Statute (ICC-01/05-01/08-3673-Red2). Both the Prosecution and the Registry filed their respective observations on 6 May 2019 as ordered ((ICC-01/05-01/08-3680-Red and ICC-01/05-01/08-3681-Red, respectively) and a hearing was publicly held on 9 May 2019.

Additional submissions were filed by lawyers for Mr. Bemba on 4 June 2019 and replies thereto were filed by both the Prosecution and the Registry on 26 June 2019. The liability for this claim, if any, cannot be reliably estimated.

## 28. Related party disclosures

### Key management Personnel

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	2,811	211

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	319	720	2,458	3,497

### Trust Fund for Victims

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 2019, the Assembly approved an appropriation of €3,130 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 amount of assessment net of expenses incurred by the Secretariat for the current and prior period in an amount of €892 thousand is recognized as a liability towards the Trust Fund for Victims. 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 A total amount of €3 thousand was written off as the value of receivables deemed to be irrecoverable.

## 30. Events after the reporting date

30.1 ICC's reporting date is 31 December 2019. The COVID-19 pandemic occurred after the 2019 accounts were closed. This is a non-adjusting event for the 2019 Financial Statements. However, the global effects of this pandemic may have significant impact on the Organization's operations in 2020, the extent of which cannot be reliably estimated at this time.



## Annexes

## Schedule 1

International Criminal Court - Status of contributions as at 31 December 2019  
(in euros)

States Parties	Outstanding as at 31-12-2018			Assessed	Credits from 2018			Total outstanding	Receipts relating to 2020
	Prior years	Collections	Outstanding		2019	Collections	Outstanding		
Afghanistan	-	-	-	15,161	-	15,161	-	-	-
Albania	-	-	-	21,104	-	21,104	-	-	-
Andorra	-	-	-	13,299	-	13,299	-	-	-
Antigua and Barbuda	16,765	-	16,765	5,534	-	-	5,534	22,299	-
Argentina	2,185,464	303,342	1,882,122	2,421,357	-	-	2,421,357	4,303,479	-
Australia	-	-	-	5,848,204	-	5,848,204	-	-	-
Austria	-	-	-	1,904,940	-	1,904,940	-	-	-
Bangladesh	-	-	-	15,348	-	15,348	-	-	-
Barbados	-	-	-	18,502	-	18,502	-	-	-
Belgium	-	-	-	2,314,390	-	2,314,390	-	-	-
Belize	-	-	-	2,745	-	2,745	-	-	-
Benin	-	-	-	8,380	-	8,380	-	-	-
Bolivia	-	-	-	42,353	-	-	42,353	42,353	-
Bosnia and Herzegovina	-	-	-	31,801	-	31,801	-	-	-
Botswana	-	-	-	39,274	-	39,274	-	-	-
Brazil	9,852,721	7,594,691	2,258,030	8,217,956	-	-	8,217,956	10,475,986	-
Bulgaria	-	-	-	128,390	-	128,390	-	-	-
Burkina Faso	14,480	14,480	-	8,115	-	8,115	-	-	227
Cabo Verde	3,865	3,865	-	2,745	-	-	2,745	2,745	-
Cambodia	-	-	-	14,896	-	14,896	-	-	-
Canada	-	-	-	7,234,872	-	7,234,872	-	-	-
Central African Republic	8,312	-	8,312	2,745	-	-	2,745	11,057	-
Chad	36,939	-	36,939	10,706	-	-	10,706	47,645	-
Chile	-	-	-	1,077,042	-	1,077,042	-	-	-
Colombia	788,855	788,855	-	762,068	-	762,068	-	-	-
Comoros	21,955	-	21,955	2,745	-	-	2,745	24,700	-
Congo	77,768	-	77,768	16,607	-	-	16,607	94,375	-
Cook Islands	-	-	-	2,745	-	2,745	-	-	-
Costa Rica	-	-	-	164,064	2,784	105,233	56,047	56,047	-
Côte d'Ivoire	-	-	-	35,966	23,572	12,394	-	-	11,337
Croatia	-	-	-	221,717	-	221,717	-	-	-
Cyprus	-	-	-	95,258	-	95,258	-	-	-
Czechia	-	-	-	822,923	-	822,923	-	-	-
Democratic Republic of the Congo	-	-	-	14,487	14,104	-	383	383	-
Denmark	-	-	-	1,466,026	-	1,466,026	-	-	-
Djibouti	6,717	-	6,717	2,745	-	-	2,745	9,462	-
Dominica	-	-	-	2,745	262	2,483	-	-	-
Dominican Republic	266,697	141,231	125,466	146,606	-	-	146,606	272,072	-
Ecuador	-	-	-	211,766	-	-	211,766	211,766	-
El Salvador	-	-	-	31,801	-	31,801	-	-	167
Estonia	-	-	-	103,209	-	103,209	-	-	-
Fiji	-	-	-	8,380	-	8,380	-	-	-
Finland	-	-	-	1,114,047	-	1,114,047	-	-	-
France	-	-	-	12,509,604	-	12,509,604	-	-	-
Gabon	-	-	-	41,544	-	41,544	-	-	-
Gambia	8	8	-	2,745	-	2,745	-	-	-
Georgia	-	-	-	21,104	-	21,104	-	-	-
Germany	-	-	-	16,115,590	-	16,115,590	-	-	-
Ghana	45,781	45,781	-	41,737	-	37,515	4,222	4,222	-
Greece	-	-	-	968,485	-	968,485	-	-	-
Grenada	-	-	-	2,745	-	2,745	-	-	-
Guatemala	-	-	-	99,094	327	-	98,767	98,767	-
Guinea	24,540	-	24,540	8,093	-	-	8,093	32,633	-
Guyana	-	-	-	5,491	1,738	3,753	-	-	9,071
Honduras	6,474	6,474	-	24,987	-	22,950	2,037	2,037	-
Hungary	-	-	-	550,687	-	550,687	-	-	-
Iceland	-	-	-	74,154	-	74,154	-	-	-
Ireland	-	-	-	981,784	-	981,784	-	-	-
Italy	-	-	-	8,751,057	-	8,751,057	-	-	-
Japan	-	-	-	24,201,348	-	24,201,348	-	-	-
Jordan	-	-	-	55,507	-	55,507	-	-	18
Kenya	-	-	-	65,307	-	65,307	-	-	-

States Parties	Outstanding as at 31-12-2018		Outstanding	Assessed	Credits from 2018		Outstanding	Total outstanding	Receipts relating to 2020
	Collections	Prior years			Collections	2019			
Latvia	-	-	-	124,313	-	124,313	-	-	-
Lesotho	-	-	-	2,745	-	2,745	-	-	2,588
Liberia	5,259	-	5,259	2,745	-	-	2,745	8,004	-
Liechtenstein	-	-	-	23,851	-	23,851	-	-	-
Lithuania	-	-	-	187,915	-	187,915	-	-	-
Luxembourg	-	-	-	177,363	-	177,363	-	-	-
Madagascar	7,966	7,966	-	10,982	-	10,982	-	-	40
Malawi	5,178	5,178	-	5,635	-	5,635	-	-	-
Maldives	-	-	-	10,695	-	-	10,695	10,695	-
Mali	-	-	-	11,126	-	11,126	-	-	-
Malta	-	-	-	44,955	-	44,955	-	-	-
Marshall Islands	8,551	8,551	-	2,745	-	2,745	-	-	20
Mauritius	-	-	-	29,055	-	29,055	-	-	-
Mexico	-	-	-	3,418,897	-	3,418,897	-	-	-
Mongolia	-	-	-	13,299	-	13,299	-	-	-
Montenegro	-	-	-	10,552	-	10,552	-	-	-
Namibia	-	-	-	23,851	-	23,851	-	-	-
Nauru	2,537	2,537	-	2,745	-	2,745	-	-	2,585
Netherlands	-	-	-	3,588,309	-	3,588,309	-	-	-
New Zealand	-	-	-	805,970	-	805,970	-	-	-
Niger	36,962	-	36,962	5,635	-	-	5,635	42,597	-
Nigeria	559,049	545,586	13,463	674,390	-	-	674,390	687,853	-
North Macedonia	-	-	-	19,638	-	19,638	-	-	-
Norway	-	-	-	2,116,140	-	2,116,140	-	-	-
Panama	-	-	-	119,858	86	119,403	369	369	-
Paraguay	65,414	65,414	-	43,776	-	27,799	15,977	15,977	-
Peru	121,421	121,421	-	418,904	-	203,473	215,431	215,431	-
Philippines	-	-	-	111,448	-	111,448	-	-	-
Poland	-	-	-	2,122,283	1,466,500	655,783	-	-	2,132,554
Portugal	-	-	-	926,132	-	926,132	-	-	-
Republic of Korea	-	-	-	6,229,598	-	6,229,598	-	-	-
Republic of Moldova	-	-	-	7,950	-	7,950	-	-	-
Romania	-	-	-	523,994	-	523,994	-	-	-
Saint Kitts and Nevis	-	-	-	2,745	-	-	2,745	2,745	-
Saint Lucia	-	-	-	2,745	-	2,745	-	-	387
Saint Vincent and the Grenadines	-	-	-	2,745	-	2,616	129	129	-
Samoa	-	-	-	2,602	7	2,595	-	-	5
San Marino	-	-	-	5,348	-	5,348	-	-	-
Senegal	13,403	-	13,403	15,305	-	-	15,305	28,708	-
Serbia	-	-	-	74,154	-	74,154	-	-	-
Seychelles	-	-	-	5,491	-	5,491	-	-	-
Sierra Leone	916	-	916	2,745	-	-	2,745	3,661	-
Slovakia	-	-	-	404,885	-	404,885	-	-	406,830
Slovenia	-	-	-	201,069	-	201,069	-	-	-
South Africa	-	-	-	719,714	-	719,714	-	-	-
Spain	-	-	-	5,678,791	-	5,678,791	-	-	-
State of Palestine	-	-	-	21,810	-	21,810	-	-	-
Suriname	15,113	-	15,113	13,740	-	-	13,740	28,853	-
Sweden	-	-	-	2,397,506	-	2,397,506	-	-	-
Switzerland	-	-	-	3,045,813	-	3,045,813	-	-	-
Tajikistan	-	-	-	10,982	-	10,982	-	-	-
Timor-Leste	7,369	7,369	-	5,348	-	5,348	-	-	-
Trinidad and Tobago	83,287	83,287	-	105,811	-	-	105,811	105,811	-
Tunisia	14,551	14,551	-	71,316	-	41,411	29,905	29,905	-
Uganda	9,115	-	9,115	15,305	-	-	15,305	24,420	-
United Kingdom	-	-	-	12,085,392	-	12,085,392	-	-	-
United Republic of Tanzania	2,608	-	2,608	15,348	-	-	15,348	17,956	-
Uruguay	-	-	-	230,268	-	230,268	-	-	-
Vanuatu	-	-	-	2,745	-	2,745	-	-	-
Venezuela	6,758,058	-	6,758,058	2,015,505	-	-	2,015,505	8,773,563	-
Zambia	44,239	-	44,239	15,305	-	-	15,305	59,544	-
Burundi (withdrawn State)	3,588	35	3,553	-	-	-	-	3,553	-
Rounding difference	-	-	-	130	-	130	-	-	-
<b>Total</b>	<b>21,121,925</b>	<b>9,760,622</b>	<b>11,361,303</b>	<b>148,134,984</b>	<b>1,509,380</b>	<b>132,215,105</b>	<b>14,410,499</b>	<b>25,771,802</b>	<b>2,565,829</b>

## Schedule 2

### International Criminal Court - Status of Working Capital Fund and Contingency Fund as at 31 December 2019 (in euros)

#### Status of Working Capital Fund

	2019	2018
Balance at beginning of financial period	9,057,054	-
Receipts from States Parties	8	15,782
Refunds to withdrawn States (Schedule 3)	(30,557)	-
Temporary withdrawal for liquidity	(5,589,156)	-
Replenishments	-	9,041,272
Cash Surplus (Schedule 5)	2,512,816 <sup>1</sup>	-
<b>Balance as at 31 December</b>	<b>5,950,165</b>	<b>9,057,054</b>
Established level	11,600,000	11,600,000
Due from States Parties (Schedule 3)	(945)	(953)
Funding shortage / to be financed through future surplus funds	(59,734) <sup>2</sup>	(2,541,993)
Temporary withdrawal for liquidity	(5,589,156)	-
<b>Balance as at 31 December</b>	<b>5,950,165</b>	<b>9,057,054</b>

#### Status of Contingency Fund

	2019	2018
Balance at beginning of financial period	5,243,111	3,759,138
Receipts from States Parties	-	4,991
Refund to withdrawn State	(1,794)	-
Replenishments	-	1,478,982
<b>Balance as at 31 December</b>	<b>5,241,317</b>	<b>5,243,111</b>
Established level	7,000,000	7,000,000
Due from States Parties (Schedule 4)	(295)	(295)
Funding shortage	(1,758,388)	(1,756,594)
<b>Balance as at 31 December</b>	<b>5,241,317</b>	<b>5,243,111</b>

<sup>1)</sup> ICC-ASP/18/Res.1, Section B, para. 2

<sup>2)</sup> ICC-ASP/17/Res.4, Section B, para. 5

### Schedule 3

#### International Criminal Court - Status of advances to the Working Capital Fund as at 31 December 2019 (in euros)

<i>States Parties</i>	<i>Working Capital Fund as at 31/12/2018</i>	<i>2017 Cash Surplus applied</i>	<i>Refunds to withdrawn States</i>	<i>Working Capital Fund as at 31/12/2019</i>	<i>Total Collections</i>	<i>Total Outstanding</i>
Afghanistan	791	251	-	1,042	1,042	-
Albania	1,358	342	-	1,700	1,700	-
Andorra	1,061	256	-	1,317	1,317	-
Antigua and Barbuda	298	85	-	383	383	-
Argentina	91,904	38,177	-	130,081	130,081	-
Australia	322,986	100,020	-	423,006	423,006	-
Austria	113,380	30,815	-	144,195	144,195	-
Bangladesh	906	251	-	1,157	1,157	-
Barbados	1,121	299	-	1,420	1,420	-
Belgium	140,858	37,878	-	178,736	178,736	-
Belize	149	43	-	192	192	-
Benin	446	128	-	574	574	-
Bolivia	1,513	513	-	2,026	2,026	-
Bosnia and Herzegovina	2,272	555	-	2,827	2,827	-
Botswana	2,246	598	-	2,844	2,844	-
Brazil	488,335	163,620	-	651,955	651,955	-
Bulgaria	6,835	1,925	-	8,760	8,760	-
Burkina Faso	507	171	-	678	678	-
Cabo Verde	149	43	-	192	192	-
Cambodia	594	171	-	765	765	-
Canada	437,867	125,015	-	562,882	562,882	-
Central African Republic	149	43	-	192	184	8
Chad	480	214	-	694	301	393
Chile	53,391	17,077	-	70,468	70,468	-
Colombia	42,165	13,780	-	55,945	55,945	-
Comoros	149	43	-	192	184	8
Congo	798	256	-	1,054	719	335
Cook Islands	149	43	-	192	192	-
Costa Rica	6,173	2,013	-	8,186	8,186	-
Côte d'Ivoire	1,507	384	-	1,891	1,891	-
Croatia	17,006	4,237	-	21,243	21,243	-
Cyprus	6,713	1,839	-	8,552	8,552	-
Czechia	54,582	14,723	-	69,305	69,305	-
Democratic Republic of the Congo	621	251	-	872	872	-
Denmark	94,382	24,995	-	119,377	119,377	-
Djibouti	149	43	-	192	192	-
Dominica	149	43	-	192	192	-
Dominican Republic	6,719	1,968	-	8,687	8,687	-
Ecuador	7,909	2,867	-	10,776	10,776	-
El Salvador	850	598	-	1,448	1,448	-
Estonia	5,800	1,626	-	7,426	7,426	-
Fiji	446	128	-	574	574	-
Finland	72,995	19,517	-	92,512	92,512	-
France	783,276	207,961	-	991,237	991,237	-
Gabon	2,780	729	-	3,509	3,509	-
Gambia	149	43	-	192	192	-
Georgia	1,095	342	-	1,437	1,437	-
Germany	1,011,325	273,442	-	1,284,767	1,284,767	-
Ghana	2,193	686	-	2,879	2,879	-
Greece	84,285	20,158	-	104,443	104,443	-
Grenada	149	43	-	192	192	-
Guatemala	4,058	1,199	-	5,257	5,257	-
Guinea	210	85	-	295	161	134
Guyana	210	85	-	295	295	-
Honduras	1,182	342	-	1,524	1,524	-
Hungary	32,989	6,890	-	39,879	39,879	-
Iceland	3,754	985	-	4,739	4,739	-
Ireland	56,829	14,338	-	71,167	71,167	-
Italy	615,860	160,411	-	776,271	776,271	-
Japan	1,533,276	414,296	-	1,947,572	1,947,572	-
Jordan	3,137	857	-	3,994	3,994	-
Kenya	2,233	771	-	3,004	3,004	-

<i>States Parties</i>	<i>Working Capital Fund as at 31/12/2018</i>	<i>2017 Cash Surplus applied</i>	<i>Refunds to withdrawn States</i>	<i>Working Capital Fund as at 31/12/2019</i>	<i>Total Collections</i>	<i>Total Outstanding</i>
Latvia	7,142	2,141	-	9,283	9,283	-
Lesotho	149	43	-	192	192	-
Liberia	149	43	-	192	192	-
Liechtenstein	1,209	299	-	1,508	1,508	-
Lithuania	10,743	3,081	-	13,824	13,824	-
Luxembourg	10,955	2,739	-	13,694	13,694	-
Madagascar	446	128	-	574	574	-
Malawi	298	85	-	383	383	-
Maldives	210	85	-	295	295	-
Mali	533	128	-	661	661	-
Malta	2,368	686	-	3,054	3,054	-
Marshall Islands	149	43	-	192	192	-
Mauritius	1,865	513	-	2,378	2,378	-
Mexico	247,922	61,416	-	309,338	309,338	-
Mongolia	568	214	-	782	782	-
Montenegro	677	171	-	848	848	-
Namibia	1,480	427	-	1,907	1,907	-
Nauru	149	43	-	192	192	-
Netherlands	234,377	63,429	-	297,806	297,806	-
New Zealand	38,364	11,471	-	49,835	49,835	-
Niger	298	85	-	383	353	30
Nigeria	20,554	8,946	-	29,500	29,500	-
North Macedonia	1,121	299	-	1,420	1,420	-
Norway	125,843	36,335	-	162,178	162,178	-
Panama	4,333	1,455	-	5,788	5,788	-
Paraguay	1,723	598	-	2,321	2,321	-
Peru	18,470	5,820	-	24,290	24,290	-
Philippines (withdrawn state)	23,461	7,061	(30,522)	-	-	-
Poland	131,467	35,994	-	167,461	167,461	-
Portugal	65,180	16,778	-	81,958	81,958	-
Republic of Korea	297,893	87,268	-	385,161	385,161	-
Republic of Moldova	507	171	-	678	678	-
Romania	30,902	7,875	-	38,777	38,777	-
Saint Kitts and Nevis	149	43	-	192	192	-
Saint Lucia	149	43	-	192	192	-
Saint Vincent and the Grenadines	149	43	-	192	192	-
Samoa	149	43	-	192	192	-
San Marino	446	128	-	574	574	-
Senegal	825	214	-	1,039	1,039	-
Serbia	5,436	1,369	-	6,805	6,805	-
Seychelles	149	43	-	192	192	-
Sierra Leone	149	43	-	192	192	-
Slovakia	24,644	6,847	-	31,491	31,491	-
Slovenia	13,830	3,596	-	17,426	17,426	-
South Africa	54,580	15,579	-	70,159	70,159	-
Spain	407,860	104,558	-	512,418	512,418	-
State of Palestine	769	299	-	1,068	1,068	-
Suriname	715	256	-	971	971	-
Sweden	141,862	40,916	-	182,778	182,778	-
Switzerland	160,632	48,791	-	209,423	209,423	-
Tajikistan	507	171	-	678	678	-
Timor-Leste	358	128	-	486	486	-
Trinidad and Tobago	5,903	1,455	-	7,358	7,358	-
Tunisia	4,843	1,199	-	6,042	6,042	-
Uganda	878	251	-	1,129	1,129	-
United Kingdom	723,004	191,012	-	914,016	914,016	-
United Republic of Tanzania	906	251	-	1,157	1,157	-
Uruguay	9,337	3,382	-	12,719	12,719	-
Vanuatu	149	43	-	192	192	-
Venezuela	89,402	24,437	-	113,839	113,839	-
Zambia	878	251	-	1,129	1,092	37
Burundi (withdrawn State)	-	35	(35)	-	-	-
Rounding difference	(4)	13	-	9	9	-
<b>Total (123 States Parties)</b>	<b>9,058,007</b>	<b>2,512,816</b>	<b>(30,557)</b>	<b>11,540,266</b>	<b>11,539,321</b>	<b>945</b>

## Schedule 4

### International Criminal Court - Status of contributions to the Contingency Fund for 2019 (in euros)

<i>States Parties</i>	<i>Outstanding as at 31-12-2018</i>	<i>Replenishments</i>	<i>Collections</i>	<i>Outstanding as at 31-12-2019</i>
Afghanistan	-	-	-	-
Albania	-	-	-	-
Andorra	-	-	-	-
Antigua and Barbuda	-	-	-	-
Argentina	-	-	-	-
Australia	-	-	-	-
Austria	-	-	-	-
Bangladesh	-	-	-	-
Barbados	-	-	-	-
Belgium	-	-	-	-
Belize	-	-	-	-
Benin	-	-	-	-
Bolivia	-	-	-	-
Bosnia and Herzegovina	-	-	-	-
Botswana	-	-	-	-
Brazil	-	-	-	-
Bulgaria	-	-	-	-
Burkina Faso	-	-	-	-
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	-	-	-	-
Czechia	-	-	-	-
Democratic Republic of the Congo	-	-	-	-
Denmark	-	-	-	-
Djibouti	-	-	-	-
Dominica	-	-	-	-
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	-	-	-	-
Japan	-	-	-	-
Jordan	-	-	-	-
Kenya	-	-	-	-
Latvia	-	-	-	-
Lesotho	-	-	-	-
Liberia	-	-	-	-
Liechtenstein	-	-	-	-
Lithuania	-	-	-	-
Luxembourg	-	-	-	-

<i>States Parties</i>	<i>Outstanding as at 31-12-2018</i>	<i>Replenishments</i>	<i>Collections</i>	<i>Outstanding as at 31-12-2019</i>
Madagascar	-	-	-	-
Malawi	-	-	-	-
Maldives	-	-	-	-
Mali	-	-	-	-
Malta	-	-	-	-
Marshall Islands	-	-	-	-
Mauritius	-	-	-	-
Mexico	-	-	-	-
Mongolia	-	-	-	-
Montenegro	-	-	-	-
Namibia	-	-	-	-
Nauru	-	-	-	-
Netherlands	-	-	-	-
New Zealand	-	-	-	-
Niger	92	-	-	92
Nigeria	-	-	-	-
North Macedonia	-	-	-	-
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	-	-	-	-
Timor-Leste	-	-	-	-
Trinidad and Tobago	-	-	-	-
Tunisia	-	-	-	-
Uganda	-	-	-	-
United Kingdom	-	-	-	-
United Republic of Tanzania	-	-	-	-
Uruguay	-	-	-	-
Vanuatu	-	-	-	-
Venezuela	-	-	-	-
Zambia	-	-	-	-
<b>Total (123 States Parties)</b>	<b>295</b>	<b>-</b>	<b>-</b>	<b>295</b>

## Schedule 5

### International Criminal Court - Status of cash surplus as at 31 December 2019 (in euros)<sup>1</sup>

<i>Current year</i>	<i>2019</i>	<i>2018</i>
<b>Credits</b>		
Receipts of assessed contributions	133,724,485	132,091,835
Receipts of miscellaneous income	1,155,263	546,285
	<b>134,879,748</b>	<b>132,638,120</b>
<b>Charges</b>		
Disbursed expenditures	142,760,806	138,114,484
Unliquidated obligations	4,043,336	6,054,319
Provision for US Tax liability	17,180	37,403
Provision for doubtful debt	427,622	179,330
Provision for ILOAT cases	-	334,987
Provision for staff entitlements	-	9,100
Accrual for annual leave and relocation allowance for Judges	351,000	295,800
	<b>147,599,944</b>	<b>145,025,423</b>
<b>Provisional cash surplus/(deficit)</b>	<b>(12,720,196)</b>	<b>(12,387,303)</b>
Prior year's cash deficit	(1,438,691)	-
Carry Forward to 2020 for the Information Technology Strategy project <sup>2</sup>	(307,000)	-
<b>Provisional cash surplus/(deficit) after adjustments</b>	<b>(14,465,887)</b>	<b>(12,387,303)</b>
<b>Disposition of prior year's provisional surplus/(deficit)</b>		
Prior year's provisional surplus/(deficit)	(12,387,303)	(23,210,482)
Receipt of prior period contributions and other income	9,760,622	25,265,833
Savings on, or cancellation of, prior period obligations	1,187,990	937,165
<b>Prior year's cash surplus/(deficit)</b>	<b>(1,438,691)</b>	<b>2,992,516</b>
<b>Reconciliation of provisional surplus/(deficit) to budget surplus/(deficit)</b>		
<b>Provisional cash surplus/(deficit)</b>	<b>(12,720,196)</b>	<b>(12,387,303)</b>
Assessed contributions receivables	14,410,499	15,339,884
Assessed contributions / difference between budgeted and actual host State loan amount	(27)	73
Assessed contributions / net adjustment withdrawn State	-	-
Miscellaneous income receipts	(1,155,263)	(546,285)
<b>Budget surplus/(deficit) (Statement V)</b>	<b>535,013</b>	<b>2,406,369</b>

(a) <sup>1</sup>Includes Major Programme VI: Secretariat of the Trust Fund for Victims.

(b) <sup>2</sup>ICC-ASP/18/Res.1, Part O



## Schedule 6

### International Criminal Court - Status of voluntary contributions as at 31 December 2019 (in euros)

Trust Fund	Donors	Balance brought forward	Contributions received in 2019	Contributions recorded in 2019	Contributions related to 2020	Balance due from donors
Building Legal Expertise and Fostering Cooperation, 2018-2019	European Commission	643,353	-	708,365	-	65,012
<b>Sub-total</b>		<b>643,353</b>	<b>-</b>	<b>708,365</b>	<b>-</b>	<b>65,012</b>
Building Legal Expertise and Fostering Cooperation, 2019-2020	European Commission	-	850,000	138,386	711,614	-
<b>Sub-total</b>		<b>-</b>	<b>850,000</b>	<b>138,386</b>	<b>711,614</b>	<b>-</b>
ICC CO-CAR Access to Justice Program, 2019	United Kingdom	-	68,772	68,772	-	-
<b>Sub-total</b>		<b>-</b>	<b>68,772</b>	<b>68,772</b>	<b>-</b>	<b>-</b>
Development of Interns and Visiting Professionals	Netherlands	-	152	152	-	-
	ICC Judges	-	5,521	5,521	-	-
	ICC Staff	-	2,935	2,935	-	-
<b>Sub-total</b>		<b>-</b>	<b>8,608</b>	<b>8,608</b>	<b>-</b>	<b>-</b>
ICC CO-UGA Access to Justice Project, 2019-2021	Denmark	-	133,224	133,224	-	-
<b>Sub-total</b>		<b>-</b>	<b>133,224</b>	<b>133,224</b>	<b>-</b>	<b>-</b>
Special Fund for Relocations	Australia	-	185,644	185,644	-	-
	Belgium	-	95,000	95,000	-	-
	Luxembourg	-	25,000	25,000	-	-
<b>Sub-total</b>		<b>-</b>	<b>305,644</b>	<b>305,644</b>	<b>-</b>	<b>-</b>
Family Visit for Indigent Detainees	Germany	-	15,000	15,000	-	-
	Netherlands	-	4,000	4,000	-	-
	ICC Staff	-	1,596	1,596	-	-
<b>Sub-total</b>		<b>-</b>	<b>20,596</b>	<b>20,596</b>	<b>-</b>	<b>-</b>
Junior Professional Officer Programme	Japan	305,124	356,208	364,972	296,360	-
	Republic of Korea	123,814	-	74,911	48,903	-
	Switzerland	118,528	-	78,133	40,395	-
<b>Sub-total</b>		<b>547,466</b>	<b>356,208</b>	<b>518,016</b>	<b>385,658</b>	<b>-</b>
Least Developed Countries	Finland	-	24,000	24,000	-	-
	Ireland	-	10,000	10,000	-	-
<b>Sub-total</b>		<b>-</b>	<b>34,000</b>	<b>34,000</b>	<b>-</b>	<b>-</b>
Sponsored Travel to External Conferences	Germany	-	391	391	-	-
	Ireland	-	1,047	1,047	-	-
	Liechtenstein	-	474	474	-	-
	Luxembourg	-	1,022	1,022	-	-
	Netherlands	-	5,670	5,670	-	-
	Republic of Korea	-	32,260	32,260	-	-
	Other, Non-Government	-	21,813	21,813	-	-
<b>Sub-total</b>		<b>-</b>	<b>62,677</b>	<b>62,677</b>	<b>-</b>	<b>-</b>
<b>Total voluntary contributions</b>		<b>1,190,819</b>	<b>1,839,729</b>	<b>1,998,288</b>	<b>1,097,272</b>	<b>65,012</b>

## Schedule 7

### International Criminal Court - Status of trust funds as at 31 December 2019 (in euros)

<i>Trust Fund</i>	<i>Balance brought forward</i>	<i>Contributions recorded</i>	<i>Financial/ other revenue</i>	<i>Expenses</i>	<i>Donor refunds</i>	<i>Balance carried forward</i>
General Trust Fund	10,669	-	-	-	-	10,669
Building Legal Expertise and Fostering Cooperation, 2017-2018	-	708,365	-	708,365	-	-
Building Legal Expertise and Fostering Cooperation, 2018-2019	-	138,386	-	138,386	-	-
20th Anniversary of the Rome Statute, 2018	10,152.00	-	-	-	-	10,152
ICC CO CAR Access to Justice Program, 2019	-	68,772	-	66,485	2,287	-
Development of Interns and Visiting Professionals	142,557	8,608	-	118,523	-	32,642
ICC CO Uganda Access to Justice Project, 2019-2021	-	133,224	239	46,913	-	86,550
Special Fund for Relocations	1,696,002	305,644	-	95,000	-	1,906,646
Family Visits for Indigent Detainees	15,658	20,596	-	18,945	-	17,309
Junior Professional Officer Programme	-	518,016	-	518,016	-	-
Least Developed Countries	24,835	34,000	-	25,444	-	33,391
Sponsored Travel to External Conferences	-	62,677	-	62,677	-	-
Programme Support	121,486	-	110	5,025	-	116,571
<b>Total</b>	<b>2,021,359</b>	<b>1,998,288</b>	<b>349</b>	<b>1,803,779</b>	<b>2,287</b>	<b>2,213,930</b>

#### General description and purpose of 2019 trust funds disclosed in Schedule 7

1 The *General Trust Fund* relates to unrestricted funds, implementation of which was on hold during 2019.

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 three sub-projects:

(a) *Seminars, events and trainings for fostering cooperation, sharing expertise and building national capacity*: provide representatives and professionals from States Parties and non-States Parties, including situation countries, with opportunities to develop their knowledge as well as to share mutually relevant information, thus strengthening the Court's capacity to implement its mandate based on improved judicial cooperation; and to develop the knowledge and practical skills of legal professionals, build and maintain relationships with counsel and associations of lawyers, and provide a forum for consultations with the legal profession;

(b) *Legal Professional Programme*: provides representatives and professionals from situation countries, countries in which the ICC is conducting preliminary investigations, and any other relevant developing country State Parties to the Rome Statute with opportunities to develop their legal knowledge and enhance national capacities to investigate and prosecute crimes within the jurisdiction of the ICC; and

(c) *Legal Tools Database*: 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 Collectively, these sub-projects stem from the programme's overall objective to "contribute to the fight against impunity, by promoting the Rome Statute System and increasing support for the ICC" and its sub-objectives to: (i) broaden the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC; and (ii) to reinforce national capacities in dealing with crimes under the Rome Statute, particularly in countries related to situations before the ICC, by promoting the principle of complementarity.

4 The Trust Fund for the *20th Anniversary of the Rome Statute* aimed to raise global awareness of the role and significance of the Rome Statute, to increase public recognition and foster a genuinely positive narrative focused on the victims and survivors of the world's gravest crimes. The objectives were achieved through a number of events and have been finalized in cooperation with the States Parties. The central events took place on 16 and 17 July 2018 at the Court, with the participation of high profile officials from ICC situation countries, the experts and panellists.

5 The *Access to Justice Project of the ICC Country Office in the Central African Republic*, funded by the British Embassy in Kinshasa (DRC), enabled an enhanced scale and impact / effect of activities undertaken between September – November 2019 delivered within the context of the Confirmation of Charges hearing (CoC hearing) in the case of *The Prosecutor v. Alfred Yekatom and Patrice Edouard Ngaïssona*. The project comprised three main outputs: Influential community leaders and civil society visit to The Hague to follow the CoC hearing and presentations by various organs and sections of the Court; Targeted (including by anticipated audience type, e.g. women, youth) journalists reporting on key judicial moments related to the Yekatom-Ngaïssona case; and Live screening, distribution and screening of summaries of the CoC hearing and other video material about the Court in Bangui, Berberati, Yaloke and Pissa. The Project enabled an expanding environment within which activities such as outreach enhancing (level and effect) access to justice to the affected (including victim) communities of the Court proceedings in the Yekatom-Ngaïssona case can take place. It enabled engagement with the local population in the judicial discourse through familiar and trusted structures and channels fostering open dialogue, ownership, understanding, and with it a less hostile / more positive justice environment. It also generated greater support for the Court and encouraged active participation (vice passive receipt – including among the INGO and NGO community who have historically been reactive to ICC engagement) by the affected communities in the justice debate.

6 The Trust Fund for the *Development of Interns & Visiting Professionals* was established in 2017 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 donors.

7 The *Access to Justice Project of the ICC Country Office in Uganda, June 2019- June 2021*: since Uganda became a situation before the Court over 12 years ago, the Uganda Country Office, through its Outreach Programme had been conducting situation related outreach activities throughout in Northern Uganda. Subsequent to the arrest of Dominic Ongwen and the judicial proceedings that ensued, there was an upsurge of interest demonstrated by various communities within the scope of the case to follow the trial. Due to the demand for regular information and the need to make the proceedings accessible and meaningful to the vast majority of victims and affected communities that reside in remote locations, it became imperative for the Office to create supplementary programmes that would address their information needs, to engender wider access, facilitate dialogue and participation of the various sections of the affected communities.

8 The Court does not have sub-offices in the affected communities, but with the support of its existing local structures and partnerships, it allowed the Office to collaborate with a network of 52 community volunteers to support the project implementation. The networks were drawn from 25 parishes, mainly from the locations linked to the case. These networks continue to hold public information activities that enabled members of their constituencies to have direct access to the proceedings that are conducted in the courtroom in The Hague.

9 The rising interest in following the trial of Ongwen also gives rise to increasing expectation of reparation among the different communities affected by the conflict in northern Uganda. Through the project, the Office has maintained an effective and open dialogue to not only provide information about the trial, but start a conversation on how communities should harmoniously coexist, irrespective of the trial verdict. The continued sharing of information among victims and affected communities is critical in countering distortions, speculations and misconceptions that have the potential of building unwarranted tensions linked to certain judicial decisions or outcomes. Another component of the project relates to the sharing of best practices and experiences with representatives of the Ugandan Justice, Law and Order sector with a view to contribute to the strengthening of their capacities, developing a stronger and more capable justice and law enforcement mechanisms in handling international crimes.

10 The *Special Fund for Relocations* was established in 2010 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.

11 The *Trust Fund for Family Visits for Indigent Detainees* was established within the Registry in 2011 by the Assembly in its resolution ICC-ASP/8/Res.4. The purpose is to fund family visits for indigent detainees through voluntary contributions.

12 The Trust Fund for the *Junior Professional Officer Programme* was established in 2015 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 ICC and the International Public Sector.

13 The Trust Fund for *Least Developed Countries* was established in 2004 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.

14 The *Sponsored Travel to External Conferences* stands for travel and accommodation costs, funded by various donors for the Court's officials and other delegates to participate in external conferences, trainings and public events. The sponsors are mainly Governments, universities and other educational institutions, and international non-profit organizations.

## Final audit report on the financial statements of the International Criminal Court for the period ended 31 December 2019

### Table of contents

		Page
	.....	
I.	Audit objectives, scope and approach.....	361
II.	List of recommendations .....	362
III.	Overview of the financial position.....	362
IV.	Observations and recommendations .....	365
	A. Overall comments on funding of the Court .....	365
	B. Outstanding assessed contributions .....	365
	1. Evolution of arrears.....	365
	2. Ineligibility for the vote .....	367
	C. Payroll and employee benefits.....	368
	D. Employee benefits liabilities .....	369
	E. Procurement, Miscellaneous Obligation Documents .....	370
V.	Follow-up of previous recommendations .....	371
VI.	Acknowledgements .....	373
	Appendices .....	374
	Appendix 1: Follow-up of report on Cash Reserves .....	374
	Appendix 2: Follow-up of report on the Division of External Operations .....	375
	Appendix 3: Follow-up of report on Human Resources Management (July 2018) .....	376
	Appendix 4: Follow-up of report on Budget Process Management (July 2019).....	378

## I. Audit objectives, scope and approach

1. We have audited the financial statements of the International Criminal Court (the Court or ICC) in accordance with the International Standards on Auditing (ISA) and regulation 12 of its Financial Regulations and Rules (FRR), 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 External 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 2019.
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 statements presenting additional information (Schedules 1 to 7) not falling within the scope of this audit was appended to the financial statements by the Organization. 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. According to ISA 315 and 610, the External Auditor on financial statements has to look at internal audit works, and appreciates its level of support at its disposal for external audit tasks.
7. The internal audit reports have been communicated to the External Auditor, who has taken knowledge of their contents, findings and recommendations with great interest for the purpose of its works, in particular the report on Miscellaneous Obligating Documents (MOD) usage and the report on management of motors vehicles.
8. The audit consisted of two phases:
  - (a) an interim audit, focused on aspects relating to internal controls (from 2 to 13 December 2019);
  - (b) a final audit, focused on the financial statements and the disclosure obligations imposed by IPSAS. Initially scheduled from 4 to 20 May 2020, the final audit could not take place physically at the ICC Premises in Den Haag, because of the restrictive measures on travel, visits and meetings decided by national authorities of the Netherlands and France in the context of the COVID-19 pandemic. The audit team and the Court, mainly the Registry, established a protocol and alternative processes on the basis of remote audit, which was possible through secured access to information via Citrix, SAP (Systems, Applications and Products), conversations by electronic exchanges and ad hoc Information Technology (IT) services of the Court, and periodic protected videoconferences.
9. 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 by a videoconference on 20 May 2020.
10. We hereby provide an **unmodified opinion** on the financial statements of the International Criminal Court for the year ended 31 December 2019.

## II. List of recommendations

**Recommendation n° 1.** The External Auditor recommends that the Notes supporting employee benefits figures in the financial statements should disclose more detailed information and distinguish exogenous factors from internal causes to explain main variations from the previous year.

**Recommendation n° 2.** The External Auditor recommends finalizing the new standard operating procedure (SOP) for a Miscellaneous Obligation Document (MOD) and the appropriate guidelines.

## III. Overview of the financial position

11. Assets represent €239.193 million at 31 December 2019, compared with €247.323 million at 31 December 2018 and €254.082 million at 31 December 2017. The decrease from the previous year is -3.3 per cent (- €8.13 million), mainly due to the depreciation of the property, plant and equipment-building. The overall level of cash and cash equivalents<sup>1</sup> decreased from €18.892 million to €14.575 million (- €4.317 million, - 22.85 per cent). The level of cash is mainly linked to the collection of assessed contributions.

12. The total of receivables from non-exchange transactions represents at 31 December 2019 a gross figure of €25.869 million, compared to €21.194 million at 31 December 2018. It mainly relates to assessed contributions from States Parties. Outstanding assessed contributions to Regular Budget amount to €25.772 million (€21.122 million at the end of 2018). This illustrates that the level of expected payments on assessed contributions has increased. Although not equivalent to the peak noted with €31.048 million at the end of 2017, this level is higher than last year. The net amount of accounts receivable is €17.655 million, versus €14.863 million as at 31 December 2018, after registration of the provision for doubtful debt, which has grown from €6.331 million to €8.214 million. This provision represents the recognition of 90 per cent of the amount of arrears in contributions older than two years.

13. Property, plant and equipment (PPE) represent €168.643 million compared to €179.103 million at 2018 year end, and amount to 70.5 per cent of assets. Depreciation of the building was calculated over a full year for €9.973 million, roughly as in 2018 (€10.365 million), the net book value of the building being €155.044 million compared to €164.859 million at 2018 year end. Other components of PPE amount totally to €13.599 million, mainly land – premises ground (€9.741 million), information and communication technologies (ICT) equipment (€1.451 million), vehicles (€0.920 millions) and various categories of equipment.

14. Net book value of intangible assets amount to €2.448 million, mainly composed of software in development (completion expected in 2020 or 2021) for €1.161 million, and net value of home-developed software (€0.846 million).

15. Reimbursement rights, which amount to €31.897 million, correspond to the fair value of the insurance contract to which the Court contributes in order to cover the after-service pensions of Judges. The Court has changed of contractor at the end of 2019. The change of contractor had no effect on reimbursement rights amount, whose increase from 2018, where it was estimated at €28.648 million, results from calculation parameters, mainly discount rates, as disclosed in Notes 2.45 to 2.59 and 10 of the financial statements.

16. 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.

17. 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>

<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.

in accordance with IPSAS. The provision mainly includes the amounts covering disputes before the International Labor Organization Administrative Tribunal (ILOAT). This amount has continued to decrease and amounts to €0.263 million in 2019 financial statements, compared to €0.898 million in 2018 and €2.060 million in 2017. The trend comes from payments and reversals on cases previously provisioned. The provisions for United States (US) Tax are stable at €0.100 million (€0.111 million for 2018).

18. Employee benefits liabilities 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 (€11.347 million);

(b) the non-current portion corresponds to the Court's long-term liabilities, such as Judges' pensions and After Service Health Insurance (ASHI) (€78.956 million).

19. The loan from the Host State was intended to finance the permanent premises project. The remaining debt in capital continues its decrease, and amounts at 2019 year end to €68.865 million, compared with €70.708 million at the end of 2018 and €72.509 million at the end of 2017.

20. Deferred revenue and accrued expenses, totaling €7.749 million, are essentially composed of assessed contributions collected in advance (€2.566 million), voluntary contributions collected in advance (€1.097 million), invoices not yet received at the closing of the accounts for services related to the Court's operations (€2.344 million), as well as €1.742 million of interest on the loan maturing on 1 February 2019. The value of deferred revenue and accrued expenses mentioned in the 2018 financial statements was €8.756 million and was restated to €6.955 million in the 2018 column of 2019 Statement I. The restatement is explained in Note 2.79. It is due to a reclassification of the principal share of the Host State loan 2018 annuity, distinguishing the interest and capital shares of the annuity. After discussion with the External Auditor, it was agreed on a reclassification of the principal portion of the annuity from accrued expenses to account payables. This restatement between two different lines in the Statement of financial position for 2018 has no impact on the net assets reported for 2018 (€90.809 million).

21. Net assets amount at the end of 2019 to €65.301 million, compared to €90.809 million in 2018 and €98.825 million in 2017, and constitute the Court's net equity. It is structurally decreasing and has lost a third of its value in three years. 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 €72.594 million (compared to €79.272 million at the end of 2018) for the component of the General fund merging the previous "fund for permanent premises project" and other general funds, under the denomination of "Other general fund balances" since 2017 Statement III;

(b) a positive amount of €5.242 million, quite similar to €5.243 million in 2018 for the contribution of States Parties to finance the Contingency Fund reserve, and a decrease for the Working Capital Fund reserve moving from €9.058 million in 2018 to €5.951 million at 31 December 2019;

(c) a global negative balance of €20.699 million for the remaining funds of the General Fund. They include the positive equity of the Fund for employee benefits liabilities (€0.292 million), the negative cash surplus (- €1.439 million), and the negative equity of remeasurement of post-employment related plans (- €19.552 million);

(d) the positive equity of the 13 Trust funds fueled through voluntary contributions to the Court (not to be confused with the Trust Fund for Victims, which is a distinct entity producing its own Financial statements), with a total of €2.213 million.

22. The statement of financial performance shows a negative result of - €14.468 million, doubling from the - €7.102 million deficit of 2018, exceeding even the level of 2017 (-



€13.846 million). The main factor explaining this evolution is the high growth rate of employee benefits expenses, which are the most important part of the expenses (+ 6.28 per cent in 2019/2018, compared with +1.15 per cent in 2018/2017). Among other expenses, counsel services and contract fees have decreased by more than 9.31 per cent. Most of all other expenses remained stable or grew slightly. Overall, the level of expenses of the Court has reached €160.736 million, growing of €5.579 million, + 3.6 per cent. Meanwhile, revenue decreased, from €148.055 million in 2018 to €146.268 million in 2019 (- €1.787 million, - 1.2 per cent). Combined with the sharp increase of the employee benefits expenses, this decrease in revenues explains the doubling of the deficit of the year.

## IV. Observations and recommendations

### A. Overall comments on funding of the Court

23. In the audit report on 2017 financial statements,<sup>3</sup> the comments and analysis of the External Auditor were concluded by the expression of a risk on the going concern of the Court due to a possible cash shortage during the year 2018. This situation was due to persistent delays in payments of arrears of assessed contributions from some State Parties, and the inadequate availability of funding from the Working Capital Fund and the Contingency Fund at the time. This risk had also been underlined by the Committee on Budget and Finance (CBF) in previous reports in 2018.

24. However, risks of liquidity shortages appear to be recurrent in the Court in the long run, with periods of tensions alternating with periods of recovery.

25. The risks emphasized in the audit report on 2017 financial statements have been monitored in the second half of 2018, where an improvement of the level of cash has been recorded, due to payments of arrears and payments from State Parties.

26. In the scope of the present audit report on 2019 financial statements, the External Auditor has analyzed the monthly liquidity forecasts for 2020. The assumptions used as the basis for this forecasting have been communicated. According to these forecasts, the liquidity of the Court should be positive, unless some assessed contributions were to be delayed or postponed, especially in September 2020. The Court has no grasp on the date of payment, which is totally under the contributing State Party control. At the time of this report, the External Auditor has no additional visibility on the commitments of relevant contributors to deliver payments in time and amounts as forecasted.

27. In the context of the COVID-19 pandemic, and its contingent consequences on the economic and budgetary situations of many States Parties, the External Auditor has not been advised of an unexpected impact on their ability to fulfill their commitments on assessed contributions in 2020.

28. According to the prospects on liquidity forecasts and without any material sign of impact of COVID-19 consequences on the States Parties assessed contributions in 2020, the External Auditor does not emphasize any additional risk on the going concern of the Court for the year following the closing of accounts for 2020.

### B. Outstanding assessed contributions

#### 1. Evolution of arrears

29. The following table shows a long-term (12 years) evolution of the assessed contributions and related outstanding arrears.

**Table 1: Outstanding assessed contributions from 2007 to 2019 (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

<sup>3</sup> ICC-ASP/17/12.

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
2018	147,432	132,092	90%	15,340	10%	25,266	5,782	21,122
2019	148,135	133,724	90%	14,411	10%	9,760	11,361	25,772

Source: External Auditor from aging balances.

30. After a year of decrease, outstanding contributions reached their second highest level in 2019 and amounted to €25.8 million. Indeed, unpaid debts doubled in 2019 while the assessed contributions did not progress.

31. In terms of current year's collections, the collected amount was the same compared to last year (90 per cent). In 2019, some outstanding States Parties paid their ageing contributions. The collection related to previous periods amounts to €9.8 million, less than 2018 (€25.3 million) but more than the previous years since 2007, except 2016. Since 2007, the outstanding contributions related to prior years reaches one of its highest levels. The outstanding contributions related to the current year is also high, amounting to €14.4 million. These two factors explain why the total outstanding as of 31 December 2019 reaches one of its highest levels since 2007.

**Table 2: Most significant outstanding assessed contributions as of 31 December 2019 (in thousands of euros)**

<i>State Parties</i>	<i>Outstanding related to prior years</i>	<i>Outstanding related to 2019</i>	<i>Total 2019 Outstanding as of 31 December 2019</i>
Brazil	2 258	8 218	10 476
Venezuela	6 758	2 015	8 774
Argentina	1 882	2 421	4 303
Nigeria	13	675	688
Dominican Republic	125	147	272
<b>Total five States Parties</b>	<b>11 036</b>	<b>13 476</b>	<b>24 513</b>
<b>%</b>	<b>97 %</b>	<b>94 %</b>	<b>95 %</b>
<b>Total ageing balance</b>	<b>11 361</b>	<b>14 411</b>	<b>25 772</b>

Source: External Auditor from aging balance as of 31 December 2019.

32. By the end of 2019, thirty-six States Parties had not entirely paid their assessed contributions. The structure of the ageing balance and the number of States Parties concerned by overdue receivables remain 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 2019.

33. Brazil cleared a significant portion of its arrears prior to 2019, but the full amount for 2019 remains outstanding. The last payment from Brazil was in December 2019.

34. Venezuela has accumulated unpaid amounts for several years. Its outstanding contributions (€6.8 million) related to prior years represent 77 per cent of the total amount (€8.8 million). The receivables attached to its contributors are classified as doubtful debts.

35. In 2019, Colombia cleared all its arrears (€1.55 million). Thus, this State Party is no longer included in the five States Parties with the most significant outstanding assessed contributions list.

36. While Argentina, Nigeria and Dominican Republic made payments in 2019, respectively in April and September, in April, and in September, these payments were used to settle arrears prior to the current year.

## 2. Ineligibility for the vote

37. The Court recognizes provision with respect to doubtful debts. It represents 90 per cent of the receivables' balance unpaid for more than two year. As of 31 December 2019, the amount of this provision was €8.2 million and concerned eleven countries that should be ineligible for votes at the Assembly of States Parties. The largest share of provision relates to Venezuela amounting to €7.9 million.

38. In order to strengthen the process of recovering payment arrears, the External Auditor recommended in the past 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. In consequence, the Court set up a proposal guideline of a multi-year payment plan for States Parties in arrears as a mechanism offered to them in order to regularize their ageing contributions.

39. During his final mission, the External Auditor updated the arrears as of 30 April 2020. This leads to the following table.

**Table 3: Breakdown of outstanding assessed contributions by year (in thousands of euros)**

	<i>Outstanding as of 30 April 2020</i>	<i>Outstanding as of 31 December 2019</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	16	16	0
2014	1,200	1,200	0
2015	1,279	1,279	0
2016	1,438	1,440	-2
2017	1,519	1,528	-9
2018	3,855	5,870	-2,015
2019	13,438	14,410	-972
2020	50,205		
<b>Total</b>	<b>72,979</b>	<b>25,772</b>	<b>-2,998</b>

Source: External Auditor from aging balance as of 30 April 2020 and 31 December 2019.

40. As at 30 April 2020, the Court collected a total of €99 million related to assessed contributions, compared to €92 million at the same time of previous year. The payments made during the first four months of 2020 were mainly related to 2020 assessed contributions. Only €3.0 million were used to clear outstanding balances related to prior years.

41. At the end of April 2020, two more countries should enter in the scope of the mechanism related to article 112 of the Rome Statute, and one steps out of this ineligibility related mechanism. The outstanding balance related to those twelve countries potentially submitted to article 112 remains unchanged, at €11.3 million.

### C. Payroll and employee benefits

42. The Court's staff expenditure increased significantly by 6.28 per cent in 2019 from 2018, in contrast with the modest 1.15 per cent increase from 2017 to 2018. This progression is similar to the 6.4 per cent seen in 2017 from 2016. The total amount of employee benefit expenses has raised to €114.892 million, stepping from €108.1 million in 2018 and €106.9 million in 2017.

**Table 4: Change in 2019-2018 Employee benefit expenses (in thousands of euros)**

	2019	2018	Variation 2019/2018	Variation as %
Judges' salaries	3,401	3,373	28	0.8
Judges' entitlements and allowances	1,802	1,516	286	18.9
Staff salaries	60,848	57,571	3,277	5.7
Staff entitlements and allowances	32,404	29,414	2,990	10.2
Temporary assistance	16,437	16,225	212	1.3
<b>Total</b>	<b>114,892</b>	<b>108,099</b>	<b>6,793</b>	<b>6.28</b>

Source: External Auditor, on the basis of note 16 to the financial statements.

43. Although this category of expenses is the largest of the Court, with €114.9 million out of €160.7 million (71 per cent of the expenses), the Note 16 gives no indication on them apart from the breakdown of figures between costs for judges, staff and temporary assistance.

44. The information of the States Parties on staff costs at year-end is usually to be given otherwise through the Human Resources Management report to the CBF, which was only at a drafting stage during the audit. In any way, this report provides an outline of strategic Human Resources (HR) management priorities and activities for the previous year and is not intended to provide a financial report on staff costs. The External Auditor made a recommendation to improve the report in 2018. Therefore, even when this recommendation will be implemented, which is not done yet, adequate synthetic information on staff costs and expenditures should have to be disclosed in the Notes of the financial statements.

45. The important increase of total payroll (+6.28 per cent, + €6.8 million) is for a large part explained by the impact on staff salaries and allowances related to the update in salary scales for staff following the review by the International Civil Service Commission (ICSC), for the year 2019, but also retroactive to May 2017 and May 2018. The Notes do not disclose the amount of the increase in staff costs directly linked to this exogenous event. The External Auditor tried to collect additional information on this. The Court explained that it was not possible to provide the detailed analysis of related expenditures within the requested short timeframe, due to the technical complexity of the task and the multiple parameters involved (e.g. step increments, changes in appointments, etc., happening simultaneously during the year). In its declarations and comments on the draft audit report received by the External Auditor on 20 June 2020, the Court confirmed an estimation of the impact of these changes amounting to €3.8 million. In addition, the increase in the actuarial valuation of the long-term and post-employment benefit expenses was of approximately €2 million. Since the updating affects the payroll of each individual Professional or General Services staff member,

the consolidation of all the individual updates should be provided by the Human resources management systems of information and provide a supporting information in the Notes to the financial statements.

46. Judges salaries, which remained stable, and other permanent established staff, amount to 84 per cent of the employee benefits expenditures (80.3 per cent without judges), which illustrates the rigidity of the staff costs. The temporary assistance, which includes mostly General Temporary Assistance (GTA) and Short-Term Appointment (STA), represents a minor part of staff costs. This confirms that employee benefits are the major component of Court's expenses, and that most of them are fixed costs.

47. Among the Employee benefits, Overtime expenses have seen one of the major increases, stepping from €165,441 in 2018 to €452,135 in 2019 (+173 per cent). This is mainly linked to security support costs regarding the conditional release of a single individual from the Detention Center as detailed in the judgment of the ICC Appeals Chamber,<sup>4</sup> for which the Court incurred expenditures.

**Recommendation n° 1.** The External Auditor recommends that the Notes supporting employee benefits figures in the financial statements should disclose more detailed information and distinguish exogenous factors from internal causes to explain main variations from the previous year.

#### D. Employee benefits liabilities

48. Apart from accruals for salaries and annual leaves, the most important part of Employee benefits figures come from the post-employment, termination and other long-term employee benefit liabilities. They are composed of the judges pension scheme, the after service health insurance for the staff, the termination benefits and the other long-term benefits. The related figures are based on calculations and estimates.

49. The populations 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;

(b) the staff who benefit from the health regime for retirees, named "After Service Health Insurance" plan financed by 50 per cent by the Organization. In addition, internationally recruited professional staff under long-term contracts benefit 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.

50. The post-employment benefits and the other long-term benefits amount to €82.614 million, compared to €62.704 million in 2018. It shows again an important increase, even superior to the growth registered in the previous years. Note 10 emphasizes the impact of decrease of the discount rate assumptions on the increase in post-employment benefits and the other long-term benefits. The assumptions summarized in Note 10 are detailed in the report from the consultant (Deloitte), reviewed by the Finance section of the Registry, that has been disclosed to the External Auditor.

51. The reimbursement rights related to the judges' pension are registered on the asset side of Statement 1 of the financial statements. They are estimated at €31.897 million, compared to €28.648 million in 2018 financial statements. As required in the previous report of the External Auditor, the consultant has provided detailed information on the assumptions and basis of calculation of reimbursement rights that the Finance section has monitored.

52. The External Auditor has been informed of the change of contractor for the Judges pension scheme. This event is neutral on the calculations of pension liability and

<sup>4</sup> Appeals Chamber, "Judgment on the Prosecutor's appeal against the oral decision of Trial Chamber I pursuant to article 81(3)(c)(i) of the Statute", 20 February 2019, ICC-02/11-01/15-1251-Red2.

reimbursement rights. Its characteristics and consequences in terms of changes in premium and employee benefits expenditures are detailed in Note 2.51.

53. Calculations and accounting for employee benefits under IPSAS 39 “Employee Benefits” are technically complex and the figures are highly material, related to long-term amounts and many technical assumptions. For this purpose, the Court relies on the services of a consultant.

54. The financial statements of the Court try to summarize the relevant information on employee benefits liabilities in the Notes. Due to the complexity of the subject, Note 10 is more than four pages long. Note 2 on accounting policy develops also large sections to Employee benefits liabilities, in paragraphs 2.45 to 2.56 on more than one page. The abundance of the disclosures in the note might benefit from being more summarized for the users of the financial statements.

55. The basis of presentation principles for disclosures in the Notes are developed in IPSAS Conceptual Framework Chapter 8. Paragraph 8.26 states that “too much information may make it difficult for users to understand the key messages and undermine achievements of objectives of reporting”. Paragraph 8.15 distinguishes key information displayed (mainly in mandatory statements) and detailed information disclosed in the Notes, with the purpose of making displayed information more useful to the readers. These principles should be a guideline for the Court to streamline the formats of Note 10 on employee benefits liabilities.

56. In its comments on the draft report, the Court underlines the difficulty to shorten Note 10 and deems that, although admittedly long, Note 10 meets IPSAS requirements. A significant part of the Note is devoted to information on the United Nations Joint Staff Pension Fund (UNJSPF) that the Court assimilates to a standard harmonized text across UN System organizations. Although not statutorily a member of the UN System, the Court, on the point of UNJSPF disclosures, aligns its policy with the practices of UN organizations in the same situation.

## **E. Procurement, Miscellaneous Obligation Documents**

57. The Court uses different acquisition methods: through Procurement as per rules 110.12 to 110.19 of the Court’s Financial Regulations and Rules (FRR), and through the use of Miscellaneous Obligation Document (MOD) as per financial rule 110.8.

58. As per financial rule 110.8 (Obligating documents) “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”.

59. The External Auditor obtained the “Standard Operating Procedure (SOP) for Miscellaneous Obligation Document” 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 MOD are signed by a Certifying Officer (CO) as requested by FRR 110.4.

60. These MOD are used for some activities of the ICC which require confidentiality when only few trusted third parties should intervene, for example for activities of the Victims and Witnesses Section. It is also used by other sections such as the Counsel Support Section (CSS).

61. The MOD amounts to €6.9 million in 2019 and €6.8 million in 2018, which represents 22 per cent of the Court non-staff expenses (excluding depreciation and financial expenses). The sections using this procedure are mainly the Counsel Support Section for €4.8 million and the Victims and Witnesses Section (VWS) for €1.1 million in 2019.

62. The following table shows 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 financial statements.

**Table 5: Expenses documented according to FRR 110.8 (in thousands of euros) as part of total non-staff expenses (excluding depreciation and financial expenses)**

<i>Expenses from the notes 17 to 21 of the financial statements</i>	<i>Total expenses 2019</i>	<i>Obligating Documents (MOD) 2019</i>	<i>%</i>	<i>Total expenses 2018</i>	<i>Obligating Documents (MOD) 2018</i>	<i>%</i>
Counsel Support Section	5,334	4,824	90	5,612	4,839	86
Victims Witnesses Section	2,143	1,239	58	2,221	1,104	50
Deputy Prosecutor for Investigations	2,756	434	16	2,880	455	16
Field Office	2,320	267	12	2,596	312	12
Other sections	19,426	163	1	19,545	89	1
<b>Total</b>	<b>31,979</b>	<b>6,927</b>	<b>22</b>	<b>32,854</b>	<b>6,779</b>	<b>21</b>

Source: External Auditor, based on the notes 17 to 21 of the financial statements, (the expenses are travel and hospitality, contractual services, counsel fees, operating expenses and supplies and materials expenses).

63. In the report on the usage of MOD in the Court, the Office of Internal Audit, although acknowledging and recognizing good practices in MOD management, recommends urgent update and amendments to the existing SOP on MOD.

64. The usage of MOD should be monitored at a reasonable level especially in services where MOD have largely outnumbered other procurement processes. The External Auditor has understood that a new SOP for MOD is under preparation by the Division of Management Services (DMS) in relation with the Internal Audit report on the usage of MOD. Detailed guidelines to this SOP are also under preparation by finance section. These documents will allow the Court to specify the use of Miscellaneous Obligating Documents.

**Recommendation n° 2.** The External Auditor recommends finalizing the new standard operating procedure (SOP) for a Miscellaneous Obligation Document (MOD) and the appropriate guidelines.

## V. Follow-up of previous recommendations

65. The External Auditor reviewed the implementation of the recommendations still pending at the date of the final audit, coming altogether from previous audits of the financial statements or from other reports produced by the External Auditor.

66. For presentation purposes, it was decided previously to disclose in the current paragraph the follow up of pending recommendations coming from audit reports on financial statements, and in appendices the follow up of recommendations coming from previous performance audit reports provided to the Court.

67. Twenty-five recommendations were pending at 30 April 2020. Six came from previous audit reports on the financial statements, including three from the audit report on the 2018 financial statements. One recommendation came from the report on cash reserves (2015) and one from the report on the Division of External Operations (DEO) (2017), seven from the performance audit report on Human Resources management (2018). The performance audit report on Budget Process Management (July 2019) added ten new recommendations.

68. The follow-up of recommendations coming from performance reports on cash reserves (one), the DEO (one), the Human Resources management (seven) and the Budget Process Management (10) is developed in Appendices.



69. The following table displays the recommendations still partially implemented at the beginning of 2019, coming from previous audit reports on financial statements, and the appreciation on their implementation at the end of the review by the External Auditor.

70. Globally, out of these six recommendations related to audits on financial statements, four have been implemented, and two are partially implemented. The implementation of the remaining pending recommendations will have to be reviewed again in future audit reports, altogether with the new recommendations issued by the present audit report on 2019 financial statements, and with the recommendations partially implemented resulting from previous performance audits on cash reserves, the DEO, the Human Resources management and the Budget Process Management.

71. The following table discloses the status of pending recommendations from the audit of the financial statements at the end of the review as at 30 April 2020.

**Table 6: Status of previous financial audit reports recommendations as of 30 April 2020**

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
ICC-2018-1	Controls on external consultants	The External Auditor recommends that Finance section should strengthen its controls on the veracity of figures proposed by the consultants to be reported in the financial statements of the International Criminal Court for employee benefits, in particular in obtaining more detailed information.	x		
ICC-2018-2	Access rights to SAP	The External Auditor recommends to implement a control to prevent granting access rights that lead to inappropriate access to the information system or non-respect of segregation of duties principles in a context of an integrated and centralized information system. The External Auditor recommends also to implement a yearly control (at least) of review to detect any inappropriate access rights granted within the SAP system.	x		
ICC-2018-3	Annual crash test on IT	The External Auditor recommends to perform an annual test in order to ensure the ability to fully restore the IT environment in case of any disaster.	x		
ICC-2017-1	Article 112 of the Rome Statute	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.		x	
ICC-2017-2	Disclosure of judges insurance contract conditions	Due to the particular nature of the insurance contract related to the judges pension plan, the External Auditor recommends that the ICC 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.	x		
ICC-2015-3	Permanent premises	For better visibility and budgeting of maintenance costs, the External Auditor recommends that the ICC: (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	
<b>Total number of recommendations: 6</b>			<b>4</b>	<b>2</b>	

72. Recommendation ICC-2018-1. Controls on external consultants. It is considered as implemented. Evidences of controls and amendments to the draft report from the external consultants have confirmed the assessments on the strengthening of controls.

73. Recommendation ICC-2018-2. Access rights to SAP. It is considered as implemented. First, a Standard Operating Procedure for SAP user access indicates that, to create additional SAP access rights to someone, it is necessary to have the approval of the immediate supervisor and eventually the approval of the business process owner. These controls mitigate the risk of inappropriate access. Secondly, a review of all SAP accesses has been done in 2019, and will now be done every year, as written in a SOP for SAP user access. This review allowed to correct some outdated SAP role assignments. However, this review should be better formalized.

74. Recommendation ICC-2018-3. IT Crash test. It is considered as implemented. An annual test to ensure the ability to fully restore the IT environment was done in July 2019 and was conclusive. A SOP for the SAP disaster recovery was created, as recommended in the SAP ERP (Enterprise Resource Planning) disaster report. This annual test is now planned every year (usually before the fourth quarter), even if no planning has been done yet for 2020 (as the sanitation crisis may affect the planification).

75. Recommendation ICC-2017-1. Article 112 of the Rome Statute. It is considered partially implemented. In December 2019, the ASP welcomed the guidelines developed by the Court at its request on the review of arrears and its potential impacts on voting rights. The year 2020, being a year of elections, will give an opportunity to measure the impact of the review and of the use of Article 112 and to evaluate if the status of the recommendation may move from partially implemented to implemented.

76. Recommendation 2017-2. Disclosure of judges insurance contract conditions. It is considered as implemented. The Court has updated the wording of Note 2 of the financial statements and provided relevant information on the change of contractor.

77. Recommendation ICC-2015-3. Permanent premises. It is considered not implemented yet. The plan for Capital Replacements has been prepared with the new contractor and submitted to the CBF. An inventory of components has been compiled and planned to support the replacement plan and the External Auditor will deem if these elements, in the case of their validation, will bring adequate support to the recognition, measurement and valuation of fixed assets for the premises in the next financial statements.”

## **VI. Acknowledgements**

78. 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.*

## Appendices

### Appendix 1:

#### 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>
ICC -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	
Total number of recommendations: 1				1	

1. No change was noticed in 2019 for recommendation ICC-2015-3, which then remains under consideration at the ICC level. The Court has reported the issue to the CBF for its 34th session agenda in May 2020, postponed due to COVID-19. The External Auditor deems that the choice between creating a dedicated reserve and securing a relevant flow of resources to match with futures employee benefits commitments has to be made by States Parties.

**Appendix 2:****Follow-up of Report on the division of external operations**

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</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, approach which currently seems to prevail, even if synergies between different bodies already happened.		X	
<b>Total number of recommendations: 1</b>				1	-

1. Recommendation DEO-2017-1 on synergy among organs is considered as partially implemented. The action plan for this recommendation had launched nine actions, among which three remained to achieve. The DEO has assessed and documented their quite achieved implementation. Formally, two steps still need to be checked for the total implementation of the recommendation: the approval of the Terms of reference of the working group on terrorism, that has to wait until the annual meeting of the Security Coordination Committee, and the launch of the Mission planning IT application, that was planned for the first half of 2020 but has been delayed because of the COVID-19 impacts.

### Appendix 3:

## Follow-up of Report on Human Resources Management (July 2018)

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
HR-2018-1	Gender balance	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.		X	
HR-2018-2	HR management policies	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.		X	
HR-2018-3	Management of professional profiles	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).		X	
HR-2018-6	Elected officials	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.		X	
HR-2018-8	Ombudsman function	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.		X	
HR-2018-9	Ethics charter	The External Auditor recommends that the ICC develop and publish an ethics charter.		X	

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
HR-2018-10	Annual report on HR management	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.		X	
<b>Total number of recommendations: 7</b>			0	7	-

1. HR 2018-1 (Gender balance) is partially implemented. The Court/Registry has decided to introduce five sets of actions, Mentoring Programme for Women, Training on unconscious bias, Focal Point for Women, Recruitment decision-making framework and additional recruitment measures. Progresses have been assessed on all these sets of actions, with first measurable effects expected in the second half of 2020.

2. HR 2018-2 (HR Management policies unity for all organs) is considered as “already in place” by the Court. However, this assessment is more a principle and an objective than a documented achievement. It has then to be partially implemented.

3. HR 2018-3 (Management of professional profiles) is partially implemented. Progresses have been assessed on significant milestones such as a New Performance Management AI, on a Learning Management System (LMS) to be soon initiated, and the Court has joined the United Nations (UN) Inter-Organizational Mobility Agreement. However, the component of the recommendation related to internal mobility was rejected.

4. Recommendation HR 2018-6 (Elected officials and incompatibility) is only partially implemented, since consultations have started on this recommendation, which imply to explore and resolve strong legal issues.

5. HR 2018-8 (Ombudsman function) can be considered as partially implemented. The selected external expert has delivered his report on a Court wide Alternative Dispute resolution scheme in December 2019 and a plan has been launched towards its implementation.

6. HR 2018-9 (Ethics charter) is partially implemented. The Court aims to progress in link with the relevant assessment and recommendations arising from the ongoing Independent Expert Review in the scope of 19th ASP.

7. Recommendation HR 2018-10 (Annual report on HR management) is partially implemented. The 2020 report to the CBF on 2019 HR management was not available at the date of the audit (CBF meeting agenda were changed in the COVID context).

## Appendix 4:

### Follow-up of Report on budget process management (July 2019)

1. The Performance Audit report on Budget process, produced in July 2019, contained 10 recommendations. The present review comes less than a year after the issuance of the recommendations. It is then natural that implementation of eight out of 10 of them is just starting, and they are given the status of “partially implemented” in the following table. Two recommendations have a different status:

2. Recommendation BS-2018-7: Transfers between major programs. It is not implemented. The CBF at its 33rd session has discussed the recommendation and has rejected a modification of Rule 4.8 of FRR and a move towards more flexible transfers between major programs;

3. Recommendation BS 2018-6: Budget document publishing time. It is considered as implemented. The Court has created and distributed a summary document in February 2020, displaying budget tables for each Major Program and sup-programs/Divisions. It has planned to provide the detailed version on the intranet, done in May, according to COVID-19 impacts.

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
BS-2018-1	Interpretation of article 42(2)	The External Auditor recommends the ASP to put on its agenda, in the context of an upcoming evaluation of the Court or through any other forum, the interpretation of article 42(2) of the Rome Statute, in order to clarify to what extent it forbids the Prosecutor to transfer to the Registry, acting as provider of shared services, accountability for common administrative tasks.		X	
BS-2018-2	Zero based budget	The External Auditor recommends that, when preparing yearly budget submissions, the Court: (a) Should continue to take into account not only incremental adjustments, of current appropriations levels through the service requests process in relation to the preceding year; but also (b) In a comprehensive “zero-based budget” approach, should question the nature of those appropriations in and of themselves, in order to avoid a gradual drift in budget appropriations.		X	
BS-2018-3	Savings and efficiencies	Concerning savings and efficiencies, the External Auditor recommends that: (a) The launching of the annual workshop on savings and efficiencies be chaired personally by the Registrar; (b) Standard templates be more widely used to support proposed and approved savings and efficiencies, disclosing the baseline level, the proposed and the approved amounts saved and the precise origin and nature of the saving (cut of existing cost or potential cost avoided); (c) The annex to the proposed budget document dedicated to savings and efficiencies only refer to those which result from genuine managerial initiatives and have an impact on the baseline; and (d) A symmetric “top-down” approach, initiated every year at Principals level, and giving rise to an organized challenge with lower levels (i.e. Divisions and Sections) should be designed and implemented for staff limitations.		X	

<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
BS-2018-4	Internal positions	The External Auditor recommends the ICC to adapt Staff Rules so that, in cases where the workload evolution should lead to staff decreases in some sectors, as an alternative to separation, a strong priority for recruitment on other open internal positions be offered to the incumbents, if and when their profiles are clearly adequate for the new assignments.		X	
BS-2018-5	Budget document structure	The External Auditor recommends the Budget Working Group (BWG) to study and submit for clearance to the Committee on Budget and Finance (CBF) and to the Hague Working Group (HWG) a proposal for a renewed, simplified and shorter budget document, strictly focused on budget-relevant issues, and based on the acquired ICC experience. If and when endorsed by the Committee on Budget and Finance (CBF) and the Hague Working Group (HWG), the new document structure could be approved by the Assembly of States Parties (ASP).		X	
BS-2018-6	Budget document publishing time	The External Auditor recommends that the final budget document for year n be published no later than by end-January of the same year.	X		
BS-2018-7	Transfers between major programs	The External Auditor recommends to adapt the Financial Rules, which currently prohibit transfers between Major Programmes, in order to allow such transfers and thus bring an adequate management flexibility to smaller Major Programmes, such as the Independent Oversight Mechanism (IOM) or the Office of Internal Audit.			X
BS-2018-8	Approval of Multi-year projects	To ensure a streamlined coherence between approval of multi-year investment projects and related annual budgetary decisions by the ASP, the External Auditor recommends the Court to submit to the ASP a proposal to extend its current IT strategy multi-year special account so that: (a) It could be used as a multi-year multi-purpose mechanism allowing a carryover of unspent regular budget resources for a list of other multi-year significant investment projects approved by the ASP; and (b) Adequate rules be designed, guaranteeing a robust separation of the appropriations dedicated to each approved project and a yearly reporting to the ASP.		X	



<i>No.</i>	<i>Subject</i>	<i>Outstanding recommendations</i>	<i>Implemented</i>	<i>Partially implemented</i>	<i>Not implemented</i>
BS-2018-9	Liquidity shortfall	So as to avoid adverse financial and reputational consequences in case of a liquidity shortfall, the External Auditor recommends the ASP to delegate some responsibility to the Bureau, in order: (a) To announce, in due time (i.e. leaving a reasonable period, such as two/three weeks – needing to be more precisely defined – before the forecasted available cash only represents less than one standard month of payments), that the Court will be exceptionally authorized to use the Contingency Fund, and/or, in case there is no sufficient cash available in the fund, to pre-negotiate a credit line; (b) To allow the Court to effectively use either or both facilities only if and when the liquidity crisis becomes obviously unavoidable (for instance, when only one or two days of cash are left), this delay also needing to be very precisely defined in advance); and (c) To provide for an immediate reporting of the situation to the States Parties for both previous decisions.		X	
BS-2018-10	Key performance indicators related to the budget	Concerning the key performance indicators disclosed in the Budget Performance Report annexes, the External Auditor recommends that: (a) In order to offer a more coherent and budget-focused annual budget performance report, the ICC no longer publishes the annexes currently devoted to Major Programmes key performance indicators, most of which are not measurable and have no link with the budget performance, i.e. do not even offer appropriate cost/results measurable indications; (b) In order to avoid letting external stakeholders disclose simple, but misleading budgetary indicators based on public information (for instance by dividing the actual ICC budgetary expenses by the number of guilty verdicts, of judgments, of involved individuals, of situations, etc.) the ICC takes the opportunity of its present works on the Court's Strategic Plan 2019-2021 to select, if and when possible, some specific KPIs presenting a clear correlation with the use of budgetary resources to replace the present useless KPIs disclosed in the Budget performance Reports, which are generally not directly related to the budget; and (c) Once this task has been completed, each body selects a very limited number of the most significant measurable indicators related to the budget (between two and four, if any), in order to annex them to the budget performance report. The removal of the publication of current indicators should not take place until new relevant indicators are actually available.		X	
<b>Total number of recommendations: 10</b>			1	8	1

1. In its comments on the draft audit report as at 20 June 2020, the Court stated that, in the case of Recommendation BS 2018-8, no change of Staff Rules were necessary, because the existing practice of the Court was already in line with the recommended priority for internal recruitment from the performance audit report. This statement will be verified during the next audit campaign. Meanwhile, according to the documentation available to the External Auditor at the time of the audit report, it is considered as partially implemented.

## 2. Financial statements of the Trust Fund for Victims for the year ended 31 December 2019

### Contents

	<i>Page</i>
Letter of transmittal .....	382
Letter to the Registrar .....	382
Certification of Financial Statements.....	382
Independent auditor’s opinion .....	383
Statement of financial position as at 31 December 2019.....	385
Statement of financial performance for the year ended 31 December 2019.....	386
Statement of changes in net assets/equity for the year ended 31 December 2019.....	386
Statement of cash flows for the year ended 31 December 2019.....	387
Statement of comparison of budget and actual amounts for the year ended 31 December 2019.....	388
Notes to the financial statements .....	389
1. The Trust Fund for Victims and its objectives .....	389
2. Summary of significant accounting and financial reporting policies .....	389
3. Cash and cash equivalents .....	393
4. Investments.....	393
5. Prepayments .....	393
6. Receivables.....	394
7. Accounts payable .....	394
8. Provisions .....	394
9. Deferred revenue and accrued expenses.....	395
10. Net assets/equity.....	395
11. Revenue.....	395
12. Expenses.....	395
13. Statement of comparison of budget and actual amounts .....	396
14. Segment reporting .....	397
15. Related party disclosures .....	398
16. Events after the reporting date.....	399
Annex - Schedule 1 .....	400
Final audit report on the financial statements of the Trust Fund for Victims Financial year ended 31 December 2019 .....	401

## Letter of transmittal

09 June 2020

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 2019.

Peter Lewis  
Registrar

Michel Camoin  
External Audit Director  
Cour des Comptes,  
13 rue Cambon,  
75100 Paris Cedex 01  
France

## Letter to the Registrar

09 June 2020

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,

Mama Koité Doumbia,  
Chair,  
Board of Directors of  
The Trust Fund for Victims

## Certification of Financial Statements

09 June 2020

The financial statements and supporting notes are approved.

Mama Koité Doumbia,  
Chair,  
Board of Directors of  
The Trust Fund for Victims

## Independent auditor's opinion



The First President

Paris, 30 JUN 2020

To Mrs. Mama Koité Doumbia  
Chair, Board of Directors  
The Trust Fund for Victims

Addressed to Mr Pieter de Baan  
Executive Director  
Secretariat - The Trust Fund for Victims

### AUDIT OPINION

#### Opinion

We have audited the Financial Statements of the Trust Fund for Victims (TFV), for the 12 months period ended 31 December 2019. These Financial Statements include a Statement of Financial Position as at 31 December 2019, 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.

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 2019, 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 2019 in conformity with the International Public Sector Accounting Standards (IPSAS).

#### Basis for Opinion

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 Organisation 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".

We believe that the audit evidence collected is sufficient and appropriate to constitute a reasonable basis for our opinion.

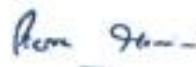
**Management's Responsibilities for the Financial Statements**

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 International Public Sector Accounting Standards. 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**

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.

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.



Pierre MOSCOVICI

## Statement I

### Trust Fund for Victims - Statement of financial position as at 31 December 2019 (in thousands of euros)

	<i>Note</i>	<i>2019</i>	<i>2018</i>
<b>Assets</b>			
<i>Current assets</i>			
Cash and cash equivalents	3	15,974	17,857
Investments	4	2,688	-
Prepayments	5	125	16
Receivables	6	804	597
<i>Total current assets</i>		<i>19,591</i>	<i>18,470</i>
<i>Non-current assets</i>			
Receivables	6	282	636
<i>Total non-current assets</i>		<i>282</i>	<i>636</i>
<b>Total assets</b>		<b>19,873</b>	<b>19,106</b>
<b>Liabilities</b>			
<i>Current liabilities</i>			
Accounts Payable	7	32	-
Provisions	8	2,414	961
Deferred revenue and accrued expenses	9	522	854
<i>Total current liabilities</i>		<i>2,968</i>	<i>1,815</i>
<i>Non-current liabilities</i>			
Provisions	8	3,272	5,055
<i>Total non-current liabilities</i>		<i>3,272</i>	<i>5,055</i>
<b>Total liabilities</b>		<b>6,240</b>	<b>6,870</b>
<b>Net assets/equity</b>	10	<b>13,633</b>	<b>12,236</b>
<b>Total liabilities and net assets/equity</b>		<b>19,873</b>	<b>19,106</b>

(c) 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 2019 (in thousands of euros)

	<i>Note</i>	<i>2019</i>	<i>2018</i>
<b>Revenue</b>			
Assessed contributions	11	3,130	2,542
Voluntary contributions	11	2,670	3,605
Financial revenue	11	50	18
<b>Total revenue</b>		<b>5,850</b>	<b>6,165</b>
<b>Expenses</b>			
Administrative expenses	12	2,874	1,982
Programme expenses	12	1,074	5,332
<b>Total expenses</b>		<b>3,948</b>	<b>7,314</b>
<b>Surplus/(deficit) for the period</b>		<b>1,902</b>	<b>(1,149)</b>

(d) 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 2019 (in thousands of euros)

	<i>Reparations Programme</i>	<i>Assistance Programme</i>	<i>Secretariat of the Trust Fund</i>	<i>Total Net Assets/equity</i>
<b>Opening balance as at 1 January 2018</b>	<b>3,797</b>	<b>9,082</b>	<b>981</b>	<b>13,860</b>
<b>Movement in net assets/equity in 2018</b>				
Surplus/(deficit)	(3,465)	1,756	560	(1,149)
Credits to States Parties/donors	-	-	(476)	(476)
Transfer to reserve	1,500	(1,500)	-	-
<i>Total movements during the year</i>	<i>(1,965)</i>	<i>256</i>	<i>84</i>	<i>(1,625)</i>
<b>Total net assets/equity as at 31 December 2018</b>	<b>1,832</b>	<b>9,339</b>	<b>1,065</b>	<b>12,236</b>
<b>Movement in net assets/equity in 2019</b>				
Surplus/(deficit)	381	1,242	279	1,902
Credits to States Parties/donors	-	-	(505)	(505)
Transfer to reserve	-	-	-	-
<i>Total movements during the year</i>	<i>381</i>	<i>1,242</i>	<i>(226)</i>	<i>1,397</i>
<b>Total net assets/equity as at 31 December 2019</b>	<b>2,213</b>	<b>10,581</b>	<b>839</b>	<b>13,633</b>

(e) Fund balance of assistance programme includes amounts pending allocation.

(f) 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 2019 (in thousands of euros)

	2019	2018
<b>Cash flows from operating activities</b>		
Surplus/(deficit) for the period (Statement II)	1,902	(1,149)
Unrealized foreign exchange differences	(56)	(4)
(Increase)/decrease in time deposits	(2,688)	-
(Increase)/decrease in receivables	178	(199)
(Increase)/decrease in prepayments	(109)	140
Increase/(decrease) in accounts payable	32	-
Increase/(decrease) in deferred revenue and accrued expenses	(332)	650
Increase/(decrease) in provisions	(330)	4,241
Less: interest income	(50)	(6)
<i>Net cash flows from operating activities</i>	<i>(1,453)</i>	<i>3,673</i>
<b>Cash flows from investing activities</b>		
Plus: interest received	19	6
<i>Net cash flows from investing activities</i>	<i>19</i>	<i>6</i>
<b>Cash flows from financing activities</b>		
Credits to States Parties	(505)	(476)
<i>Net cash flows from financing activities</i>	<i>(505)</i>	<i>(476)</i>
<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>(1,939)</b>	<b>3,203</b>
Unrealized foreign exchange gains/losses on cash and cash equivalents	56	4
Cash and cash equivalents at beginning of financial period	17,857	14,650
<b>Cash and cash equivalents at 31 December (Statement I)</b>	<b>15,974</b>	<b>17,857</b>

(g) 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 2019 (in thousands of euros)

<i>Object of expenditure*</i>	<i>Appropriation approved</i>	<i>Total expenditure</i>	<i>Total surplus</i>
Staff costs	1,067	947	120
General temporary assistance	1,418	1,269	148
<i>Sub-total staff costs</i>	<i>2,484</i>	<i>2,217</i>	<i>268</i>
Travel	353	367	(14)
Hospitality	1	0	1
Contractual services	252	206	46
Training	32	12	20
General operating expenses	5	1	4
Supplies and materials	3	2	1
Furniture & Equipment	-	-	-
<i>Sub-total non-staff costs</i>	<i>646</i>	<i>587</i>	<i>59</i>
<b>Total</b>	<b>3,130</b>	<b>2,804</b>	<b>327</b>

(h) \*The budget for the Secretariat is approved as Major Programme VI of the Court's budget.

(i) 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.

In the annex to the resolution ICC-ASP/1/Res.6, 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. 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. 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.

#### 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.

### **Cash and cash equivalents**

2.9 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**

2.10 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.

2.11 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**

2.12 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.

2.13 *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.

2.14 *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.

2.15 *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.

2.16 *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.

### **Prepayments and Receivables**

2.17 The Trust Fund advances funds to implementing partners on the basis of contractual provisions. The status of funds advanced is disclosed under Schedule 1.

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 increase 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 to States Parties, in accordance with the Financial Regulations and Rules of the Court.

#### **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. 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 13, considering that the full accrual accounting and modified cash basis budget differ.

## 3. Cash and cash equivalents

<i>In thousands of euros</i>	2019	2018
Cash at bank – current account	3,367	6,027
Cash at bank – savings account	12,607	11,830
<b>Total</b>	<b>15,974</b>	<b>17,857</b>

## 4. Investments

<i>In thousands of euros</i>	2019	2018
Term deposits with original maturity more than 3 months	2,688	-
<b>Total</b>	<b>2,688</b>	<b>-</b>

## 5. Prepayments

<i>In thousands of euros</i>	2019	2018
Advances to implementing partners	114	16
Advances to staff	11	-
<b>Total</b>	<b>125</b>	<b>16</b>

## 6. Receivables

<i>In thousands of euros</i>	2019	2018
Voluntary contributions receivable	132	88
Refunds due from implementing partners	-	-
Receivable from the Court 2017	-	505
Receivable from the Court 2018	636	636
Receivable from the Court 2019	282	-
Other receivables from the Court	-	1
Accrued interest	34	3
Other receivables	2	-
<b>Total</b>	<b>1,086</b>	<b>1,233</b>

6.1 For detailed information on receivables from the Court, refer to Note 2.19.

6.2 Voluntary contributions receivable represent amounts pledged to the Trust Fund in 2019 and not paid by the reporting date.

## 7. Accounts payable

<i>In thousands of euros</i>	2019	2018
Payable to the Court for the cash advanced for programmatic expenses	26	-
Other payables	6	-
<b>Total</b>	<b>32</b>	<b>-</b>

## 8. Provisions

<i>In thousands of euros</i>	2019	2018
Provision for ILOAT cases	76	76
Provision for Reparation awards	5,610	5,940
<b>Total</b>	<b>5,686</b>	<b>6,016</b>

### Changes in Provisions

<i>In thousands of euros</i>	<i>Provision for ILOAT cases</i>	<i>Provision for reparation awards</i>
Provision as at 1 January 2019	76	5,940
Decrease due to payments	-	(350)
Revaluation of provision	-	20
Increase in provision	-	0
<b>Provision as at 31 December 2019</b>	<b>76</b>	<b>5,610</b>

8.1 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 the Regulation 56 of the Trust Fund for Victims (ICC-ASP/4/Res.3) a decision to complement to reparations awards 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.

8.2 Provision for ILOAT cases of €76 thousand corresponds to the case filed with the Administrative Tribunal of the International Labour Organization (ILOAT) by former staff member of the Secretariat.

## 9. Deferred revenue and accrued expenses

<i>In thousands of euros</i>	2019	2018
Deferred voluntary contributions	516	727
Accrued Expenses	6	127
<b>Total</b>	<b>522</b>	<b>854</b>

## 10. Net assets/equity

<i>In thousands of euros</i>	2019	2018
Reparations programme	2,213	1,832
Assistance programme	10,581	9,339
Secretariat of the Trust Fund	839	1,065
<b>Total</b>	<b>13,633</b>	<b>12,236</b>

## 11. Revenue

<i>In thousands of euros</i>	2019	2018
<i>Assessed contributions</i>	3,130	2,542
<i>Voluntary contributions</i>		
Earmarked contributions	863	1,570
Non-earmarked contributions	1,807	2,035
<i>Sub-total voluntary contributions</i>	2,670	3,605
<i>Financial revenue</i>		
Interest revenue	50	6
Net foreign exchange gain	-	12
<i>Sub-total financial revenue</i>	50	18
<b>Total</b>	<b>5,850</b>	<b>6,165</b>

### 11.1 Contributions in kind

11.2 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

## 12. Expenses

<i>In thousands of euros</i>	2019	2018
Administrative expenses	2,874	1,982
Reparations expenses	86	4,231
Sexual and gender-based violence project expenses	110	199
Other Assistance project expenses	878	902
<b>Total</b>	<b>3,948</b>	<b>7,314</b>



12.1 Repairs expenses consist of €66 thousand of various costs incurred by TFV in relation to implementation of the repairs mandate and €20 thousand revaluation of provision. In 2018 repairs expenses mostly represented provision for repair awards pertaining to the complimentary funding provided by the Trust Fund. No additional complimentary funding was provided by the Trust Fund towards the payment of the repair awards in 2019.

12.2 Expenses include €65 thousand related to administrative costs of implementing partners for Uganda Assistance Mandate.

### 13. Statement of comparison of budget and actual amounts

13.1 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.

13.2 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.

13.3 Differences in basis occur when the approved budget is prepared on a basis other than the accounting basis, as stated in paragraph 13.1 above.

13.4 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.

13.5 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 repairs and assistance funds that are reported in detail in the financial statements but are not included in the budgetary process.

13.6 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.

13.7 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 2019 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>327</b>	-	-	<b>327</b>
Basis differences	202	-	-	202
Presentation differences	486	19	(505)	-
Entity differences	(2,467)	-	-	(2,467)
<b>Actual amount in the Statement of cash flows (Statement IV)</b>	<b>(1,453)</b>	<b>19</b>	<b>(505)</b>	<b>(1,939)</b>

13.8 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.

13.9 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 2019.

## 14. Segment Reporting

### Statement of financial position by segment as at 31 December 2019

<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	5,604	10,347	23	15,974
Investments	2,688	-	-	2,688
Prepayments	11	114	-	125
Receivables	36	132	636	804
<i>Total current assets</i>	<i>8,339</i>	<i>10,593</i>	<i>659</i>	<i>19,591</i>
<i>Non-current assets</i>				
Receivables	-	-	282	282
<i>Total non-current assets</i>	<i>-</i>	<i>-</i>	<i>282</i>	<i>282</i>
<b>Total assets</b>	<b>8,339</b>	<b>10,593</b>	<b>941</b>	<b>19,873</b>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Accounts payable	-	6	26	32
Provisions	2,338	-	76	2,414
Deferred revenue and accrued expenses	516	6	0	522
<i>Total current liabilities</i>	<i>2,854</i>	<i>12</i>	<i>102</i>	<i>2,968</i>
<i>Non-current liabilities</i>				
Provision	3,272	-	-	3,272
<i>Total non-current liabilities</i>	<i>3,272</i>	<i>-</i>	<i>-</i>	<i>3,272</i>
<b>Total liabilities</b>	<b>6,126</b>	<b>12</b>	<b>102</b>	<b>6,240</b>
<b>Net assets/equity</b>	<b>2,213</b>	<b>10,581</b>	<b>839</b>	<b>13,633</b>
<b>Total liabilities and net assets/equity</b>	<b>8,339</b>	<b>10,593</b>	<b>941</b>	<b>19,873</b>

### Statement of financial performance by segment for the year ended 31 December 2019

<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	-	-	3,130	3,130
Voluntary contributions	440	2,230	-	2,670
Financial revenue	50	-	-	50
<b>Total revenue</b>	<b>490</b>	<b>2,230</b>	<b>3,130</b>	<b>5,850</b>
<b>Expenses</b>				
Administrative expenses	23	-	2,851	2,874
Sexual and gender-based violence project expenses	-	110	-	110
Other assistance project expenses	-	878	-	878
Reparations expenses	86	-	-	86
<b>Total expenses</b>	<b>109</b>	<b>988</b>	<b>2,851</b>	<b>3,948</b>
<b>Surplus/(deficit) for the period</b>	<b>381</b>	<b>1,242</b>	<b>279</b>	<b>1,902</b>

**Statement of financial position by segment as at 31 December 2018**

<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	8,274	9,583	-	17,857
Prepayments	15	1	-	16
Receivables	-	92	505	597
<b>Total current assets</b>	<b>8,289</b>	<b>9,676</b>	<b>505</b>	<b>18,470</b>
<i>Non-current assets</i>				
Receivables	-	-	636	636
<b>Total non-current assets</b>	<b>-</b>	<b>-</b>	<b>636</b>	<b>636</b>
<b>Total assets</b>	<b>8,289</b>	<b>9,676</b>	<b>1,141</b>	<b>19,106</b>
<b>Liabilities</b>				
<i>Current liabilities</i>				
Provisions	885	-	76	961
Deferred revenue and accrued expenses	517	337	-	854
<b>Total current liabilities</b>	<b>1,402</b>	<b>337</b>	<b>76</b>	<b>1,815</b>
<i>Non-current liabilities</i>				
Provision	5,055	-	-	5,055
<b>Total non-current liabilities</b>	<b>5,055</b>	<b>-</b>	<b>-</b>	<b>5,055</b>
<b>Total liabilities</b>	<b>6,457</b>	<b>337</b>	<b>76</b>	<b>6,870</b>
<b>Net assets/equity</b>	<b>1,832</b>	<b>9,339</b>	<b>1,065</b>	<b>12,236</b>
<b>Total liabilities and net assets/equity</b>	<b>8,289</b>	<b>9,676</b>	<b>1,141</b>	<b>19,106</b>

**Statement of financial performance by segment for the year ended 31 December 2018**

<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	-	-	2,542	2,542
Voluntary contributions	766	2,839	-	3,605
Financial revenue	-	18	-	18
<b>Total revenue</b>	<b>766</b>	<b>2,857</b>	<b>2,542</b>	<b>6,165</b>
<b>Expenses</b>				
Administrative expenses	-	-	1,982	1,982
Sexual and gender-based violence project expenses	-	199	-	199
Other assistance project expenses	-	902	-	902
Reparations expenses	4,231	-	-	4,231
<b>Total expenses</b>	<b>4,231</b>	<b>1,101</b>	<b>1,982</b>	<b>7,314</b>
<b>Surplus/(deficit) for the period</b>	<b>(3,465)</b>	<b>1,756</b>	<b>560</b>	<b>(1,149)</b>

**15. Related party disclosures**

15.1 The expense recognized includes aggregate remuneration paid to key management personnel, including net salaries, post adjustment, entitlements, assignment and other grants, rental subsidy, employer contributions to the pension plan and current health insurance contributions. It also includes expense in respect of post-employment benefits and other long-term benefits.

15.2 The key management personnel of the Trust Fund are the Board of Directors and the Executive Director. The Board serves on a pro bono basis.

15.3 The expense recognized during the year and outstanding balances of receivables at year end are as follows:

<i>In thousands of euros</i>	<i>No. of individuals</i>	<i>Aggregate remuneration</i>	<i>Receivables</i>
Key management personnel	6	196	-

15.4 Key management personnel also qualify for post-employment benefits and other long-term benefits. At year end, accrued liabilities amounted to:

<i>In thousands of euros</i>	<i>Annual leave accrual</i>	<i>Other long-term benefits</i>	<i>Post-employment benefits</i>	<i>Total</i>
Key management personnel	34	1	187	222

15.5 In 2019, the Assembly approved an appropriation of €3,130 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 amount of assessment net of expenses incurred by the Secretariat for the current and prior period in an amount of €918 thousand is recognized as a receivable from the Court.

15.6 The Court provides various services free of charge to the Trust Fund, including office space, equipment and administrative services.

## 16. Events after the reporting date

16.1 Trust Fund's reporting date is 31 December 2019. The COVID-19 pandemic occurred after the 2019 accounts were closed. This is a non-adjusting event for the 2019 Financial Statements, however, the global effects of this pandemic may have significant impacts on the Trust Fund's operations in 2020, the extent of which cannot be reliably estimated at this time.

## Annex

## Schedule 1

## Status of projects as at 31 December 2019

	Project currency	Committed Funds	Outstanding advances/re funds due at 1 January 2019	Advances Paid	Expense recorded	Refunds collected	Outstanding advances at 31 December 2019	Expenses (including prior years)
<b>Annual project</b>								
CAR - Situational Assessment - 2018 (PO 4701286)	XAF	13,000,000	1,000,000	6,500,000	6,842,780	657,220	-	12,342,780
CAR - Situational Assessment 2019 (PO 4701355)	XAF	6,097,220	-	6,097,220	6,097,220	-	-	6,097,220
TFV/UG/2007/R2/038 - Integrated Physical and Psychological Rehabilitation Assistance to Victims (PO 5100135)	EUR	200,000	-	170,000	143,221	-	26,779	143,221
TFV/UG/2007/R1/018 - Integrated Physical and Psychological Rehabilitation Assistance for Victims in Northern Uganda (PO 5100136)	EUR	200,000	-	170,000	169,987	-	13	169,987
TFV/UG/2007/R1/005 - Integrated Physical and Psychological Rehabilitation Assistance for Victims in Northern Uganda (PO 5100138)	EUR	200,000	-	170,000	147,319	-	22,681	147,319
TFV/UG/2007/R1/020 - Treating the Mental Health Needs of Ugandan Victims of War Crimes: A Service and Capacity Building Approach (PO 5100139)	EUR	200,000	-	170,000	169,722	-	278	169,722
TFV/UG/2007/R1/014b - Integrated Physical and Psychological Rehabilitation Assistance for Victims in Northern Uganda (PO 5100140)	EUR	200,000	-	170,000	134,222	-	35,778	134,222
TFV/UG/2007/R2/041 - Provision of integrated Physical and Psychological Rehabilitation Assistance to War Victims in Northern Uganda (PO 5100141)	EUR	200,000	-	170,000	140,426	-	29,574	140,426
Communication project (PO 4701371)	USD	5,500	-	5,500	5,500	-	-	5,500
Victims follow-up, CAR (PO 4701327)	XAF	3,279,785	-	3,279,785	2,249,200	1,030,585	-	2,249,200
CAR - Situational Assessment 2019 (PO 5100142)	XAF	1,158,910	-	-	658,910	-	-	658,910
Kenya Assessment (PO 4701365)	KES	885,000	-	885,000	679,320	205,680	-	679,320
Communication project (4524406)	USD	6,700	-	-	6,700	-	-	6,700
Georgia situational assessment (PO 4903277)	EUR	26,129	-	-	20,929	-	-	20,929
Kenya Assessment - 2019 (PO 4903367)	EUR	21,186	-	-	21,186	-	-	21,186
<b>Reparations Mandate</b>								
Katanga case reparations - indiv. awards DRC (PO 4701199)	USD	74,321	-	-	69	-	-	74,319
Katanga Collective Awards (PO 4701273)	USD	58,560	7,196	30,445	16,773	20,868	7,196	42,287
Katanga Collective Awards (PO 4701344)	USD	248,783	-	248,767	248,782	-	1	248,782
Katanga Collective Awards (PO 4701358)	USD	15,226	-	15,000	3,695	-	11,305	3,695
Katanga Collective Awards (4701361)	USD	27,920	-	27,600	27,920	-	-	27,920
Katanga Collective Awards (4701274)	EUR	1,700	-	-	597	1,103	-	597
Katanga Collective Awards (XOF) (PO4701306)	XOF	17,241,400	-	17,231,400	11,189,000	6,042,400	-	11,189,000
Lubanga, pre awards implementation activities (PO 4524027)	USD	3,580	-	-	3,580	-	-	3,580
Lubanga, court-ordered activities - identification of victims (PO 4701332)	USD	33,685	-	30,820	27,456	3,365	-	27,456
Katanga Collective Awards (PO 4701369)	USD	112,000	-	112,000	111,943	57	-	111,943



## **Final audit report on the financial statements of the Trust Fund for Victims Financial year ended 31 December 2019**

**(Courtesy translation)**

### *Contents*

	<i>Page</i>
I. Audit objectives, scope and approach.....	399
II. Follow-up on previous recommendations .....	402
III. Summary of the financial position .....	400
IV. Investments of available financial resources .....	404
V. Monitoring of conventions and agreements with donors .....	402
VI. Acknowledgements.....	402

## 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 (ISA), the International Standards of Supreme Audit Institutions (ISSAI), Article 12 of the Financial Regulations and Rules (FRR) of the International Criminal Court (the “Court”), including the additional terms of reference governing the audit, and Article 77 of the Regulations of the TFV.
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 External 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, are disclosed in the annex 6.(c) to the Financial Regulations and Rules of the Court. They indicate that the External Auditor can consider matters that should be brought to the notice of the Assembly of States Parties (ASP), 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 ASP.
4. The audit mission consisted of two phases:
  - (a) an interim audit (from 2 to 13 December 2019) focusing on aspects relating to internal control, voluntary contributions and International Public Sector Accounting Standards (IPSAS);
  - (b) a final audit (from 4 May to 27 May 2020) focusing on the financial statements, the follow-up of previous recommendations and compliance with IPSAS disclosure requirements, as well as financial and governance controls. In the context of the COVID-19 pandemic and the limitations to travels and personal contacts settled by the Authorities in Netherlands, France and by the Court, the final audit was done remotely, using safe information technology (IT) channels of communication provided by the Court for videoconferences and supply of documentation.
5. A closing meeting with the Executive Director of the Trust Fund for Victims and his staff was held on 27 May 2020. This report has been prepared, taking into account the written comments sent by the Trust Fund for Victims on 17 June 2020.
6. We express **an unqualified opinion** on the financial statements of the Trust Fund for Victims for the financial year ended 31 December 2019.

## II. Follow-up on previous recommendations

7. Eight recommendations were still pending in the last report of the External Auditor on the financial statements of the Trust Fund for Victims. The review of the implementation of recommendations enables to classify four of them as implemented, four remaining partially implemented.

### 1. Implemented recommendations

8. Recommendation TFV 2018-2 “Procedure for accruals”. It recommended implementing a procedure to identify all the accruals with a deadline in accordance with the preparation of the financial statements. The TFV provided relevant documentation establishing the materiality of instructions, guidance, exchanges and practices elaborated between TFV and FIN Section (Finance Section) of the Registry of the Court.

9. Recommendation TFV 2017-1 “Actions required to accurately substantiate all commitments related to the enforcement of the reparations awards”. After discussions with the Victims Participation and Reparations Section (VPRS) and internal reflections, the current methodology in use with VPRS (from the Registry) allows the TFV access to

information available in the Victims Application Management System (VAMS) on a case-by-case basis, deemed adequate and efficient by the Registry (VPRS) and the TFV.

10. Recommendation TFV-2015-3 “Strengthen financial control of operations”. The TFV has organized workshops in 2019 and 2020 and produced supporting tools with Implementing Partners (IPs) on financial reporting procedures and tools in Uganda and in Central African Republic. Upcoming on-site visits of IPs by Field Programme Officers (FPO) will include spot checks.

11. Recommendation TFV 2015-4 “Strengthening the field teams”. The TFV has given detailed information on the structures in place on the field following the increases in human resources in 2019, recruitments and posts, and considers that the reinforcement is in place and functioning.

## 2. Partially implemented recommendations

12. Recommendation TFV-2018-1. “Adaptation of the overall budgetary framework”. The TFV has started to review the budgeting process, not only for resources and for expenses that are part of the budget of the Court through the Major Programme VI “Secretariat of the TFV” but also for the operations funded by Voluntary contributions which refer to the competency of the Board of Directors. However, the implementation of this recommendation will require time.

13. Recommendation TFV-2016-2. “Monitoring of field partners audit reports». The TFV is in the process of launching an open tender for selection of the external auditing company that will perform centralized audit of all TFV partners and indicated the new programme cycles implemented in northern Uganda, Democratic Republic of the Congo, Ivory Coast, and Central African Republic. The TFV informed the External Auditor that services contracts in these countries were in the process of being finalised.

14. Recommendation TFV 2014-1 “Clarification of the roles and responsibilities between the Registrar and the Secretariat of the Trust Fund for Victims”. The Secretariat of the TFV and the Registry have agreed on the Cooperation and Assistance Framework (CAF). However, the recommendation is partially implemented, due to the absence of progress remaining on the issue of an arbitration procedure, linked to the agenda of the newly appointed Board of Directors in 2019. This document is now in place and may be a basis for clarification of the roles, in spite of its status not being fixed yet in the hierarchy of official documents involving the Court.

15. Recommendation TFV 2014-2 “Responsibility assignment chart”. In spite of the clarification of responsibilities inside the TFV undertaken in 2018 and 2019, the new responsibility matrix expected for 2019 will not be finalized before the fourth quarter of 2020. The achievement of the recommendation will then be checked when this document is available.

### III. Summary of the financial position

16. The TFV’s statement of financial performance shows a surplus of € 1.902 million compared with a deficit of € 1.149 million in 2018. This change is mainly due to the decrease in programme expenses (€ 1.074 million compared to € 5.332 million in 2018), even if administrative expenses increased (€ 2.874 million compared to € 1.982 million in 2018). In the same way, resources have dropped but at a slower pace than expenses, although the assessed contributions have grown at a significant rate of 23 percent, reaching € 3.130 million. However, voluntary contributions have fallen by 26 percent, reaching € 2.670 million (compared to € 3.605 million in 2018). The TFV efforts to strengthen its resources to cover its future needs, which it estimates at around € 10 million per year in the future. Twenty-nine public donors are registered so far. The efforts of the TFV aim at finalizing further agreements with State Parties donors, such as multi years plans, or towards innovative means of funding. Voluntary contributions from the private sector amount to approximately € 25 thousand.



17. The statement of financial position improved overall, with total assets increasing from € 19.106 million in 2018 to € 19.873 million in 2019. The structure of the financial position is sound, with a net asset at a level of € 13.633 million, +11 percent growth from the previous year, and liabilities mostly composed of provisions. The global amount of provisions decreased to € 5.686 million from € 6.016 million in 2018, the major change being the change in the balance between current provisions (€ 2.414 million, compared to € 0.961 million in 2018) and non-current provisions (€ 3.272 million, compared to € 5.055 million in 2018). The TFV has no financial debts and an important part of its current liabilities consists of accruals and deferred revenues (€ 0.522 million), these being likely to become revenues in the future.

18. The statement of financial performance does display the amounts of reparation expenses approved by the Board of Directors through provisions, following an external audit recommendation. Annual reparation expenses presented in Note 8 to the financial statements appear then as a reduction of former provisions. The amount of annual expenses in 2019, € 0.350 million, appears at the present stage rather modest compare to the cumulated amount of provisions (€ 5.610 million).

19. A part of these provisions for reparations is classified in current liabilities (€ 2.338 million), meaning that it should be used during 2020, and the other part is in non-current liabilities (€ 3.272 million). Last year, € 0.885 million was classified in current liabilities, but only € 0.350 million had been paid in 2019. The TFV Secretariat should ensure to make the best estimation for this classification.

#### **IV. Investments of available financial resources**

20. The cash and cash equivalent account amounts to € 15.974 million, as at 31 December 2019. In 2019, the TFV has started to invest a significant share of this asset, € 5.2 million, in financial instruments in United States Dollar (USD). The outturn of this financial investment was € 46 thousand in interest. The TFV chose to invest the funds in the currency of the planned disbursements (USD) and guarantee that term deposits are allocated for a fixed term of three or six months and at the fixed interest rates of 1.87 percent and 2.27 percent, which is far more than the maximum of 0.3 percent of last year interest rate. As at 31 December 2019, two other bank accounts are holding € 5.0 million each, with an interest rate of 0.05 percent.

21. The funds invested coming from the TFV surpluses, including funds from Voluntary contributions; the External Auditor asked for clarification on the legal basis of these operations during the audit. The Trust Fund Regulations, in its article 37, only refer to article 108 of the Financial Regulations and Rules of the Court, while the possibility to proceed to investments (limited in time) in case of “money not needed during the investment period” is ruled by article 109. The TFV and the Registry answered that the Resolution ASP/1/6 states (in point 13 of its Annex): “*The FRR shall apply mutatis mutandis to the administration of the TFV, except as otherwise provided in the present resolution*”. This brings a legal basis for TFV operations.

#### **V. Monitoring of conventions and agreements with donors**

22. Voluntary contributions have decreased by 26 percent in 2019, reaching € 2.670 million (compared to € 3.605 million in 2018). An important part of voluntary contributions is supported by written agreements with donors, some of them earmarked.

23. It appeared during the audit works that part of these written agreements include conditional clauses. Otherwise, donors might claim the funds back. The financial statements record these funds as deferred revenues, according to IPSAS.

24. The External Auditor reiterates earlier warnings on the presence of reporting clauses in agreements with the donor that forecast specific audit works on the use of the Voluntary contribution. The writing of these clauses should be carefully monitored in order to distinguish these audits from the tasks assigned to the External Auditor nominated by the

ASP in accordance with Article 12 of the Financial Regulations and Rules (FRR) of the Court, including the additional terms of reference governing the audit, and Article 77 of the Regulations of the TFV. No separate agreement between the donor and the TFV can order extra audit works to the External Auditor, which only reports to the Assembly.

25. The programmes of the TFV, among which a large share is funded by Voluntary contributions settled in agreements with donors, are disclosed in Schedule 1, which is an addition to the financial statements. The great number of programmes and their diversity make this Schedule 1 difficult to read by the user of the financial statements. This difficulty increases with the usage of various currencies in the tables, such as euro, USD, West African CFA Franc (XOF) in Democratic Republic of the Congo (DRC), Central African CFA Franc (XAF) in Central African Republic (CAR), and Kenyan Shilling (KES) in Kenya. In line with the presentation principles of IPSAS Conceptual Framework chapter 8, the TFV should try, through a narrative paragraph added to the financial statements, to summarize the amounts of resources committed to assistance and reparation programmes and give an estimate of their global amount based on a rate of exchange.

## **VI. Acknowledgements**

26. The External Auditor wishes to thank the Trust Fund for Victims Secretariat 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.*

\_\_\_\_\_