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Proposed supplementary budget – preparatory trial activities
*The Prosecutor v. Jean-Pierre Bemba Gombo**

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The Prosecutor v. Jean-Pierre Bemba Gombo

Introduction

1. In the situation of the Central African Republic (CAR), the Court's Pre-Trial Chamber III on 23 May 2008 issued a warrant under seal and requested the provisional arrest of Mr Jean-Pierre Bemba Gombo. The request was executed on 24 May 2008 by the Kingdom of Belgium and the warrant of arrest was made public the same day. Following the issuance of a new warrant of arrest on 10 June 2008, Mr. Jean-Pierre Bemba Gombo was surrendered to the Court on 3 July. His initial appearance before Pre-Trial Chamber III took place on 4 July 2008 during which the date for the hearing to confirm the charges was set for 4 November 2008.

2. As indicated in the Proposed Programme Budget for 2008,¹ in the case of trials, the determinant for requesting funds is the arrest and surrender of individuals to the seat of the Court at the day of submission of the proposal to the Assembly of State Parties. With the surrender of Mr. Bemba Gombo to the Court on 3 July 2008, approximately on the planned date of submission of the budget, the Court indicated in its proposed budget for 2009 that it was not able to include the additional budget requirements for this case in the original proposed budget document, but that it would submit a supplementary report on the related budget implications.² The goal of the present report is therefore to set out the budgetary consequences of this arrest and to request a decision from the Committee on Budget and Finance on the most appropriate budgetary solution, i.e. either to amend the budget or to meet the additional requirements from the Contingency Fund.

Financial implications

3. The assumption is that, in the case of *the Prosecutor v. Jean-Pierre Bemba Gombo*, the pre-trial and possible trial preparation activities will continue for the full year of 2009. Some of the costs associated with these activities are not foreseen in the regular budget for 2008, nor have they been included in the proposed budget for 2009. Others, such as the cost of detention, are a standard part of the Court's regular budget. The costs that will be incurred in 2009 relate to pre-trial and possible trial preparation activities.

4. As indicated in the tables and text below, the major additional costs for this phase relate to the Office of the Prosecutor (OTP), Legal Counsel, interpretation and translation services, victims and witnesses, and travel, and amount to €2,516,300

5. When budgeting for staff in this case, the Court's assumption is that staff associated with the Court's first or second trials will move to the next case/trial whenever possible, thereby alleviating the need for additional staff in a third trial. It is therefore proposed that most of the additional staff currently envisioned for preparatory activities for a third trial are budgeted on a general temporary assistance (GTA) basis. However, should this staff rotation structure not be achievable due to the timing of proceedings, additional staff would continue to be required and these positions would have to be requested as established posts (situation-related) in the 2010 budget.

6. Other costs, such as legal aid, may be recurring and as such will be requested for the 2010 budget.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November to 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part A, para. 55.

² ICC-ASP/7/9, para. 55.

Resource requirements

Table 1. Budget summary preparatory trial activities 2009 (in thousands of euros)

<i>The Prosecutor v. Jean-Pierre Bemba Gombo</i>	<i>Major Programme II</i>	<i>Major Programme III</i>	<i>Total</i>
Staff costs	65.6	193.9	259.5
<i>Subtotal staff</i>	65.6	193.9	259.5
General temporary assistance	779.0	388.0	1,167.0
Consultants	33.8		33.8
<i>Subtotal other staff</i>	812.8	388.0	1,200.8
Travel	128.4	17.6	146.0
Contractual services incl. training	5.0	733.2	738.2
General operating expenses		171.7	171.7
<i>Subtotal non-staff</i>	133.4	922.5	1,055.9
Total	1,011.8	1,504.4	2,516.3

Table 2: Posts and GTA posts by major programme – preparatory trial activities 2009 (in thousands of euros)

	<i>Subprogramme</i>	<i>Type</i>	<i>Grade</i>	<i>Total</i>
MP II				
<i>Immediate Office of the Prosecutor (2100)</i>				
Translator (Eng-French)	2100	GTA	P-3	77.8
Search Assistant	2100	Post	G-OL	65.6
Field Interpreters	2100	GTA	G-OL	10.9
<i>Jurisdiction, Complementarity and Cooperation Division (2200)</i>				
Cooperation/Analyst	2200	GTA	P-2	67.8
<i>Investigation Division (2300)</i>				
Investigator	2330	GTA	P-3	43.2
Associate Investigator	2330	GTA	P-2	28.5
Associate Analyst	2330	GTA	P-2	35.7
<i>Prosecution Division (2400)</i>				
Trial Lawyer	2420	GTA	P-4	106.9
Trial Lawyer	2420	GTA	P-3	86.4
Trial Lawyer	2420	GTA	P-3	86.4
Associate Trial Lawyer	2420	GTA	P-2	60.6
Associate Trial Lawyer	2420	GTA	P-2	60.6
Assistant Trial Lawyer	2420	GTA	P-1	57.1
Assistant Trial Lawyer	2420	GTA	P-1	57.1
<i>Subtotal staff costs MP II</i>				844.6
MP III				
<i>Division of Court Services (3300)</i>				
Court Records Assistant	3320	Post	GS-OL	65.6
Para-professional Interpreter	3340	GTA	P-1	85.6
Para-professional Interpreter	3340	GTA	P-1	85.6
Para-professional Interpreter	3340	GTA	P-1	85.6
Field Support Assistant - GTA	3350	GTA	GS-OL	65.6
Field Protection/Operations Assistant - GTA	3350	GTA	GS-OL	65.6
<i>Division of Victims and Counsel (3500)</i>				
Counsel	3540	Post	P-4	128.3
<i>Subtotal staff costs MP III</i>				581.9
Total staff costs				1,426.5

Resources description

Major Programme I – Judiciary

7. Costs of judges and related staff are already included in the regular budget of the Court. No other costs are foreseen at this stage. Additional legal support staff may be needed depending on the development in this case as well as in the other cases before the Court.

Major Programme II – Office of the Prosecutor (OTP)

8. Staff costs: a total of 11 GTA professional posts are required to establish a full trial team for this case, for a period of 4 to 10 work-months depending on the duties. As consistent with the previous trial-related requests, the trial team is a joint team comprising not only the prosecution staff but also one cooperation/analysis expert (Jurisdiction, Complementarity and Cooperation Division (JCCD)) and three investigation staff assigned in support of investigative, admissibility and cooperation issues relevant to the case.

9. An additional GTA at P-3 level is requested to support the accelerated pace necessary for the translation of evidence and ensure trial readiness. For interpretation, two months of GTA at the GS-OL level is requested to support further investigative and follow-up activities with witnesses to the case.

10. A new established post of Search Assistant (GS-OL) is requested for the Services Section in support of disclosure and specific evidence repository searches that will be necessary following decisions of the Court on the scope of victims' participation rights. The results of these searches will be provided to the Counsel for Victims. This is a new function that will cater for all existing cases and cannot be met from within the existing resources of the Knowledge-Base Unit. Since the function is not temporary, an established, situation-related post is requested.

11. Non-staff costs: Additional funds are needed to cover the travel costs of missions for contacts with witnesses (including field interpretation), investigative missions triggered by Court orders or defence activities, as well as on-site visits for trial and appeals preparation. The amount of €128,400 provides for 30 individual missions to/from the region of operations.

12. An amount of €33,800 is requested for consultancy to cover the costs of expert witnesses in support of the case. This amount represents the equivalent of approximately 2.5 months at the P-5 level including any travel-related costs.

13. An amount of €5,000 is requested for OTP-specific, public-information-related activities directly linked to the case.

Major Programme III – Registry

14. Staff costs: Most preparatory trial activities take place within the Division of Court Services as a consequence of an increased number of submissions by the parties, decisions, hearings (status conferences), transcripts and filings to be signed. The demand for translation and interpretation is also expected to increase. Three professional GTA posts and two GS-OL GTA post are required to complement existing resources.

15. One more professional post is required for the Office of Public Counsel for the Defence (OPCD) to provide legal support directly related to the defendant and for court record assistance (Division of Victims and Counsel (DVC)). The legal aid scheme of the Court is based on the premise that OPCD lends support to the defence team, particularly during the pre-trial phase bearing in mind that new teams need to become fully acquainted with the unique framework of the Rome Statute.

16. At a later stage of the trial activities, more staff will be required by the Registry.
17. Non-staff costs:
 - (i) Contractual services: Counsel will be provided by the DVC to both the defendant and the victims, one team each, according to the Court's legal aid scheme.
 - (ii) Travel: Visits by family of the detained person are included under this item.
18. General operating expenses include costs relating to witness support and protection, such as in-country resettlement and relocation.