


Fifteenth session

The Hague, 16-24 November 2016

**Proposed Programme Budget for 2017 of
 the International Criminal Court**
*Executive Summary**

I.	Overview.....	2
II.	2017 assumptions and operating environment.....	3
III.	Budget process.....	4
IV.	High-level strategic budget priorities for 2017.....	5
	A. Enhancing judicial efficiency: Running and supporting proceedings in three trials.....	5
	B. Ensuring high-quality investigations: Conducting and supporting six active investigations.....	6
	C. Ensuring the Registry's capacity to deliver crucial services in support of the Court's activities.....	8
	D. Investment in key Court-wide information management projects and security capacity.....	9
V.	Proposed Programme Budget for 2017.....	9
	A. Major Programme I: Judiciary.....	10
	B. Major Programme II: Office of the Prosecutor.....	11
	C. Major Programme III: Registry.....	11
	D. Major Programme IV: Secretariat of the Assembly of States Parties.....	13
	E. Major Programme V: Premises.....	13
	F. Major Programme VI: Secretariat of the Trust Fund for Victims.....	13
	G. Major Programme VII-2: Interest and Loan Repayment.....	14
	H. Major Programme VII-5: Independent Oversight Mechanism.....	14
	I. Major Programme VII-6: Office of Internal Audit.....	15

* Received by the Secretariat on 25 July 2016.

I. Overview

1. The International Criminal Court's ("the Court") proposed programme budget for 2017 amounts to **€147.25 million**. This represents an increase of **€9.86 million, or 7.2 per cent**, over the 2016 approved budget (€137.39 million).

2. The proposed increase is largely the direct result of the implementation in 2017 of the strategic Court-wide priorities agreed by the Court's Principals in the context of the Coordination Council (CoCo), and is based on a genuine and realistic assessment of the Court's needs for 2017. The high-level strategic priorities identified for 2017 are:

(a) Running and supporting proceedings in three trials

(i) Three cases are expected to be at the trial hearing stage during 2017: *Bosco Ntaganda* (DRC), *Dominic Ongwen* (Uganda), and *Laurent Gbagbo and Charles Blé Goudé* (Côte d'Ivoire).

(ii) Additional resources are needed for the trial and courtroom support teams and for three operational courtrooms to be running simultaneously, where required. This increase has a direct impact on the level of services and operations required of the Registry, such as court management, language services, information technologies and witness support and protection, amounting to a proposed increase of approximately **€2.4 million**.

(iii) It is envisaged that trial proceedings in three cases will be mainly conducted in two of the three courtrooms, with only 60 days of full overlap in which the use of the third courtroom will be required.

(iv) This means that support will be required for 500 days of hearings, of which 440 days of simultaneous trial proceedings will take place in two courtrooms, with additional capacity to run three courtrooms simultaneously over 60 days.

(b) Conducting and supporting six active investigations

(i) In 2016, the Office of the Prosecutor ("the OTP") was granted resources enabling it to conduct four and a half active investigations.¹ In 2017, the OTP plans to increase its number of active investigations to six, while noting that the OTP Integrated Teams for these six investigations will not be fully staffed. These six active investigations will be: two in the Central African Republic (CAR II.a *Séléka* and CAR II.b *anti-balaka*), one in Libya (LBY 3), one in Côte d'Ivoire (CIV 2), one in Georgia and one in Darfur.

(ii) The OTP aims at delivering quality in its investigations through the application of standards, a flexible use of resources to respond to opportunities and prioritization of the most relevant cases.

(iii) In order to provide the necessary support to the OTP during its investigations, as well as to support overall Court operations in the field, additional resources amounting to approximately **€2.1 million** are also required in the Registry to enhance the required level of services, including field support, witness protection, security, information security and other forms of logistical and technical support.

(c) Ensuring the Registry's capacity to deliver Court-wide services

(i) At last year's Assembly session, the Registry's approved staff costs were reduced by approximately **€3.8 million**² through the proposed staggered approach to the implementation of the Registry structure.

(ii) In its report on its twenty-fifth session, the Committee on Budget and Finance ("the Committee") expressly noted that the reductions in the 2016 budget increase achieved by postponing staffing in the Registry represented a **delay in expenditures** and anticipated that such costs would have to appear in the Court's 2017 budget.

¹ CAR II. (a) (*Séléka*), CAR II. (b) (*anti-balaka*), CIV 2, Mali, and for six months in Uganda (*Ongwen*).

² The total amount of €3.8 million corresponds to €3.4 million for established posts and an additional reduction of €0.4 million in GTA resources in 2016.

(iii) In order to maintain the Registry's ability to provide Court-wide support to the level of activities estimated for 2017, including, in particular, to judicial and investigative activities, the organ's approved structure must be fully implemented.

(iv) The Registry is proposing a temporary increase in its vacancy rate from **10 to 12 per cent** so as to further stagger recruitment in 2017 by approximately **€0.9 million** of the €3.8 million that should, in principle, be restored in the Registry's staff costs, which will lead to a net increase of €2.6 million in 2017 in established posts.

(v) It is expected that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

(d) Investments in key Court-wide information management projects and security capacity

(i) To support the Court's strategic objectives in 2017, investments in storage and associated infrastructure and new solutions are proposed as a high priority. Specific focus will be on data storage, new technical solutions across organs and new hardware, with centralized ownership for maintenance.

(ii) Investments are necessary in priority areas in respect of systems required to improve the judicial process; improvements to information management practices and systems for creating, capturing, maintaining and archiving information; and developing a robust information security capability for the Court.

(iii) Ensuring operational security and witness protection is of paramount importance. The latest threats posed by cyber-attacks, external viruses and leaked information have threatened the image of the Court, the integrity of its proceedings, the security of witnesses and the security of staff. Accordingly, the Court must take all necessary measures to resolve these issues.

3. The CoCo further agreed to include in the Judiciary budget a revision of the judges' remuneration in implementation of Resolution ICC-ASP/3/Res.3. The requested salary alignment with the remuneration scheme of the judges of the International Court of Justice and other international courts and tribunals will amount to an increase in judges' costs of approximately **€0.5 million**.

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

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

II. 2017 assumptions and operating environment

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

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

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

9. The OTP is expected to **increase the number of active investigations from four and a half in 2016 to six in 2017**, namely, CAR II.a (*Séléka*), CAR II.b (*anti-balaka*), Libya (LBY 3), CIV 2, Georgia and Darfur.

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

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

12. At the judicial level, it is foreseen that at least **nine accused persons** will be appearing before the Court in 2017, of whom **five will remain in detention. One cell-block of six cells** will thus be required in the Detention centre. At least **three cases are expected to continue at the trial stage** throughout 2017, namely, *Gbagbo and Blé Goudé*, *Ntaganda* and *Ongwen*. In addition to trial proceedings, **two final appeals** are expected to be ongoing throughout 2017, as well as **reparation proceedings in at least two cases**.

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

III. Budget process

14. In response to the recommendations of the Committee and the resolution adopted by the Assembly at its fourteenth session,³ the Principals of the Court have taken steps to further streamline its budget process and improve the coherence of its annual budget document. While the Court will continue to implement its Court-wide strategic plan, as well as that of the OTP, it will present a revamped budget proposal that reflects more clearly a "One Court" approach to defining its budgetary requirements based on common priorities among the organs, and improving the internal coherence of the budget document in terms of clarity and consistency with regard to the presentation of its narratives and corresponding resource tables and figures.

15. Court-wide coordination of organ-specific activities has been significantly enhanced, leading to increased efficiency and synergies. This is manifest in an integrated,

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourteenth session, The Hague, 18-26 November 2015* (ICC-ASP/14/20), vol. II, part B; and vol. I, part III, resolution ICC-ASP/14/Res.1

coordinated approach of the OTP and the Registry regarding field activities; close cooperation between Chambers and the Registry as regards courtroom needs in 2017; and a more strategic, streamlined and coordinated approach on the budget.

16. In order to weed-out the risk of presenting overlapping or uncoordinated proposals and create a better process to ensure consistency of message and policy across the Court, the 2017 budget process has been guided by a common vision from the Coordination Council (CoCo) on Court-wide budgetary needs. This, in combination with other important ongoing Court-wide initiatives, has not only ensured a more coherent and coordinated proposed budget, but has also allowed for better identification and execution of efficiencies and synergies due to the avoidance of duplications and the streamlining of activities.

17. In this last regard, the Court has been attentive to States Parties' guidance at last year's Assembly session.⁴ The internal budget process has benefited from this review and as a result has become more streamlined, steered commonly and closely by the Principals following the One-Court-principle in a top-down approach as regards general strategic objectives.

18. Accordingly, in January 2016, CoCo agreed on the establishment of the high-level priorities for 2017 as a crucial milestone in the new budget process. As a result, all major programmes within the Court were requested to justify and calculate their resource requirements based exclusively on the priorities identified by the Court's Principals for 2017. In other words, the level of proposed resources, whether increased or reduced, had to be fully consistent with and a direct result of the priorities and activities identified. While the initial estimated costings of these activities showed that they triggered a substantial increase in workload and resources, the Court was able to strategize and seek a consolidated approach to ensure, to the extent possible, very restricted budget increases.

IV. High-level strategic budget priorities for 2017

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

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

21. Following the decisions taken by the Court's Principals in the context of CoCo and in the light of the judicial activities and operations foreseen for next year, the high-level priorities for 2017 have been broken down into the building blocks below. It is important in this regard to note that these priorities and activities reflect what could be reasonably foreseen for 2017 at this stage. It must be stressed, however, that such priorities and activities may be impacted by the fluidity of the judicial and prosecutorial work of the Court.

A. Enhancing judicial efficiency: Running and supporting proceedings in three trials

22. With three cases expected to be at the trial hearing stage during 2017, likely new activity before the Pre-Trial Division later in 2017 and a full docket of cases on appeal,⁵ the Registry will require increased staff and non-staff resources for the trial and courtroom support teams to be able to perform effectively and a maximum of three courtrooms to be

⁴ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, resolution ICC-ASP/14/Res.1.

⁵ See the detailed update on present and foreseen activities below.

fully functional and running simultaneously where required, such as in relation to court management, language services, and witness support and protection. The overall increase required by the Registry in relation to supporting proceedings in judicial activities amounts to approximately **€2.4 million**.

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

24. To this effect, investments will be necessary for a sequential third courtroom team in the Registry, so as to save on the much higher costs that would otherwise have been incurred for a standing capacity of a third courtroom team. Having fully operational courtrooms in line with judicial needs will facilitate better planning, coordination and more expeditious proceedings, which in turn will result in savings for the institution.

Chart 1: Courtroom usage for trial proceedings in 2017



25. Requests for additional resources arising from the increase in judicial activities are limited to the strict minimum required to support the hearings, with provision for complementary resources by way of hiring freelancers, paying overtime and ensuring multi-disciplinary cross-training of relevant staff with a view to enabling an efficient and flexible use of resources. In other words, for the most part, the level of trial activities foreseen in 2017 can be sustained with the existing resources for two courtroom teams, while minimal extra capacity will be required to provide for the additional 60 days when three courtroom teams will be required to run simultaneously.

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

B. Ensuring high-quality investigations: Conducting and supporting six active investigations

27. In implementing the Strategic Plan for 2016-2018, the OTP continues to set priorities by balancing, as best as possible, operational demands against the resources made available by the States Parties.

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

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

30. In the face of increasing global demand for its intervention, the OTP will continue to prioritize its activities in line with its strategy to ensure high quality investigations. In 2016,

following the authorization granted by Pre-Trial Chamber I, the OTP opened a new investigation in the Georgia situation funded through the Contingency Fund. In 2017 the OTP will continue its active investigation in Georgia.

31. In addition to Georgia, the OTP will continue to conduct five active investigations in existing situations; one for a full year in Côte d'Ivoire (CIV 2), one for a full year in CAR (CAR II.b), one for a full year also in CAR (CAR II.a), one for a full year in Darfur and one for a full year in Libya (LBY 3).

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

1. Overview of Court-wide needs regarding the 2017 six active investigations:

33. **Georgia:** The OTP will continue active investigations in Georgia throughout 2017, which will, in turn, require enhanced support from the Registry. The level of cooperation that the OTP receives will in part determine the effectiveness of the investigations.

34. In order to provide efficient and effective support to these activities, it will be necessary for the Registry to set up a small field office in Tbilisi. The limited field presence will allow direct and immediate access to national and local authorities, on whose cooperation and assistance the Court relies for the implementation of its operations in the country. A large number of victims is anticipated to apply to participate in proceedings. The Court must prioritize outreach activities in Georgia, failing which the participation of victims and affected communities, and ultimately the credibility of the Court, would be seriously undermined. For the purposes of witness protection, the Registry will at this stage establish a limited situational team for Georgia to begin building capacity to provide the required support.

35. One of the main challenges for the new Field Office is the need to establish and maintain secure communications. Investments at both Headquarters and in the field will be required for enhanced physical and information security to safeguard the confidentiality of sensitive operations. Language support will be required in Georgian, South-Ossetian and Russian.

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

37. For the Registry to support these activities, a continued field presence in Abidjan and a newly established satellite office in Western Côte d'Ivoire will be required, as well as support in two situation languages, Dioula and Bambara, and witness support and protection.

38. **CAR II.a and CAR II.b:** In 2017, the OTP will continue its active investigations in relation to the two cases. Investigative activities will also include forensic missions, which will have a significant impact on resource requirements.

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

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

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

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

43. **LBY 3:** The OTP continues to carefully evaluate how best to utilize its limited resources to maximize its impact on the present situation in Libya. The investigative leads obtained and processed in the past months are connected both to its investigations into officials linked to the reign of Mr Muammar Gaddafi (some of whom are still involved in ongoing crimes), but also to the ongoing crimes in Libya, such as those alleged to have been committed by *Daesh* and *Ansar Al-Sharia*.

44. The current level of crime within Libya being committed by a variety of organizations and having an impact beyond the borders of Libya due to the transnational, organized, financial and terrorist nature of such crime, is also high. The OTP is working with its partners at the national and international level to have a coordinated approach to maximize the impact of each other's work within each individual mandate. In this regard, and in order to maximize the impact of its activities, the OTP will continue its consultations with relevant international and regional partners and agencies for the purpose of exploring the possibility of cooperation, coordination and information sharing, where appropriate.

45. In relation to the situation in Libya overall, despite the OTP's plans to operate mostly from outside Libya, some witness protection measures will need to be provided by the Registry. Support in one situation language – Standard Arabic – will be required.

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

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

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

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

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

⁶ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para 33.

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

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

50. In order to implement the first phase of the five-year plan currently being developed to identify areas of improvement in information management and information security Court-wide, a number of investments have been identified.

51. While the Court's overall level of activities, budget and staffing have increased since 2011, the central IT budget has decreased steadily from 9 per cent of the overall budget in 2012 to 6 per cent in 2016. Capital investments to fund the basic operating costs for hardware and software requirements have been deferred Court-wide. In 2016, 85 per cent of IMSS non-staff costs are allocated to existing contractual obligations.

52. To support the Court's strategic objectives in 2017, investments amounting to **€1.8 million** in the following three areas will be made throughout 2017:

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

(b) Improvements to the Court's information security capabilities to ensure the confidentiality and integrity of investigation activities in high surveillance environments;

(c) Updating the Court's hardware and software to protect the court's information in a challenging environment with an increasingly mobile workforce.

V. Proposed Programme Budget for 2017

53. The Court's proposed programme budget for 2017 amounts to **€147.25 million**. This represents an increase of **€0.86 million, or 7.2 per cent**, over the 2016 approved budget (€137.39 million). Following the recommendation of the Committee at its twenty-fifth session, the figures for the proposed regular budget are presented separately from the interest on the host State loan for the permanent premises. As indicated by the Committee, this has been done with a view to improving transparency and allowing for a comparative assessment of the resources needed for the Court's activities in 2017. When including the interest in respect of the permanent premises project of **€2.99 million**, the Court's proposed programme budget for 2017 amounts to **€150.24 million, or 7.6 per cent**.⁷

⁷ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, para 12.

ICC	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
MP I: Judiciary	12,430.6	813.1	6.5	13,243.7
MP II: OTP	43,233.7	3,046.5	7.0	46,280.2
MP III: Registry	72,759.2	6,843.8	9.4	79,603.0
MP IV: SASP	2,808.8	109.0	3.9	2,917.8
MP V: Premises	2,824.6	-1,369.7	-48.5	1,454.9
MP VI: STFV	1,884.5	617.6	32.8	2,502.1
MP VII-5: IOM	315.1	239.7	76.1	554.8
MP VII-7: OIA	681.8	12.4	1.8	694.2
<i>Sub-total</i>	<i>137,390.1</i>	<i>9,860.6</i>	<i>7.2</i>	<i>147,250.7</i>
MP VII-2: Interest/Loan Repayment	2,200.5	786.8	35.8	2,987.3
Total	139,590.6	10,647.4	7.6	150,238.0

A. Major Programme I: Judiciary

54. In terms of staff resources, the 2017 Judiciary budget represents a straightforward continuation of 2016 with a full complement of 18 judges for the whole of 2017, all on the revised pension scheme. The most striking feature of the envisaged activities for 2017 will be that there will be proceedings in three parallel trials. In order for the trials to be able to proceed simultaneously where necessary, adequate provision of courtroom time as well as team support from the Registry will be required. It is envisaged that the 2017 caseload will be successfully tackled through the flexible deployment of staff to the changing casework needs, coupled with effective coordination between the Divisions. This is expected to lead to an increase in staff output and an improvement in individual staff members' skills. Despite an expected increase in judicial activity, the Judiciary will request no additional staff resources over and above the 2016 approved staffing level.

55. The Judiciary budget includes a revision of the judges' remuneration in implementation of Resolution ICC-ASP/3/Res.3, taking into account the remuneration scheme of the judges of the Court and other international courts and tribunals. The requested adjusted annual remuneration of the Court's judges, in implementation of the said Resolution, will translate into an increase in judges' costs of approximately **€0.5 million**.

56. There will be minor increases in travel on account of the 2017 Assembly being held in New York, as well as in training. Finally, increased rent will lead to a moderate increase in the operating costs of the New York liaison office.

57. The total cost for Major Programme I will therefore increase in 2017 by **€0.8 million**, from €2.43 million to **€3.24 million**, or **6.5 per cent**.

Major Programme I Judiciary	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Judges	5,369.1	580.9	10.9	5,950.0
Staff Costs	5,355.9	139.5	2.6	5,495.4
Other Staff Costs	1,474.6	36.3	2.5	1,510.9
Non-Staff Costs	231.0	56.4	24.4	287.4
Total	12,430.6	813.1	6.5	13,243.7

B. Major Programme II: Office of the Prosecutor

58. The OTP is seeking a budget increase of **€3.04 million**, or **7 per cent**, for 2017, that is, an increase from €43.23 million granted by the Assembly for 2016 to **€46.28 million** for the coming year.

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

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

61. The net impact of the 2017 budget cost drivers is **€3.04 million**. Staff costs and Non-Staff Costs account for **€2.56 million** and **€487.4 thousand**, respectively. This means that the OTP has managed to limit the impact of incorporating both the Georgia situation and strengthening the other existing integrated teams into the regular budget proposal.

62. The non-operational components of the increase are the UN Common System costs and the financial benefit arising from the conversion of long-standing GTA. The benefits of conversion completely offset the increase linked to the UN Common System.

63. Lastly, in the light of the continued delay in implementing the Registry's structure which is being extended into 2017, the OTP is proposing a temporary increase in its vacancy rate from **8 to 10 per cent** so as to accurately reflect the recruitment realities in the Court. Once the Registry's structure has returned to its appropriate approved level, the vacancy rate can be re-aligned to its previous rate of 8 per cent (which is based on actual historical statistics).

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

C. Major Programme III: Registry

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

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

66. At the same time, important reductions and savings have been identified throughout the organ for 2017, aimed at containing the overall increase. For example, most additional

investments in field operations, including the establishment and maintenance of one new Field Office in Tbilisi, Georgia, and the maintenance of field presences and increased activities in Gulu, Uganda and in Western Côte d'Ivoire, have been offset by the reductions achieved through the scaling down and eventual closure in 2017 of the Nairobi Field Office and other reductions in the field (**€1.07 million**). Similarly, reductions amounting to approximately **€1.6 million** have been achieved in legal aid mainly due to the resources required at the appeal phase of the proceedings in *Bemba et al* (Article 70) pending a final comprehensive review of the legal aid system. This was done taking into consideration the request of the Assembly and the recommendation of the Committee at their last sessions, respectively, to consider policy options on the level of legal aid to be provided by the Court to the accused in cases of offences against the administration of justice.⁸

Calculation of net increase based on approximate increases and reductions in Registry

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

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

68. In the light of the continued recruitment expected to extend into 2017, the Registry is proposing a temporary increase in its vacancy rate from 10 to 12 per cent, which will result in a further staggering of recruitment in 2017 by approximately **€0.9 million** of the **€3.8 million**⁹ that should, in principle, be restored in the Registry's staff costs. This will lead to a net increase of **€2.6 million** in 2017 in established posts. It is expected that staffing levels will return to the normal 10 per cent vacancy rate by mid-2017 and will need to be costed accordingly in subsequent budgets.

⁸ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. I, part III, resolution ICC-ASP/14/Res.1, para. 14 and ICC-ASP/15/5, para 100.

⁹ The total amount of €3.8 million corresponds to €3.4 million for established posts and an additional reduction of €0.4 million in GTA resources in 2016.

Major Programme III Registry	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Staff Costs	42,069.3	3,387.0	8.1	45,456.3
Other Staff Costs	3,415.3	2,406.9	70.5	5,822.2
Non-Staff Costs	27,274.6	1,049.9	3.8	28,324.5
Total	72,759.2	6,843.8	9.4	79,603.0

D. Major Programme IV: Secretariat of the Assembly of States Parties

69. The proposed 2017 budget for Major Programme IV amounts to **€2.92 million**, which represents an increase of **€109 thousand**, or **3.9 per cent**, compared to the 2016 approved budget of €2.81 million. This is due mainly to a request for a Special Assistant (P-2) that will be located in Dakar, funding of the Senior Administrative Assistant post (GS-PL) approved in 2016, and the travel costs to The Hague of the five members of the Audit Committee. Furthermore, there is one additional new cost – the travel of the nine members of the Advisory Committee on Nominations of Judges. This subsidiary body of the Assembly would, in principle, meet on a triennial basis (before the Assembly is to elect six judges). The increases have been mainly offset by a reduction under contractual services as a result of a reduction in costs arising out of the forthcoming annual session of the Assembly being held at the United Nations Headquarters in New York.

Major Programme IV Secretariat of the Assembly of States Parties	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Staff Costs	939.6	96.7	10.3	1,036.3
Other Staff Costs	824.6	42.1	5.1	866.7
Non-Staff Costs	1,044.6	-29.8	-2.9	1,014.8
Total	2,808.8	109.0	3.9	2,917.8

E. Major Programme V: Premises

70. The proposed 2017 budget for Major Programme V amounts to **€1.45 million**, which represents a decrease of **€1.37 million**, or **48.5 per cent**, compared to the 2016 approved budget of €2.82 million. With the guarantee period for buildings and installations at the Court's premises due to expire at the end of October 2016, resources will be required to cover the cost of corrective maintenance in 2017. The decrease is attributable to the termination of the rental contracts for the interim premises.

Major Programme V Premises	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	2,824.6	-1,369.7	-48.5	1,454.9
Total	2,824.6	-1,369.7	-48.5	1,454.9

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

71. The TFV proposed 2017 budget amounts to **€2.5 million**, representing an increase of **€17.6 thousand**, or **32.8 per cent**, compared to the 2016 approved budget of **€2.5 million**.

72. The TFV's budget thus, in essence, reprises the budget corrigendum submitted for 2016, which was based on the new structure of the TFV Secretariat as decided by the Board

of Directors aiming to strengthen the Secretariat in two critical areas: financial-administrative capacity in The Hague and on-site programme management. The new structure is informed by the TFV's current understanding of the required organizational capacity to sustain the development and implementation of Court-ordered reparations awards, as well as the expansion of assistance mandate activities to other situation countries.

73. The TFV further notes that the Board of Directors has maintained its earlier decision to outsource activities related to the conduct of situational assessments under the assistance mandate, capacity building of TFV implementing partners, and the design and implementation of a mandate-specific programme management information system (PMIS), for which funds have been allocated from resources originating from voluntary contributions (total €1.05 million), therefore from outside the Major Programme VI budget.

Major Programme VI Secretariat of the Trust Fund for Victims	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Staff Costs	968.1	802.8	82.9	1,770.9
Other Staff Costs	345.9	-345.9	-100.0	-
Non-Staff Costs	570.5	160.7	28.2	731.2
Total	1,884.5	617.6	32.8	2,502.1

G. Major Programme VII-2: Interest and Loan Repayment

74. The proposed 2017 budget for Major Programme VII-2 amounts to **€2.99 million**, which represents an increase of **€786.8 thousand**, or **35.8 per cent**, compared to the 2016 approved budget of €2.20 million. Major Programme VII-2 manages the payment of interest on the host State loan, which in 2017 must be received and paid to the host State no later than 1 February 2017.

75. Repayment of the loan will start after surrender of the interim premises leases on 30 June 2016. Repayment of capital and interest for the period 1 July to 31 December 2016 amounts to €1.8 million and will be payable on or before 1 February 2017. The interest-only payment for the period 1 January to 30 June 2016 amounts to €1.191 million.

Major Programme VII-2 Interest and Loan Repayment	2016 Approved Budget (thousands of euro)	Resource changes		Proposed 2017 estimates (thousands of euro)
		Amount	%	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	2,200.5	786.8	35.8	2,987.3
Total	2,200.5	786.8	35.8	2,987.3

H. Major Programme VII-5: Independent Oversight Mechanism

76. The proposed 2017 budget for the Independent Oversight Mechanism amounts to **€54.8 thousand**, which represents an increase of **€239.7 thousand**, or **76.1 per cent**, compared to the 2016 approved budget of €0.32 million. The IOM was established by the Assembly at its eighth session in accordance with article 112(4) of the Rome Statute to provide independent, effective and meaningful oversight of the Court.¹⁰ During the course of 2016, the office has focused on recruiting staff in accordance with the staffing level set by the Assembly at its twelfth session¹¹ and establishing operational effectiveness. The

¹⁰ Official Records ... Eighth session ... 2009 (ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.1.

¹¹ Official Records ... Twelfth session ... 2013 (ICC-ASP/12/20), vol. I, part III, resolution ICC-ASP/12/Res.1, section L.

requested amount therefore reflects the increase in staff resources and non-staff resources commensurate with the office being fully operational in 2017.

Major Programme VII-5 Independent Oversight Mechanism	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	260.9	225.8	86.5	486.7
Other Staff Costs	-	-	-	-
Non-Staff Costs	54.2	13.9	25.6	68.1
Total	315.1	239.7	76.1	554.8

I. Major Programme VII-6: Office of Internal Audit

77. The proposed 2017 budget for Major Programme VII-6 (Office of Internal Audit) amounts to **€94.2 thousand**, which represents an increase of **€12.4 thousand**, or **1.8 per cent**, compared to the 2016 approved budget of €81.8 thousand. The requested resources will enable the Office to contribute to the achievement of Court's strategic and operational objectives by providing assurance to management on the effectiveness and efficiency of governance, internal control frameworks and risk management through audits (a minimum of six) and advisory works. The proposed budget compared to the 2016 approved budget includes an increase in staff, GTA and training resources and a decrease in travel resources.

Major Programme VII-6 Office of Internal Audit	<i>2016 Approved Budget (thousands of euro)</i>	<i>Resource changes</i>		<i>Proposed 2017 estimates (thousands of euro)</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	528.9	7.6	1.4	536.5
Other Staff Costs	119.6	3.2	2.7	122.8
Non-Staff Costs	33.3	1.6	4.8	34.9
Total	681.8	12.4	1.8	694.2