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Proposed Programme Budget for 2023 of the International Criminal Court

Executive Summary

A. Overview of the Proposed Programme Budget for 2023

1. The Court is proposing a total budget of **€175,327.4 thousand**, representing an increase for 2023 of approximately **€24,057.5 thousand**, or **15.9 per cent**, over the approved budget for 2022 of €151,269.9 thousand.
2. The Court has prepared its Proposed Programme Budget for 2023 by focusing on the resources required to appropriately respond to the increasing demands for justice around the world, representing a significant shift in the scope of its activities, both in terms of volume and complexity.
3. The enhanced efforts of the Court to implement its mandate, in cooperation with States Parties and other stakeholders, have already concretely translated into a significant increase in the levels of investigative, judicial (including courtroom) and reparations activities. The complexity of its current context of operations also requires the Court to carefully consider ways to build in and ensure the sustainability of its long-term capacity to deliver on its mandate, therefore securing the impact of the investment made by States Parties, while also being mindful of their financial constraints. Accordingly, the Court has diligently prepared its budget proposal making sure that additional funds are requested only after all possible steps and efforts have been undertaken to contain as much as possible the increase through the reduction and reprioritisation of resources, as well as through the identification of savings and efficiencies.¹
4. The proposed budget also factors in the priorities set in the Court-wide and organ-specific strategic plans for the period 2023-2025. Accordingly, the proposed budget for 2023 has been carefully assessed against the plans and unprecedented workload facing the Court, including the vision of the leadership for the organisation; 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 (involving matters of security, cooperation and political support); and the significant and increasing volume of demands for intervention by the Court. The Court believes that the requested funds will contribute to increasing tangible results and long-term efficiencies, mainly through more expeditious judicial proceedings and enhanced fair trial safeguards; more effective and focused preliminary examinations, investigations and prosecutions; enhanced impact on the ground; and a more secure information environment for the Court's operations.

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

5. In 2023, the Court plans to operate in 16 “situations”, geographically designated as follows: Afghanistan, 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, Palestine, Philippines, Uganda, Ukraine and Venezuela I. These situations are currently the subject of investigations and/or cases at different stages of judicial proceedings (pre-trial, trial, appeals or reparations). The Office of the Prosecutor (OTP) will continue to ensure that adequate resources are allocated to situations with cases in pre-trial and trial proceedings. Additionally, the OTP will continue its work conducting investigations across situations while remaining seized of three situations under preliminary examinations (Guinea, Nigeria and Venezuela II).

6. The Court is constantly evaluating its internal processes as part of its commitment to continuous improvement to leverage the current global reality to its advantage and to evaluate the suitability of some of its structures and working methods in the new environment. In the light of the increasing workload of the Court (seen in a greater volume of judicial and prosecutorial activities), the Court needs to retain and reinforce its existing capabilities for the future, the capabilities in which States have invested over the years and which have allowed the institution to show resilience, flexibility, readiness and adaptability in the face of new challenges and ever-increasing demands on its mandate and activities.

7. In all, this Proposed Programme Budget for 2023 puts forward the budgetary requirements to respond to a number of positive operational developments for the Court as a whole. It reflects a thoroughly considered budget proposal prepared with due regard for responsible and disciplined budget planning and the necessary resource requirements of the Court to effectively undertake its mandate under the Rome Statute.

B. High-level strategic budget priorities for 2023

8. The Court’s Principals, through the Coordination Council (“CoCo”), have identified a number of strategic budget priorities for the Court’s activities in 2023. It is important to note that these priorities and activities reflect what can reasonably be planned and anticipated for 2023 at the time of writing of this document, taking into account the degree of uncertainty intrinsic to the judicial nature of the Court’s mandate. Accordingly, the projections may subsequently be affected by the realities and continuously evolving context of the judicial and prosecutorial work of the Court.

9. In formulating the budget priorities and main cost drivers, the Court’s Principals have relied on the new cycle of the Court-wide Strategic Plan for 2023-2025, which builds on the previous plan to ensure continuity and consistency between the corporate planning cycles of the Court: strategic planning, risk management and budget planning. Thus, the strategic goals stated therein constitute the cornerstone of the Court’s planning approach and feature prominently in its budget planning for 2023. The planning is complemented by the distinct strategic plans for the same period for the OTP, the Registry and the Trust Fund for Victims, and further informed by the vision, strategic direction and independent judgment of the Court’s leadership.

10. 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 genuinely do so. The three main strategic areas which encompass all Court activities and are reflected in the respective strategic plans of each organ, continue to be judicial and prosecutorial performance; cooperation and complementarity; and organizational performance.

11. In this context, the Court has identified the following priorities:

1. Conduct and support fair and expeditious judicial proceedings

12. The conduct of fair and expeditious pre-trial, trial and appeal proceedings before the Chambers is at the core of the Court’s mandate.

13. In 2023, the requirements to run and support trial hearings and corresponding workload will increase significantly with three cases in court throughout the year in 2023

(*Abd Al Rahman, Said, and Yekatom and Ngaissona* cases) and two cases expected to be at the deliberation stage (*Al Hassan* and *Gicheru*). In order to avoid costly medium and long-term inefficiencies, as well as to ensure fair and expeditious proceedings as mandated by the Rome Statute, the simultaneous use of the three courtrooms with the corresponding support capacity is required in 2023.

14. In comparison to most domestic proceedings, those 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 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.

15. At the pre-trial level, the confirmation of charges hearing is set to take place in the *Mokom* case in January 2023. If charges are confirmed in this case as well, trial preparations could commence in 2023, triggering additional resource requirements. In addition, if any of the persons for whom warrants of arrest have been issued by the Pre-Trial Chambers are arrested and surrendered to the Court on short notice (as has happened in the past), this would lead to an increase in activity at the pre-trial level and a potential concomitant increase in the level of required resources. Importantly, the new investigations of the OTP have generated a considerable increase in workload to the Pre-Trial Division and expected to pose even greater workload demands to the Judges in 2023.

16. In 2023, reparations proceedings will be ongoing in 5 cases. The implementation of reparations, administered by the Trust Fund for Victims, is expected to continue in the *Lubanga, Katanga, Al Mahdi* and *Ntaganda* cases and to start for the *Ongwen* case. Should there be a conviction in the *Al Hassan* case, sentencing and reparation proceedings will follow.

17. The Appeals Chamber will be seized of a number of interlocutory appeals in pending situations and cases. Other final appeals may reach, or may be pending before the Appeals Chamber arising from the *Al Hassan* and *Gicheru* cases. Depending on when the reparations order in the *Ongwen* case is handed down, there may be a corresponding appeals that extends into 2023. Additionally, depending on developments in the other Divisions, notably in the Pre-trial Division in relation to current or recent events, there may be a steady stream of appeals reaching the Appeals Division.

18. It is foreseen that at least 7 persons will remain in detention thus requiring two cell-blocks of six cells, that is, an additional block of cells from those budgeted for in 2022. Up to 11 defence teams and up to 8 teams of legal representatives of victims will need to be financed by legal aid in 2023. Judicial developments, including the confirmation of charges in the *Said* case and the transfer of Mr Mokom to the Court's custody, have automatically increased these costs, as applied according to the existing legal aid framework and enshrined in the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court, by which the Court is obliged to abide. In order to improve transparency on the Court's Budget baseline comparisons, it should be noted that trials activities in the *Said* case were not budgeted for 2022, given that the Pre-Trial Chamber's decision on the confirmation of the charges was issued at the end of 2021 after the approval of the 2022 programme budget, but they are now part of the Court's judicial assumptions.

2. Continue investigations across situations, support six cases in (pre-)trial, and reparation proceedings in at least five cases, including through operations in the field

19. 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.

20. On the basis of current activities in 2022, the OTP will continue to take forward its work in relation to those situations with cases in pre-trial and trial proceedings, namely Darfur (Sudan), Mali, CAR II(a) and CAR II(b) and Kenya (article 70).

21. Additionally, the OTP will continue its work in conducting investigations across situations. Investigations are often the most resource-intensive activity conducted by the Office. As reflected in the proposed budget, particular focus and consequent allocation of resources are needed to ensure that the OTP is able to seize critical investigative opportunities in line with the priorities of the OTP.

22. The OTP does not presently benefit from sufficient resources in order to effectively discharge its mandate with respect to the range of situations in relation to which it is currently engaged. The Office has sought to address this through prioritisation of resources and identifying efficiencies in working modalities wherever possible in order to increase the speed, efficiency and effectiveness of operations. While prioritisation is essential in light of current resource limitations, all situations will continue to be monitored in order to identify, for example, new leads or prospects of arrest or to continue engaging with witnesses in cases pending arrests. The Prosecutor will continue to assess on an ongoing basis how best to organize the Office's work throughout 2023.

23. While prioritisation can be used to address some of the resource limitations presently faced by OTP, for the mid- and long-term efficiency and viability of its operations, it is critical that the Office is able to strengthen its staff capacity. In this regard, the OTP have proposed a series of targeted additions to its staffing requirements, focusing in particular on strengthening capacity with respect to analysis, forensics, the investigation of sexual and gender-based crimes and E-Discovery. These additional staffing requirements also reflect the overall strategic priority of the Office to have investigators, analysts and other operational staff located close to or in situation countries so as to maximise the impact of their activities. The details of OTP planning are explained in the budget proposal for Major Programme II.

24. The OTP is currently seized of preliminary examinations in three situations: Guinea, Nigeria, and Venezuela II. The one in relation to Nigeria has been completed. The remaining preliminary examinations are all in advanced stages of analysis. The Prosecutor is conducting a comprehensive review of all preliminary examinations as well as of the Office's overall policy on preliminary examinations. This review will guide the future conduct of this area of activity of the Office. The OTP has continued to make efforts to optimize its internal processes and enhance synergies between preliminary examinations and investigations, including by improving integration across the OTP's pillars to ensure greater continuity and a smoother transition from the preliminary examination phase to the investigation phase, should that be warranted.

25. The Registry continues to provide the Court with support in administrative and operational matters both at Headquarters and in the country offices. In 2023, operational support is expected to be required from the Registry to facilitate the simultaneous trial activities in the *Yekatom and Ngaissona* case, *Said* case and *Abd-Al-Rahman* case as well as the pre-trial activities in the *Mokom* case, as well as to support the activities in the situations currently under investigations. Following close coordination with the Prosecution and in order to meet the Prosecution's requirement for support to its intensive investigations, the Registry will establish a Country Office Ukraine. Similarly, to provide more effective support to the ongoing trial in the *Abd Al Rahman* case, the Registry will establish a new Country Office in Sudan. In this context, the Registry will downsize the Country Offices in DRC (Kinshasa), CIV and Georgia as well as prioritise its resources in the Country Offices in Uganda and Bunia. Furthermore, the Registry is required to provide protection and/or support to an increased number of witnesses, in particular in relation to new referrals for witness protection in the situations in Sudan, Libya, Burundi, Afghanistan, the Philippines and Myanmar/Bangladesh and Ukraine. Support is also provided by the Registry in relation to ongoing reparation proceedings, including support to the TFV in the implementation of reparations.

26. The TFV continues to implement Court-ordered reparations in 2023. The start of implementation in the *Ongwen* case is subject to the Trial Chamber issuing an order for reparations. The TFV's situation-related rehabilitation programmes will be carried out in seven ICC situation countries in 2023 to redress the harm of victims, including in ICC

situation countries where prosecutions ended without convictions. The TFV's focus in 2023 is to communicate about its activities and results, and to strengthen its expertise in implementing reparations with a view of sharpening its profile to increase revenue. In addition focus will lay in particular on acquisition processes leading to multi-annual donor agreements.

3. Increases due to other requirements

27. Major Programmes of the Court do not operate in isolation and some court-wide budgetary elements also have an impact on the level of resources required per MP. In addition to the anticipated increase in judicial and investigative activities, the inflationary pressures faced worldwide require the increase and the recovery of capacity to sustain operations in this context. In particular, the unavoidable, worldwide inflationary pressures have resulted in increases in the price indices for goods, utilities and services for which the Registry is the Court-wide service provider and has contracts in place. Similarly, increases in UNCS entitlements have resulted in significant additional staff costs for the Court in the last years.

28. The Court presented medium-term and long-term capital replacement plans in 2021. After review by the CBF, 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. For 2022, the Court updated the plan reflecting the minimum, but necessary investments. Taking into consideration inflation, a similar plan has been prepared for the 2023 proposed budget in compliance with States' request to focus on minimum necessary investments.

29. Investments in technology improvements projects were limited in 2022, due to the end of the five years cycle of the previous IT/IM strategy, in addition the Court's requested capital replacements for IT infrastructure in the Court room, data centre and network was not fulfilled. In 2023, the Court will require funding for the 2022 unfunded capital replacements and the projected 2023 capital replacements for the court room, data centre and network – all essential to the Court's daily operations. The Court's next IT/IM Strategy will run from 2023 – 2025 supporting the Court's overall strategy with key focus areas on judicial technologies, consolidating and optimizing IT infrastructure and services, transitioning the Court to leverage cloud based technologies, and enhancing related information security capabilities. The operational costs and strategic capital investments will be requested during the annual budget proposal.

4. Savings and efficiencies

30. 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 have been taken to finance such increases through savings and efficiencies.² 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.³ Subsequently, savings and efficiencies were reported in the programme budgets since the 2018 edition.⁴

31. In the Proposed Programme Budget for 2023, the Court has achieved organization-wide savings and efficiencies in the amount of €2,212.7 thousand (1.4 per cent). This is calculated by (1) taking the sum-total of 2023 reductions in the baseline and 2022 costs avoided as a result of savings and efficiencies, and (2) dividing that sum by the 2022 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 €1,537.5 thousand.

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

³ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. I, part III, ICC-ASP/15/Res.1, para. L.2.

⁴ *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; *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part A, paras 31-36; *Official records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part A, paras. 34-38 and ICC-ASP/20/10, paras. 34-38.

C. Proposed Programme Budget for 2022

32. The Court is proposing a total budget of **€175,327.4 thousand**, representing an increase for 2023 of approximately **€24,057.5 thousand**, or **15.9 per cent**, over the approved budget for 2022 of €151,269.9 thousand. On the recommendation of the Committee on Budget and Finance (“the Committee”) at its twenty-fifth session,⁵ 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 2023. 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 2023 amounts to €178,912.5 thousand, or an increase of 15.5 per cent.

33. As indicated, additional requirements correspond to the anticipated volume of work and a significant increase in the level of activities of the Court in 2023. The request aims to cater for, *inter alia*, preliminary examinations, investigations and prosecutions, trials, witness protection, language services, legal aid, reparations and assistance to victims, and management of the Court’s various facilities. The Court has constructed a realistic and focused budget, fully cognizant of the complexity of its current context and carefully considering ways to enhance and sustain its long-term capacity to deliver on its mandate through, as appropriate, the reduction and reprioritisation of resources, as well as through the identification of savings and efficiencies.

Programme	2022 Approved Budget	Resource Changes		Proposed 2023 Budget
		Amount	%	
MPI - Judiciary	12,385.7	1,614.4	13.0	14,000.1
MPII - OTP	49,546.4	9,791.8	19.8	59,338.2
MPIII - Registry	79,219.2	11,187.9	14.1	90,407.1
MPIV – SASP	3,025.6	(13.8)	(0.5)	3,011.8
MPV – Premises	2,270.0	267.0	11.8	2,537.0
MPVI – STFV	3,227.2	1,073.1	33.3	4,300.3
MPVII-5 – IOM	820.8	117.2	14.3	938.0
MPVII-5 – OIA	775.0	19.9	2.6	794.9
<i>Subtotal</i>	<i>151,269.9</i>	<i>24,057.5</i>	<i>15.9</i>	<i>175,327.4</i>
MPVII-2 - Host State Loan	3,585.1	-	-	3,585.1
Total ICC	154,885.0	24,057.5	15.5	178,912.5

D. Major Programme I: Judiciary

34. The proposed budget for Major Programme I in 2023 amounts to **€14.00 million**, which represents an increase of **€1.61 million**, or **13.0 per cent**, as compared to the 2022 approved budget of €12.39 million.

35. Of the total increase, approximately €0.39 million correspond to the application of the UN Common System in staff costs. The additional €1.24 million are the direct consequence of substantial increases in judicial activities, including in particular: i) the need to conduct trial hearings in three cases throughout the year in 2023, with other two cases to be at the deliberations stage, ii) the significant work on reparations in five cases, iii) one case at the confirmation of charges stage, iv) interlocutory and, possibly, final appeals from cases which are presently before the Pre-Trial and Trial Chambers, v) the substantial workload foreseen in the Pre-Trials Division given OTP’s increased number of investigative activities in 2022 and 2023. Accordingly, essential general temporary assistance in the form of eleven

⁵ 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.

new legal staff members at the P-2 level will be required in the Chambers to address the mounting workload at trial and pre-trial levels.

36. This increased caseload in 2023 is expected to be handled successfully through the continued policy of flexible staff deployment, reinforced by effective coordination among the divisions. This approach is expected to continue to result in significant staff output and an improvement in and diversification of individual staff members' skills. As part of its commitment to presenting the leanest possible budget, no change is proposed by Major Programme I with respect to non-staff costs for 2023.

Major Programme I Judiciary	2022 Approved Budget	Resource Changes		Proposed 2022 Budget
		Amount	%	
Judges	5,076.1	163.1	3.2	5,239.2
Staff Costs	5,732.2	174.1	3.0	5,906.3
Other Staff Costs	1,458.4	1,277.2	87.6	2,735.6
Non-Staff Costs	119.0	-	-	119.0
Total	12,385.7	1,614.4	13.0	14,000.1

E. Major Programme II: Office of the Prosecutor

37. The OTP proposes a budget of **€59.34 million** for 2023. On the basis of planned required activities for 2023, and in furtherance of its Strategic Plan for 2023-2025, the OTP proposed budget has increased by **€9.79 million (19.8 per cent)** over the €49.55 million approved by the Assembly for 2022.

38. The proposed budget of the OTP for 2023 is driven by the following interlinked imperatives:

- a. Effectively addressing the workload of the Office in a manner that will allow it to properly discharge its mandate, particularly in light of further increase in demands in the last year. This is reflected in particular through the following proposed enhancements to staffing:
 - i. Additional investigators and analysts to support the core evidence-collection and analytical activities of the Office, reflecting the increased amounts of investigative activities that will be required in 2023;
 - ii. Enhanced capacity with respect to forensic analysis, in particular regarding for the coordination of forensic activities in relation to the Ukraine situation;
 - iii. Increased capacity with respect to interpretation and translation, providing essential support to the work conducted by staff in situation countries, allowing for more effective engagement with local actors;
 - iv. Supporting implementation of the essential modernization of the technological infrastructure of the Office including through the establishment of new posts to support E-Discovery and data analysis.
- b. Bringing the work of the Office closer to affected communities including through the deployment of staff close to or in situation countries wherever possible and the establishment of a limited number of additional number of country expert positions;
- c. Effectively implementing the reorganization of the Office's structure to further unify, integrate and enhance investigative and prosecutorial action, incorporating necessary adaptations based on the assessment of the Prosecutor one year on since taking up his position;
- d. Ensuring effective implementation of the Court-wide Strategic Plan for 2023-2025 and the newly adopted Strategic Goals and key performance indicators for the period 2023-2025.

39. There has been an objective surge in workload for the Office in the past year, placing significant additional pressure on resources that were already insufficient to allow it to properly fulfil its mandate.

40. On the basis of current activities in 2022, the OTP will continue to ensure sufficient resources are dedicated to situations with cases in pre-trial and trial proceedings, namely Darfur (Sudan), Mali, CAR II(a) and CAR II(b) and Kenya (article 70). Additionally, the OTP will continue its investigative work across the range of situations it is presently required to address. The Prosecutor will continue to assess on an ongoing basis how best to organize the Office's work taking into account, *inter alia*, considerations relating to prioritization, completion and resource constraints.

41. The unprecedented referral of the Ukraine situation by 43 States Parties to the Prosecutor of the ICC has given rise to particular resource needs given the potential geographic breadth and scope of crimes committed. This is also a situation in which the Office is investigating during an active conflict, bringing immediate opportunities for investigative progress, while also giving rise to additional needs with respect to staffing, security, language services, witness protection and mission support.

42. The proposed budget also reflects a decision to ensure the Office benefits from a field presence in relation to the situations in Bangladesh, Sudan, Venezuela and Ukraine. This is in line with the Prosecutor's vision of deepening cooperation with national authorities, civil society organisations and other relevant actors by bringing our work closer to the communities impacted by Rome Statute crimes. These moves to the field are being conducted in close cooperation with the Registry and Presidency and, in the coming months, prior to the commencement of 2023, further steps will be taken for the designation of field offices and the finalization of relevant arrangements with national authorities.

43. The OTP continues to cooperate closely with the Registry and the other Major Programmes to ensure States have a thorough understanding of the financial impact and specific challenges related to operational issues of the Office, and demonstrating responsiveness to stakeholders' expectations by providing a transparent, consistent, and fiscally responsible proposal.

44. The table below summarizes the net increase per major budget item:

Major Programme II Office of the Prosecutor	2022 Approved Budget	Resource Changes		Proposed 2023 Budget
		Amount	%	
Staff Costs	34,031.3	2,777.2	8.2	36,808.5
Other Staff Costs	11,934.4	5,613.2	47.0	17,547.6
Non-Staff Costs	3,580.7	1,401.4	39.1	4,982.1
Total	49,546.4	9,791.8	19.8	59,338.2

F. Major Programme III: Registry

45. The proposed 2023 budget for the Registry amounts to **€90.41 million**, which represents an increase of **€11.19 million**, or **14.1 per cent**, over the 2022 approved budget of €79.22 million.

46. The proposed increase is attributable to four main cost drivers:

- i. unavoidable inflationary pressures, including the application of the UN Common System, and the price indices increases concerning goods, utilities and services for which the Registry is a Court-wide service provider (**€2.9 million**),
- ii. support to increased judicial activities, including supporting trial hearings in three cases simultaneously in 2023 (**€5.9 million**);
- iii. increased support requirements to investigative activities by the OTP, including enhanced support in the field, as well as support to reparation activities (**€1.4 million**); and,

- iv. the implementation of strategic priorities, such as those concerning the establishment of an ombudsperson, gender equality focal point, improvements in the recruitment process, workforce planning and mobility, improvements to the procurement process, and enhanced capabilities in relation to budget monitoring and implementation in line with the objectives set out in the Registry's Strategic Plan, as well as other administrative requirements (**€1.0 million**).
47. In 2023, the Registry is required to support a significant increase in trial activities, with hearings taking place for three cases in court throughout the year (*Abd Al Rahman, Said*, and *Yekatom and Ngaissona* cases), and two cases expected to be at the deliberation stage (*Al Hassan* and *Gicheru*). In addition, reparation proceedings will be ongoing in five cases, and at the pre-trial level, the confirmation of charges hearing is set to take place in the *Mokom* case in January 2023. for four trials through two and a half courtroom teams. The anticipated judicial workload will require additional resources including, in particular, for the simultaneous use of three courtrooms with the corresponding support capacity. The additional courtroom capacity is necessary to avoid costly medium and long-term inefficiencies, as well as to ensure fair and expeditious proceedings as mandated by the Rome Statute. As demonstrated in the past years, the pace of ongoing proceedings is expected to further accelerate in 2023, demanding the requisite capacity in the Registry to uphold the Judiciary's demonstrated commitment to the efficient running of proceedings.
48. Additional resources are also required to support the activities in situations under investigations in Libya, Afghanistan, Palestine, Myanmar/Bangladesh, the Philippines, Venezuela and Ukraine. The resources proposed for 2023 also reflect the establishment of the Country Offices in Sudan and Ukraine anticipated by the end of 2022. Following close coordination with the Prosecution and in order to meet the Prosecution's requirement for support to its intensive investigation currently conducted in Ukraine as well as for protection and/or support to the witnesses of the situation in Ukraine, a need to set up a country office in Ukraine has been established by both organs. Moreover, to provide effective support to the ongoing trial in the *Abd Al Rahman* case, the Registry will establish a new Country Office in Sudan. The budgetary increases resulting from the establishment of the Country Offices in Sudan and Ukraine and the enhanced requirements for field support and external operations (including for witness protection, outreach activities and support to reparation activities) are largely offset by the further downsizing of the Country Offices in Kinshasa, CIV and Georgia scheduled in 2023 which will lead to major changes to the Registry's field presence in the future.
49. The substantial increase in workload has required the Registry to carefully assess ways to enhance and sustain its long-term capacity to deliver on its mandate while being mindful of the financial constraints of States Parties. Accordingly, additional funds are requested only after all possible steps and efforts have been undertaken to contain the additional requirements through the reduction and reprioritisation of resources, as well as through the identification of savings and efficiencies. In fact, the proposed overall increase in the Registry's budget would have been higher had it not been for reductions achieved across the Registry of approximately €3.7 million, including savings and efficiencies amounting to €1.5 million.
50. Importantly, from 2017 to 2021 the Registry's approved budget remained at a comparable level, with some years even showing reductions. Accordingly, the Registry has been able to absorb for many years additional pressures, including price indices and staff costs increases, within a reduced baseline. Even the approved increase for 2022, which resulted from the need to support a considerable increase in judicial activities, represented a net increase of 2.7 per cent when compared against the resources approved for the Registry in 2018. This demonstrates the commitment of the Registry to only request for the resources it needs to deliver on its mandate, but also serves as a recognition that, in the current circumstances, an investment is needed to ensure that the Registry can support the substantial increase in judicial, investigative and reparations activities anticipated in 2023.

Major Programme III Registry	<i>2022 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2023 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	47,646.5	2,178.1	4.6	49,824.6
Other Staff Costs	7,108.3	4,405.9	62.0	11,514.2
Non-Staff Costs	24,464.4	4,603.9	18.8	29,068.3
Total	79,219.2	11,187.9	14.1	90,407.1

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

51. The proposed 2023 budget for Major Programme IV amounts to **€3.01 million**, which represents a net reduction of **€13.8 thousand (0.5 per cent)** over the 2022 approved budget of €3.03 million. This reduction in resources is mainly due to the holding the twenty-first session of the Assembly in New York. In addition, the budget of the Secretariat includes resources to provide support to the sessions of the Advisory Committee on Nominations of Judges and the annual fees for the external auditor. Some savings were attained through a combination of measures, including adjustments 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. The reductions achieved allowed the Secretariat to fully offset the increase of €67.4 thousand due to the application of the UN Common System.

Major Programme IV Secretariat of the ASP	<i>2022 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2023 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	1,130.6	173.7	15.4	1,304.3
Other Staff Costs	631.5	25.2	4.0	656.7
Non-Staff Costs	1,263.5	(212.7)	(16.8)	1,050.8
Total	3,025.6	(13.8)	(0.5)	3,011.8

H. Major Programme V: Premises

52. The proposed 2023 budget for Major Programme V amounts to **€2.54 million** and has increased by **€267.0 thousand** when compared to the approved budget for 2022 of €2.27 million. This proposal is composed of two main elements: (i) preventive and corrective maintenance (recurring) and (ii) planned capital replacements (variable). It includes an estimated increase of 10.0 per cent for inflation in the contract for maintenance and capital replacement as compared with the 2022 programme budget, since continued absorption of the significantly more drastic price increases expected this year is not realistic and would pose a considerable risk to the operability of the property. The proposed amounts are €2,132.2 thousand for preventive and corrective maintenance and €364.8 thousand for capital replacements. The budget proposal also includes an amount of €40.0 thousand for an assessment to be undertaken by an external consulting company to re-evaluate the replacement periods of the building components in order to establish the final capital replacement budget.

Major Programme V Premises	<i>2022 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2023 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	2,270.0	267.0	11.8	2,537.0
Total	2,270.0	267.0	11.8	2,537.0

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

53. The proposed 2023 budget for the Trust Fund for Victims amounts to **€4.30 million**, which represents an increase of **€1.07 million**, or **33.3 per cent**, as compared to the 2022 approved budget of €3.23 million.

54. Resource development and visibility as well as reparations implementation will be highest priority activities for the TFV Secretariat in 2023. In addition, based on the outcome of the Review Mechanism assessment of TFV related IER recommendations, operational expertise, internal organisation and governance improvements also need to be addressed as a matter of high priority. Focus on these activities is expected, on the one hand, to generate further synergies and savings and, on the other hand, to enable the TFV to handle further significant increase in workload as of 2023, requiring additional budgetary resources.

55. The proposed budget for 2023 partially includes an increase resulting from higher in common staff costs and application of UN Common System Salary Scale (resulting in a 225.9 thousand increase or 7.0 percent while maintaining Zero Real Growth compared to the 2022 approved budget). Furthermore the reduction of the vacancy rate from 10 per cent to 5 per cent (amounting to 81.1 thousand) leads to a further overall increase of 9.5 percent compared to 2022 approved budget. The continuation of staff positions that were partially funded in the 2022 budget (the difference of fully funding these positions in 2023 amounts to 183.2 thousand) leads to an overall increase of 15.2 percent compared to the 2022 approved budget), considering that relevant positions are expected to be fully staffed in 2023. Two new GTA partially funded positions represent an 140 thousand increase (leading to an overall increase of 19.5 per cent). Furthermore, an overall increase to 29.8 per cent (334.0 thousand) compared to the 2022 approved budget can mainly be attributed to the non-staff costs (further explained below). Finally, a “one-off” provision due to the STFV leadership transition concerns one D1 GTA Adviser for a period of 6 months (112.8 thousand) leads to a total overall increase of 33.3 percent. The total proposed increase of €1.08 million in the STFV for 2023 represents the 4.5 per cent of the overall increase proposed by the Court.

Major Programme VI Secretariat of the Trust Fund for Victims	2022 Approved Budget	Resource Changes		Proposed 2023 Budget
		Amount	%	
Staff Costs	1,360.5	256.9	18.9	1,617.4
Other Staff Costs	1,554.2	482.2	31.0	2,036.4
Non-Staff Costs	312.5	334.0	106.9	646.5
Total	3,227.2	1,073.1	33.3	4,300.3

J. Major Programme VII-2: Permanent Premises Project – Host State Loan

56. The proposed 2023 budget for Major Programme VII-2 amounts to **€3.59 million**, which is equal to the 2022 approved budget. Major Programme VII-2 manages the payment of interest on the Host State Loan, which must be paid to and received by the host State on the due date (i.e. on or before 1 February of each calendar year).⁶ Repayment of the loan began following the surrender of the interim premises leases on 30 June 2016. Capital and interest owed for the period from 1 January to 31 December 2022 will be payable on or before 1 February 2023.

⁶ Loan agreement between the State of the Netherlands (Ministry of Foreign Affairs) and the International Criminal Court, dated 23 March 2009, para. 6.1.

Major Programme VII-2 Host State Loan	<i>2022 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2023 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	-	-	-	-
Other Staff Costs	-	-	-	-
Non-Staff Costs	-	-	-	-
Host State Loan	3,585.1	-	-	3,585.1
Total	3,585.1	-	-	3,585.1

K. Major Programme VII-5: Independent Oversight Mechanism

57. The proposed budget for Major Programme VII-5 amounts to **€938.0 thousand**, representing an increase of **€117.2 thousand (14.3 per cent)** when compared against the 2022 approved budget of €820.8 thousand. This is largely due to the new position granted by the Assembly for six months in 2022 being continued in 2023 for the whole year. The total non-staff costs have increased by €21.9 thousand (31.9 per cent), reflecting primarily increased travel costs from the anticipated conduct of inspections in the field. The 2023 Programme Budget also includes a modest amount (€30.0 thousand) for the due diligence process to be conducted for the election of six judges at the end of 2023, to which the IOM is likely to be requested to contribute.

Major Programme VII-5 Independent Oversight Mechanism	<i>2022 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2023 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	526.6	183.8	34.9	710.4
Other Staff Costs	225.6	(88.5)	(39.2)	137.1
Non-Staff Costs	68.6	21.9	31.9	90.5
Total	820.8	117.2	14.3	938.0

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

58. The proposed 2023 budget for the Office of Internal Audit amounts to **€794.9 thousand**, which represents an increase of **€19.9 thousand, or 2.6 per cent**, as compared to the 2022 approved budget of €775.0 thousand. The net increase is the result of the increase in staff costs due to the application of the UN Common System of €24.9 thousand, which has been slightly offset by a reduction in non-staff costs on €5.0 thousand in training. The requested resources will enable the Office to contribute to the achievement of 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 (at least nine) audits and advisory work.

Major Programme VII-6 Office of Internal Audit	<i>2022 Approved Budget</i>	<i>Resource Changes</i>		<i>Proposed 2023 Budget</i>
		<i>Amount</i>	<i>%</i>	
Staff Costs	586.5	20.1	3.4	606.6
Other Staff Costs	132.3	4.8	3.6	137.1
Non-Staff Costs	56.2	(5.0)	(8.9)	51.2
Total	775.0	19.9	2.6	794.9