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**Assembly of States Parties**

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**Report on programme performance of the International Criminal Court for the year 2004**

**I. GENERAL INTRODUCTION**

1. At its third session, the Assembly of States Parties (“the Assembly”) endorsed<sup>1</sup> the recommendations of the Committee on Budget and Finance<sup>2</sup> (“the Committee”) whereby the Committee recommended that the Court include data on financial performance and results achieved and that such information be submitted annually to the Assembly through the Committee either in the draft programme budget or in a separate performance report.<sup>3</sup>

2. This report is based on audited figures and contains a detailed review of programme performance by section of the annual programme budget, referring to expected results and performance indicators where they remained relevant.

3. It is important to note that the 2004 budget was elaborated in early 2003 and was therefore based on various assumptions that reflected the situation at that time. Furthermore, the Court only entered its second full year of operations in 2004.

4. The Office of the Prosecutor (OTP) commenced investigations into two situations in 2004.<sup>4</sup> The Court thus faced the challenge of continuing to establish a still young organization while the OTP was already fully engaged in investigations. As a consequence, major efforts were invested not only in investigations and investigation support but also in concluding fundamental agreements, drafting legal documents, further developing organizational structures, designing key policies, defining appropriate operational processes and advancing the design and implementation of vital systems.

5. The recruitment of staff was essential to enable all of these activities to proceed. In 2004, the Court recruited 202 fixed-term staff members (157 through funds for established

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<sup>1</sup> Report of the Committee on Budget and Finance on the work of its third session, August 2004, *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication), Part II.A.1, para.4.

<sup>2</sup> ICC/ASP/3/25, Part II.A.8, para 50.

<sup>3</sup> The preliminary report on programme performance of the International Criminal Court for the year 2004 (ICC-ASP/4/CBF.1/9) was submitted to the Committee on Budget and Finance, at its fourth session.<sup>3</sup>

<sup>4</sup> See also under section C: The Office of the Prosecutor.

posts and 45 through general temporary assistance (GTA) funds), 107 short-term staff members, 29 consultants and 23 individual contractors. The Court also employed 134 interns and 11 visiting professionals.

**Table 1. Budget performance 2004 - summary by major programme (thousands of euros)**

	Approved budget 2004	Expenditure	Unencumbered balance	Implementation rate in %
Major Programme I Judiciary	5,871	4,594	1,187	79.4
Major Programme II Office of the Prosecutor	14,041	7,999	6,042	57.0
Major Programme III Registry	30,650	28,973	1,677	94.5
Major Programme IV Secretariat of the ASP	2,599	1,943	656	74.8
<b>Total Court</b>	<b>53,071</b>	<b>43,489</b>	<b>9,562</b>	<b>81.9</b>

## II. ORGANS OF THE COURT

### A. The Presidency

6. The Presidency continued to exercise its administrative, judicial and external relations functions. In light of its increased workload in respect of those responsibilities, the Presidency recruited one P-3 Administrative Officer, using general temporary assistance funds, and one P-3 Legal Officer. In the performance of its duties, the Presidency:

#### *Administrative functions*

- Continued to oversee the development of a common approach among the organs to issues of mutual concern. Particular attention was given to cultivating effective working relationships within the Court. The Coordination Council, comprised of the President, the Prosecutor and the Registrar, increased the number of its meetings in 2004. It established the Budget Steering Committee to facilitate the sound, efficient and transparent preparation of the 2006 budget and the Strategic Planning Project Group to develop a strategic plan for the Court.
- Convened weekly meetings with the Registrar on administrative issues and oversaw the provision of administrative services by the Registry.
- Continued to provide input on administrative instructions. An inter-organ working group on administrative instructions was established to facilitate the issuance of such instructions. The Presidency also completed two Presidential Directives in 2004, one on the promulgation of the Staff Regulations and the other on guidelines on the establishment of trust funds of the Court.

#### *Judicial functions*

- Decided that all judges of both the Pre-Trial and Appeals Divisions should be present at the Court on a full-time basis so that the Court would be appropriately prepared to receive its first cases. By March 2004, all judges of those Divisions were present at the Court. Based on the assumptions of the Court, it was anticipated that the judges of the Trial Division would also be required on a full-time basis. In the absence of proceedings, the Presidency deemed it unnecessary

for all trial judges to sit full-time in The Hague. A portion of the funds not used for full-time salaries was redeployed to finance the travel of judges to plenary sessions at the seat of the Court.

- Organized two plenary sessions in March and May devoted primarily to drafting and adopting the Regulations of the Court.
- Constituted three Pre-Trial Chambers within the Pre-Trial Division. Following two referrals from States Parties to the Court, the Presidency assigned the situation in the Democratic Republic of Congo to Pre-Trial Chamber I and the situation in Uganda to Pre-Trial Chamber II.
- Regularly updated all judges on issues relevant to them both at and between plenary sessions through meetings and newsletters.
- Constituted a working group to draft a Code of Judicial Ethics.
- Sent letters from the President to States Parties to enquire whether they would be amenable to being placed on a list indicating their willingness to accept persons sentenced to a term of imprisonment by the Court.
- Drew up a draft Code of Professional Conduct for counsel on the basis of a proposal made by the Registrar and after consulting the Prosecutor. The draft Code was then submitted to the Assembly of States Parties for adoption.

#### *External relations*

The major objective of the Presidency in the area of external relations is to enhance public awareness and understanding of the Court in the international arena. The President played a leading role in this regard by:

- Holding regular meetings with heads of State, heads of government, ministers, high-ranking officials, representatives of States, international and regional organizations, non-governmental organizations and members of the academic community. He also addressed a large variety of audiences at conferences and other meetings in The Hague and around the world and gave numerous interviews.
- Participating, together with the Prosecutor, the Registrar and the Director of the Secretariat of the Assembly of States Parties (the Assembly), in two briefings to the diplomatic community (one in The Hague and one in Brussels) and in the third session of the Assembly in The Hague.
- Coordinating negotiations on behalf of the Court with the United Nations in connection with the adoption of a Relationship Agreement between the two institutions, and concluding the Agreement with the Secretary-General after approval by the Assembly of States Parties and the United Nations General Assembly.

## **B. Chambers**

7. The Chambers within each Division deal with the situations assigned to them. While two situations were assigned to the Pre-Trial Chambers, there were no proceedings in 2004. Chambers continued to recruit support staff for judges. In the performance of their duties, the judges:

- Elected Presiding Judges of Pre-Trial Chambers I and II as well as the President of the Pre-Trial Division.
- Adopted the Regulations of the Court. These Regulations, which are designed for the routine functioning of the Court, cover a broad range of issues including the composition and administration of the Court, proceedings before the Court,

counsel issues and legal assistance, victims participation and reparations, detention matters, cooperation and enforcement, removal from office and disciplinary matters. The Regulations also provide a framework for drafting a Code of Judicial Ethics and establishing an Advisory Committee on Legal Texts. In accordance with article 52 of the Rome Statute, the Prosecutor and the Registrar were consulted in the elaboration of the Regulations. The Regulations were circulated to States Parties for comment and remained in force as no objections were received from States Parties.

- Participated in working groups established by the Presidency to address particular issues to be included in the Regulations that required specific attention and research.
- Discussed issues of common concern during the two plenary sessions and participated in working sessions on significant features of the Statute. In plenary, judges held meetings with the Prosecutor, the Registrar and representatives of the host State on matters of importance for the future functioning of the Court. Workshops led by experts were held on gender issues in international criminal law and on contact that judges may have with the media.
- Discussed and adopted the structure of Chambers.
- Assisted the Presidency in the drafting of standard forms and templates for use during proceedings before the Court.
- Coordinated and discussed issues of mutual concern in preparation for the technical aspects of future proceedings such as disclosure of documents and presentation of evidence, among other matters.
- Acted as focal points for inter-organ working groups on issues of concern to the Court as a whole, such as the headquarters agreement with the host State, the establishment of permanent premises for the Court, information technology matters and issues relating to victims and defence.
- Participated in raising public awareness and understanding of the Court by addressing various conferences and meetings around the world and welcoming visitors to the seat of the Court. The judges also established contact with both national and international judicial institutions in order both to learn from them and to share experience related to their judicial work.

### **C. The Office of the Prosecutor**

8. On 21 June and 28 July 2004 the Office of the Prosecutor announced the opening of investigations in the DRC and Uganda respectively. Pivotal cooperation agreements were concluded to facilitate the investigations and to execute any arrest warrants.

9. The Deputy Prosecutor (Investigations) led investigative missions in Kinshasa and Kampala. The teams in Uganda took critical investigative steps in difficult circumstances, interviewing persons and collecting other evidence with the Ugandan Government's full cooperation.

10. It is estimated that approximately 60 per cent of the investigation was completed in respect of the Ugandan case despite the fact that progress was hampered by considerable security risks to the investigation teams.

11. In the Democratic Republic of Congo the teams found themselves operating in a high-security-risk environment and under difficult circumstances in terms of infrastructure and the limited ability of the Government to provide assistance. Delays in concluding the memorandum of understanding with the United Nations Mission in the DRC (MONUC) also

affected the rate at which remote operations could proceed. Under these conditions, it is estimated that approximately a third of the investigation of the DRC situation was completed.

12. Owing to the fact that investigations did not proceed at the pace forecast in the Office assumptions and in view of rules 101.1 (c)<sup>5</sup> and 110.4(b)<sup>6</sup> of the Financial Regulations and Rules (ICC-ASP/1/3), it was not deemed pertinent to recruit operational staff or to enhance the operational support capacity by filling conditional posts of the Office before the operational needs arose.

13. The under-expenditure in respect of staff costs (48 per cent implementation) stems to a large extent from adjustments to recruitment plans due to security and operational concerns relating to the investigations. Conversely, investments in respect of non-staff resources were made to ensure operational preparedness for investigations (85 per cent implementation of non-staff budget).

14. The Office made significant advances with policies to support the mandate of the Office, including policies promoting:

- A positive approach to cooperation and to the principle of complementarity, including: encouraging genuine national proceedings where possible, reliance on national and international networks, and participating in a system of international cooperation;
- A focused prosecution strategy, featuring: a focus on the most responsible perpetrators, a policy of short investigations, focused indictments and expeditious trials, and an interdisciplinary investigative approach, adjusted to the peculiarities of each situation.

15. The Office used practical experience to inform both its policy refinements and the composition of operational and support teams needed to implement these policies.

16. The Executive Committee, comprising the heads of each of the three divisions, was established to advise the Prosecutor on all major decisions, including any decision to dismiss communications, seek additional information, conduct advanced analysis and start an investigation, thus ensuring coordinated and collective decision-making with regard to both strategic and operational matters.

17. At the operational level, the joint team approach brings together members of each division, with diverse profiles and skills, to ensure the most effective implementation of projects.

18. At the level of operational support and administrative services, the Office has been structured to provide the level of services required to meet operational needs while creating the necessary interface with the other organs of the Court to ensure coordination and efficiency of common services.

### **Immediate Office of the Prosecutor**

19. In 2004 the Immediate Office built on the strategic decisions of 2003. In summary, the Prosecutor:

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<sup>5</sup> “In the application of the Financial Regulations and Rules, officials shall be guided by the principles of effective financial administration and the exercise of economy.”

<sup>6</sup> “Certifying Officers are responsible for managing the utilization of resources, including posts, in accordance with the purposes for which those resources were approved, the principles of efficiency and effectiveness, and the Financial Regulations and Rules of the Court...”

- Took the decision to initiate the aforementioned investigations.
- Established the principal policies of the Office and refined the structure of the Office to implement the strategies and policies.
- Supported the agenda of improving the gender representation of the Office and promoting the integration of gender concerns into OTP operations.
- Established a solid foundation for interaction and dialogue between States, NGOs, IGOs, academia and national/international agencies to foster cooperation and cost-effectiveness.

### **Services Section**

20. In 2004 the Section provided technical, linguistic and administrative support to the Office of the Prosecutor as follows:

- Established a selection and accreditation procedure for language staff in conjunction with the Registry.
- Established a multi-language roster of field interpreters to cater to the demand from the investigation teams in the field (61 accredited interpreters covering, inter alia, Acholi, Lango, Ateso, Kumam, Swahili, Congolese Swahili and Lingala).
- Introduced a code of conduct and guidelines for field interpreters.
- Deployed interpreters for a total of 138 days in support of witness interviews in the field.
- Addressed unforeseen demands for transcription from non-working languages through the testing and selection of eight transcribers (Acholi, Swahili) to work on suspect interview transcripts and audio-visual evidence in non-working languages (in total 400 hours of audio transcript).
- Developed standards and guidelines for the transcription services and delivered training.
- Met all 156 translation requests submitted by the Office in 2004.
- Introduced state-of-the-art evidence processing methodologies and provided the concomitant training to staff.
- Successfully implemented TRIM for the management of evidence and article 15 communications and provided training to key end-users.
- Provided input for the Court's decision with regard to the systems and software for streamlining the management of disclosed evidence.
- Embedded systems to comply with the Statute in terms of the chain of custody of evidence and record keeping, resulting in no loss or damage to evidence and zero complaints with regard to the contamination of evidence.
- Established the necessary technical infrastructure to support suspect interviews in the field and trained the personnel to provide technical support for investigations in the field.
- Provided competent technical support for missions in Uganda and the DRC.
- Provided sound financial data and forecasts to programme managers and promoted the understanding of financial and administrative procedures, especially those pertaining to field operations.

**Legal Advisory Section**

**(2004 budget: Legal Advisory and Policy Section)**

21. The Chief Prosecutor redefined the functions of the Section for the entire 2004 fiscal period to include the following four responsibilities: (a) to provide legal advice to the operational areas of the OTP upon request; (b) to develop online legal tools or services; (c) to provide legal training to members of the OTP upon request; and (d) to coordinate the legal-academic network of the OTP. The name of the Section was also changed from “Legal Advisory and Policy Section” to “Legal Advisory Section”.

22. In 2004 the Section undertook, inter alia, the following activities:

- Researched and drafted 35 legal memoranda covering a wide range of legal issues.
- Developed the “Legal Tools Folder”, a unique virtual library with more than 5 gigabytes of legal materials in international criminal law, including relevant treaties and international and national decisions; developed a full prototype of the case management application “Case Matrix”, with extensive legal reference and database services; and started developing a comprehensive commentary on procedural and evidentiary issues, the “Proceedings Commentary”.
- Contributed to legal training of OTP members, including the organization of fifteen ICC-OTP Guest Lectures with participation from all organs of the Court.
- Further developed contacts with legal-academic experts and institutions.

**Staff Strategy Unit**

**(2004 budget: did not exist)**

23. This Unit, created as a separate entity within the Office in 2004, has responsibility for providing strategic advice on OTP-specific human resource issues and creating the necessary interface with the Registry in terms of selection and development of OTP personnel. The Unit undertook the following key activities in 2004:

- Provided advice to the Prosecutor on key human resource issues.
- Supported the recruitment of 77 new staff (56 budgeted posts and 21 general temporary assistance positions); 57 per cent of the new approved posts for 2004 were filled.
- Developed OTP-specific recruitment strategies for operational personnel.
- Coordinated the preparation of work surveys for the classification exercise within the Office of Prosecutor.
- Organized all OTP-specific staff development sessions.
- Coordinated the preliminary work on the development of a strategic plan for the Office.
- Introduced a policy of exit interviews and feedback during probationary periods in order to contribute to continuous improvement of the Office’s induction and staff deployment arrangements.

**Public Information Unit**

**(2004 budget: did not exist)**

24. The Public Information Unit (PIU) was established in June 2004 as a separate Unit of the Immediate Office.

25. The functions of the PIU include advising the Prosecutor and the Office on information and communication strategies, media management and media relations; disseminating information on the work of the Office and fielding media queries; promoting understanding of the work of the Office among the public and among the “communities of interest” affected by its work; building and developing active support networks for the Office in the media, academic and public institutions, and non-governmental and intergovernmental organizations; designing and conducting information and outreach campaigns on vital aspects of the work of the Office; and supporting investigations and performing other tasks as requested by the Chief Prosecutor.

26. In 2004 the Public Information Unit:

- Designed strategies and executed media campaigns around the announcement of investigations in the DRC and Uganda.
- Initiated work on a media network in Africa.
- Conducted field missions to build an effective African media network in South Africa, Kenya, the DRC, Uganda, the United Republic of Tanzania, Rwanda and Ethiopia.
- Selected media opportunities and advised the Prosecutor and his deputies before and after interviews.
- Fielded a steady flow of media queries on the work of the OTP.
- Organized, on average, three briefings per week and represented the OTP in briefings and high-level visits to the Court.
- Produced OTP contributions to the ICC Newsletter.
- Accompanied the Prosecutor and other OTP principals on high-level trips abroad.
- Coordinated the work of outside media companies producing documentaries on the work of the OTP.
- Represented the OTP at a conference on public information strategies for international justice institutions in Vancouver.

### **Jurisdiction, Complementarity and Cooperation Division – JCCD**

**(2004 budget: did not exist)**

### **Situation Analysis Section**

**(2004 budget: Analysis Section)**

27. In 2004 the Section:

- Developed regulations and procedures governing the three phases of analysis, through inter-office consultation and adoption by the Executive Committee.
- Oversaw the development of a computer system for storing communications, recording information, handling recommendations, generating reports and sending responses; developed standard template responses to communications; developed a practice manual and standards for analysis of communications (Phase I).
- Developed provisional methodologies and formats for analysis of gravity, admissibility and interests of justice in situations of concern (Analysis Phase II-III).
- Prepared a policy paper annex on handling of communications and referrals, including inter-office consultation, approval by the Prosecutor and posting on the website for public comment.

- Analysed 1,030 communications (Analysis Phase I), obtained approval and sent responses to communicators.
- Carried out analysis of six situations of concern (Analysis Phase II) and prepared 12 periodic analytical reports to the Executive Committee on those situations.
- Completed advanced analysis (Phase III) on two situations – the DRC and Uganda -- including seeking additional information and information-gathering missions, and submission of comprehensive reports to the Executive Committee on article 53 factors, to enable an informed decision to be taken on whether to initiate an investigation.
- Carried out eight missions to Uganda and eight missions to the DRC to collect information on admissibility and interests of justice.

### **Jurisdiction and International Cooperation Section**

**(2004 budget: did not exist)**

28. In summary, the Section:
- Negotiated and concluded cooperation agreements with territorial States (the DRC and the Government of Uganda).
  - Negotiated and concluded an OTP-Interpol cooperation agreement and cooperation agreements with several non-governmental organizations and UN entities and with one State Party, and initiated negotiations with several others.
  - Participated in the negotiation and adoption of a Court-wide Relationship Agreement with the UN and Court-wide agreements with territorial States on privileges and immunities.
  - Participated in the (ongoing) negotiation of Court-wide agreements with the African Union, the European Union and MONUC.
  - Processed 19 requests for assistance in support of investigations.
  - Developed and implemented external relations strategies and work plans with respect to situations under investigation.
  - Forged extensive contacts with key local and international stakeholders, including the Government of Uganda, local and international NGOs, donor States, the UN and the Sudan to develop cooperative relationships, including through eight field missions. Encouraged actors to recognize the justice component as part of a comprehensive strategy.
  - Forged extensive contacts with key local and international stakeholders, including the Transitional Government of the DRC, local and international NGOs, members of the International Committee in Support of the Transition (CIAT), the European Commission and MONUC to develop cooperative relationships, including through eight field missions.
  - Provided planning and support for OTP participation in external relations activities such as diplomatic briefings, the Assembly of States Parties, the EU Working Group on Public International Law (COJUR) and UN meetings; prepared statements, reports and materials for stakeholders; and provided presentations on the OTP and its strategies and activities.

## **Investigation Division**

### **Office of the Deputy Prosecutor**

#### **(2004 budget: Deputy Prosecutor - Investigations)**

29. The Division as a whole:
- Actively supported the start and progress of the investigations by negotiating and ensuring the required cooperation with agencies in the field.
  - Defined and implemented the strategy for the establishment of the Division, ensuring that:
    - Organizationally, staff and equipment were in place;
    - Key operational policies and procedures were defined;
    - Objectives for each unit were set and met as far as possible;
    - Sufficient progress was made in each of the investigations.

### **Investigation Planning and Support Section**

#### **(2004 budget: part of Investigation Section)**

##### **Analysis Unit**

- Developed crime analysis in support of preliminary examinations. Performed preliminary crime analysis of five situations and comparative analysis of different situations, resulting in the identification of main areas of crime and main suspected groups for situations.
- Undertook analyses in support of the investigations: collection, collation and analysis of varied evidence sources for specified products to support the case – crime pattern, suspect profile (individuals and organizations); incident analysis.
- Developed methodological standards for analysis, including source evaluation, quantitative analysis and several electronic tools.
- Developed a model for selection and testing of analysts and investigators resulting in successful recruitment.

##### **Gender and Children Unit**

- Established the Unit and clearly defined its role within the Division and OTP in general.
- Provided assistance/support for the investigators in the field and organized in-house training for the investigation teams.
- Translated the coordination with the Victims Participation and Reparations Section (VPRS) into a protocol.
- Worked on policies and guidelines related to victims issues, concluding the first phase of development of policy on sexual violence.
- Established procedures for an appropriate approach to victims during investigations and implemented measures such as pre-interview assessments of victims in the field. As a result, a standardized procedure for assessing victims' condition in the field in both ongoing situations was established and implemented, and a significant input was provided in terms of policies regarding victims rights and victims/witnesses protection at OTP level.

### **Operations Unit**

30. The Unit only became operational at the end of October 2004 with the arrival of the Forensic Coordinator; hence the achievements are related exclusively to forensic operations. The Operations Unit:

- Provided forensic support and consultancy for teams through a field mission (Ndrele) and analysis of forensic material related to the investigations.
- Developed forensic goals and a strategic approach.
- Started to develop a network of forensic correspondents (NGOs, individuals, agencies).
- Initiated the development of guidelines, procedures and methodologies.
- Acquired forensic equipment through the procurement of fast response kit lists and a forensic library list.

### **Investigation Teams**

**(2004 budget: part of the Investigation Section)**

- Completed the recruitment and training of Teams (legal, investigative, operational, cultural).
- Developed a case hypothesis that has driven the focused investigation and that was updated regularly.
- Collected evidence and information through open source analysis and statement-taking.
- Developed a witness protection procedure.
- Put in place the necessary protocols for information handling and meeting obligations under the Statute.

### **Prosecution Division**

31. In 2004 the Prosecution Division focused on four core activities: recruitment; development of the necessary legal protocols and guidelines for the purpose of conducting investigations and prosecutions; assistance for the development of internal procedures for the registration, storage and processing of evidence; and provision of legal advice to JCCD officers and investigation teams during the analysis and investigation phases. This focus resulted in the following:

- Assumption of office of the Deputy Prosecutor (Prosecutions), Ms Fatou Bensouda, on 2 November 2004;
- Recruitment of all senior lawyers (three Senior Trial Lawyers and one Senior Appeals Counsel) and their support staff. The selection process for other professional positions was initiated;
- Development of protocols on article 56 procedures, witness interviewing, suspect interviewing, implementation of the principle of objectivity and disclosure of evidence in the Office's possession and under its control;
- Provision of training to the investigators (Investigation Division) on these protocols and on the relevant legal requirements of the Rome Statute, the Rules of Procedure and Evidence and the Regulations of the Court;
- Active participation in the process of adoption of the Regulations of the Court;
- Provision of legal input to JCCD officers in the development of various cooperation agreements and other relevant cooperation matters;

- Participation in investigative missions jointly with Investigation Division investigators;
- Provision of legal advice to the Services Section staff responsible for the development of the IT systems for storage and processing of information, as well as concerning the process of selecting the vendor for the electronic court system;
- Collaboration with the Registry to improve coordination, including the development of specific guidelines for interaction and information-sharing.

## **D. The Registry**

### **Office of the Registrar**

#### **Immediate Office of the Registrar**

32. In accordance with the role of the Immediate Office of the Registrar, the main achievements in 2004 may be broadly divided into achievements in the area of management and achievements in the area of external relations.

*In terms of management, the Immediate Office of the Registrar:*

- Ensured that the objectives of the divisions and sections within the Registry were met.
- Further developed the overall management of the Registry by providing guidance, coordinating and reviewing all major activities/projects within the Registry and ensuring the flow of information; held regular bilateral and joint meetings with heads of divisions/section chiefs, and organized and participated in team-building events within the Registry;
- Coordinated all aspects of field activities pertaining to the Registry. In this context three missions were undertaken by the Registrar/staff members of the Immediate Office of the Registrar to Uganda and the DRC.
- Continued to ensure coordination among the organs of the Court by participating in weekly meetings with the Presidency and regular meetings of the Coordinating Council, inter-organ committees and working groups.

*In terms of external relations, the Immediate Office of the Registrar:*

- Strengthened the dialogue between the Court and its key partners (host State, States Parties and States not party to the Statute, intergovernmental and international organizations, NGOs, donors and academia) by preparing, holding/or participating in and following up meetings with the Assembly of States Parties, two meetings with the Committee on Budget and Finance, three briefings of the diplomatic community, two meetings with the EU Working Group on Public International Law (COJUR), two strategic meetings with NGOs, weekly meetings with the Task-Force established in the Ministry of Foreign Affairs of the host State, numerous individual meetings with representatives of States and NGOs, and several conferences (e.g. the Vancouver dialogue on public information strategies for international justice).
- Coordinated and implemented the Court's reporting obligations.

### **Office of Internal Audit**

33. In 2004, the Office of Internal Audit achieved the following results:

- Established a well-performing Office, including through staffing of approved posts.
- Adopted a Charter for Internal Audit.
- Identified and assessed risks in order to guide strategic planning.
- Coordinated and built a strong working relationship with the External Auditor while maximizing audit coverage and minimizing duplication.
- Commenced an in-depth performance audit.
- Developed a process to assess and report progress in the implementation of recommendations.
- Responded to ad hoc requests from senior management.

### **Legal Advisory Section**

34. In 2004, the Section, based on its objectives for the year:

- Provided legal advice/opinions to the Registrar, Coordination Council and other sections including the Human Resources Section, the Victims and Witnesses Unit, the Public Information and Documentation Section, and the Security and Safety Section;
- Finalized the Relationship Agreement with the United Nations; finalized the draft Enforcement of Sentences Agreement; finalized the draft Relocation of Witnesses Agreement; finalized templates for memoranda of understanding with States; completed 80 per cent of the draft headquarters agreement; drafted amendments to the terms and conditions of judges that were adopted by the Assembly of States Parties.
- Issued and publicized administrative issuances via the intranet.
- Improved coordination and liaison between the organs on legal issues.
- Participated in regular inter-organ meetings and discussions on various issues.
- Developed a database on the implementation of legislation in States Parties.
- Developed templates to form the basis for the negotiation of contracts of a private commercial nature, ensuring that the Court's privileges and immunities were protected.
- Participated in Inter-Agency Procurement Services Office (IAPSO) training to become familiar with UN procurement and contracts procedures.
- Participated in a continuous legal education programme to keep up to date with general legal developments.

### **Security and Safety Section**

35. The Security and Safety Section serves the Court in three main areas: security and safety at headquarters, security and safety in the field, and security of information. In 2004, it achieved the following results in these three areas:

#### *Headquarters*

- Established the Security Control Centre, which became fully operational, providing security, safety and emergency monitoring and response capabilities throughout headquarters 24 hours a day, 7 days a week.

- Properly trained and equipped all security personnel to perform their tasks or fulfil their responsibilities.
- Created a safe and secure working environment with no serious physical, security or safety-related incidents.

*Field activities*

- Established the Field Security Office to begin supplying the necessary guidelines, advice and coordination to Court staff travelling to the field.
- Established the necessary contact(s) with other security agencies and contacts in the field.
- Procured mandatory personal protection equipment and communications equipment.
- Conducted field security, first aid and survival training.

*Information security*

- Recruited an Information Security Analyst.
- Established an Information Security Management Forum.
- Drafted a number of administrative instructions in response to a promulgated Presidential Directive describing the Court's commitment to creating an appropriate information security regime.

**Common Administrative Services Division**  
**(2004 budget: part of the Deputy Registrar's office)**

**Office of the Director**  
**(2004 budget: Immediate Office of the Deputy Registrar)**

36. Owing to the importance of the position of Director of this Division, particular attention was given to conducting a methodical recruitment process in order to identify the most suitable candidate for the office. However, as it was equally important to ensure that the position did not remain vacant for too long, it was decided to fill it with an interim Director. As a result of the extensive recruitment process and the unavailability of the selected candidate at an earlier stage, the functions were performed by the interim Director until November 2004.

37. The key accomplishments in 2004 may be summarized as follows. The Office:
- Provided guidance to the section chiefs of the Division.
  - Supervised the decisions taken concerning administration.
  - Evaluated all electronic systems to be set up.
  - Coordinated all matters related to the refurbishment and reconstruction of the interim premises within the Court as well as with the host State.
  - Introduced service-level agreements between the Division and its users.
  - Ensured the submission and the accuracy of all reports stemming from the administration.
  - Oversaw the preparation of the budget proposal for 2005.
  - Advised and assisted in the recruitment of the Director of the Common Administrative Services Division.

### **Human Resources Section**

38. In the area of human resources management, the Court continued to face three main challenges in 2004. First, the recruitment of staff remained a major and crucial requirement for making the Court operational. Second, the Court had to define its specific needs in the area of human resource management and to develop its own policies. Third, it had to respond to the manifold requests of recruited staff expecting the full care and service that long-established international organizations usually provide.

39. The Human Resources Section achieved the following results in 2004:

- Recruited fixed-term staff members, short-term staff members, consultants and individual contractors.
- Received and screened a total of 12,111 applications for established positions.
- Employed 134 interns and 11 visiting professionals.
- Conducted three important projects that laid the basis for the Court's human resources management policies:
  - elaboration of the Court's Staff Rules;
  - development of a performance management and appraisal system;
  - classification of all established posts.
- Initiated training programmes.
- Established a Health and Welfare Unit in order to develop the skills and ensure the welfare of the staff.

### **Budget and Control Section** **(2004 budget: Budget Section)**

40. In 2004, the Budget Section was created under the Common Administrative Services Division in the Registry. The Section achieved the following results in 2004:

- Completed the budget documents for 2005.
- Developed use of the results-based budgeting method.
- Maintained clarity and transparency throughout the budget process.
- Monitored allotments and maintained control over budget performance.

### **Finance Section** **(2004 budget: part of the Administrative Services Section)**

41. In 2004, the Finance Section performed the following activities:

- Finalized the blueprints and testing of Phase I of implementation of the SAP software system scheduled for 1 January 2005 (payments of procurement-related invoices).
- Worked on blueprints for Phase II/a and II/b of SAP implementation – payroll and travel management.
- Successfully implemented an interim payroll system (Progen) to eliminate the risks of running payrolls on spreadsheet pending SAP implementation.

- Successfully reported all pension contributions prior to 1 January 2004 to the United Nations Joint Staff Pension Fund on behalf of all participants in the Fund prior to that date, and paid their contributions together with the organization's share and accumulated interest which had been withheld in a savings account opened by the Court for that purpose in 2002.
- Submitted the Financial Statements in respect of the Court's accounts for the first financial period to the External Auditor within the deadline and received an unqualified audit opinion.
- Negotiated a more favourable contract for the Court's financial services with a local bank to ensure better service in the field and in respect of foreign currencies, a free-of-charge ATM machine for easy access to the cash needed for operational requirements and lower bank charges.
- Established and implemented a policy for the investment of the Court's surplus funds in accordance with the Financial Regulations and Rules in order to optimize the rate of return on surplus funds in the Court's bank accounts.

### **General Services Section**

#### **(2004 budget: Administrative Services Section)**

42. The year 2004 was particularly busy for this Section as the Court continued to grow, policies and procedures were developed and goods/equipment were procured. All units were involved in the development of business processes for the SAP and TRIM applications.

### **Travel Unit**

- Confirmed procedures and policies on protocol issues.
- Developed solid relationships with airline companies.
- Improved service to all Court staff.

### **Logistics and Transport Unit**

- Set up the warehouse and receiving and inspection (R&I) facilities at Saturnusstraat.
- Assisted with the checklist and ordering of goods of goods/services for the field offices.
- Consolidated supply routines.
- Managed the vehicle fleet.

### **Facilities Management Unit**

- Implemented and tracked the renovations at Saturnusstraat.
- Monitored the progress and made recommendations for the completion of the D Wing and the Pre-Trial Chamber.
- Designed and monitored the progress of Courtroom 2.
- Planned and implemented the C Wing renovations and alterations.
- Assisted with the selection of field offices.
- Oversaw renovations to the bridge on the fourteenth and fifteenth floors.
- Implemented the key-plan for the Arc building – designed and implemented the server room project.
- Monitored the maintenance contracts for the Arc building.

### **Records Management Unit**

- Developed policies and procedures pertaining to information access and security, records retention, disposal, preservation and content, and e-mail management.
- Tested TRIM against acceptance criteria; piloted and implemented across all staff desktops.
- Drafted and imported business classification schemes for administrative functions into TRIM.
- Developed and delivered TRIM training and implemented a document scanning regime.
- Improved courier services and rates and reformed correspondence handling procedures, including procedures in the event of receipt of contaminated items, in coordination with the Security and Safety Section and local authorities.

### **Information and Communication Technologies Section**

43. In 2004 the Information and Communications Technologies Section took steps to establish a sound, safe and secure infrastructure for the Court in order to make active use of information technology (IT) to maximize the benefits of information systems for all organs of the Court. This was achieved through:

- Provision of a standard technical infrastructure, including a modern desktop and back-office system, a set of Windows servers and the establishment of a media and audio-visual infrastructure. This provides the end user with a set of easy-to-use, standardized and efficient tools;
- Provision of a high-availability application cluster for the SAP system and a storage area network for SAP and TRIM, thus ensuring adequate storage space and providing service-level guarantees;
- Installation of a stable network of 100Mbps to users' desktop, which allows for rapid and efficient communications and interfacing. This includes the virtual separation of the network and physical separation of applications to accommodate the confidentiality requirements of all organs;
- Provision of a voice-over Internet protocol, video-streaming and videoconferencing, a cost-effective method for telecommunications;
- Installation of a suite of packaged administration applications software (ERP system) for financial management and procurement;
- Installation of a document management system (TRIM);
- Establishment of a support agreement with various suppliers to provide continuity of service.

### **Procurement Section**

#### **(2004 budget: part of the Administrative Services Section)**

44. In 2004, a formal Procurement Section was established and organized to perform all procurement activities for the Court. The Section functioned successfully in 2004 with its current composition of one Professional and four General Service staff members. The Section achieved significant cost savings as it functioned throughout 2004 without filling two Professional category posts (a P-4 Section Head and a P-2 Head of the Contract Unit).

45. In 2004 the Section :

- Streamlined and translated procurement processes into Standard Operating Procedures (SOPs).

- Mapped and created functionality between procurement processes and the new ERP (SAP).
- Established and finalized the blueprint document for the SAP system configuration.
- Proceeded with 754 purchase orders and 45 contracts with a total value of €20.1 million.

### **Division of Court Services**

#### **(2004 budget: Judicial Administration Section and part of the Witnesses Protection and Victims Participation Section)**

46. The Division of Court Services was created in 2004. Prior to restructuring within the Registry, the functions of this Division and of the Division of Victims and Counsel were grouped together under the Judicial Administration Section in the programme of the Deputy Registrar. It should be noted that the Head of the Division, in the absence of the anticipated Court activities, provided considerable assistance for the establishment of the field presence as well as for the development of the architectural brief for the permanent premises.

### **Court Management Section**

#### **(2004 budget: part of the Judicial Administration Section)**

47. The Court Management Section (CMS) was assigned a portion of the tasks outlined under the Judicial Administration Section (JAS). The JAS has since been renamed the Division of Court Services which comprises four Sections, including the CMS. It should be noted that most tasks planned for the CMS were based on the assumption that proceedings would be held as of 2004. However, judicial activities have not taken off as initially planned. In 2004 the Section:

#### *Legal matters*

- Participated in drafting the Regulations of the Registry, in particular the chapter relating to court management issues.
- Assisted the Pre-Trial Division in the preparation of draft orders.

#### *Construction of the courtrooms (Pre-Trial Chamber, Courtroom 1, Courtroom 2)*

- Planned and implemented the acquisition of audio-visual and IT equipment for the courtrooms for future operation in accordance with the rules, and provided assistance to other sections, to the ICC Task Force, the Galjema technical consulting agency, the Netherlands Ministry of Housing, Spatial Planning and the Environment and the Netherlands Ministry of Foreign Affairs.
- Participated in selecting audio-visual, IT and satellite communication infrastructure for use “on the field” and in field offices.

#### *Electronic court system*

- Participated in working groups to define the requirements for an e-court adapted to International Criminal Court rules and in an electronic document management system (EDMS) focus group, and attended interactive storage management facility (ISMF) meetings (preparation of policies).

*Registration of Court documents*

- Drafted procedures for registration (pending finalization of the draft Regulations of the Registry); provided for operational registration, protection and storage; and made presentations to the Judiciary, the Office of the Prosecutor and Division of Court Services/Division of Victims and Counsel staff.

**Detention Section**

**(2004 budget: part of the Judicial Administration Section)**

48. In 2004 the Section undertook substantive and operational activities that complemented its work on the elaboration and implementation of policies, rules and regulations pertaining to detention. As nobody has yet been transferred to the seat of the Court pursuant to a warrant of arrest, objectives directly linked to the provision of services to detained persons have not been attained. The Section:

- Evaluated the plans for building the permanent detention centre and a suggested final proposal to the Registrar.
- Evaluated some options for a temporary detention centre while the final options continue to be developed.
- Established contacts with institutions dealing with conditions of detention and protection of human rights with a view to developing training programmes for custody staff.

**Court Interpretation and Translation Section**

**(2004 budget: part of the Judicial Administration Section)**

49. In 2004, two crucial objectives were achieved: a Round Table on the Multilingual Courtroom was held in June 2004 at the seat of the Court and the accreditation programme for field interpreters was put into place jointly with the Office of the Prosecutor. The Court Interpretation and Translation Unit became a Section in mid-2004. Furthermore the Section:

- Continued providing language services to the Presidency, Chambers and the Registry (interpretation for training sessions, briefings and lectures for the OTP) and provided full translation and interpretation support to the Secretariat of the Assembly of States Parties until it recruited its own temporary translation pool. In total, interpretation was provided for 137 events at the seat and outside (January to December 2004).
- Established clear requesting procedures for translation, revision, editing and interpretation and posted them on the Intranet.
- Researched procedures, activities and benchmarks of language services in other international organizations through missions and telephone and e-mail contacts.
- Drafted directives for interpreters as a basis for the Regulations of the Registry as well as workflow procedures as a basis for Standard Operational Procedures.
- Undertook research missions to the International Maritime Organization, the European Commission (Directorate General for Interpretation and Directorate General for Translation), the International Telecommunication Union, the World Trade Organization, the World Intellectual Property Organization, the World Meteorological Organization, the United Nations Office at Vienna and the European Court of Justice.
- Established cooperation links with the Ecole de traduction et d'interprétation de Genève and the University of Westminster.

- Undertook reconnaissance and operational missions to Kampala in October 2004 and to Kinshasa in December 2004 to interview, screen and conduct initial training of candidates for posts as field interpreters.
- Attended conferences: a Joint Interpreting and Conference Service (SCIC) Universities Conference, Brussels (Directorate General for Interpretation (DG) of the European Commission); an Inter-Agency Meeting on Language Arrangements, Documentation and Publications (IAMLADP) conference hosted by DG SCIC, Brussels; a Joint Inter-Agency Meeting on Computer-Assisted Translation and Terminology (JIAMCATT) conference hosted by the European Space Agency, Paris.
- Organized training for Section staff given by in-house staff and external consultants on a number of legal and terminological issues.

### **Victims and Witnesses Unit**

#### **(2004 budget: part of the Witness Protection and Victims Participation Section)**

50. In the 2004 budget the Victims and Witnesses Unit (VWU) formed part of the Witness Protection and Victim Participation Section. The VWU subsequently became part of the Division of Court Services. In 2004 the VWU:

- Established operational capacity to receive witnesses in The Hague and to provide them with support and protection – this was tested with the first live case in November 2004.
- Established witness protection procedures and links with international witness protection networks.
- Initiated contacts with over 50 States Parties for relocation agreements and concluded a number of such agreements.
- Initiated development of field capability in Uganda.
- Established a health care provider network (hospitals, dentist, physician, gynaecologist, laboratories) in The Hague.

### **Public Information and Documentation Section – PIDS**

#### **Office of the Head**

##### **(2004 budget: part of PIDS)**

51. The Office of the Head was created during 2004 as a result of a restructuring process within the Registry, by virtue of which the Section was placed directly under the Registrar. The main achievements of the Office of the Head were:

- Recruitment of basic staff;
- Reorganization of tasks within the new Section.

#### **Library and Documentation Centre**

##### **(2004 budget: part of PIDS)**

52. The Library and Documentation Centre was created as a unit of PIDS during 2004. Prior to the restructuring, all the unit's tasks fell within the competence of PIDS, which remained under the authority of the Deputy Registrar as opposed to the Section Head. In 2004 the Library and Documentation Centre:

- Built the library collections, comprising 2,929 titles and over 6,000 volumes of relevance to the work of the Court, over 380 serial subscriptions and access to over 40 databases.
- Set up a library and documentation reference service infrastructure using a user-led and user-friendly IT system.
- Sought collaborative agreements with academic law libraries.
- Developed the first phase of a suitable computer-based library management system, which includes modules for circulation, cataloguing, series, acquisitions and the Online Public Access Catalogue (OPAC).
- Established a Secure Library intranet and a document delivery service.
- Established a library reference service with timely provision of material, delivered in the appropriate format to the staff of the Court. Information queries (e-mail, in person, phone) estimated at over 3,500 during 2004.

**Public Information Unit**  
(2004 budget: part of PIDS)

53. The Public Information Unit (PIU) was created as a unit of PIDS during 2004. Prior to the restructuring, all the unit's tasks fell within the competence of PIDS, which remained under the authority of the Deputy Registrar as opposed to the Section Head. In 2004 the PIU:

- Initiated basic outreach activities, establishing contacts with NGOs and journalists in the DRC. A workshop was organized in December in Kinshasa.
- Developed and distributed a range of basic information products such as an institutional video, posters and factsheets which were translated into English, French, Swahili and Lingala.
- Published a monthly ICC Newsletter which is distributed digitally to all PIDS contacts.
- Published a daily and weekly press review for internal use.
- Distributed basic Court documents (Statute of Rome and Rules of Procedure and Evidence).
- Organized two seminars on the Democratic Republic of the Congo and Uganda for internal purposes.
- Improved the website. A site with new architecture and a new look was launched in November. It is more user-friendly, has more French content and the texts have been improved.
- Developed a programme of visits at the Court's premises. Coordinated lectures and briefings to groups at the Court and organized a few high-profile visits.
- Established a complete database and a network of journalists and NGOs all over the world.

**Division of Victims and Counsel**  
(2004 budget: part of the Witness Protection and Victims Participation Section)

**Office of the Head**

54. The Division of Victims and Counsel was created to deal with the increased workload in the areas of defence and victims. Upon internal restructuring, the post of Head of the Division was filled in August 2004.

**Defence Support Section**

55. In 2004, the Section planned the provision of administrative assistance to defence counsel to lay the basis for establishing rules to identify objective criteria relating to the decisions of lawyers, establishing a system for monitoring fees and ensuring that equal terms are maintained, and arranging training for lawyers. The expected result for 2004 was “equality of arms” for the defence teams. The Section’s main achievements in respect of the proposed priorities were:

- Finalization and transmission to the Assembly of States Parties of the proposed system for payment of counsel in the framework of legal assistance paid by the Court (legal aid); this system pays particular attention to the principle of equality of arms;
- Participation in several training sessions at different levels.

56. Although some lawyers were asked to be available in response to a request from the Office of the Prosecutor, none of them were appointed to assist persons entitled to legal assistance under the Statute and the Rules of Procedure and Evidence.

**Victims Participation and Reparations Section**

57. The Victims Participation and Reparations Section was created in 2004 and placed within a new Division of Victims and Counsel as part of a restructuring that took place during the year. Those functions described under Sub-programme 3280 (Witness Protection and Victims Participation Section) in the approved budget for 2004 that relate to participation of victims and reparation were assigned to the new Section.

58. Of the planned tasks that relate to the new Section, those that relate to the preparation for judicial activity were largely accomplished and include:

- Establishment of cooperation with non-governmental organizations, intergovernmental organizations and States in order to facilitate the access of victims to the Court and establishment of contacts with professional legal communities: several missions were undertaken to two situations under investigation for these purposes, and seminars were held for lawyers and NGOs in the DRC.
- Establishment of databases and standard forms to facilitate victims’ applications: consultations were held with relevant experts and NGOs, including a mission to visit organizations handling mass claims, following which work was begun to design a database for storing and managing applications from victims and a standard application form for participation was drafted.
- Provision of assistance for the proper functioning of the Board of Directors of the Trust Fund for Victims: the first annual meeting of the Board of Directors was organized at the seat of the Court.
- Coordination with other organs and sections of the Court on diverse issues relating to the mandate.

Other planned tasks and expected results presupposed the commencement of proceedings, which did not occur during the year.

### III. SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

#### Secretariat of the Assembly of States Parties

59. The Secretariat was permanently established and became operational in January 2004 when the Director assumed office. During the year in question the Secretariat:

- Organized the first session of the Assembly of the States Parties at the seat of the Court in The Hague.
- Provided substantive servicing for the Assembly and its organs. The substantive servicing functions included:
  - (a) providing legal and substantive secretariat services such as the provision of documentation, reports and analytical summaries;
  - (b) providing advice within the Secretariat on legal and substantive issues relating to the work of the Assembly; and corresponding with governments, the Court, intergovernmental organizations, non-governmental organizations and other relevant bodies and individuals.
- Provided financial and budgetary advice to the Committee on Budget and Finance (CBF), including advice on the Financial Regulations and Rules; preparing draft resolutions on financial and budgetary needs and formulating statements of budgetary implications.
- Established the physical and human resources infrastructure of the Secretariat. The recruitment of the core staff complement of the Secretariat was complete by September 2004.
- Participated in the negotiation of the draft headquarters agreement and the draft Relationship Agreement with the United Nations establishing the framework within which the Court will cooperate with the United Nations
- Took part in some of the outreach activities of the Court, such as the diplomatic briefings. Disseminated information about the Assembly and its organs through the website of the Court allocated to the Assembly.