

ANNEX TO INFORMATION CIRCULAR ICC/INF/2015/013

REGULATIONS OF THE SPECIAL FUND FOR RELOCATIONS

DEFINITIONS

In this document,

“Special Fund” shall refer to the Special Fund for Relocations.

“States” shall refer to all States that are Parties or non-Parties to the Rome Statute of the International Criminal Court.

“Rome Statute” shall refer to the Rome Statute of the International Criminal Court entered into force on 1 July 2002.

“Persons at risk” shall refer to natural persons, such as victims, witnesses and others at risk on account of testimony given by such witnesses, who, by reason of their involvement with the Court, are considered to be at risk and in need of relocation.

“Close relations” shall refer to:

- a) the partner of a person at risk; and
- b) dependants who are considered by the Court to be part of the family unit.

“Contributing Party (-ies)” shall refer to States, international organizations or other entities that contribute to the Special Fund through voluntary donations.

“Receiving State” shall refer to States that benefit from the Special Fund financially.

“The Court” shall refer to the International Criminal Court.

“Relocation” shall refer to the relocation to a safe State of persons at risk and their close relations.

SECTION 1

PURPOSE OF THE SPECIAL FUND

- 1.1 The purpose of the Special Fund is to assist States which are willing but do not have the financial capacity to enter into relocation agreements with the Court by offering cost neutral solutions.
- 1.2 The Special Fund is aimed at increasing the number of effective relocations and building local capacity to protect witnesses.
- 1.3 The Special Fund will be resourced by voluntary donations from Contributing Parties.

SECTION 2

AUTHORITY

- 2.1 Article 116 of the Rome Statute provides for the adoption of criteria for the receipt of voluntary contributions by the Court. These criteria were adopted by Resolution ICC-ASP/1/Res.11.
- 2.2 The establishment and management of trust funds and special accounts are governed by the Court’s Financial Regulations and Rules. The establishment and management of trust funds and special accounts also require observance of the Court’s Staff Regulations and Rules, and any other relevant policies or procedures promulgated by the President or the Registrar.
- 2.3 Presidential Directive ICC/PRESG/2004/002 provides guidelines on setting up and implementing Trust Funds of the Court.
- 2.4 Under the provisions of Resolution ICC-ASP/1/Res.11 and Presidential Directive ICC/PRESG/2004/002, special care must be exercised to ensure that the operations financed from such trust funds are consistent with the objectives, policies and procedures of the Court.

SECTION 3

CREATION, MANAGEMENT AND DISSOLUTION OF THE SPECIAL FUND

- 3.1 The Registrar is responsible for the creation, management and dissolution of the Special Fund.
- 3.2 The Registrar may delegate, under the terms set out in the Presidential Directive ICC/PRES/D/G/2004/002 and in the Financial Regulations and Rules, duties as appropriate, and may establish an advisory committee responsible for the smooth operation of the Special Fund and for reporting requirements in accordance with Section 6 below.
- 3.3 The Registrar will be responsible for establishing the Terms of Reference of the Advisory Committee, which will be documented separately from the Regulations of the Special Fund.
- 3.4 The Registrar shall decide on the management of the resources of the Special Fund.

SECTION 4

RECEIPT OF FUNDS

- 4.1 The Special Fund shall be funded by voluntary donations of willing Contributing Parties, in accordance with the relevant criteria set by the Assembly of States Parties Resolution, ICC-ASP/1/Res.11.
- 4.2 Contributions to the Special Fund may be accepted in Euros or in any other fully convertible currency. Contributions in currencies which are not convertible may be accepted only if the Registrar determines that the currency can be fully utilized in implementation of the Special Fund.
- 4.3 The Contributing Party's donation and its acceptance by the Court shall be subject to a formal donation agreement in writing, preferably based upon the Model Agreement for Contribution to the Special Fund for Relocations, unless otherwise agreed by the Court and the Contributing Party. In the latter case, the Court and the Contributing Party may agree on an alternative written arrangement.

- 4.4 The voluntary contributions granted by the Contributing Parties shall not affect, in any way, the independence of the Court.

SECTION 5
USE OF THE RESOURCES OF THE SPECIAL FUND

Specific Application of the Funds

- 5.1 The resources available in the Special Fund shall cover direct expenses of the person at risk relocated in the Receiving State. Direct expenses may include but are not limited to:
- a) provision of appropriate housing;
 - b) language and vocational training services;
 - c) medical care;
 - d) provision of appropriate clothing;
 - e) set up costs; and
 - f) any other direct expenses that the Registrar shall deem appropriate, having regard to section 5.2.
- 5.2 The resources available in the Special Fund shall not cover expenses relating to the salaries of personnel providing services in the Receiving State.
- 5.3 The Resources available in the Special Fund may be used to finance, either partially or fully, capacity building projects in certain eligible Receiving States. The decision as to the eligibility of States will lie with the Registrar.
- 5.4 The ultimate decision as to the distribution of funds between Receiving States shall lie with the Registrar.
- 5.5 The Contributing Party may express a preference as to which of the eligible Receiving States receives part or all of their particular voluntary contribution, which will be taken into account by the Registrar. Earmarked voluntary contributions must be identified as such in the formal agreements entered into between the Court and the Contributing Party or, in the absence of a formal agreement, in any form of arrangement agreed by the parties.

Authority to Use Funds

- 5.6 No commitments, obligations or disbursements against any funds may be made without the written authorisation of the Registrar or his duly appointed delegate within the limits of the delegation.
- 5.7 The Registrar will designate Certifying Officers who will exercise spending authority, in accordance with Financial Rule 110.3.
- 5.8 It is the responsibility of the Certifying Officer to ensure that expenditures are made in accordance with existing staff and financial regulations, rules and procedures, for the purposes intended and within the limits allotted, and to draw the attention of the Registrar to any proposed commitment or expenditure which, in his or her view, is inconsistent therewith.
- 5.9 No prior authorization is needed from the Contributing Party for the use of the donated funds once the donation agreement has been concluded.

Investment of Special Funds

- 5.10 Financial investments of moneys standing to the credit of the Special Fund may be made by the Registrar and resulting moneys credited back to the Special Fund, in accordance with the Financial Regulations and Rules of the Court.

SECTION 6

REPORTING AND AUDIT REQUIREMENTS

- 6.1 Upon request of the Contributing Party, the Registrar, taking into account the exigency for confidentiality provided in the Rome Statute, may report to the Contributing Party concerning the use of the funds donated.
- 6.2 The Special Fund shall be subject to audit by the Court's external auditor and by the Office of Internal Audit, in accordance with the Financial Regulations and Rules of the Court. No other additional or special audit measures shall be agreed with the Contributing Party.

6.3 The Registrar shall report to the Committee on Budget and Finance and the External Auditor regarding the activities of the Special Fund.

SECTION 7
DISSOLUTION OF THE SPECIAL FUND

The Registrar may terminate the Special Fund if, taking into account all the relevant circumstances and after consultation with the Contributing Parties, he considers that termination is appropriate.

SECTION 8
CONCLUDING MATTERS

The Registrar reserves the right to amend these regulations upon request of the Assembly of States Parties, the President or recommendations received by the Advisory Committee.