

## Resolution ICC-ASP/14/Res.1

*Adopted at the 11th plenary meeting, on 26 November 2015, by consensus*

### ICC-ASP/14/Res.1

#### **Resolution on the Programme budget for 2016, the Working Capital Fund and the Contingency Fund for 2016, scale of assessments for the apportionment of expenses of the International Criminal Court and financing appropriations for 2016**

*The Assembly of States Parties,*

*Having considered* the 2016 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the report of the Committee on Budget and Finance (“the Committee”) on the work of its twenty-fourth session, its resumed twenty-fourth session and its twenty-fifth session,

*Emphasizing* the shared goal of giving fullest meaning to the “One-Court-principle”,

*Further emphasizing* the utmost importance of achieving economies of scale and identifying duplications,

*Recalling* the need of the Court to give utmost priority to the annual budget cycle and calling for a restrictive use of multi-annual funds administered outside the cycle,

*Noting* the relevance of the budget process in ensuring that the Court’s resources are focused appropriately on its core functions, and the responsibility of States Parties in exercising discipline in the demands placed on the Court’s resources,

#### **A. Programme budget for 2016**

1. *Approves* appropriations totalling €139,590,600 in the appropriation sections described in the following table:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	12,430.6
Major Programme II - Office of the Prosecutor	43,233.7
Major Programme III - Registry	72,759.2
Major Programme IV - Secretariat of the Assembly of States Parties	2,808.8
Major Programme V - Premises	2,824.6
Major Programme VI - Secretariat of the Trust Fund for Victims	1,884.5
Major Programme VII-1 - Project Director’s Office (permanent premises)	451.8
Major Programme VII-2 - Permanent Premises Project – Interest	2,200.5
Major Programme VII-5 - Independent Oversight Mechanism	315.1
Major Programme VII-6 - Office of Internal Audit	681.8
<b>Total</b>	<b>139,590.6</b>

2. *Notes* that the host State will continue to contribute to the costs for the Court in relation to Major Programme V – Premises and that these contributions amount to €805,000, as referred to in section E of this resolution;

3. *Further notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises, and have made such payments in full, will not be assessed for the contributions corresponding to Major Programme VII-2 – Permanent Premises Project – Interest on the host State loan amounting to €2,200,500;

4. *Further notes* that these contributions will bring down the level of the 2016 programme budget appropriations that need to be assessed for contributions by States Parties from €139,590,600 to €136,585,100;
5. *Also notes* the Court's submission of a supplementary budget in the Mali situation for an amount of €198,300; the supplementary budget, as foreseen in the Court's Financial Regulations and Rules, follows the arrest of a suspect that took place after the submission of the proposed budget, resulting in foreseeable additional expenditure for 2016;
6. *Welcomes* the inclusion of the supplementary budget in the appropriations indicated in paragraph 1 and its absorption within the total budget envelope;
7. *Further approves* the following staffing tables for each of the above appropriation sections without prejudice to decisions that the Assembly must take in relation to the 2017 budget:

<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat Assembly of States Parties</i>	<i>Secretariat Trust Fund for Victims</i>	<i>Project Director's Office</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>	
USG	1							1	
ASG	1	1						2	
D-2									
D-1	3	3	1	1	1		1	10	
P-5	4	17	20	1			1	43	
P-4	3	35	44	1	1		1	87	
P-3	20	54	87	1	4		1	167	
P-2	9	48	88	1			1	147	
P-1	3	15	5					23	
<i>Subtotal</i>	<i>39</i>	<i>174</i>	<i>248</i>	<i>5</i>	<i>6</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>480</i>
GS-PL	1	1	15	3					20
GS-OL	12	64	316	2	3	1	1	1	400
<i>Subtotal</i>	<i>13</i>	<i>65</i>	<i>331</i>	<i>5</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>420</i>
<b>Total</b>	<b>52</b>	<b>239</b>	<b>579</b>	<b>10</b>	<b>9</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>900</b>

## B. Working Capital Fund for 2016

*The Assembly of States Parties,*

*Recalling* that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,<sup>1</sup>

- Notes* the conclusions of the External Auditor<sup>2</sup> and the recommendations of the Committee on Budget and Finance<sup>3</sup> on the appropriate level of the Working Capital Fund of the Court;
- Resolves* that the Working Capital Fund shall be maintained in the amount of €7,405,983 for 2016;
- Notes* the recommendation of the Committee on Budget and Finance,<sup>4</sup> *requests* the Court to use the surplus funds of the financial period 2014 and onwards for the replenishment of the Working Capital Fund which shall have priority over other potential calls on the use of the surplus funds;

<sup>1</sup> Financial Regulations and Rules 6.2.

<sup>2</sup> Audit Report on the Cash Reserves (ICC-ASP/14/44).

<sup>3</sup> Letter ASP/2015/CBF/101, dated 17 November 2015; see ICC-ASP/14/44, annex I.

<sup>4</sup> *Ibid.*, para. 2.

4. *Notes* the suggestion of the External Auditor that the level for the Working Capital Fund of the Court could be determined following practices of other international organizations and be on average eight per cent of the approved programme budget, amounting to approximately €1,200,000;<sup>5</sup>
5. *Recalls* that in order to maintain budgetary discipline, funds should only be used for the purposes for which they were created, *authorizes* the Court exceptionally to make use of the Working Capital Fund up to the amount strictly necessary to cover the balance of the permanent premises costs not funded by the Employee Benefit Liability fund;
6. *Invites* the Court to assess possible risks to its operational continuity in case of temporary liquidity shortfalls resulting from delayed assessed contributions; and *further invites* the Court to consider options for its financial management to deal with such risks, and *requests* the External Auditor to consider such risks and options;
7. *Stressing* that any external bridge financing temporary liquidity shortfalls should be an exceptional measure, limited to 2016, and subject to the prior recommendation of the Committee on Budget and Finance and the timely approval by the Bureau; *decides* that any fees should be absorbed by the Court.<sup>6</sup>

### C. Employee Benefit Liability fund

*The Assembly of States Parties,*

*Recalling* that the Employee Benefit Liability fund was established by the Court as a cash reserve for the purpose of funding employee benefit liabilities, including short-term, long-term and post-employment benefit liabilities,<sup>7</sup>

*Noting* that the Registry had consulted the External Auditor as to the use of the Employee Benefit Liability fund to cover for the portions of the enhanced termination indemnity foreseen in the Court's Staff Rules and Regulations and also reported to the Committee on Budget and Finance at its resumed twenty-fourth session and its twenty-fifth session to this effect,

*Further recognizing* that the External Auditor expressed its agreement in principle with the use of the Employee Benefit Liability fund to this end while at the same time recommending that an authorization from the Assembly be sought to this effect,

*Noting* that the Committee on Budget and Finance took account of the decision to use the Employee Benefit Liability fund for this purpose in the reports of its resumed twenty-fourth session and of its twenty-fifth session,

*Also noting* the objective of the Registry of finalizing its reorganization, once it was undertaken, within the expected timeframe,

1. *Regrets* that the Registry did not seek the formal authorization of the Assembly before resorting to the Employee Benefit Liability fund and *calls for* full transparency in any future such transactions and *recalls* the rules applying for such transactions;
2. *Recalls* that in order to maintain budgetary discipline, funds should only be used for the purposes for which they were created, *notes* the recommendation of the External Auditor and of the Committee on Budget and Finance and *authorizes* the Court exceptionally to use funds from the Employee Benefit Liability fund pursuant to paragraph 3 of the resolution ICC-ASP/13/Res.6 while retaining resources to cover the judges and staff liabilities for the amount of €0.7 million for 2016;
3. *Requests* the Court to take into consideration the additional recommendation of the External Auditor in the future and timely submit a proposal to the Committee on Budget and Finance for its consideration and recommendation to the Assembly, on the establishment of a plan for financing employee benefit liabilities.

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<sup>5</sup> Audit Report on the Cash Reserves (ICC-ASP/14/44).

<sup>6</sup> *Ibid.*

<sup>7</sup> ICC-ASP/13/9.

## D. Contingency Fund

*The Assembly of States Parties,*

*Bearing in mind* that the Contingency Fund was established to ensure that the Court can meet costs associated with unforeseen developments or unavoidable expenses that could not be accurately estimated at the time of the adoption of the budget,<sup>8</sup>

*Recalling* its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

*Taking note* of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

*Further taking note* that the Fund will reach a level below €7 million by the end of 2015,

1. *Decides* to maintain the Contingency Fund at the notional level of €7 million for 2016;
2. *Requests* the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

## E. Premises of the Court

*The Assembly of States Parties,*

1. *Welcomes* the continuous contribution of the host State to the rent of the interim premises of the Court in the amount of €805,000 for the period of 2016, according to the agreed terms and conditions;

2. *Further welcomes* the decision of the host State to provide for the years to come and free of charge conference space to the Assembly of States Parties at the World Forum Convention Centre.

## F. Scale of assessment for the apportionment of expenses of the Court

*The Assembly of States Parties,*

1. *Decides* that for 2016, the contributions to be paid by States Parties should be provisionally assessed based on the agreed scale of assessment published in the report of the United Nations Committee on Contributions<sup>9</sup>, in the absence of the approved scale for 2016, and adjusted with the principles on which the scale is based;<sup>10</sup>

2. *Further decides* that the final assessments be based on the scale adopted by the United Nations General Assembly at its 70th session for its regular budget, applied for 2016, and adjusted in accordance with the principles on which that scale is based;

3. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

## G. Financing of appropriations for 2016

*The Assembly of States Parties,*

1. *Notes* that the contributions to the interim premises by the host State and the payments corresponding to Major Programme VII-2 Permanent Premises Project – Interest, will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €136,585,100;

<sup>8</sup> Financial Regulations and Rules 6.6.

<sup>9</sup> A/70/11.

<sup>10</sup> Rome Statute of the International Criminal Court, article 117.

2. *Resolves* that for 2016, assessed contributions for the budget amounting to €136,585,100 and the amount for the Working Capital Fund of €7,405,983, approved by the Assembly under section A, paragraph 1, and section B, respectively, of the present resolution, will be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

## **H. Amendments to Financial Regulations and Rules**

*The Assembly of States Parties,*

*Having regard* to the Financial Regulations and Rules<sup>11</sup> adopted at its first session on 9 September 2002, as amended,

*Bearing in mind* the recommendation of the Committee on Budget and Finance at its twenty-fifth session,<sup>12</sup>

*Decides* to amend Financial Regulation 9 and Rules 109.1, 109.2, 109.3 (a) as set forth in annex I to this resolution.

## **I. Transfer of funds between major programmes under the 2015 approved programme budget**

*The Assembly of States Parties,*

*Recognizing* that under Financial Regulation 4.8 no transfer between appropriation sections may be made without authorization by the Assembly,

*Decides* that, in line with established practice, the Court may transfer funds between major programmes at the conclusion of 2015 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund.

## **J. A strategic approach to an improved budgetary process**

*The Assembly of States Parties,*

*Bearing in mind* the need for the respect of the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out its duties,

1. *Calls upon* the Court to base its programmes and activities on careful, transparent and strict financial assessments, resulting in a consistent budgetary proposal;

2. *Invites* the Court to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly;

3. *Emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, *requests* the Committee on Budget and Finance to ensure that its meeting is held as early as possible before the Assembly session and *stresses* the importance of further improving the interaction between the Court and the Committee;

4. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying duplications and promoting synergies within as well as between the different organs of the Court, *further stresses* therefore the importance of a fullest implementation of the “One-Court-principle” when establishing the proposed programme budget, beginning with the 2017 budget year. This should include improvements to the budgetary process such as:

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<sup>11</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (ICC-ASP/1/3 and Corr.1), part II.D.

<sup>12</sup> ICC-ASP/14/15.

- (a) More frequent and more efficient use of the Coordination Council and other inter-organ coordination mechanisms to lower the risk of presenting overlapping proposals and create an improved process to ensure consistency of message and policy of expenditures across the Court;
  - (b) *Notes* the efforts of the Court to attain synergies among the different organs, *reiterates* its prior requests to the Court in this regard, *regrets* that only limited progress has been made on identifying and implementing synergies so far, *invites* the Court to strengthen the inter-organ dialogue so as to avoid duplication of work, *further invites* the Court to make more frequent and efficient use of its inter-organ coordination mechanisms in order to advance the process of identification of areas of joint optimization and *requests* the Court to present in its interim report on the matter to the twenty-sixth session of the Committee on Budget and Finance tangible and quantifiable results on synergies, including savings;
  - (c) *Requests* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee on Budget and Finance in both working languages of the Court;
  - (d) *Further requests* that the proposed programme budget should present the costs for the following year by firstly highlighting the cost of maintaining current activities, then setting out proposals for any changes to those activities and then fully costing those activities and the consequences of changing them, including what efficiencies have been identified or what can be stopped to offset any additional costs;
5. *Notes* the understanding by the Court that issues both with regard to its budgetary process and the information submitted to States Parties in relation to the 2016 proposed programme budget have led States Parties to raise concerns; *notes* the Court's continued commitment to improve its budgetary process in light of lessons learned so far, and *further notes* the Court's assurances to apply these lessons in future budget processes with a view to submitting sustainable and realistic budget proposals, including by:
- (a) Furthering the "One-Court-principle" by improving the way in which the Principals' high-level strategic vision guides the budgetary process from the outset;
  - (b) Enhancing the dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage in the budget process, mindful of the Court's judicial independence;
  - (c) Finding appropriate ways to preserve the Court's long term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties;
  - (d) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium term cost drivers with a view to enhance budget predictability;
6. *Requests* that the Court intensify discussions with the Committee on Budget and Finance to consider how the budgetary process as a whole will be improved, with a particular regard to the forthcoming proposed budget for 2017, and to brief States Parties on the results of these discussions; and *invites* the Committee on Budget and Finance to provide advice to the Court as required to ensure these processes are continuously reviewed and improved from now on;
7. *Requests* the Court to continue submitting its annual report on activities and programme performance and to include therein an annex with the approved budget, expenditure and variance at the sub-programme level with all budget lines as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;
8. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle;
9. *Acknowledges* the discussions conducted in the framework of the Study Group on Governance Cluster II regarding the efforts of the Court to develop qualitative and

quantitative indicators that would allow the Court to demonstrate better its achievements and needs, as well as allowing States Parties to assess the Court's performance in a more strategic manner<sup>13</sup> and *invites* the Court to share with the Study Group on Governance any update on the development of such indicators;<sup>14</sup>

10. *Further acknowledges* the results of the discussions conducted in the framework of the Study Group on Governance Cluster II regarding the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session, *notes* that no consensus has been reached as to the introduction of a financial envelope and further *invites* the Bureau in consultation with the Court to continue its consideration of the recommendation, in the context of the review of the budgetary process, taking into account the Strategic Plan for 2016-2018 of the Office of the Prosecutor, the Report on the Basic Size of the Office of the Prosecutor and other relevant documents of the Court;<sup>15</sup>

11. *Takes note* of the Strategic Plan 2016-2018 submitted by the Office of the Prosecutor and *notes* that it has been fully integrated into the 2016 proposed programme budget, *requests* the Office of the Prosecutor to submit a final analysis and evaluation of the Strategic Plan for 2012-2015 to the Committee on Budget and Finance at its twenty-sixth session at its completion and further *invites* the Court to ensure an appropriate integration of the Strategic Plan of the Office of the Prosecutor into the Court-wide Strategic Plan;

12. *Welcomes* the work undertaken so far by the Office of the Prosecutor on its "Basic Size", which seeks to increase the predictability and certainty of the budgetary resources the Office considers necessary in order to carry out its mandate, *notes* that this exercise is still on-going and that additional work is still required on the budgetary implications for the Office as well as for the other organs of the Court in accordance with the "One-Court-principle", *requests* the Court to submit a full costing of the impact of the "Basic Size" model on the Office of the Prosecutor and the other organs of the Court to the Committee on Budget and Finance well in advance of its twenty-sixth session, *stresses* that the approval by the Assembly of the budget for 2016 is not to be understood as an endorsement of its budgetary implications as the budget is considered and approved by the Assembly on an annual basis;

13. *Takes note* of the *ReVision* process of the Registry, *notes* that the full implications of that process, including its financial implications both in the short-term and the long-term, would be the object of further clarifications to the Committee on Budget and Finance at its twenty-sixth session, *looks forward* to being duly informed about the impact ensuing from the new structure, both in terms of its capacity to absorb increases in the workload and tangible efficiencies attained and *requests* the External Auditor to conduct a full assessment of the *ReVision* process, including its cost, its impact and its implementation;

14. *Recalls* its past decision on legal aid, *notes* the efforts undertaken by the Court to continue to improve the legal aid system, *further notes* that the issue of level of legal aid to be provided by the Court to the accused in cases of offences against the administration of justice<sup>16</sup> does not seem to have been considered in the context of the current legal aid policy and therefore *requests* the Court<sup>17</sup> to consider, in the context of its assessment of the legal aid system, policy options in this regard, including the establishment of specific criteria and a quantitative ceiling, as appropriate.

## **K. Audit**

*The Assembly of States Parties,*

1. *Welcomes* the strengthening of the independence of the Office of Internal Audit through its placement under the direct authority of the Audit Committee;

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<sup>13</sup> ICC-ASP/14/Res.4, para.59.

<sup>14</sup> *Ibid.*, annex I, para. 8 (b).

<sup>15</sup> *Ibid.*, para. 58, and annex I, para 7 (e).

<sup>16</sup> Rome Statute of the International Criminal Court, article 70.

<sup>17</sup> ICC-ASP/12/Res.8, annex I, para. 6 and ICC/ASP/13/Res.5, annex I, para. 5.

2. *Agrees* to extend the term of the External Auditor, the *Cour des comptes*, by two years so as to include the financial statements of the Court and the Trust Fund for Victims for 2016 and 2017, and *decides* to expand the scope of that mandate by including performance audits within that scope, as this follows the best practices of international organizations.

## L. Human Resources

*The Assembly of States Parties,*

1. *Notes* the Committee's recommendations from its twenty-fourth session for the mandatory age of separation ("retirement age") applicable to current staff members to be raised to 65 without affecting their acquired rights to separation at age 60 or 62,<sup>18</sup> and *decides* that the mandatory age of separation be increased at the Court from 62 to 65 years, effective 1 January 2016, on the understanding that the decision will have no effect on the acquired rights of current staff;
2. *Decides* to amend the Staff Regulation 9.5 as set forth in annex II to this resolution;
3. *Requests* the Court to assure the highest standards in staff recruitment, in particular with a view to ensuring and implementing transparent and efficient recruitment procedures<sup>19</sup> and improving equitable geographical representation and gender balance;
4. *Further requests* the Committee on Budget and Finance, including by a possible appointment of an Independent Expert to that end, to evaluate the feasibility of a possible departure from the United Nations Common System and the establishment of an alternative pension scheme for newly recruited staff and to make a recommendation to the fifteenth session of the Assembly of States Parties in this regard;
5. *Further requests* the Registrar to look for any possible reduction in the number of staff as well as consultants and further *requests* the Registrar to provide full clarity on the necessity of the staff positions foreseen in the *ReVision* exercise that are not yet filled as well as the essential staff positions exceeding those foreseen in the *ReVision* exercise;
6. *Welcomes* the commitment of the Judiciary, the Office of the Prosecutor and the Registry to ensure 100 per cent compliance with the performance appraisal system, including appropriate input from line managers, and where appropriate, judges and requests all major programs to adopt the same objective.

## M. Referrals by the Security Council

*The Assembly of States Parties,*

*Noting with concern* that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council<sup>20</sup> have been borne exclusively by States Parties,

*Recalling* that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

*Mindful* that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

*Considering* the request to the Registry to report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,<sup>21</sup>

1. *Encourages* States Parties to begin discussions on a possible way forward on this issue;

<sup>18</sup> ICC-ASP/14/5, paras. 79 and 80.

<sup>19</sup> Priority Objective 2.2.1 of the Strategic Plan 2013-2017 of the International Criminal Court.

<sup>20</sup> United Nations Security Council resolutions 1593 and 1970.

<sup>21</sup> ICC-ASP/14/Res.4, annex I, para. 3 (b).



2. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the fifteenth session of the Assembly.

## **Annex I**

### **Amendments to the Financial Regulations and Rules**

#### **Regulation 9**

##### **Investment of funds**

9.1 The Registrar may make investments of moneys not needed for the investment period, such period being either up to 12 months (“short-term investments”) or up to 36 months (“medium-term investments”). The Registrar shall periodically inform the Presidency and, through the Committee on Budget and Finance, the Assembly of States Parties of such investments.

#### **Rule 109.1**

##### **Policy**

The Registrar shall ensure, including by establishing appropriate guidelines and by selecting reputable financial institutions that offer sufficient safeguards against any investment losses, that funds are invested in such a way as to place primary emphasis on excluding the risk to principal funds while ensuring the liquidity necessary to meet the Court’s cash-flow requirements. In addition to, and without detracting from, these primary criteria, investments shall be selected on the basis of achieving the highest reasonable rate of return and shall accord, to the fullest extent possible, with the independence and impartiality of the Court and with the purposes and principles of the Charter of the United Nations.

#### **Rule 109.2**

##### **Investment ledger**

Investments shall be recorded in an investment ledger, which shall show all the relevant details for each investment, including, for example, nominal value, cost of the investment, date of maturity, issuer, market value of the investment from time to time as reflected in the account statements provided by the relevant financial institution, proceeds of sale and income earned. A record of all account statements received from financial institutions relating to any investment shall be maintained.

#### **Rule 109.3**

##### **Custody of investments**

- (a) All investments shall be made through, and maintained by, reputable financial institutions designated by the Registrar (see also rule 109.1).
- (b) All investment transactions, including the withdrawal of invested resources, require the authorization and signature of two officials designated for that purpose by the Registrar.

9.2 Income derived from investments shall be credited to miscellaneous income or as provided in the rules relating to each trust fund or special account.

#### **Rule 109.4**

##### **Income from investments**

- (a) Income derived from General Fund investments shall be credited to miscellaneous income.
- (b) Income derived from Working Capital Fund investments shall be credited to miscellaneous income, as provided for in regulation 6.4.
- (c) Income derived from investments pertaining to trust funds, reserve and special accounts shall be credited to the trust fund, reserve or special account concerned.

- (d) Gains from investments must be recorded by the Registrar and reported to the Auditor.

#### **Rule 109.5**

##### **Losses**

- (a) Any investment losses must be recorded at once by the Registrar. The Registrar may authorize the writing-off of investment losses with the approval of the Committee on Budget and Finance. At its request, the Committee on Budget and Finance shall be provided with the official copies of the relevant investment ledger and all account statements received from financial institutions relating to such investment. A detailed statement of investment losses shall be provided to the Presidency, to the Assembly of States Parties through the Committee on Budget and Finance, and to the Auditor.
- (b) Investment losses shall be borne by the trust fund, reserve or special account from which the principal amounts were obtained. (See also rule 110.10 with respect to the writing-off of losses of cash and receivables.).

## **Annex II**

### **Amendment to Staff Regulation 9.5**

“Staff members shall not be retained in active service beyond the age specified in the Regulations of the United Nations Joint Staff Pension Fund as the normal age of retirement. However, staff members whose normal age of retirement is sixty or sixty-two may be retained in active service until the age of sixty-five. The Registrar or the Prosecutor, as appropriate, may, in the interest of the Court, extend these age limits in exceptional cases”.<sup>1</sup>

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<sup>1</sup> ICC-ASP/14/7, para. 79.