

Statement to the 45th session of the ICC ASP Committee on Budget and Finance

4 September 2024, The Hague

Thank you for the opportunity to address you on behalf of Al-Haq, an independent Palestinian human rights non-governmental organisation based in Ramallah – Palestine. We commend and value the Committee on Budget and Finance (CBF)’s continued and regular engagement with civil society organisations.

As the CBF prepares its recommendations to the ICC Assembly of States Parties (ASP), considering various prosecutorial, judicial, and organizational requirements, as well as the International Criminal Court (ICC)’s obligations towards victims, Al-Haq cautions against any budget restraints that could affect ongoing investigations.

We note with utmost concern that the Court’s 2025 proposed programme budget, like last year’s, departs from the long-standing practice of including an annexe detailing the “budget allocation per active investigation”.¹ Notably, during the 21st session of the ASP, Al-Haq and several local, regional and international CSOs organised a side event, co-sponsored by the State of Palestine and the Republic of South Africa,² addressing the incomprehensible inequitable allocations per situation provided in the proposed programme budget for 2023.³ The side event was attended by OTP colleagues, including Deputy Prosecutor Khan.

It is regrettable to see that the proposed programme budget for the following years (2024 and 2025) did not include these budget allocations, particularly after our side event and constructive engagement. This approach only exacerbates the transparency issues we, together with various

¹ See e.g., ICC Proposed Programme Budget of [2023](#) (Annex XII); [2022](#) (Annex XII); [2021](#) (Annex XII); and [2020](#) (Annex XII).

² See e.g., Al-Haq and partners’ [ASP 21 Side-Event](#) co-sponsored by the State of Palestine and the Republic of South Africa, entitled: “[Equitable Access to Justice: The Case of Palestine](#)”, 8 December 2022.

³ See ICC Proposed Programme Budget of [2023](#) (Annex XII).

partners, have repeatedly raised.⁴ As no explanation has been provided, we are raising this matter again this year.

Constructive criticism from civil society and States Parties regarding the Court's budget allocations per investigation should not be ignored or met with further reduced transparency and attention. Transparency is crucial for the ICC as an institution, and for preserving victims' faith in the Court's processes. Unfortunately, this regressive approach, especially on the latest budget proposed programmes, makes it exceptionally difficult for us to explain to victims, let alone justify, such decisions. We call on you to engage on the issues raised.

We also join colleagues in cautioning against the continued overreliance on voluntary contributions, which should only be seen as a temporary and exceptional means to support the Court's work for activities not covered by the regular budget. These voluntary contributions, including any newly established funds, must not substitute for the Court's regular budget, in order not to effectively render victims vulnerable to states' double standards on ICC resources.⁵ We also note that while the provision of gratis personnel may contribute to providing technical expertise in support of the Court's work, it does not sustainably improve geographic representation or gender balance among the Court's staff.

We further reiterate the Coalition for the ICC (CICC) and its members' calls for a predictable and sustainable regular budget, considering the resource needs of the institution as a whole, not just specific organs to prevent problematic asymmetrical growth. Indeed, this "will most effectively enable the Court to address the growing demands of justice in all situations before it, with the utmost judicial and prosecutorial independence, separate from any fluctuating political or financial preferences or prejudices."⁶ This is particularly crucial in light of the political pressure and retaliation threats against the Court's officials.⁷

It is vital for the Court to have a sufficient budget for outreach to victims, especially in situation countries. Victims –many of whom are losing their faith in the Court– need to feel seen by the Court. A sufficient budget must be allocated for translating critical information and resources

⁴ See e.g., [Joint NGO Comments](#) on the "[Draft] Policy on Complementarity and Cooperation (September 2023)", 13 November 2023.

⁵ CICC, Open Letter to the ICC and the ASP, "[Victims could lose out with states' double-standard on International Criminal Court resources](#)", 30 March 2022.

⁶ CICC, "[Statement to the 44th session of the ICC ASP Committee on Budget and Finance](#)", 16 April 2024.

⁷ ASP, "[Statement by the Presidency of the Assembly of States Parties in support of the independence and impartiality of the International Criminal Court](#)", 17 May 2024.

and providing narrated content in languages victims understand, as these matters greatly affect victims' perception of the Court's integrity and impartiality.

Al-Haq joins colleagues in urging you to ensure that the Court, and the OTP in particular, have sufficient resources within the Court's regular budget to continue their crucial work, expedite the ongoing investigations, especially in the situation in the State of Palestine, and issue arrest warrants for perpetrators of crimes committed on a daily basis against Palestinian people in the occupied Palestinian territory, especially during Israel's current genocide in Gaza.

Finally, Al-Haq wishes to remind you that Palestinian victims everywhere, especially currently in Gaza, continue to suffer from Israel's settler colonialism, its illegal occupation and apartheid regime's crimes and genocidal acts. As a Court of last resort, the ICC represents victims' last hope for justice, and ensuring its proper and effective functioning is our shared responsibility.

We will continue to support the Court to deliver on its mandate in all situations, without fear or favour.

We, once again, thank you for this opportunity, and we remain available to answer any questions.