

**Statement to the 45<sup>th</sup> Session of the Assembly of States Parties Committee on Budget and Finance  
4 September 2024**

The Coalition for the ICC (CICC) welcomes the opportunity to address the Committee on Budget and Finance (CBF) during its 45<sup>th</sup> session and welcomes its ongoing dialogue with civil society regarding the International Criminal Court (ICC)'s resources.

Today, we would like to share views and perspectives from civil society on certain key issues relating to the Court's resources needs, in particular on victims' rights and outreach, and the use of voluntary contributions and gratis personnel.

As the Court's work has grown to include more situations in more regions in recent years, existential threats and attacks against the Court and its officials have become more frequent. The most recent threats seek to damage the Court's legitimacy and ultimately deter its efforts to deliver justice to victims of Rome Statute crimes worldwide. It is all the more important that the Court has the tools to be able to do its work without interference and undue political influence. The Coalition has called on States Parties to support the Court diplomatically and oppose threats and sanctions, but also to ensure concrete measures are in place to prevent and mitigate the impact of sanctions. One of the ways to do so is ensuring that the ICC has the financial resources to take decisions and act whenever needed.

As we noted at the closing of the last Assembly of States Parties (ASP) session in December 2023, the ASP unfortunately continues to fail to set an annual budget for the Court that reflects the real and sustained investment needed to support the Court's global mandate, with full respect for the rights of victims. Providing the Court with sufficient long-term and sustainable resources in its regular budget is crucial to best safeguard the ICC's independence and legitimacy and avoid perceptions of inappropriate bias in the Court's work.

As the work of the Court has expanded to include many situations and operations in nearly all regions of the world, so increases the number of victims, communities and individuals it must engage and who should have trust in the Court. In June, more than 100 civil society members of the CICC participated in the annual ICC-NGO Roundtables, sharing expectations from many of the victims they work with directly in situation countries. CICC members shared examples of the impact of a lack of funding for the Court's activities in many situation countries, including insufficient outreach to victims and affected communities as well as activities about the Court's work and victims' rights made available in local languages. This further results in an increased burden on local civil society to fill the information gap and address misinformation and queries from victims.

Not only does the Court require adequate resources to ensure effective victims' participation but also for outreach to victims and affected communities. This is in line with the Court's Strategic Goal 2<sup>1</sup> and will contribute to enhancing and reinforcing the meaningful participation and ownership of victims in the work of the Court. Victims have rights at the ICC and the effective implementation of these rights, as well as victims' trust in the institution, are crucial for the legitimacy of the Court. Adequate resources for the Court to be able to respond to the demand of victims in all situations where it is engaged in further combat perceptions of double standards in the work of the Court.

Next year, the Court will continue to see increased levels of activity and demands across its organs and programs, with 17 situations and three preliminary examinations, three cases at trial level, five reparations cases at implementation phase, pre-trial activities and an increased workload anticipated

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<sup>1</sup> ICC Strategic Plan 2023 – 2025, Strategic Goal 2, *Further develop the Court's approach to victims in all phases of the judicial proceedings, including (in cooperation with the Trust Fund for Victims) reparations*: <https://www.icc-cpi.int/sites/default/files/2023-08/2023-strategic-plan-icc-v.2.pdf>

for the Appeals chamber. In all these situations and proceedings, and from the very early stages of preliminary examinations and investigations, the Court needs to be able to inform about its mandate, victims' rights and manage expectations. States Parties have the responsibility to provide the resources to match this. Further, the need for proactive engagement with communities and civil society remains high as the Court continues to face challenges in engaging or maintaining engagement in the field, including closing of some ICC field offices. An adequately equipped Registry, in particular the Public Information and Outreach Section (PIOS), will put the impetus on the Court to remain in control of its own narrative and meet the expectations of victims.

Turning now to the use of extrabudgetary resources including *ad hoc* trust funds, we reiterate that while voluntary contributions can provide a much-needed jolt of resources to bolster specific activities or areas of the Court's work, they should not be seen as a replacement for resources in the Court's regular annual budget. As we [noted](#) in 2022 when the OTP launched its *Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in Sexual and Gender Based Violence crimes and crimes against Children*, they should continue to be seen as an exceptional means of supporting the work of the Court for a specific and limited period of time, for activities not covered in the regular budget. Such contributions, including any newly established funds, should not be seen as a stand-in for the Court's regular budget, as the Coalition has expressed previously to this Committee.

In addition, while the provision of gratis personnel similarly enables a short-term injection of technical skills and specific expertise to support the work of the Court, it does not contribute to improving the geographic representation and gender balance among the staff of the Court in a sustainable way.

A predictable and sustainable regular budget is one which 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. Considering the resource needs of the institution as a whole, not just specific organs or programs, may also deter asymmetrical growth, a concern [previously raised](#) by this Committee.

Finally, transparency with the use of extrabudgetary resources will contribute to negating damaging perceptions of selectivity or bias in the work of the Court. Any perception of selectivity in the Court's work is detrimental to its legitimacy and can undermine the credibility of the justice it renders where it does act. Transparency will also provide needed additional clarity on the relationship between voluntary contributions and the resources requested in the regular budget.

The Coalition makes the following recommendations:

- The CBF should urge States Parties to consider how important the investment in international justice and in this Court is, one which is so essential to provide justice independently and effectively in all situations before it. Most notably, States Parties' failure to set an adequate annual budget for the Court negatively impacts the relationships and trust that victims and affected communities have with the Court.
- The CBF should reiterate the importance of regular and sustained funding to ensure the Court is resilient to threats and attacks, including to its security infrastructure.
- Finally, the CBF should continue calling for transparency and accountability in the establishment and use of any ad hoc contributions and trust funds through regular reporting, particularly with the establishment of new funds and the extension of existing funds.