



Statement to the 39th session of the Committee on Budget and Finance

14 September 2022

The Coalition for the International Criminal Court (Coalition) is the world's largest partnership advancing the cause of international justice. With member organizations across the globe, the Coalition is leading the fight to end Rome Statute crimes through a commitment to the core values of human rights and justice.

The Coalition welcomes the opportunity to share views and concerns with the Committee on Budget and Finance (CBF) and welcomes the Committee's continuing dialogue with the Coalition Secretariat and its members on the International Criminal Court (ICC)'s resources.

Today, we seek to provide the Committee with perspectives from civil society on a number of budgetary matters that continue to impact the ICC's effective delivery of justice, including concerns related to perceptions of selectivity in the work of the Court, as well as sustainability of the Court's resources.

In our address to the Committee at its last session in May, we expressed our concerns regarding the potential for both real and perceived politicization and double standards related to the Prosecutor's call for voluntary financial and personnel contributions, which have serious risks for the independence and legitimacy of the Court.

In this regard, we welcome that, in its last session, the Committee [reiterated](#) the need to maintain the independence of the Court, and highlighted the risks of "asymmetrical growth in capacity, capabilities and funding across the organs of the Court". We further welcome the recommendations made regarding the need for transparency on the use of voluntary contributions and gratis personnel, as well as the complementary nature of the Office of the Prosecutor (OTP)'s Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in Sexual and Gender Based Violence crimes and crimes against Children to the regular budget.

Since then, the Court's leadership has made clear that voluntary financial contributions and the allocation of gratis personnel are not exclusive to any one situation, yet the timing of the Prosecutor's call, as well as pledges and statements by States and other governmental actors have continued to cause confusion and frustration about where these resources have been allocated.

Further, this confusion and lack of transparency on the use of funds and personnel open the door to perceptions of double standards in the Court's delivery of justice, with civil society and victims



from across the globe wondering whether justice for some victims has been prioritized over others, based on the availability of resources provided.

As underscored by the Independent Experts in their [report](#) last year, the Court has clearly expressed an increasing workload over a number of years, with a mismatch of resources that contribute to its inability to perform at the levels expected of it by States Parties, and most importantly, by victims and affected communities. This has been stated by the Court's principals on many occasions, has been acknowledged by States Parties this year, and is further illustrated by the Court's 2023 [budget request](#).

States Parties' renewed political support this year should translate into principled and long-term financial support, across all the Court's situations to protect the Court's independence, avoid perceptions of selectivity, thereby enhancing the legitimacy and credibility of justice rendered. Further, the use of voluntary contributions and gratis personnel should continue to be used only on an exceptional basis as a further safeguard for the Court's independence.

Recognizing the independent mandate of this expert body, we would like to make the following recommendations:

- First, the Committee, in its recommendations, should reiterate that securing appropriate resources to the Court through its regular budget provide the best protection to prosecutorial and judicial independence to ensure resources are available to support its decisions.
- Second, we call on this Committee to advise States Parties against arbitrary limitations on the Court's budget request, including the continued insistence of some states to impose a zero or near-zero growth budget, which is entirely incompatible with the Court's mandate and workload and will have a damaging impact on the communities it seeks to serve as well as their trust in the Court.
- Third, we urge the Committee to again underscore how the use of voluntary funds and gratis personnel could lead to asymmetrical growth across organs and programs, as well as the sustainability of the Court's work. The use of voluntary personnel and financial contributions should remain exceptional and their use transparent, by making the Court's reports on their governance publicly available.

The current momentum around strengthening the financial and human resources of the International Criminal Court should be seen as just one step toward a longer-term commitment to ensure that the Court has the long-term means necessary to deliver on its mandate in all situations that come before it.

Thank you.