



**Statement to the 41st session of the Committee on Budget and Finance
10 May 2023**

The Coalition for the International Criminal Court (Coalition) is the world's largest civil society partnership advancing the cause of international justice. With member organizations in 150 countries, 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) on the International Criminal Court (ICC)'s resource needs.

Today, we seek to address the Committee on two topics: first, the real impact that the absence of adequate resources has on the Court's effective delivery of justice and second, on the use of voluntary contributions.

Starting with the first topic, during its 21st session last December, the Assembly of States Parties (ASP) rightfully reaffirmed its support "for the consistent implementation of the Court's mandate across the situations and cases under its jurisdiction in the interests of justice and the victims' right of access to justice," and stressed "the need for sustainable resources for all situations and cases, as well as cooperation with the Court to that end."¹ Unfortunately, this positive declaration did not translate into action when it came time for the Assembly to adopt the Court's 2023 budget during that same session. The ASP adopted a budget which was far below the Court's initial request, a figure nearly 4% less than this Committee's recommendation of €179,000,000.

Political support for the ICC and for international justice must be backed by concrete commitments, notably to fund the institution sustainably and securely across all its organs and to support its global mandate.

We remain concerned about the impact of insufficient resources on the court's work and, ultimately, victims' right to see justice done. These concerns are not baseless; this lack of adequate resources continues to impact the Court's work each day. Just last month, during a meeting of the Review Mechanism on the Court's relationship with civil society and the media, communications and outreach, Court representatives repeatedly cited a partial or complete nonexistence of resources as the main cause for their lack of activities in these areas of work; there are currently next to no resources for outreach in the Court's annual budget, despite it being a crucial activity to promote access to justice for victims and affected communities and to maintain a two-way dialogue in situations where the Court is active. Simply put, without adequate outreach, victims and affected communities – the Court's main constituency – are left in the dark about the activities of the Court.

The impact of the lack of adequate resources on the ability of the Court to effectively deliver on its mandate is evident in all the situations under the ICC's jurisdiction. To mention just some examples:

- Despite a significant renewal of violence in the **Democratic Republic of the Congo (DRC)**, the downsizing of the Court's country office is leading to a lack of information among affected communities about the Court's work, which is still ongoing in the reparations phase in a

¹ [ASP Omnibus Resolution ICC-ASP/21/Res.2 \(2022\)](#), paragraph 2

number of cases. This lack of information leads to a sense of distance between victims and the Court, and as one Coalition member stated in a recent meeting, “it is as if the ICC never came to the DRC.”

- In **Georgia**, where the investigation was recently closed, there is a huge information gap, and the expectations of victims remain unmet. In December last year, the Judges issued three arrest warrants, which are pending execution, and the TFV just launched its transformative reparations programme. With a significantly diminished field presence in Georgia, victims lack information about the ICC’s role and proceedings, which in turn negatively impacts their meaningful participation in proceedings.
- The situation in **Libya** also suffers from inadequate outreach, particularly as relates to activities and materials made available in Arabic. Further, Coalition members have expressed concern over the lack of protective measures on the ground for victims and the civil society groups working with them, due to the unavailability of resources for this purpose.

In these situations and others, it is often civil society that fills the gap in translating both literally and figuratively information about the Court’s activities and judicial proceedings to victims and local communities.

Moving to the issue of voluntary contributions, years of inadequate resources, compounded by an ever-growing workload, have led the Office of the Prosecutor last year to call on States Parties to provide additional, extra-budgetary funding and gratis personnel to support the work of the Office.

While voluntary contributions can provide a much-needed injection of resources to bolster specific activities, we reiterate that they should remain an exceptional measure to support the work of the Court for a limited and specified period of time and should not be seen as a substitute for the Court’s regular budget.

Recognizing this Committee’s conclusion that the contributions made to the Office of the Prosecutor’s (OTP) *Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in Sexual and Gender Based Violence crimes and crimes against Children in 2022* ‘do not affect the independence of the Court, are consistent with the nature and function of the Court and do not involve additional liabilities’², we recall that the allocation of resources to the Court’s regular budget provides the best protection for its prosecutorial and judicial independence by allowing the Court to address the growing demand for justice in all situations before it, regardless of fluctuating political or financial preferences or prejudices. We would extend this to include any additional contributions made in 2023 and in the future.

In addition, pledges and voluntary contributions made in the context of one specific situation exacerbate perceptions of politicization and selectivity, or inappropriate bias, in the Court’s work. The continued 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. This confusion and lack of transparency on the use of these funds and personnel open the door to perceptions of double standards in the Court’s delivery of justice.

As reported at this Committee’s 39th session, ‘voluntary funds may also lead to asymmetrical growth across the organs of the Court and result in an increased requirement for resources’³. An injection of resources via voluntary contributions to one organ do not address the existing needs of other organs or programs, driven by the chronic underfunding of the institution over a number of years, or resource

² [Report of the Committee on Budget and Finance on the work of its thirty-ninth session](#), 29 November 2022, pg.4

³ [Report of the Committee on Budget and Finance on the work of its thirty-ninth session](#), 29 November 2022, pg.4

needs that will be generated by increased activity by the OTP as the sole beneficiary of the trust fund and gratis personnel.

Finally, while the use of seconded staff allows for professionals with highly technical skills and specific expertise to support the work of the Court, it does not contribute in a sustainable way to enhancing the geographic representation and gender balance of the staff of the Court as a whole.

Based on that, and before concluding, we would like to respectfully make the following recommendations for your consideration:

- First, we call on the Committee to, in its recommendations, reiterate that the provision of adequate resources in the Court's regular budget provides best protection for both prosecutorial and judicial independence. In the same vein, the Committee should recommend that the Assembly respond more accurately to the Court's needs and workload in their consideration of its budget, and avoid the persistent use of voluntary contributions as an alternative means of funding the institution.
- Second, the Committee should continue to reiterate that the use of voluntary contributions and seconded staff could lead to asymmetrical growth across organs and programs, and negatively impact the sustainability of the Court's work. The use of voluntary personnel and financial contributions should remain exceptional and their use transparent, and should always seek to uphold the Court's independence.
- And finally, we urge the Committee to call on the Court to report transparently on the use of any voluntary financial contributions and gratis personnel in an effort to combat perceptions of double standards and selectivity in the Court's work, namely from victims and affected communities.

Thank you.