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**Preparatory Commission for the  
International Criminal Court  
Working Group on a Draft Budget  
for the First Financial Year of the Court**  
New York, 24 September-5 October 2001

## **Part One**

### **Proposed structure and administrative arrangements**

**Paper proposed by the Coordinator concerning document  
PCNICC/2001/WGFYB/L.1**

#### **I. Seat of the Court**

1. The seat of the Court is to be established at The Hague in the Netherlands (Statute, art. 3, para. 1). The host State has secured a location for the permanent premises of the Court. Pending construction of those premises, interim arrangements are necessary. The Government of the Netherlands has announced that it will make available temporary premises as from the date of establishment of the Court. The interim premises are an existing building that offers enough room for start-up needs as well as expansion of the Court's activities within its walls. They are located opposite the International Tribunal for the Former Yugoslavia.<sup>1</sup> Detention facilities will be made available in a different location.

#### **II. Premises requirements**

2. During the start-up phase, the temporary premises should accommodate the following needs of the Court:

(a) The Presidency, consisting of the President and the First and Second Vice-Presidents (art. 38, para. 3), as well as its staff;

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<sup>1</sup> See statement made by the Minister for Foreign Affairs of the Netherlands on 25 September 2001 at the eighth session of the Preparatory Commission (PCNICC/2001/INF/3).



(b) Office space for an Appeals Division, a Trial Division and a Pre-Trial Division (art. 39, para. 1), i.e., an additional 15 judges and their staff;

(c) A courtroom that is available for the Appeals Chamber, the Trial Chambers and the Pre-Trial Chamber;

(d) The Office of the Prosecutor;

(e) The Registry;

(f) A detention facility at a separate location.

3. The experience of the International Tribunal for the Former Yugoslavia has shown that due account should be taken of the need to ensure a separation of the facilities belonging to the Office of the Prosecutor from the rest of the Court.<sup>2</sup> The particular requirements of the Court, however, will have to be taken into account. The temporary premises provided by the Government of the Netherlands would, if so required, allow for the facilities of the Office of the Prosecutor to be located separately from the rest of the Court within the premises to be made available.

4. Apart from the premises referred to above, appropriate premises will be required for the first meetings of the Assembly of States Parties (Statute, art. 112), the Bureau (art. 112, para. 3 (a)), the Inaugural Meeting of the Court, any special sessions of the Assembly (art. 112, para. 6), and meetings of the Committee on Budget and Finance of the Assembly, in accordance with the draft Financial Regulations and Rules.

### **III. Assembly of States parties**

5. According to the Statute, the Assembly can meet either at the seat of the Court or at the Headquarters of the United Nations (art. 112, para. 6). It is assumed that sessions of the Assembly in the first year could be held at the Headquarters of the United Nations in New York. The Government of the Netherlands has expressed its willingness to contribute financially to the initial meetings of the Assembly.<sup>3</sup>

6. The first session of the Assembly will be attended by representatives of at least 60 States parties, who may be accompanied by alternates and advisers (art. 112, para. 1). The maximum size of the delegations of the States parties is not regulated by the Statute. In view of the importance of the first session, it could be assumed that delegations will be composed of no less than three persons.<sup>4</sup>

7. In addition, States that have signed the Statute or the Final Act may attend the sessions of the Assembly in the capacity of observers (Statute, art. 112, para. 1). Currently, 139 States have signed the Statute and 144 States have signed the Final Act. The composition and size of the observer delegations is not regulated by the Statute and therefore could be discussed by the Preparatory Commission. Moreover, space is needed for other observers.

8. The official and working languages of the Assembly are those of the General Assembly of the United Nations (Statute, art. 112, para. 10). In regular sessions, the

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<sup>2</sup> See report of the Expert Group, A/54/634, para. 250.

<sup>3</sup> See PCNICC/2001/INF/3.

<sup>4</sup> In the General Assembly hall at United Nations Headquarters, each delegation is entitled to six seats.

Assembly can meet only once a year. However, the Statute provides that special sessions can be convened when circumstances so require (art. 112, para. 6). The Assembly could meet in a special session to, inter alia, elect a Deputy Prosecutor (from a list of candidates provided by the Prosecutor (art. 42, para. 4)) and to approve staff regulations (art. 44, para. 3) to be prepared by the Registrar. The convening of such a special session would also entail administrative, organizational and financial implications. Any special session during the first year could also be convened at the United Nations Headquarters in New York.

9. Appendix I to the draft financial regulations and rules foresees the establishment by the Assembly of States parties of a Committee on Budget and Finance, bearing in mind article 112, paragraphs 2 (b) and (d) and 4, of the Rome Statute. The Committee will be composed of 12 members. It will meet at least once a year. This body could hold its meetings during the first year at United Nations Headquarters in New York.

#### **IV. Bureau of the Assembly**

10. According to the Statute, the Bureau of the Assembly shall meet as often as necessary, but at least once a year (art. 112, para. 3 (c)). In the first year, meetings of the Bureau could also be held at United Nations Headquarters in New York.

11. The Bureau will be composed of 21 members elected by the Assembly (ibid., para. 3 (a)). It is to be expected that in the course of the first year, the Bureau will meet several times to discuss organizational matters. The Bureau meetings will require relevant premises arrangements and will also entail travel and related expenses for judges, the Prosecutor and the Registrar. The Statute is silent on the matter of the official and working languages of the Bureau. The representative character of the Bureau (ibid., para. 3 (b)) as well as its composition need to be taken into account when assessing resources needed.

12. The Government of the Netherlands has also expressed its willingness to contribute financially to the initial meetings of the Bureau.<sup>5</sup>

#### **V. Inaugural Meeting of the Court**

13. Once elected, the 18 judges and the Prosecutor are required to make a solemn undertaking (Statute, art. 45). The meeting at which this takes place may be used for the election of the Presidency of the Court by the judges, who might also at the same meeting determine the membership of the Divisions and the Chambers. Thus, appropriate premises arrangements should be envisaged for the Inaugural Meeting of the Court.

14. The Inaugural Meeting will be held at The Hague. The Government of the Netherlands has expressed its commitment to fully finance the meeting.

15. The Inaugural Meeting will entail round-trip travel arrangements for the 18 judges and the Prosecutor.

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<sup>5</sup> See PCNICC/2001/INF/3.