

**Sixty-eighth session**

Agenda item 146

**Financing of the International Residual Mechanism
for Criminal Tribunals****Second performance report on the budget of the International
Residual Mechanism for Criminal Tribunals for the
biennium 2012-2013****Report of the Secretary-General***Summary*

The second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013 is submitted pursuant to General Assembly resolution [67/244](#) A. The report provides an estimate of the anticipated final level of expenditure for the biennium 2012-2013, taking into account changes in parameters for inflation and exchange rates and cost-of-living adjustments vis-à-vis the assumptions made in the first performance report ([A/67/596](#)), which was reviewed by the Assembly at its sixty-seventh session and which formed the basis for the revised appropriation for the biennium.

The revised requirements reflect a decrease of \$34,677,800 gross (\$33,006,900 net) compared with the revised appropriation for the biennium 2012-2013. The reduction is the result of a decrease in post incumbency and other changes (\$35,415,400 gross (\$33,511,900 net)), a decrease owing to exchange rate fluctuations (\$723,600 gross (\$646,000 net)), partly offset by an increase resulting from the effect of inflation (\$1,461,200 gross (\$1,151,000 net)).

The General Assembly is requested to revise the appropriation for 2012-2013 for the International Residual Mechanism for Criminal Tribunals to \$18,998,700 gross (\$18,078,700 net).



I. Introduction

1. The purpose of the present performance report on the budget of the International Residual Mechanism for Criminal Tribunals is to provide an estimate of the final level of resources required for the biennium 2012-2013. The estimate is based on actual expenditures for the first 19 months of the biennium, projected requirements for the last 5 months and changes in inflation, exchange rates and cost-of-living adjustments compared with the assumptions made in the first performance report (A/67/596), which was reviewed by the General Assembly at its sixty-seventh session and which formed the basis for the revised appropriation for the biennium 2012-2013.

2. The activities of the Mechanism projected for the biennium 2012-2013 were predominantly judicial and most of the requirements were therefore linked to the pace of judicial activities.

II. Explanation of the changes in expenditure requirements

3. The estimates in the present report reflect a decrease of \$34,677,800 gross (\$33,006,900 net) compared with the revised appropriation approved by the General Assembly in its resolution 67/244 A. The distribution of the projected changes and the proposed final appropriation for the Mechanism for the biennium 2012-2013 are set out in tables 1 and 2.

Table 1
Projected changes and proposed final appropriation by component
(Thousands of United States dollars)

Component	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Expenditure						
Arusha branch						
Chambers	3 972.2	(36.8)	20.9	(3 936.4)	(3 952.3)	19.9
Office of the Prosecutor	7 018.2	(156.7)	367.2	(3 884.3)	(3 673.8)	3 344.4
Registry	37 599.3	(460.2)	777.2	(29 670.6)	(29 353.6)	8 245.7
Records management and archives	2 374.0	(90.9)	235.9	(1 998.8)	(1 853.8)	520.2
Subtotal	50 963.7	(744.6)	1 401.2	(39 490.1)	(38 833.5)	12 130.2
Hague branch						
Chambers	30.8	–	(0.1)	37.6	37.5	68.3
Office of the Prosecutor	205.5	0.2	9.1	257.3	266.6	472.1
Registry	1 360.0	20.4	27.6	3 469.3	3 517.3	4 877.3
Records management and archives	1 116.5	0.4	23.4	310.5	334.3	1 450.8
Subtotal	2 712.8	21.0	60.0	4 074.7	4 155.7	6 868.5
Total expenditure (gross)	53 676.5	(723.6)	1 461.2	(35 415.4)	(34 677.8)	18 998.7
Income						
Staff assessment	2 590.9	(77.6)	310.2	(1 903.5)	(1 670.9)	920.0
Total requirements (net)	51 085.6	(646.0)	1 151.0	(33 511.9)	(33 006.9)	18 078.7

Table 2
Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Expenditure						
Arusha branch						
Posts	8 117.7	(334.3)	900.5	(3 907.9)	(3 341.7)	4 776.0
Other staff costs	20 661.9	(193.4)	117.7	(19 032.6)	(19 108.3)	1 553.6
Non-staff compensation	3 691.8	(36.8)	21.9	(3 667.2)	(3 682.1)	9.7
Consultants	155.2	(1.6)	1.0	(92.9)	(93.5)	61.7
Travel of representatives	280.4	–	(1.0)	(269.2)	(270.2)	10.2
Travel of staff	2 176.1	–	(7.7)	(1 378.5)	(1 386.2)	789.9
Contractual services	4 540.8	(45.3)	26.8	(3 942.0)	(3 960.5)	580.3
General operating expenses	3 275.0	(32.6)	19.9	(2 868.4)	(2 881.1)	393.9
Supplies and materials	535.6	(5.4)	3.1	(527.5)	(529.8)	5.8
Furniture and equipment	1 194.1	(12.1)	7.1	(807.4)	(812.4)	381.7
Improvement of premises	3 746.8	(5.5)	2.4	(743.7)	(746.8)	3 000.0
Grants and contributions	227.0	–	–	(126.8)	(126.8)	100.2
Staff assessment	2 361.3	(77.6)	309.5	(2 126.0)	(1 894.1)	467.2
Subtotal	50 963.7	(744.6)	1 401.2	(39 490.1)	(38 833.5)	12 130.2
Hague branch						
Posts	1 508.1	(1.0)	51.6	469.2	519.8	2 027.9
Other staff costs	17.2	0.4	0.2	1 292.7	1 293.3	1 310.5
Travel of representatives	30.8	–	(0.1)	37.6	37.5	68.3
Travel of staff	162.0	–	(1.1)	312.6	311.5	473.5
Contractual services	81.8	1.2	0.6	(3.4)	(1.6)	80.2
General operating expenses	683.3	20.4	8.1	(556.5)	(528.0)	155.3
Furniture and equipment	–	–	–	2 300.0	2 300.0	2 300.0
Staff assessment	229.6	–	0.7	222.5	223.2	452.8
Subtotal	2 712.8	21.0	60.0	4 074.7	4 155.7	6 868.5
Total expenditure (gross)	53 676.5	(723.6)	1 461.2	(35 415.4)	(34 677.8)	18 998.7
Income						
Staff assessment	2 590.9	(77.6)	310.2	(1 903.5)	(1 670.9)	920.0
Total requirements (net)	51 085.6	(646.0)	1 151.0	(33 511.9)	(33 006.9)	18 078.7

A. Variations in budgetary assumptions

Rates of exchange and inflation (increase: \$505,200)

4. The net increase in this category is attributable to the impact of changes in the rate of inflation (increase of \$1,461,200), partially offset by reduced requirements owing to changes in the rate of exchange (decrease of \$723,600). Adjustments for

posts resources for the year 2013 are based on actual experience in 2013 as compared with the rates of exchange and inflation approved in the revised appropriation for 2010-2011 for tribunals. For 2012, the adjustments are based on the actual experience for 2012 as compared with those rates of exchange and inflation approved in the revised appropriation for 2012-2013, which include projections for the last two months of 2012. For non-post requirements, adjustments are based on actual experience thus far in the biennium as compared with those approved in the revised appropriation for 2012-2013.

5. In estimating the effect of exchange rate fluctuations experienced in 2013, the rates realized from January to October, with the October 2013 rate applied to November and December, have been used in the present report. The reduced requirements under exchange rates reflect the strengthening of the United States dollar against the Tanzanian shilling, offset by weakening of the United States dollar against the euro. Details of the assumptions are reflected in annex I to the present report.

6. With regard to inflation, the adjustments are based on the latest information available on consumer price indices, as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional and higher categories and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories as compared with the assumptions made in the revised appropriations.

B. Post incumbency and other changes

7. This section explains the changes reflected under the column “post incumbency and other changes” of tables 3 to 6.

Chambers

Table 3

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

<i>Object of expenditure</i>	<i>Revised 2012-2013 appropriation</i>	<i>Projected changes</i>			<i>Total</i>	<i>Proposed 2012-2013 final appropriation</i>
		<i>Exchange rate</i>	<i>Inflation</i>	<i>Post incumbency and other changes</i>		
Arusha branch						
Salaries and allowances of judges	3 691.8	(36.8)	21.9	(3 667.2)	(3 682.1)	9.7
Travel of representatives	280.4	–	(1.0)	(269.2)	(270.2)	10.2
Subtotal	3 972.2	(36.8)	20.9	(3 936.4)	(3 952.3)	19.9
Hague branch						
Travel of representatives	30.8	–	(0.1)	37.6	37.5	68.3
Subtotal	30.8	–	(0.1)	37.6	37.5	68.3
Total	4 003.0	(36.8)	20.8	(3 898.8)	(3 914.8)	88.2

Salaries and allowances of judges (decrease: \$3,667,200, solely in the Arusha branch)

8. The decrease of \$3,667,200, entirely in the Arusha branch, is attributable to the lower than anticipated level of judicial activity at the Arusha branch, owing in part to the non-occurrence of trials of fugitives. Furthermore, reduced requirements also result from the fact that all judges assigned to handle judicial activity at the Mechanism during the biennium 2012-2013 are currently judges with the International Criminal Tribunal for Rwanda and therefore do not require remuneration for their duties performed for the Mechanism. Annex II to the present report provides an overview of the judicial activities during the biennium 2012-2013.

Travel of representatives (net decrease: \$231,600, including a decrease in the Arusha branch (\$269,200) and an increase of \$37,600 in the Hague branch)

9. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$269,200 due to lower than anticipated judicial activity during the biennium, and the fact that the President of the Mechanism is based in The Hague and hence all official travel of the President originates from that location;

(b) Hague branch: an increase of \$37,600 based on actual requirements. When the 2012-2013 budget was prepared, most travel resources of the Mechanism were budgeted under the Arusha branch, on the basis that the Arusha branch would begin judicial operations one year in advance of the Hague branch, and that the Hague branch would have only limited judicial activity. However, following the appointment of the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 as President of the Mechanism, most of the official travel of his office has been emanating from The Hague and consequently has been recorded under the Hague branch of the Mechanism.

Office of the Prosecutor

Table 4
Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

<i>Object of expenditure</i>	<i>Revised 2012-2013 appropriation</i>	<i>Projected changes</i>			<i>Total</i>	<i>Proposed 2012-2013 final appropriation</i>
		<i>Exchange rate</i>	<i>Inflation</i>	<i>Post incumbency and other changes</i>		
Expenditure						
Arusha branch						
Posts	2 505.6	(105.4)	284.4	(666.9)	(487.9)	2 017.7
Other staff costs	3 689.7	(35.1)	20.8	(2 835.1)	(2 849.4)	840.3
Travel of staff	299.5	–	(1.1)	1.0	(0.1)	299.4
Staff assessment	523.4	(16.2)	63.1	(383.3)	(336.4)	187.0
Subtotal	7 018.2	(156.7)	367.2	(3 884.3)	(3 673.8)	3 344.4

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Hague branch						
Posts	136.4	–	10.2	145.9	156.1	292.5
Other staff costs	7.3	0.2	0.1	107.3	107.6	114.9
Travel of staff	38.4	–	(0.3)	0.3	–	38.4
Staff assessment	23.4	–	(0.9)	3.8	2.9	26.3
Subtotal	205.5	0.2	9.1	257.3	266.6	472.1
Total expenditure (gross)	7 223.7	(156.5)	376.3	(3 627.0)	(3 407.2)	3 816.5
Income						
Staff assessment	546.8	(16.2)	62.2	(379.5)	(333.5)	213.3
Total requirements (net)	6 676.9	(140.3)	314.1	(3 247.5)	(3 073.7)	3 603.2

Posts (net decrease: \$521,000, including a decrease in the Arusha branch (\$666,900) and an increase of \$145,900 in the Hague branch)

10. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$666,900 attributable to higher than anticipated vacancy rates during the biennium. During 2012, the average vacancy rates were 42.5 per cent for Professional posts and 66.7 per cent for General Service and related posts. For the period January to September 2013, the average vacancy rates were 18.1 per cent for Professional posts and 66.7 per cent for General Service posts. At the end of September 2013, a total of five posts (one Professional and four General Service) remained unencumbered. It should be noted that the functions of the four General Service posts are being performed by staff hired at the Field Service level using funds for general temporary assistance;

(b) Hague branch: an increase of \$145,900 as the actual vacancy rates are lower than those budgeted for the biennium 2012-2013. The 2012-2013 budget was based on the standard vacancy rates of 50 per cent for the Professional and higher categories and 40 per cent for the General Service and related categories. During the period July 2013 to September 2013, the average realized vacancy rates were 33.3 per cent for Professional posts and zero per cent for General Service and related posts. As at the end of September 2013, all Professional and General Service posts at the Hague branch were encumbered.

Other staff costs (net decrease: \$2,727,800, including a decrease in the Arusha branch (\$2,835,100) and an increase of \$107,300 in the Hague branch)

11. The decrease reflects the net effect of:

(a) Arusha branch: a decrease of \$2,835,100 related to the lower than anticipated judicial activity during the biennium, owing in part to the non-occurrence of the trials of two fugitives. The two fugitives were not arrested during the period and hence no funds were utilized for the trials of those two cases;

(b) Hague branch: an increase of \$107,300 to cover: (i) temporary assistance needed for a Legal Officer and an Administrative Assistant to provide support to the

establishment of the Office of the Prosecutor (Hague branch); and (ii) three months of general temporary assistance at the General Service (Other level) to cover the workload of staff on maternity leave. The increase of \$107,300 in the current performance report reflects the experience gained from the start of operations in the branch since July 2013.

Travel of staff (increase: \$1,300, including an increase in the Arusha branch of \$1,000 and an increase of \$300 in the Hague branch)

12. The minor increase reflects more accurate estimates based on actual expenditure and the projected upcoming trips during the remainder of the biennium.

Staff assessment (net decrease: \$379,500, including a decrease in the Arusha branch (\$383,300) and an increase of \$3,800 in the Hague branch)

13. The decrease under staff assessment is directly linked to the decreased requirements under posts.

Registry

Table 5

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Expenditure						
Arusha branch						
Posts	3 558.9	(143.2)	387.0	(1 509.5)	(1 265.7)	2 293.2
Other staff costs	16 972.2	(158.3)	96.9	(16 197.5)	(16 258.9)	713.3
Consultants	155.2	(1.6)	1.0	(92.9)	(93.5)	61.7
Travel of staff	1 817.1	–	(6.3)	(1 341.5)	(1 347.8)	469.3
Contractual services	4 446.2	(44.4)	26.2	(3 847.7)	(3 865.9)	580.3
General operating expenses	3 275.0	(32.6)	19.9	(2 868.4)	(2 881.1)	393.9
Supplies and materials	535.6	(5.4)	3.1	(527.5)	(529.8)	5.8
Furniture and equipment	1 194.1	(12.1)	7.1	(807.4)	(812.4)	381.7
Improvement of premises	3 746.8	(5.5)	2.4	(743.7)	(746.8)	3 000.0
Grants and contributions	227.0	–	–	(126.8)	(126.8)	100.2
Staff assessment	1 671.2	(57.1)	239.9	(1 607.7)	(1 424.9)	246.3
Subtotal	37 599.3	(460.2)	777.2	(29 670.6)	(29 353.6)	8 245.7
Hague branch						
Posts	519.4	(0.2)	20.2	91.6	111.6	631.0
Other staff costs	7.3	0.2	0.1	1 151.5	1 151.8	1 159.1
Travel of staff	79.6	–	(0.6)	312.1	311.5	391.1
General operating expenses	683.3	20.4	8.1	(556.5)	(528.0)	155.3
Furniture and equipment	–	–	–	2 300.0	2 300.0	2 300.0
Staff assessment	70.4	–	(0.2)	170.6	170.4	240.8
Subtotal	1 360.0	20.4	27.6	3 469.3	3 517.3	4 877.3
Total expenditure (gross)	38 959.3	(439.8)	804.8	(26 201.3)	(25 836.3)	13 123.0

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Income						
Staff assessment	1 741.6	(57.1)	239.7	(1 437.1)	(1 254.5)	487.1
Total requirements (net)	37 217.7	(382.7)	565.1	(24 764.2)	(24 581.8)	12 635.9

Posts (net decrease: \$1,417,900, including a decrease in the Arusha branch (\$1,509,500) and an increase of \$91,600 in the Hague branch)

14. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$1,509,500 mainly attributable to higher than budgeted vacancy rates. During the start-up of the Arusha branch in 2012, the average vacancy rates were 63.3 per cent for Professional posts and 62.9 per cent for General Service and related posts. For the period January to September 2013, the average vacancy rates were 34.3 per cent and 54.0 per cent for the Professional and higher categories and General Service and related categories, respectively. As of the end of September 2013, a total of 8 posts (5 Professional and 3 General Service) remained unencumbered, reflecting actual vacancy rates of 41.7 per cent for Professional posts and 42.9 per cent for General Service posts. Recruitment for the vacant posts is ongoing and it is expected that they will be filled before the end of the biennium;

(b) Hague branch: an increase of \$91,600 owing to lower than budgeted vacancy rates during the biennium 2012-2013. The current budget was based on the standard vacancy rates of 50 per cent for the Professional and higher categories, and 40 per cent for the General Service and related categories. During the period January 2013 to September 2013, the average vacancy rates were 63.0 per cent (Professional) and 11.1 per cent (General Service). At the end of September 2013, a total of 4 posts (3 Professional and 1 General Service) remained unencumbered, reflecting actual vacancy rates of 50 per cent for Professional posts and 33.3 per cent for General Service posts. These four posts are under recruitment and are expected to be filled before the end of the biennium.

Other staff costs (net decrease: \$15,046,000, including a decrease in the Arusha branch (\$16,197,500) and an increase of \$1,151,500 in the Hague branch)

15. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$16,197,500 related to the lower than anticipated judicial activity during the biennium, owing in part to the non-occurrence of the trials of two fugitives. The two fugitives were not arrested during the period and hence no funds were utilized for the trials of those two cases;

(b) Hague branch: an increase of \$1,151,500 to cover: (i) temporary assistance needed for one Administrative Officer and one Legal Officer to support the lead-up to the opening of the Hague branch of the Mechanism; and (ii) temporary assistance for the review and integration of administrative business processes and information technology systems to ensure that the Mechanism would be in a position to provide support services with a small staffing component. The

increase of \$1,151,500 in the current performance report reflects the experience gained since the start of operations in the branch in July 2013.

Consultants and experts (decrease: \$92,900, solely in the Arusha branch)

16. The decrease, entirely under the Arusha branch, is due to lower requirements for consultancy services in the absence of the arrest of fugitives in 2012-2013.

Travel of staff (net decrease: \$1,029,400, including a decrease in the Arusha branch (\$1,341,500) and an increase of \$312,100 in the Hague branch)

17. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$1,341,500 attributable to two factors: at the time of preparation of the 2012-2013 budget of the Mechanism, it was foreseen that the majority of travel funds should be allocated in Arusha, considering that the Arusha branch had begun operations one year earlier and the fact that no judicial activity was foreseen in The Hague. However, following the appointment of the Registrar of the International Tribunal for the Former Yugoslavia as Registrar of the Mechanism, most Registry-related travel has been emanating from The Hague. Consequently, such expenses have been recorded in the Hague branch of the Mechanism. Furthermore, the decrease is also owing to the fact that no travel of staff was required in support of the trials of the two fugitives, as the trials did not materialize during the biennium;

(b) Hague branch: an increase of \$312,100 to reflect the actual requirements of travel of the Registrar, staff of his immediate office and other support staff in the Registry. As mentioned in the preceding paragraph, following the appointment of the Registrar of the International Tribunal for the Former Yugoslavia as Registrar for the Mechanism, most of the official travel of his office has been emanating from The Hague instead of Arusha, as originally budgeted.

Contractual services (decrease: \$3,847,700, solely under the Arusha branch)

18. The decrease, entirely under the Arusha branch, reflects reduced requirements for training, contractual translation, external printing, defence counsel and other contractual services, owing to the lower than anticipated level of judicial activity at the Arusha branch and the non-occurrence of trials of fugitives.

General operating expenses (net decrease: \$3,424,900, including a decrease in the Arusha branch (\$2,868,400) and a decrease in the Hague branch (\$556,500))

19. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$2,868,400 reflects lower requirements for rental of premises, utilities, maintenance of furniture and equipment, freight, communication and other miscellaneous services, owing to the lower than anticipated level of judicial activity at the Arusha branch, specifically the non-occurrence of trials of fugitives;

(b) Hague branch: a decrease of \$556,500 is attributable to the slower than anticipated pace in advancing discussions and concluding a number of forecasted sentence enforcement agreements, which required financial support from the Mechanism. The Mechanism relies in full on the cooperation of Member States in

the enforcement of sentences rendered by the Mechanism. On the basis of agreements with the United Nations, States agree that individuals convicted through a trial at the Mechanism be transferred to their national prisons for the enforcement of their sentences, subject to the supervision of the Mechanism as provided for in article 25 of the Statute. For the period 2012-2013, the Mechanism aimed at concluding such agreements with several States. However, the nature of these agreements required a number of decision-making processes involving national authorities, which resulted in negotiations progressing at a slower pace than anticipated. At this stage, the Mechanism assesses that the negotiations leading up to the conclusion of agreements cannot be finalized by the end of 2013.

Supplies and materials (decrease: \$527,500, solely under the Arusha branch)

20. The decrease, entirely under the Arusha branch, is attributable to the lower than anticipated level of judicial activity at the Arusha branch, specifically the non-occurrence of trials of fugitives. No funding was budgeted under this heading for the Hague branch during the 2012-2013 biennium.

Furniture and equipment (net increase: \$1,492,600, including a decrease in the Arusha branch (\$807,400) and an increase of \$2,300,000 in the Hague branch)

21. The increase is the net effect of:

(a) Arusha branch: a decrease of \$807,400 due to lower requirements for acquisition of new furniture and office equipment, as a result of the transfer of usable furniture from the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and a reduced courtroom activity, as well as reduced requirements for security equipment, laboratory equipment, stenography machines, generators and other power supplies owing to the sharing of services with the International Criminal Tribunal for Rwanda;

(b) Hague branch: an increase of \$2,300,000 for electronic data-processing equipment. Given the July 2013 start date of the Hague branch, no provisions were made in the 2012-2013 budget for furniture and equipment in the Hague branch, as it was anticipated that the related requirements, if any, would be covered by the International Tribunal for the Former Yugoslavia. Following tripartite consultations among the two Tribunals and the Mechanism, it was agreed that a robust and integrated infrastructure for information technology is a key element needed in the transition towards a self-standing Mechanism. The funding will provide for an integrated server and related storage and network platform, to ensure reliable connectivity among the two Tribunals and the Mechanism.

Improvement of premises (decrease: \$743,700, solely under the Arusha branch)

22. The General Assembly, in its resolutions [66/240](#) A and B and [67/244](#) A and B, approved \$3 million for the initial costs of the construction of a new facility at the Arusha branch of the Mechanism. The Assembly also approved, in its resolution [67/244](#) B, the establishment of a multi-year special account for recording the

expenditure of the project. Accordingly, the \$3 million in approved funding has been transferred into the multi-year account.

23. The reduction of \$743,700 reflects the adjustment made to align the requirements with the amount approved by the General Assembly in resolutions 66/240 A and B and 67/244 A and B. The total project cost remains as reported in the report of the Secretary-General on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/67/696) at \$8,787,733. A progress report will be submitted to the General Assembly at the main part of its sixty-ninth session.

Grants and contributions (decrease: \$126,800, solely under the Arusha branch)

24. The decrease, entirely under the Arusha branch, is owing to reduced requirements for the organization's contribution to the Department of Safety and Security, which is calculated on the basis of the number of staff. The lower than anticipated level of judicial activity at the Arusha branch (specifically the non-occurrence of trials of fugitives) resulted in a lower than budgeted number of temporary assistance posts during the biennium, which in turn brought about a decrease in the level of contributions to the Department of Safety and Security.

Staff assessment (net decrease: \$1,437,100, including a decrease in the Arusha branch (\$1,607,700) and an increase of \$170,600 in the Hague branch)

25. The decrease under staff assessment is directly linked to the decreased requirements under posts.

Records management and archives

Table 6

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Expenditure						
Arusha branch						
Posts	2 053.2	(85.7)	229.1	(1 731.5)	(1 588.1)	465.1
Travel of staff	59.5	–	(0.3)	(38.0)	(38.3)	21.2
Contractual services	94.6	(0.9)	0.6	(94.3)	(94.6)	–
Staff assessment	166.7	(4.3)	6.5	(135.0)	(132.8)	33.9
Subtotal	2 374.0	(90.9)	235.9	(1 998.8)	(1 853.8)	520.2
Hague branch						
Posts	852.3	(0.8)	21.2	231.7	252.1	1 104.4
Other staff costs	2.6	–	–	33.9	33.9	36.5
Travel of staff	44.0	–	(0.2)	0.2	–	44.0
Contractual services	81.8	1.2	0.6	(3.4)	(1.6)	80.2
Staff assessment	135.8	–	1.8	48.1	49.9	185.7
Subtotal	1 116.5	0.4	23.4	310.5	334.3	1 450.8
Total expenditure (gross)	3 490.5	(90.5)	259.3	(1 688.3)	(1 519.5)	1 971.0

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Income						
Staff assessment	302.5	(4.3)	8.3	(86.9)	(82.9)	219.6
Total requirements (net)	3 188.0	(86.2)	251.0	(1 601.4)	(1 436.6)	1 751.4

Posts (net decrease: \$1,499,800, including a decrease in the Arusha branch (\$1,731,500) and an increase of \$231,700 in the Hague branch)

26. The decrease is the net effect of:

(a) Arusha branch: a decrease of \$1,731,500 attributable to the actual vacancy rates being higher than budgeted, during the start-up phase of the Arusha branch. During 2012, the average vacancy rates were 100 per cent for both Professional and higher categories and General Service and related categories. For the period January to September 2013, the average vacancy rates were 77.8 per cent for Professional and higher categories and 100 per cent for General Service and related categories. At the end of September 2013, a total of 8 posts (3 Professional and 5 General Service) remained unencumbered, reflecting actual vacancy rates of 50 per cent for Professional posts and 100 per cent for General Service posts. Through continuous recruitment efforts, it is expected that most of the eight vacant posts will be filled before the end of 2013;

(b) Hague branch: an increase of \$231,700 due to actual vacancy rates being lower than budgeted. The 2012-2013 budget was based on the standard vacancy rates of 50 per cent for the Professional and higher categories and 40 per cent for the General Service and related categories. During 2012, average realized vacancy rates were 36.7 for Professional and higher categories and 25 per cent for General Service and related categories. From January 2013 to September 2013, the average vacancy rates were 53.3 per cent (Professional) and zero per cent (General Service). At the end of September 2013, a total of 2 Professional posts remained unencumbered, reflecting actual vacancy rates of 40 per cent for Professional posts and zero per cent for General Service posts, which are both lower than standard rates. The two vacant posts are expected to be filled before the end of 2013.

Other staff costs (increase: \$33,900, solely under the Hague branch)

27. The increase, entirely under the Hague branch, relates to the requirements for a temporary assistance position of Archives Clerk to enable the Archive and Records Section to support additional work associated with the start-up phase of operations at the Hague branch.

Travel of staff (net decrease: \$37,800, including decrease under the Arusha branch (\$38,000) and increase of \$200 under the Hague branch)

28. The decrease is due to lower than forecast travel originating from Arusha.

Contractual services (decrease: \$97,700, including a decrease of \$94,300 in the Arusha branch and a decrease of \$3,400 in the Hague branch)

29. The decrease is composed of: (a) Arusha branch: reduced requirements of \$94,300 attributable to extensions in the timelines for the handover of records from the International Criminal Tribunal for Rwanda, which resulted in reduced requirements for data-processing services; and (b) Hague branch: a decrease of \$3,400 mainly due to longer than expected procurement time needed for the data services.

Staff assessment (net decrease: \$86,900, including a decrease in the Arusha branch (\$135,000) and an increase of \$48,100 in the Hague branch)

30. The decrease under staff assessment is directly linked to the decreased requirements under posts.

III. Action to be taken by the General Assembly

31. The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2012-2013 of \$18,998,700 gross (\$18,078,700 net) for the International Residual Mechanism for Criminal Tribunals.

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

<i>Budget parameters</i>	<i>Duty station</i>							
	<i>The Hague (Euro to US\$ 1)</i>				<i>Arusha (Tanzania shilling to US\$ 1)</i>			
	<i>Estimates reflected in the first performance report</i>		<i>Proposed estimates for the final appropriation</i>		<i>Estimates reflected in the first performance report</i>		<i>Proposed estimates for the final appropriation</i>	
	<i>2012</i>	<i>2013</i>	<i>2012</i>	<i>2013</i>	<i>2012</i>	<i>2013</i>	<i>2012</i>	<i>2013</i>
Rate of exchange	0.779	0.779 ^a	0.778	0.755	1 579.417	1 579.417 ^a	1 583.583	1 615.083
Inflation rate (percentage)	2.6	2.0	2.8	2.8	15.3	7.6	16.0	8.0
Post adjustment multiplier (percentage)	49.58	52.20 ^b	49.76	55.42	50.37	55.77 ^b	50.12	52.61

^a For 2013, estimates for posts were deferred and therefore the revised appropriation for posts for 2013 reflects the rates approved in the revised appropriation for 2010-2011 which are 0.753 for The Hague, and 1,517.000 for Arusha.

^b For 2013, estimates for posts were deferred and therefore the revised appropriation for 2013 reflects the rates approved in the revised appropriation for 2010-2011 which are 52.00 for The Hague, and 39.93 for Arusha.

Annex II

Judicial activity during the biennium 2012-2013

I. Principal activities of the President

In his judicial capacity, the President issued three decisions on applications for early release and rendered several decisions in relation to enforcement matters. He issued one decision on a request for the review of an administrative decision by the Registrar of the Mechanism, and is currently seized of two other such requests as well as one request for early release and two requests from individuals who have been transferred to a national jurisdiction for trial and who are seeking revocation of the transfer. The President also assigned a number of matters to a single judge and to the Appeals Chamber. In addition, the President presided over the Appeals Chamber, and is serving as pre-appeal judge on the Mechanism's first appeal from judgment, in the case of *The Prosecutor v. Augustin Ngirabatware*.

II. Principal activities of the duty judge or single judge

On 2 July 2012, the President assigned Judge Vagn Joensen as duty judge at the Arusha branch. Judge Joensen is also the President of the International Criminal Tribunal for Rwanda, and as a result, does not require remuneration for his Mechanism duties.

Judge Joensen, in his capacity as Mechanism duty judge or single judge, has dealt with a number of motions, including requests to amend indictments and to reissue arrest warrants on behalf of the Mechanism for three fugitives indicted by the Tribunal: Augustin Bizimana, Félicien Kabuga and Protais Mpiranya. He has also rendered decisions on allegations of contempt arising out of the Tribunal's trial of *The Prosecutor v. Augustin Ngirabatware*. In addition, Judge Joensen has issued six decisions on requests for variation of protective measures for witnesses for the use of Tribunal materials in proceedings in national jurisdictions and one decision on a post-appeal request for disclosure of evidence.

Since the opening of the Hague branch, the President has assigned a number of applications for variation of protective measures for witnesses for the International Tribunal for the Former Yugoslavia to Judge Bakone Justice Moloto as single judge. Judge Moloto has issued four orders in relation to these applications.

III. Principal activities of the Appeals Chamber

Since the opening of the Mechanism's first branch on 1 July 2012, the Appeals Chamber has been seized of one appeal from judgment, concerning the case of Augustin Ngirabatware. A trial chamber of the International Criminal Tribunal for Rwanda convicted Mr. Ngirabatware, a former Minister of Planning in Rwanda, of genocide, direct and public incitement to commit genocide and rape as a crime against humanity, on 20 December 2012 and sentenced him to 35 years of imprisonment (the written judgment was issued on 21 February 2013). Mr. Ngirabatware filed his notice of appeal against the trial judgment on 9 April

2013, and briefing was completed on 13 August 2013. Five pre-appeal motions are presently pending before the Appeals Chamber in the Ngirabatware case.

In addition, the Appeals Chamber has been seized of one appeal challenging a decision of the International Criminal Tribunal for Rwanda to refer the case of Phénéas Munyarugarama to Rwanda for trial, as well as several other requests and appeals. The Appeals Chamber has rendered one decision on the referral appeal in the Munyarugarama case, two interlocutory appeal decisions, one decision related to a post-appeal request, and 13 pre-appeal orders and decisions.
