

**Sixty-eighth session**

Agenda item 146

**Financing of the International Residual Mechanism for
Criminal Tribunals****Budget for the International Residual Mechanism for
Criminal Tribunals for the biennium 2014-2015****Report of the Secretary-General***Summary*

By its resolution [1966 \(2010\)](#), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals with two branches, which commenced functioning on 1 July 2012 (branch for the International Criminal Tribunal for Rwanda) and 1 July 2013 (branch for the International Tribunal for the Former Yugoslavia).

The present report sets out the resource requirements for the Mechanism for the biennium 2014-2015. The resources for the biennium 2014-2015, before recosting, amount to \$110,520,000 gross (\$103,581,900 net).



I. Overview

1. By its resolution [1966 \(2010\)](#), the Security Council established the International Residual Mechanism for Criminal Tribunals with two branches, adopted the statute of the Mechanism and the transitional arrangements. The Council also decided that the Mechanism should continue the jurisdiction, rights and obligations and essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

2. The branch of the Mechanism for the International Criminal Tribunal for Rwanda, located in Arusha, United Republic of Tanzania, started functioning on 1 July 2012 and the branch for the International Tribunal for the Former Yugoslavia, located in The Hague, the Netherlands, commenced operating on 1 July 2013.

3. Two types of activities are carried out under the Mechanism: continuous and ad hoc.

4. The continuous activities of the Mechanism comprise all activities mandated by the Security Council in its resolution [1966 \(2010\)](#) that are ongoing in nature. They include activities that need to be carried out at all times, irrespective of whether the Mechanism is conducting any trials or appeals, such as: the tracking and prosecution of remaining fugitives, the protection of witnesses, the supervision of enforcement of sentences, the provision of assistance to national jurisdictions and the management of the archives.

5. The ad hoc activities of the Mechanism are those activities mandated by the Security Council in its resolution [1966 \(2010\)](#) that occur from time to time. These include the conduct of trials and appeals and efforts to coordinate with the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia as the functions of the Tribunals are transferred to the Mechanism. These ad hoc activities require additional resources but not on a continuous basis.

6. During the biennium 2012-2013, the activities of the Mechanism were directed at making progress towards the achievement of two main objectives: (a) commencement of operations on the basis of the coordinated transition of functions and operations by the Tribunals; and (b) the effective and efficient implementation of the residual functions, as mandated.

7. In line with Security Council resolution [1966 \(2010\)](#), the responsibility for tracking the remaining fugitives indicted by the International Criminal Tribunal for Rwanda was transferred to the Mechanism on 1 July 2012. In this regard, the Office of the Prosecutor has intensified efforts to track the three most-wanted fugitives, who are expected to be tried by the Mechanism, focusing on the Great Lakes region and Southern Africa.

8. Starting on 1 July 2012, the Mechanism became responsible for witness support and protection functions in relation to the thousands of protected witnesses who have testified in completed cases tried by the International Criminal Tribunal for Rwanda. It assumed a similar role, on 1 July 2013, in relation to witnesses for completed cases tried by the International Tribunal for the Former Yugoslavia. The witness support and protection units of the branches of the Mechanism manage and ensure the safekeeping of confidential witness information and provide security for witnesses as required and consistent with judicial protection orders. The Mechanism

continues to provide ongoing support services to witnesses, including medical and psychosocial services to witnesses residing in Rwanda.

9. The Mechanism assumed jurisdiction over enforcement issues related to the International Criminal Tribunal for Rwanda on 1 July 2012 and to the International Tribunal for the Former Yugoslavia on 1 July 2013, including the authority to designate enforcement States, supervise the enforcement of sentences and decide on requests for pardon or commutation of sentences for convicted persons already serving their sentences.

10. In addition, the Mechanism routinely receives requests from national authorities for assistance with investigations, prosecutions and trials involving individuals charged in relation to the genocide in Rwanda. Starting on 1 July 2013, the Mechanism began responding to similar requests for assistance directed to the International Tribunal for the Former Yugoslavia.

11. The Mechanism Archives and Records Section continues to review and develop record-keeping policies and guidelines for the Mechanism on various aspects of records management, including on the operation of the centres where these records will be preserved. At the Hague branch, the Section has assumed responsibility for the central records unit of the International Tribunal for the Former Yugoslavia. In Arusha, the International Criminal Tribunal for Rwanda retains physical custody of its records, pending the completion of a small interim records centre. With respect to the preservation of the digital archives, the Section is developing a digital repository designed to ensure secure storage of the Tribunals' digital records.

12. In terms of judicial activity, the Mechanism assumed responsibility for trial and appeals activities relating to the International Criminal Tribunal for Rwanda on 1 July 2012 and for certain judicial activities relating to the International Tribunal for the Former Yugoslavia on 1 July 2013. The Mechanism is seized of one appeal case at the Arusha branch. It is anticipated that during the biennium 2014-2015 the Mechanism will be seized of two more appeal cases in the Hague branch involving two accused persons.

13. Consistent with the approach adopted during the biennium 2012-2013, provisions have been made for the trials of two fugitives indicted by the International Criminal Tribunal for Rwanda whose trials fall under the jurisdiction of the Mechanism, as provided for under the statute and the transitional arrangements.

14. With respect to the monitoring of cases, two cases from the International Criminal Tribunal for Rwanda were referred to France in November 2007 and are pending before the French judiciary. Additional cases from that Tribunal have been referred to Rwanda, and two individuals have been transferred to Rwanda for trial there. Monitoring arrangements for these four cases are being finalized.

15. The General Assembly, in its resolution [66/240](#) A, appropriated an initial amount of \$3 million in the biennium 2012-2013 for the conceptual design phase of the construction of new premises for the Arusha branch of the Mechanism. In its resolution [67/244](#) B, the Assembly authorized the establishment of a multi-year special account to record income and expenditure for the construction of the facility, and noted that additional requirements for the project would be included in the

proposed budget for the Mechanism for the biennium 2014-2015. Accordingly, the remaining balance of \$5,787,700 has been included in the present proposal.

16. During the biennium 2014-2015, the Mechanism will continue to work closely with the Tribunals to further develop its procedures and ensure the transfer of best practices and lessons learned. In addition, the respective divisions of administration of the Tribunals will provide valuable assistance in the development of a core administrative capacity in the Mechanism.

17. In an effort to respect the intention that the Mechanism be a small and efficient institution, it is proposed that a lean, core administrative capacity be established at each branch during the biennium 2014-2015. Of the 126 temporary posts proposed for the biennium 2014-2015, 30 will support the administrative activities of the Mechanism (17 in Arusha and 13 in The Hague).

18. With regard to substantive activities, no change is proposed to the 97 temporary posts for both branches that were approved in the budget for 2012-2013. It will be recalled that 30 of those 97 temporary posts were funded by the Tribunals under a double-hatting arrangement. It is proposed that 29 of the 30 temporary posts be established under the Mechanism starting from the biennium 2014-2015. It is recommended that the Registrar continue to perform functions for the Tribunals and the Mechanism under the double-hatting arrangements already established. The post of Prosecutor will be funded by the International Criminal Tribunal for Rwanda until 30 September 2015, when it is expected that the judicial mandates will be completed, and then be established in the Mechanism for the remainder of the biennium.

19. To support the ad hoc activities of the Mechanism, it is proposed that the continuous staffing level be supplemented with general temporary assistance for a total of 3,922 months, comprising 2,715 months in Arusha (1,373 for staff in the Professional category and 1,342 for staff in the General Service, Field Service, Security Service and Local level categories and 1,207 months in The Hague (729 for staff in the Professional category and 478 for staff in the General Service category).

20. It is estimated that the 3,922 months would cover: (a) 1,924 months for activities determined by the judicial calendar (717 months for the Arusha branch and 1,207 months for the Hague branch); and (b) 1,998 months (all in the Arusha branch) for activities related to the trials of fugitives, assuming two fugitives will be arrested in 2014-2015, and based on the established approach approved in the 2012-2013 budget that once fugitives are arrested, resources need to be made immediately available to conduct the related activities.

21. The recosting of the budgetary provisions proposed in the present report is in line with the recosting methodology. The same vacancy rates that were approved in the context of the revised appropriations for the biennium 2012-2013 for continuing posts, and 50 per cent for new posts in the Professional category and 40 per cent for new posts in the General Service category, are proposed for the biennium 2014-2015.

22. The distribution of resources proposed for the Mechanism for the biennium 2014-2015 is reflected in tables 1 to 3 below.

Table 1
Distribution of resources by component
 (Percentage)

<i>Component</i>	<i>Assessed budget</i>
Arusha branch	
A. Chambers	2.2
B. Office of the Prosecutor	10.4
C. Registry	45.3
D. Archives	4.3
Subtotal	62.2
Hague branch	
A. Chambers	1.3
B. Office of the Prosecutor	5.4
C. Registry	26.1
D. Archives	5.0
Subtotal	37.8
Total	100.0

Table 2
Resource requirements by component
 (Thousands of United States dollars)

Assessed budget

<i>Component</i>	<i>2012-2013 resources at revised rates</i>	<i>Resource growth</i>		<i>Total before recosting</i>	<i>Recosting</i>	<i>2014-2015 estimate</i>
		<i>Amount</i>	<i>Percentage</i>			
A. Chambers						
1. Arusha branch	3 972.2	(1 516.4)	(38.2)	2 455.8	363.2	2 819.0
2. Hague branch	30.8	1 350.7	4 385.4	1 381.5	61.9	1 443.4
Subtotal	4 003.0	(165.7)	(4.1)	3 837.3	425.1	4 262.4
B. Office of the Prosecutor						
1. Arusha branch	7 297.1	4 201.8	57.6	11 498.9	1 262.4	12 761.3
2. Hague branch	234.4	5 690.4	2 427.6	5 924.8	244.7	6 169.5
Subtotal	7 531.5	9 892.2	131.3	17 423.7	1 507.1	18 930.8
C. Registry						
1. Arusha branch	38 072.6	11 938.9	31.4	50 011.5	5 927.2	55 938.7
2. Hague branch	1 404.5	27 596.4	1 964.9	29 000.9	1 242.8	30 243.7
Subtotal	39 477.1	39 535.3	100.1	79 012.4	7 170.0	86 182.4

Component	2012-2013 resources at revised rates	Resource growth		Total before recosting	Recosting	2014-2015 estimate
		Amount	Percentage			
D. Records management and archives						
1. Arusha branch	2 585.3	2 141.0	82.8	4 726.3	435.8	5 162.1
2. Hague branch	1 157.7	4 362.6	376.8	5 520.3	224.1	5 744.4
Subtotal	3 743.0	6 503.6	173.8	10 246.6	659.9	10 906.5
Total (gross)	54 754.6	55 765.4	101.8	110 520.0	9 762.1	120 282.1
Income						
Income from staff assessment	2 847.3	4 090.8	143.7	6 938.1	481.0	7 419.1
Total requirements (net)	51 907.3	51 674.6	99.6	103 581.9	9 281.1	112 863.0

Table 3
Temporary post requirements

Category	Proposed changes			Total	
	2013	2014	2015	2014	2015
Professional and higher					
Arusha branch					
Under-Secretary-General	–	–	1	–	1
P-5	2	–	–	2	2
P-4/3	19	5	1	24	25
P-2/1	5	2	–	7	7
Subtotal	26	7	2	33	35
Hague branch					
P-5	2	2	–	4	4
P-4/3	10	9	2	19	21
P-2/1	1	4	1	5	6
Subtotal	13	15	3	28	31
Total, Professional and higher	39	22	5	61	66
General Service and other					
Arusha branch					
Other level	12	(12)	–	–	–
Security Service	1	–	–	1	1
Local level	5	7	–	12	12
Field Service	–	21	1	21	22
Subtotal	18	16	1	34	35

Category	Proposed changes			Total	
	2013	2014	2015	2014	2015
Hague branch					
Other level	10	7	8	17	25
Total, General Service and other	28	23	9	51	60
Grand total	67	45	14	112	126

II. Programme of work and resource requirements

A. Chambers

23. The Chambers are the judicial organ of the Mechanism, exercising judicial authority, at both branches, over the residual functions assumed by the Mechanism. The Chambers comprise one full-time President and a roster of 25 judges, elected by the General Assembly, who will be appointed by the President to hear cases as required. The main objective of the Chambers for the biennium 2014-2015 will be to continue operations and perform the continuous and ad hoc residual activities as needed, in the most expeditious manner possible.

24. The continuous residual functions to be performed by the Chambers during the biennium 2014-2015 will be the following:

- (a) Judicial aspects of the enforcement and the monitoring of the enforcement of sentences;
- (b) Judicial decisions related to assistance to national jurisdictions;
- (c) Judicial decisions concerning the protection of victims and witnesses;
- (d) Judicial decisions concerning access to the archives;
- (e) Judicial aspects of monitoring cases referred to national courts.

25. The function of enforcement of sentences includes designating the State in which a convicted person is to serve his or her sentence and supervising the enforcement of sentences of those convicted by the Tribunals and the Mechanism, including issuing decisions on applications for early release, pardon and commutation of sentence.

26. The function of assistance to national jurisdictions concerns judicial decisions related to the provision of assistance to national courts conducting related proceedings, including responding to requests for evidence and assistance, such as requests to obtain confidential documents.

27. The function of protection of victims and witnesses concerns judicial decisions related to the protection of victims and witnesses, including decisions on requests to vary existing protection measures.

28. The function of management of archives concerns judicial decisions related to access to the records of the Tribunals and the Mechanism, such as reviewing confidentiality orders and access designations.

29. The function of monitoring cases concerns reviewing monitoring reports for each of the cases referred to a national jurisdiction and, where it is clear that the conditions under which the case was referred no longer exist and that it is in the interest of justice to do so, assigning the case, at the request of the Prosecutor or *proprio motu*, to a trial chamber that will decide whether to revoke the order and make a formal request for deferral.

30. The President acts as the institutional head of the Mechanism. He is responsible for the overall execution of the mandate of the Mechanism and for representing the Mechanism before its parent body, the Security Council, and the General Assembly. The President performs representational functions vis-à-vis heads of mission, embassies of Member States and the Secretary-General. In addition, the President is responsible for coordinating the work of the Chambers. The Office of the President provides legal advice and logistical support to the President in the exercise of his functions. For budget presentation purposes, the resources for the Office of the President are included under the Registry.

31. The projected ad hoc activities connected to the Arusha branch of the Mechanism during the biennium 2014-2015 include the following:

(a) Pretrial proceedings, trials, interlocutory appeals and, subsequently, appeals against judgements, in the cases of two fugitives;

(b) Any contempt trials (and related appeals);

(c) Appeal against the judgement in the *Ngirabatware* case;

(d) Any request for review;

(e) Any case assigned by the President to a trial chamber for a decision on whether to revoke a referral order and make a formal request for deferral.

32. It is assumed that trial proceedings, appeals hearings and the delivery of the appeal judgement in the *Ngirabatware* case will take place in Arusha. The Chambers legal staff that support the Appeals Chamber will be located in The Hague.

33. The projected ad hoc activities connected to the Hague branch of the Mechanism during the biennium 2014-2015 include the following:

(a) Any contempt trials (and related appeals) in cases for which the indictment or order in lieu of indictment was issued after 1 July 2013;

(b) Any appeal against judgement in the *Šešelj* and *Karadžić* cases;

(c) Any requests for review.

Outputs

34. During the biennium 2014-2015, the following outputs related to continuous activities are expected to be delivered by both branches of the Mechanism:

(a) Judicial activities and decisions related to the enforcement of sentences, including the designation of enforcement States for convicted persons, early release, commutation of sentence and pardon and responding to correspondence from convicted persons;

(b) Decisions related to assistance to national jurisdictions, including decisions concerning motions for access to confidential material by persons authorized by external judicial authorities;

(c) Decisions relating to witness protection, including decisions on the variation or rescission of existing protection orders;

(d) Decisions related to the management of the archives, including decisions on the designation of sensitive records and the declassification of sensitive records;

(e) Amendments to the rules of procedure and evidence and to practise directions and proposals for amendments to the statute of the Mechanism to be submitted to the Security Council;

(f) Reports of the President to the Security Council, as requested, on non-compliance by States with orders of the Mechanism;

(g) The annual report to the General Assembly and the biannual progress report to the Security Council;

(h) Press releases on matters of importance to the Mechanism;

(i) Special events, including the hosting of visiting dignitaries, usually at the level of ambassador or minister for foreign affairs, and Heads of State, and establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Mechanism;

(j) Participation in activities within the United Nations system, including the annual statement by the President to the General Assembly, the biannual statement by the President to the Security Council and cooperation with the Tribunals;

(k) Liaising with States in relation to the referral of cases.

35. During the biennium 2014-2015, the following outputs related to ad hoc activities are expected to be delivered by the Arusha branch of the Mechanism:

(a) Courtroom activities, including initial appearances, status conferences, pretrial conferences, trials, appeals hearings and the delivery of judgements;

(b) Decisions relating to motions before and during trials, motions before and during appeals, interlocutory appeals and reviews, among others;

(c) Appeal judgement in the *Ngirabatware* case;

(d) Judgements on contempt cases at both trials and appeals.

36. During the biennium 2014-2015, the following outputs related to ad hoc activities are expected to be delivered by the Hague branch of the Mechanism:

(a) Courtroom activities, including initial appearances, status conferences, pretrial conferences, trials (in contempt cases), interlocutory appeals hearings and appeals hearings in the *Šešelj* case;

(b) Decisions relating to motions before and during trials, motions during appeals in cases of contempt, motions before appeals against judgements in the *Šešelj* and *Karadžić* cases and reviews, among others;

(c) Drafting preparatory documents in the *Šešelj* and *Karadžić* appeal cases;

(d) Judgements on contempt cases at both trials and appeals.

Table 4
Resource requirements: Chambers

<i>Category</i>	<i>Resources (thousands of United States dollars)</i>		<i>Temporary posts</i>	
	<i>2012-2013</i>	<i>2014-2015 (before recosting)</i>	<i>2012-2013</i>	<i>2014-2015</i>
Assessed budget				
Non-post	4 003.0	3 837.3	–	–
Total	4 003.0	3 837.3	–	–

37. The provision of \$3,837,300, before recosting, would cover the compensation for the judges, in accordance with the statute of the Mechanism, as well as their travel requirements. The decrease of \$165,700 is the result of the removal of a one-time requirement in 2012-2013 for honoraria in support of five appeal judges in Arusha and the reduced requirements for travel originating from the Arusha branch, offset by an increase in the Hague branch for judges to support ad hoc appeal activities in 2014-2015.

B. Office of the Prosecutor

38. The Office of the Prosecutor is responsible for the investigation and prosecution of persons falling within the competence of the Mechanism as set out in article 1 of the statute of the Mechanism. In accordance with article 14 of the statute, there is one Prosecutor for both branches who is responsible for the residual functions of both the International Criminal Tribunal for Rwanda and International Tribunal for the Former Yugoslavia.

39. The primary responsibility of the Office will be the work arising from the completed cases of the Tribunals, including providing assistance to national prosecuting authorities, tracking fugitives indicted by the International Criminal Tribunal for Rwanda and preparing cases for trial in the event of an arrest, maintaining records and carrying out various diplomatic and external relations functions. In addition, administrative and managerial functions will be required for running the Office in each branch.

40. The proposed structure and core staffing for the Office during the biennium 2014-2015 is based on the continuous activities that have to be carried out independently of trial and appeal activities. Resources are also proposed under general temporary assistance for ad hoc activities; the amounts proposed are based on assumptions made with respect to appellate work, new trials, contempt cases and potential retrials.

Table 5

Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Mechanism: to investigate and prosecute, in a timely and fair manner, persons falling within the areas of competence of the Mechanism and to ensure that the requirements of the Security Council are fulfilled

Expected accomplishments	Indicators of achievement
(a) Arrest of accused persons still at large	(a) Number of arrests for the Arusha branch <i>Performance measures</i> Estimate 2012-2013: 2 arrests Target 2014-2015: 2 arrests
(b) Provision of effective and timely assistance to national jurisdictions	(b) Requests for judicial assistance from national jurisdictions addressed to the Prosecutor are dealt with to the satisfaction of the requiring party, within four weeks of receipt <i>Performance measures</i> (Percentage of requests for judicial assistance from national jurisdictions met within four weeks) Estimate 2012-2013: 70 per cent Target 2014-2015: 90 per cent

External factors

41. The Office is expected to meet its objective and expected accomplishments on the assumption that:

- (a) Member States cooperate in the arrest and transfer of indicted persons and in the provision of information;
- (b) Two of the fugitives are arrested early in the biennium;
- (c) Member States continue to investigate and prosecute those accused of atrocities in Rwanda and the former Yugoslavia and seek assistance at a similar rate and volume as they had previously;
- (d) The referrals of cases already transferred to national jurisdictions, including the *Uwinkindi*, *Munyagishari*, *Bucyibaruta* and *Munyeshyaka* cases, are not revoked;
- (e) The judiciaries in the States of the former Yugoslavia, including the War Crimes Chamber of the Court of Bosnia and Herzegovina, function normally, so that cases may be tried at the national level;

(f) There are no delays in appellate proceedings for reasons beyond the control of the Mechanism, such as illness of the accused, unforeseen disclosure of material, requests for the replacement of the defence counsel or other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

42. During the biennium 2014-2015, the following outputs will be delivered by the Arusha branch:

(a) Investigation: witness statements, exhibits, massacre site maps and sketches, official government documents, informants and confidential sources, intelligence information, mission reports and records, and sensitive witness files;

(b) Prosecution: indictments, legal opinions, motions, responses, pretrial briefs, oral and other evidence, evidence transcripts, closing briefs, closing arguments, trial reports to the Appeals and Legal Advisory Division and judgements and sentences;

(c) Servicing of national jurisdiction requests: search results, analysis, advice and correspondence;

(d) Management: policy papers and directives, guidelines related to legal practice, annual reports, Security Council reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation and press releases, speeches, statements and briefings.

43. During the biennium 2014-2015, the following outputs will be delivered by the Hague branch:

(a) Appeals: filings related to the prosecution of appeals, including indictments, motions, responses to defence motions, appeals on the merits, interlocutory appeals and miscellaneous applications for orders from judges or trial chambers; court exhibits; training courses, including for induction and on legal issues and advocacy; and legal opinions on issues of international law;

(b) Information management: indices of evidentiary material and information sources, including witness statements, videotapes and audiotapes, material submitted under rule 70 of the International Tribunal for the Former Yugoslavia and press and other relevant, freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including procedures on decontamination and preservation; software systems, modifications to computer systems and database applications for the Office of the Prosecutor, including the Electronic Disclosure System, CaseMap, Sanction and eCourt software packages; and training courses for all staff;

(c) Provision of support after the transfer of case files to the States of the former Yugoslavia: support to local officials regarding the transfer of dossiers, review of requests and preparation of answers, exchange of knowledge with domestic prosecution authorities and exchange of know-how and training;

(d) Archives issues: engaging in coordination with the Registry and the Chambers in the preparation of the files and electronic data to be preserved and forming part of the legacy of the International Tribunal for the Former Yugoslavia;

(e) Management: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation and press releases, speeches, statements and briefings;

(f) Servicing of national jurisdiction requests: search results, analysis, advice and correspondence.

Table 6
Resource requirements: Office of the Prosecutor

Assessed budget

Category	<i>Resources (thousands of United States dollars)</i>		<i>Temporary posts</i>	
	2012-2013	2014-2015 (before recosting)	2012-2013	2014-2015
Arusha branch				
Post	2 733.3	4 228.7	14	18
Non-post	3 989.2	6 403.0	–	–
Staff assessment	574.6	867.2	–	–
Subtotal	7 297.1	11 498.9	14	18
Hague branch				
Post	164.0	1 770.0	5	10
Non-post	45.7	3 436.0	–	–
Staff assessment	24.7	718.8	–	–
Subtotal	234.4	5 924.8	5	10
Total	7 531.5	17 423.7	19	28

Table 7
Temporary post requirements: Office of the Prosecutor

Category	<i>Proposed changes</i>			<i>Total</i>	
	2013	2014	2015	2014	2015
Professional and higher					
Arusha branch					
Under-Secretary-General	–	–	1	–	1
P-5	1	–	–	1	1
P-4/3	7	2	–	9	9
Subtotal	8	2	–	10	11
Hague branch					
P-5	1	–	–	1	1
P-4/3	1	4	–	5	5
Subtotal	2	4	–	6	6
Total, Professional and higher	10	6	1	16	17

Category	Proposed changes			Total	
	2013	2014	2015	2014	2015
General Service and other					
Arusha branch					
Other level	4	(4)	–	–	–
Local level	2	–	–	2	2
Field Service	–	5	–	5	5
Subtotal	6	1	–	7	7
Hague branch					
Other level	3	1	–	4	4
Subtotal	3	1	–	4	4
Total, General Service and other	9	2	–	11	11
Grand total	19	8	1	27	28

44. Total resources under posts and staff assessment in the amount of \$5,998,700 and \$1,586,000, respectively, would provide for the following:

(a) The continuation of 14 temporary posts in the Arusha branch (1 P-5, 1 P-4, 6 P-3, 4 Field Service (reclassified from General Service (Other level)) and 2 Local level);

(b) The continuation of 5 temporary posts in the Hague branch (1 P-5, 1 P-3 and 3 General Service (Other level));

(c) The establishment of 9 new temporary posts, previously provided to the Mechanism through the double-hatting arrangement, comprising 4 new temporary posts in the Arusha branch (1 Under-Secretary-General effective 1 October 2015, 2 P-4 and 1 Field Service) and 5 new temporary posts in the Hague branch (1 P-4, 3 P-3 and 1 General Service (Other level)).

45. Total non-post resources in the amount of \$9,839,000 for the two branches (\$6,403,000 for the Arusha branch and \$3,436,000 for the Hague branch) would provide for general temporary assistance, overtime, expert witnesses, official travel of staff, training, general operating expenses and furniture and equipment.

C. Registry

46. The Registry is responsible for the administration and servicing of the Mechanism at both branches, directly implementing mandated functions under the Registrar's authority and supporting the Chambers and the Office of the Prosecutor in the performance of their responsibilities through the provision of support services. The Registry comprises the Registrar, an Officer-in-Charge for each branch and staff necessary for the implementation of the Registry's responsibilities. For budgetary purposes, resources for the Office of the President are included under the Registry.

47. The Registry, in coordination with the President and the Prosecutor, prepared for and ensured the successful commencement of operations at the Arusha branch of the Mechanism on 1 July 2012 and at the Hague branch on 1 July 2013.

48. The continuous functions to be performed by the Registry during the biennium 2014-2015 will be:

- (a) Administration of enforcement of sentences;
- (b) Assistance to national jurisdictions;
- (c) Protection of victims and witnesses;
- (d) Management of the archives.

49. In addition, in order to support the operations of the Mechanism, the Registry will perform the following support functions during the biennium 2014-2015:

- (a) Direction and management;
- (b) Legal and policy support;
- (c) Support for judicial activity;
- (d) External relations and communications services;
- (e) Language support;
- (f) Detention;
- (g) Legal aid and defence;
- (h) Administrative services.

50. The Registry is structured and staffed in accordance with the mandate and projected workload of the Mechanism, as well as the requirement to provide support at both branches. Accordingly, the Registry of the Mechanism differs significantly in important respects from the registries of the two Tribunals. The Registry is a small and efficient structure, centred on and led by the Office of the Registrar at each branch, headed by an Officer-in-Charge. Most of the mandated functions and the required support functions have been consolidated in the Office of the Registrar at each branch, which also include the following organizational units under the direction of the Officer-in-Charge at each branch: the Witness Support and Protection Unit, the Language Support Service and the Mechanism Archives and Records Section. This structure has resulted in efficiencies and flexibility, while ensuring that the size of the Registry remained small. It is therefore proposed that it be maintained in the biennium 2014-2015.

51. During the biennium 2012-2013, the Registry of the Mechanism relied on the assistance of the registries of the Tribunals. The level of support provided by the Tribunals will decrease considerably throughout the biennium 2014-2015 owing to their significant downsizing, although the International Tribunal for the Former Yugoslavia will downsize to a lesser extent.

52. During the biennium 2014-2015, the Registry will focus on two principal objectives:

(a) Ensuring the continued smooth operation of the Mechanism and, in particular, ensuring consistency and coherence in the procedures and practices of the two branches;

(b) Ensuring adequate support for the ad hoc judicial responsibilities of the Mechanism, in particular the hearing of appeals against judgements of the Tribunals.

Table 8

Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Mechanism: the efficient administration and servicing of the Mechanism through the management of judicial, administrative and legal support for the Chambers and the Office of the Prosecutor, in line with the statute of the Mechanism, the rules of procedure and evidence and United Nations regulations and rules.

Expected accomplishments	Indicators of achievement
(a) Full online access to public judicial documents, including decisions.	<p>(a) All public judicial documents of the Mechanism, including filings of all Mechanism cases, are available online and easily accessible</p> <p><i>Performance measures</i></p> <p>(Percentage of public documents online within 24 working hours of their issuance by the Mechanism Registry)</p> <p>Estimate 2012-2013: 90 per cent</p> <p>Target 2014-2015: 100 per cent</p>
(b) Efficient discharge of functions relating to the supervision of the enforcement of sentences	<p>(b) Relevant procedures for implementing the President's requests for information in respect of applications for early release are commenced in a timely manner</p> <p><i>Performance measures</i></p> <p>(Percentage of relevant procedures commenced within two weeks of the receipt of requests for information from the President in respect of applications for early release)</p> <p>Estimate 2012-2013: 90 per cent</p> <p>Target 2014-2015: 90 per cent</p>

(c) Efficient provision of assistance to national jurisdictions	<p>(c) Procedures to attend to requests for assistance addressed to the Registrar are commenced in a timely manner</p> <p><i>Performance measures</i></p> <p>(Percentage of procedures to attend to requests for assistance addressed to the Registrar that are commenced within two weeks of receipt)</p> <p>Estimate 2012-2013: Not applicable</p> <p>Target 2014-2015: 90 per cent</p>
(d) Increased public awareness	<p>(d) Increased public awareness of the Mechanism</p> <p><i>Performance measures</i></p> <p>(Number of page views of the website of the Mechanism)</p> <p>Estimate 2012-2013: 175,440</p> <p>Target 2014-2015: 400,000</p>
(e) Provision of timely financial reporting	<p>(e) Timely finalization of monthly financial reports</p> <p><i>Performance measures</i></p> <p>(Time between the end of the month and the issuance of financial reports)</p> <p>Estimate 2012-2013: 8 working days</p> <p>Target 2014-2015: 8 working days</p>

External factors

53. The Registry is expected to meet its expected accomplishments on the assumption that:

(a) Member States continue to cooperate in the enforcement of sentences pronounced by the Tribunals and the Mechanism;

(b) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information;

(c) There are no delays in the proceedings for reasons beyond the control of the Mechanism, including the illness of the accused, the unforeseen disclosure of material, requests for the replacement of defence counsel and the unavailability of witnesses to certify statements and provide testimony.

Outputs

54. During the biennium 2014-2015, the following outputs will be delivered by the Registry:

(a) Adoption and review of further policies, directives and guidelines for Registry operations;

(b) Provision of legal advice, including researching legal issues, drafting legal decisions and correspondence, negotiating and drafting agreements and providing legal advice to the Registrar and Mechanism staff on a wide range of issues, and, with respect to the management of the archives, ensuring the application of appropriate security classification levels, assisting with the judicial review of records, implementing judicial orders related to confidentiality and declassification and providing legal advice in relation to requests for access;

(c) Administration of the enforcement of sentences, including the negotiation of international agreements on the enforcement of sentences, the transfer of convicted persons to enforcement States, maintaining liaison with enforcement States and providing information to the Office of the President and enforcement States in relation to pardon, commutation of sentence and early release;

(d) Provision of support and protection services to witnesses in completed cases of the Tribunals, including by providing support and administrative services for temporarily and permanently relocating witnesses, conducting threat assessments, responding to queries from witnesses, transmitting information to and from witnesses and reporting the results of judicial procedures involving the variation of protective measures;

(e) Provision of assistance to national jurisdictions, including responding to all requests for cooperation;

(f) Provision of information to the public, including through the publication of various information materials related to the work and mandate of the Mechanism, the creation of multimedia content for distribution to the public, the issuance of press releases to the local, national and international press regarding Mechanism activities and participation in public events related to the mandate and activities of the Mechanism;

(g) Liaison with external partners, including with the host countries, on privileges and immunities of judges and staff, and with Member States and other stakeholders, including other United Nations agencies, on matters related to the mandate and activities of the Mechanism;

(h) Management support, including with regard to the direction and supervision of the Registry's judicial support functions and legal and administrative activities, the provision of overall administrative support, the preparation of reports related to administrative functions, the preparation and implementation of budgetary provisions, the development of policies and directives on Mechanism management, the development and implementation of accountability measures, the development and maintenance of inter-agency cooperation, especially regarding security issues, and the development and implementation of workforce performance strategies, including training, change management and capacity-building.

Table 9
Resource requirements: Registry

Assessed budget

Category	Resources (thousands of United States dollars)		Temporary posts	
	2012-2013	2014-2015 (before recosting)	2012-2013	2014-2015
Arusha branch				
Post	3 841.6	7 452.2	19	41
Non-post	32 369.2	39 880.6	–	–
Staff assessment	1 861.8	2 678.7	–	–
Subtotal	38 072.6	50 011.5	19	41
Hague branch				
Post	561.5	4 735.7	9	35
Non-post	770.2	22 207.9	–	–
Staff assessment	72.8	2 057.3	–	–
Subtotal	1 404.5	29 000.9	9	35
Total	39 477.1	79 012.4	28	76

Table 10
Temporary post requirements: Registry

Category	2013	Proposed changes		Total	
		2014	2015	2014	2015
Professional and higher					
Arusha branch					
P-5	1	–	–	1	1
P-4/3	8	3	1	11	12
P-2/1	3	2	–	5	5
Subtotal	12	5	1	17	18
Hague branch					
P-5	–	2	–	2	2
P-4/3	6	5	2	11	13
P-2/1	–	3	1	3	4
Subtotal	6	10	3	16	19
Total, Professional and higher	18	15	4	33	37
General Service and other					
Arusha branch					
Other level	3	(3)	–	–	–
Security Service	1	–	–	1	1

Category	Proposed changes			Total	
	2013	2014	2015	2014	2015
Local level	3	6	–	9	9
Field Service	–	12	1	12	13
Subtotal	7	15	1	22	23
Hague branch					
Other level	3	5	8	8	16
Subtotal	3	5	8	8	16
Total, General Service and other	10	20	9	30	39
Grand total	28	35	13	63	76

55. Total resources under posts and staff assessment in the amount of \$12,187,900 and \$4,736,000, respectively, would provide for the following:

(a) The continuation of 19 temporary posts in the Arusha branch (1 P-5, 5 P-4, 3 P-3, 3 P-2, 3 Field Service (reclassified from General Service (Other level)), 1 Security Service and 3 Local level);

(b) The continuation of 9 temporary posts in the Hague branch (3 P-4, including one reclassified from the P-3 level, 3 P-3 and 3 General Service (Other level));

(c) The establishment of 18 new temporary posts during the biennium 2014-2015 previously provided to the Mechanism through the double-hatting arrangement, comprising 5 temporary posts in the Arusha branch (2 P-4, 2 Field Service and 1 Local level) and 13 temporary posts in the Hague branch (2 P-5, 4 P-4, 1 P-3, 3 P-2 and 3 General Service (Other level));

(d) The establishment of 30 new temporary posts to provide administrative services to the Mechanism, comprising 17 temporary posts in the Arusha branch (1 P-4, 1 P-3, 2 P-2, 8 Field Service and 5 Local level) and 13 temporary posts in the Hague branch (2 P-3, 1 P-2 and 10 General Service (Other level)).

56. Total non-post resources in the amount of \$62,088,500 for the two branches (\$39,880,600 for the Arusha branch and \$22,207,900 for the Hague branch) would provide for general temporary assistance, consultants and expert witnesses for the defence, travel of staff and witnesses, defence counsel fees and other contractual services, general operating expenses, hospitality, supplies and materials, furniture and equipment, improvement of premises and the Mechanism's share of United Nations field security charges, including charges for malicious act insurance.

D. Records management and archives

57. Pursuant to article 27 of its statute, the Mechanism is responsible for the management, including preservation and access, of the archives of the Tribunals and the Mechanism, which together constitute the Archives of the International Criminal Tribunals. After operations commenced at both the Arusha and Hague branches, the

Mechanism assumed competence over and responsibility for the archives of the Tribunals, pending their preparation and transfer. Those archives are to be co-located at the corresponding branches of the Mechanism.

58. The management of the Archives of the International Criminal Tribunals will be a continuous function of the Mechanism throughout its mandate. It is a function that is critical to the performance of the other functions of the Mechanism, including any trial or appeal activity and the provision of assistance to national jurisdictions.

59. The Archives consist of judicial records and other substantive and administrative records of the Tribunals and the Mechanism, in all media and formats. It is projected that the archives of the International Criminal Tribunal for Rwanda will include approximately 5,000 linear metres of physical materials and more than 1 petabyte of digital data and that the archives of the International Tribunal for the Former Yugoslavia will include up to 10,000 linear metres of physical materials and approximately 2 petabytes of digital data.

60. The Archives of the International Criminal Tribunals are to be managed by the Mechanism Archives and Records Section, which is part of the Registry. As the Archives are co-located at the respective branches of the Mechanism, the Section has staff in Arusha and in The Hague.

61. The Mechanism Archives and Records Section is responsible for, among other things, developing and implementing strategies, policies and procedures to ensure the preservation of the Archives and the provision of appropriate access to them. In this regard, the Section is also responsible for ensuring that the Mechanism can access the Archives as necessary to perform its functions and for developing and implementing strategies to enhance the availability of the Archives to the public by enabling access to appropriate materials through the Internet, operating research facilities and coordinating with information centres.

62. In addition, the Section provides advice and guidance to the Tribunals on the preparation and transfer of their archives. In particular, it has issued standards for the preparation and transfer of both physical and digital records and provided training to assist the staff of the Tribunals in implementing those standards.

63. The Section is preparing specifications for new physical and digital repositories for the Archives and is working with staff of the Tribunals to plan for the systematic transfer of records to those repositories.

64. At the Hague branch, the Section has already assumed responsibility for the central records repositories of the International Tribunal for the Former Yugoslavia that house inactive records pending their final disposition. At the Arusha branch, the Section will assume responsibility for the central records repositories of the International Criminal Tribunal for Rwanda in due course.

65. The Section is also responsible for the management of all records generated by the Mechanism itself. This responsibility includes developing and implementing strategies, policies and procedures for the creation, organization, appraisal, storage and disposition of the records of the Mechanism. It will also include managing confidential information and providing access to the records of the Mechanism, in accordance with established procedures. The Section has started developing key records management policies and guidelines, including for the management of electronic mail.

66. The Section will engage in the following activities during the biennium 2014-2015:

- (a) Supporting the Tribunals in the preparation and transfer of their archives in accordance with Section standards, including implementation of records retention policies;
- (b) Taking custody of the archives of the Tribunals and planning the transfer of those archives to new physical and digital repositories in Arusha and The Hague;
- (c) Developing strategies, policies and procedures for the management of the Archives of the International Criminal Tribunals and the provision of access to them;
- (d) Overseeing the implementation of the information security regime of the Archives, including the implementation of judicial orders related to the confidentiality and declassification of judicial records;
- (e) Facilitating access to the Archives by providing research facilities and assistance;
- (f) Coordinating with information centres and other institutions interested in the Archives and ensuring the widest possible access to this key component of the legacies of the Tribunals;
- (g) Developing and implementing strategies, policies and procedures for the management of the records of the Mechanism;
- (h) Coordinating with the Tribunals.

Table 11

Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Mechanism: the efficient and effective management of the records and archives of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, in line with the rules of procedure and evidence of the respective Tribunals and the Mechanism, United Nations policies and standards and international standards and best practices

Expected accomplishments	Indicators of achievement
(a) Timely provision of access to records and archives to external users	<p>(a) External access requests acknowledged within 3 days and final decision on provision of access within 30 working days</p> <p><i>Performance measures</i></p> <p>(Percentage of external access requests acknowledged within 3 days and final decision on provision of access within 30 working days)</p> <p>Estimate 2012-2013: 90 per cent</p> <p>Target 2014-2015: 90 per cent</p>

(b) Effective preservation of records and archives and protection of confidential information

(b) (i) Compliance with standards for the preservation of records and archives

Performance measures

(Percentage of records or archives lost owing to deterioration, damage or destruction)

Estimate 2012-2013: 0 per cent

Target 2014-2015: 0 per cent

(ii) Compliance with security and access policy

Performance measures

(Percentage of records and archives accessed in compliance with policies)

Estimate 2012-2013: 100 per cent

Target 2014-2015: 100 per cent

(c) Efficient maintenance of records and archives in accordance with agreed accession and retention policies

(c) (i) No records retained more than three months beyond the agreed retention period

Performance measures

(Percentage of records retained beyond the agreed retention period that are disposed of)

Estimate 2012-2013: 90 per cent

Target 2014-2015: 90 per cent

(ii) No records waiting more than three months for accession

Performance measures

(Percentage of records accessioned within three months of their designation as archives)

Estimate 2012-2013: 90 per cent

Target 2014-2015: 90 per cent

(d) Preparation of aids for searching the Archives of the International Criminal Tribunals

(d) Timely preparation and publication of high-level aids for searching the Archives of the International Criminal Tribunals

Performance measures

(Percentage of high-level aids prepared and published for all the archives of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia that have been transferred to the custody of the Mechanism Archives and Records Section)

Estimate 2012-2013: Not applicable

Target 2014-2015: 100 per cent

External factors

67. The Mechanism Archives and Records Section is expected to meet its objectives and expected accomplishments on the assumption that appropriate archive facilities are available at both branches to ensure the preservation and safety of records in accordance with appropriate standards.

Outputs

68. During the biennium 2014-2015, the following outputs will be delivered:

(a) Management: policy documents, reports, statistics, fundraising proposals and budget documents;

(b) Technical: procedural documents and guidelines for active record-keeping, the management of archives and the provision of access to records and archives, training programmes for staff of the Tribunals and the Mechanism, functioning repositories for physical and digital archives and aids for searching the Archives of the International Criminal Tribunals.

Table 12

Resource requirements: records management and archives

Assessed budget

Category	Resources (thousands of United States dollars)		Temporary posts	
	2012-2013	2014-2015 (before recosting)	2012-2013	2014-2015
Arusha branch				
Post	2 257.2	2 829.1	11	11
Non-post	154.1	1 636.5	–	–
Staff assessment	174.0	260.7	–	–
Subtotal	2 585.3	4 726.3	11	11

Category	Resources (thousands of United States dollars)		Temporary posts	
	2012-2013	2014-2015 (before recosting)	2012-2013	2014-2015
Hague branch				
Post	889.9	2 163.0	9	11
Non-post	128.4	3 001.9	–	–
Staff assessment	139.4	355.4	–	–
Subtotal	1 157.7	5 520.3	9	11
Total	3 743.0	10 246.6	20	22

Table 13
Temporary post requirements: records management and archives

Category	Proposed changes			Total	
	2013	2014	2015	2014	2015
Professional and higher					
Arusha branch					
P-4/3	4	–	–	4	4
P-2/1	2	–	–	2	2
Subtotal	6	–	–	6	6
Hague branch					
P-5	1	–	–	1	1
P-4/3	3	–	–	3	3
P-2/1	1	1	–	2	2
Subtotal	5	1	–	6	6
Total, Professional and higher	11	1	–	12	12
General Service and other					
Arusha branch					
Other level	5	(5)	–	–	–
Local level	–	1	–	1	1
Field Service	–	4	–	4	4
Subtotal	5	–	–	5	5
Hague branch					
Other level	4	1	–	5	5
Total, General Service and other	9	1	–	10	10
Grand total	20	2	–	22	22

69. Total resources under posts and staff assessment in the amount of \$4,992,100 and \$616,100, respectively, would provide for the following:

(a) The continuation of 11 temporary posts in the Arusha branch (1 P-4, 3 P-3, 2 P-2, 4 Field Service (reclassified from General Service (Other level)) and 1 Local level (also reclassified from General Service (Other level)));

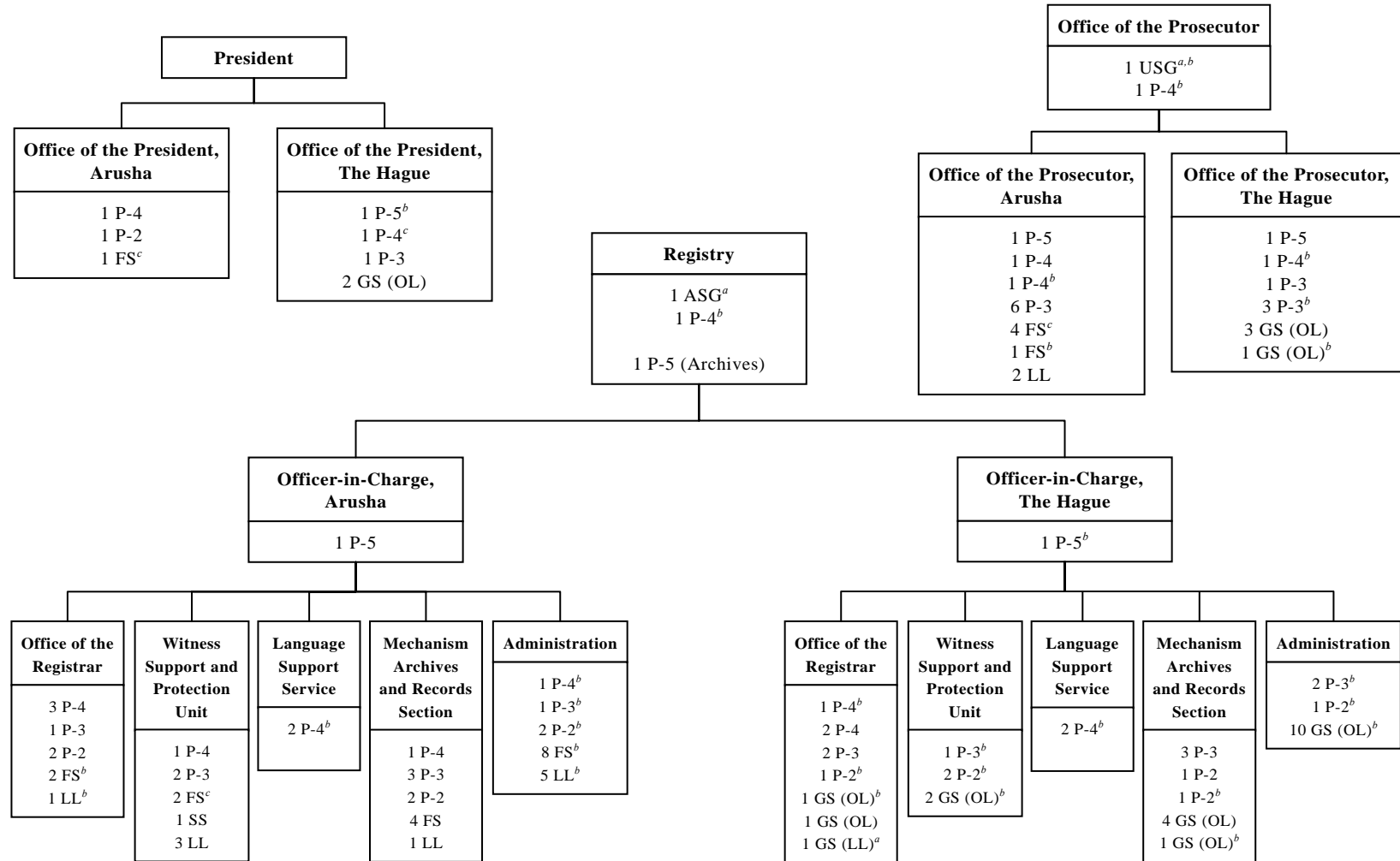
(b) The continuation of 9 temporary posts in the Hague branch (1 P-5, 3 P-3, 1 P-2 and 4 General Service (Other level));

(c) The establishment of 2 new temporary posts in the Hague branch (1 P-2 and 1 General Service (Other level)), which were previously provided to the Mechanism through the double-hatting arrangement.

70. Total non-post resources in the amount of \$4,638,400 for the two branches (\$1,636,500 for the Arusha branch and \$3,001,900 for the Hague branch) would provide for overtime, travel of staff, contractual services, general operating expenses, supplies and materials, furniture and equipment and improvement of premises.

Annex I

Organization chart



Abbreviations: USG, Under-Secretary-General; ASG, Assistant Secretary-General; GS, General Service; OL, Other level; LL, Local level; FS, Field Service; SS, Security Service.

^a Functions performed through the double-hatting arrangement by incumbents of posts funded by the Tribunals.

^b New post.

^c Reclassified post.

Annex II

Summary of follow-up action taken to implement relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions and the Board of Auditors

Brief description of the recommendation

Action taken or to be taken to implement the recommendation

Report of the Advisory Committee on Administrative and Budgetary Questions (A/66/600)

The Committee encourages the Secretary-General to ensure that the Mechanism utilizes further cost-saving measures, including increased use of the double-hatting arrangements and increased sharing of premises and other common services, and expects the next proposed budget to reflect further savings through increased resource-sharing (para. 76).

For the biennium 2012-2013, the Mechanism has shared resources with and provided mutual support to the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, in particular through double-hatting arrangements involving staff members, co-location with the Tribunals and reliance on common administrative support services. To ensure that the Mechanism remains a small and efficient institution and given the staffing levels of the Tribunals, the Mechanism has not had its own administration during the biennium 2012-2013. All the administrative services required by the Mechanism, such as human resources, finance, budget, procurement, logistics, security and information technology services, are being provided by Tribunals. This arrangement has yielded economies of scale through reduced requirements for temporary posts, general operating expenses, infrastructure equipment and administrative services.

In preparation for the Tribunals' decreased capacity to support the Mechanism owing to their progressive downsizing during 2014-2015, the Tribunals and the Mechanism have reached an agreement on the basic requirements of a small, self-sufficient administration for the Mechanism that will be divided between and service both branches of the Mechanism. Where possible, it will support the Tribunals, if they have become reduced in function and size. To this end, the Mechanism has developed a road map and a list of actions to be taken for the gradual implementation of this administrative component during the biennium 2014-2015.

*Brief description of the recommendation**Action taken or to be taken to implement the recommendation*

The Advisory Committee encourages the close monitoring of the construction project to ensure its timely completion (para. 84).

Pursuant to General Assembly resolution [67/244 B](#) on the International Residual Mechanism for Criminal Tribunals, the schedule for the construction of a new facility for the Arusha branch has been shortened from five years and three months to four years, and it is projected that the new facility will become occupied in the fourth quarter of 2015. The Secretary-General, through the Office of Central Support Services, will continue to monitor and update Member States regularly on progress made in the construction of the facility until completion. On the basis of lessons learned by the Office of Central Support Services during previous United Nations construction projects, a project manager has been hired and works closely with the Officer-in-Charge of the Arusha branch to provide daily on-the-ground oversight and regular status updates to the Registrar. In addition, Assembly resolution [67/244 B](#) provides for the Office of Internal Oversight Services to ensure effective oversight of the construction project and submit to the Assembly information on key findings in its annual reports. The Mechanism has consulted with the Office of Internal Oversight Services and is in the process of developing an audit plan.
