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Financing of 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

Financing 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

Financing of the International Residual Mechanism for Criminal Tribunals

First performance reports of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the first performance reports for the biennium 2014-2015 of the International Criminal Tribunal for Rwanda ([A/69/597](#)), the International Tribunal for the Former Yugoslavia ([A/69/599](#)) and the International Residual Mechanism for Criminal Tribunals ([A/69/598](#)). During its consideration of these reports, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 10 December 2014.



II. Cross-cutting issues

2. The reports of the Secretary-General reflect increases under adjustments to standard costs in respect of all three entities: the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals. Upon enquiry, the Advisory Committee was informed that the increases mainly reflect adjustments related to payroll averages experienced during the biennium, primarily owing to: an upward shift in the composition of staff in the General Service and related categories in the range from G-1 to G-6 from 2012 to 2014; an increase in the average step from 2012 to 2014; and a slightly higher proportion of staff with dependent status. The Committee was further informed that in 2014-2015, a total of 488 posts were/will be abolished in the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (247 posts in the Professional and higher categories and 241 posts in the General Service and related categories), which has also contributed to the upward shift in the composition of the General Service staff and the increase in the average step.

III. First performance report for the biennium 2014-2015 of the International Criminal Tribunal for Rwanda

3. By its resolution 68/255, the General Assembly approved an initial appropriation to the Special Account for the International Criminal Tribunal for Rwanda of a total amount of \$93,595,700 gross (\$87,188,400 net) for the biennium 2014-2015. The Secretary-General indicates in his first performance report that the revised estimates reflect an increase in requirements of \$1,287,900 gross (\$1,128,400 net) as compared to the initial appropriation, amounting to a revised appropriation of \$94,883,600 gross (\$88,316,800 net). The increase is attributable to increases owing to changes in inflation assumptions (\$199,900), adjustments to standard costs (\$1,085,100) and vacancies (\$1,915,400), partially offset by a decrease owing to changes in exchange rates (\$1,912,500) (see [A/69/597](#), table 1).

4. Upon enquiry as to the caseload of the International Criminal Tribunal for Rwanda, the Advisory Committee was informed that the trial judgement in the *Nyiramasuhuko et al. ("Butare")* case was rendered on 24 June 2011, with appeals foreseen in March 2015 and a projected delivery of the appeal judgement not before August 2015. The Committee was further informed of the steps taken to expedite the work, including strengthening the human resources provided to the team in the *Butare* case, in particular the recruitment of bilingual staff. With respect to archiving, the Committee was informed that streamlining measures have been implemented in the verification, rehousing and transfer processes and that measures have also been taken to accelerate the audiovisual redaction project. **The Advisory Committee encourages continued efforts to ensure the timely completion of the Tribunal's mandate.**

5. In paragraph 11 of his report, the Secretary-General states that the adjustments made to the vacancy rates take into account the experience realized in 2014. Upon enquiry, the Advisory Committee was informed that, for the International Criminal Tribunal for Rwanda, the vacancy rates used in the first performance report are the average of vacancy rates realized in the first nine months of 2014. The Committee was also provided with the following table showing the monthly vacancies for 2014.

Table 1
International Criminal Tribunal for Rwanda
Monthly vacancy rates: 2014

Grade	Authorized posts	Vacant posts									Average (percentage)
		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	
USG	1	0	0	0	0	0	0	0	0	0	0.0
ASG	1	0	0	0	0	0	0	0	0	0	0.0
D-1	2	0	0	0	0	0	0	0	0	0	0.0
P-5	9	1	1	1	1	1	1	0	0	0	7.4
P-4	39	3	3	2	5	4	5	4	3	3	9.1
P-3	37	0	0	1	1	1	4	4	6	6	6.9
P-2/1	21	0	3	3	1	1	2	1	1	1	6.9
Total Professional	110	4	7	7	8	7	12	9	10	10	7.5
Field Service	8	0	0	0	0	1	1	1	0	0	4.2
General Service (PL)	2	0	0	0	0	0	0	0	0	0	0.0
Local level	97	9	6	7	6	6	6	6	7	6	6.8
General Service (OL)	59	1	0	2	3	0	1	1	2	2	2.3
Security Service	30	0	0	1	3	3	3	3	3	3	7.0
Total General Service	196	10	6	10	12	10	11	11	12	11	5.3
Overall	306	14	13	17	20	17	23	20	22	21	6.1
Professional rate		3.6	6.4	6.4	7.3	6.4	10.9	8.2	9.1	9.1	7.5
General Service rate		5.1	3.1	5.1	6.1	5.1	5.6	5.6	6.1	5.6	5.3
Overall rate		4.6	4.2	5.6	6.5	5.6	7.5	6.5	7.2	6.9	6.1

6. Upon enquiry as to the use of different rates for the different duty stations, the Advisory Committee was informed that while a single rate is applied to Arusha and Kigali, the vacancy rate for the Tribunal positions in The Hague has historically been the vacancy rate used for the International Tribunal for the Former Yugoslavia and that no changes were made to this practice in view of the anticipated closure of the Tribunal in 2015. The Committee was provided with a graph showing the different rates applicable for the different duty stations (see annex).

7. The action to be taken by the General Assembly is set out in paragraph 12 of the report of the Secretary-General. **The Advisory Committee recommends that the General Assembly take note of the first performance report and approve a revised appropriation for the biennium 2014-2015 in the amount of \$94,883,600 gross (\$88,316,800 net) to the Special Account for the International Criminal Tribunal for Rwanda.**

IV. First performance report for the biennium 2014-2015 of the International Tribunal for the Former Yugoslavia

8. By its resolution 68/256, the General Assembly approved an initial appropriation to the Special Account for the International Tribunal for the Former Yugoslavia of a total amount of \$201,688,200 gross (\$179,998,600 net) for the biennium 2014-2015. The Secretary-General indicates in his first performance report that the revised estimates reflect a decrease in requirements of \$347,900 gross (\$638,900 net) as compared to the initial appropriation, amounting to a revised appropriation of \$201,340,300 gross (\$179,074,200 net). The decrease is attributable to decreases owing to changes in exchange rates (\$2,587,600) and inflation assumptions (\$1,653,500), partially offset by increases in adjustments to standard costs (\$828,400) and vacancies (\$3,064,800) (see A/69/599, table 1).

9. Upon enquiry as to the caseload of the International Tribunal for the Former Yugoslavia, the Advisory Committee was informed that there are currently four first instance cases: *Karadžić*, *Hadžić*, *Mladić*, *Šešelj* and five appeals on the merits cases: *Popović et al.*, *Stanišić/Simatović*, *Tolimir*, *M. Stanišić/Župljanin* and *Prlić et al.* The Committee was further informed of the measures taken by the Tribunal to expedite its work, including trials of multiple accused, implementation of an electronic system for evidence, reallocation of translation resources, extension of trial sitting hours and an increase in the number of appeal judges. **The Advisory Committee encourages continued efforts to ensure the timely completion of the Tribunal's mandate.**

10. In paragraph 11 of the report, the Secretary-General states that the adjustments made to the vacancy rates take into account the experience realized in 2014. Upon enquiry, the Advisory Committee was informed that, for the International Tribunal for the Former Yugoslavia, the vacancy rates used in the first performance report are the average of vacancy rates realized for the first nine months of 2014. The Committee was also provided with the following table showing the monthly vacancies for 2014 (also see annex).

Table 2
International Tribunal for the Former Yugoslavia
Monthly vacancy rates: 2014

Grade	Authorized posts	Vacant posts									Average (percentage)
		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	
USG	1	0	0	0	0	0	0	0	0	0	0.0
ASG	1	0	0	0	0	0	0	0	0	0	0.0
D-1	4	0	0	0	0	0	0	0	0	0	0.0
P-5	18	0	1	2	1	1	1	1	2	0	5.6
P-4	63	2	3	2	3	1	6	3	3	2	4.4
P-3	98	1	5	5	1	2	8	6	7	7	4.8
P-2/1	53	1	1	2	0	0	0	0	0	0	0.8
Total Professional	238	4	10	11	5	4	15	10	12	9	3.7

Grade	Authorized posts	Vacant posts									Average (percentage)
		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	
General Service (PL)	10	0	0	0	0	0	0	0	0	0	0.0
General Service (OL)	176	0	2	2	1	0	3	3	2	2	0.9
Security Service	82	1	0	0	0	0	0	1	1	1	0.5
Total General Service	268	1	2	2	1	0	3	4	3	3	0.8
Overall	506	5	12	13	6	4	18	14	15	12	2.2
Professional rate		1.7	4.2	4.6	2.1	1.7	6.3	4.2	5.0	3.8	3.7
General Service rate		0.4	0.7	0.7	0.4	–	1.1	1.5	1.1	1.1	0.8
Overall rate		1.0	2.4	2.6	1.2	0.8	3.6	2.8	3.0	2.4	2.2

11. The action to be taken by the General Assembly is set out in paragraph 12 of the report of the Secretary-General. **The Advisory Committee recommends that the General Assembly take note of the first performance report and approve a revised appropriation for the biennium 2014-2015 in the amount of \$201,340,300 gross (\$179,074,200 net) to the Special Account for the International Tribunal for the Former Yugoslavia.**

V. First performance report for the biennium 2014-2015 of the International Residual Mechanism for Criminal Tribunals

12. By its resolution 68/257, the General Assembly approved an initial appropriation to the Special Account for the International Residual Mechanism for Criminal Tribunals of a total amount of \$120,296,600 gross (\$112,831,500 net) for the biennium 2014-2015. The Secretary-General indicates in his first performance report that the revised estimates reflect a decrease in requirements of \$2,726,600 gross (\$2,667,500 net) as compared to the initial appropriation, amounting to a revised appropriation of \$117,570,000 gross (\$110,164,000 net). The decrease is attributable to decreases resulting from changes in exchange rates (\$2,503,100) and inflation assumptions (\$825,300), partially offset by adjustments to standard costs (\$135,000) and vacancies (\$466,800) (see [A/69/598](#), table 1).

13. Upon enquiry as to the caseload of the International Residual Mechanism for Criminal Tribunals, the Advisory Committee was informed that there is currently one case at the appeal stage: *Ngirabatware*.

14. In paragraph 11 of his report, the Secretary-General states that the adjustments made to the vacancy rates take into account the experience realized in 2014. Upon enquiry, the Advisory Committee was informed that for the Mechanism, the vacancy rate used in the first performance report is the latest realized rate (September 2014). The Committee was also provided with the following three tables showing the monthly vacancies for 2014 by duty station.

Table 3
International Residual Mechanism for Criminal Tribunals: Arusha
Monthly vacancy rates: 2014

Grade	Authorized posts	Vacant posts									Average (percentage)
		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	
P-5	2	0	0	0	0	0	0	0	0	0	0.0
P-4	11	6	6	6	6	7	7	7	5	5	55.6
P-3	13	2	2	2	2	2	1	1	1	1	12.0
P-2	7	5	5	5	5	4	3	3	3	3	57.1
Total Professional	33	13	13	13	13	13	11	11	9	9	35.4
Field Service	21	13	13	12	11	9	9	9	9	9	49.7
Local level	12	5	5	4	4	4	3	1	1	0	25.0
Security Service	1	0	0	0	0	0	0	0	0	0	0.0
Total General Service	34	18	18	16	15	13	12	10	10	9	39.5
Overall	67	31	31	29	28	26	23	21	19	18	37.5
Professional rate		39.4	39.4	39.4	39.4	39.4	33.3	33.3	27.3	27.3	35.4
General Service rate		52.9	52.9	47.1	44.1	38.2	35.3	29.4	29.4	26.5	39.5
Overall rate		46.3	46.3	43.3	41.8	38.8	34.3	31.3	28.4	26.9	37.5

Table 4
International Residual Mechanism for Criminal Tribunals: The Hague
Monthly vacancy rates: 2014

Grade	Authorized posts	Vacant posts									Average (percentage)
		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	
P-5	4	2	1	0	0	0	0	0	0	0	8.3
P-4	8	2	2	2	2	1	2	0	1	2	19.4
P-3	11	2	2	2	2	2	2	2	2	2	18.2
P-2	5	3	3	3	3	3	3	3	3	3	60.0
Total Professional	28	9	8	7	7	6	7	5	6	7	24.6
General Service (OL)	17	1	0	1	1	1	1	1	1	1	5.2
Total General Service	17	1	0	1	1	1	1	1	1	1	5.2
Overall	45	10	8	8	8	7	8	6	7	8	17.3
Professional rate		32.1	28.6	25.0	25.0	21.4	25.0	17.9	21.4	25.0	24.6
General Service rate		5.9	—	5.9	5.9	5.9	5.9	5.9	5.9	5.9	5.2
Overall rate		22.2	17.8	17.8	17.8	15.6	17.8	13.3	15.6	17.8	17.3

Table 5
International Residual Mechanism for Criminal Tribunals
Total monthly vacancy rates: 2014

Grade	Authorized posts	Vacant posts									Average (percentage)
		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	
Total Professional	61	22	21	20	20	19	18	16	15	16	30.4
Total General Service	51	19	18	17	16	14	13	11	11	10	28.1
Overall	112	41	39	37	36	33	31	27	26	26	29.4
Professional rate		36.1	34.4	32.8	32.8	31.1	29.5	26.2	24.6	26.2	30.4
General Service rate		37.3	35.3	33.3	31.4	27.5	25.5	21.6	21.6	19.6	28.1
Overall rate		36.6	34.8	33.0	32.1	29.5	27.7	24.1	23.2	23.2	29.4

15. Upon enquiry as to the use of a single vacancy rate for the International Residual Mechanism for Criminal Tribunals, the Advisory Committee was informed that at the time of the preparation of the proposed 2014-2015 budget for the Mechanism, it had only been in operation for less than one year at its Branch in The Hague and for less than two years at its Branch in Arusha. According to the Secretary-General, all the posts for the Mechanism in the 2012-2013 biennium were new posts, and the vacancy rates from that time could not be used as a reliable predictor for 2014-2015; therefore, the use of a single vacancy rate would need to be deferred until there was sufficient experience from which to make a reliable estimate. The Committee was further informed that, based on the actual experience since 1 July 2012 (when the Branch in Arusha commenced functioning) and 1 July 2013 (when the Branch in The Hague commenced functioning), the Secretary-General proposes a transition to a single realized vacancy rate for the Mechanism, in line with the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the regular budget. The Committee was also informed that, as with the regular budget, a single vacancy rate is applied to all duty stations of the Mechanism.

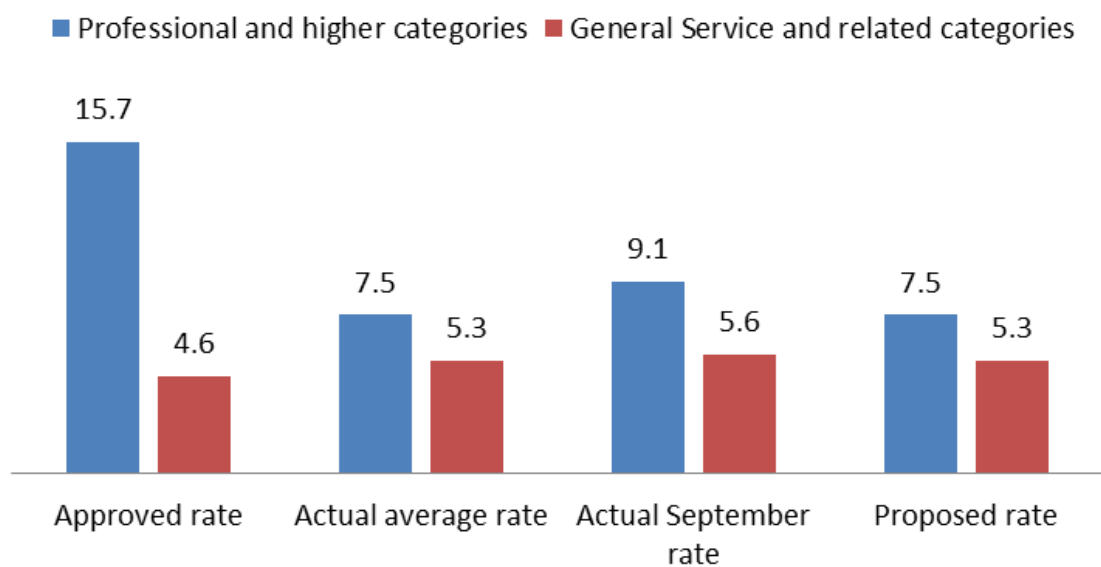
16. The Advisory Committee notes that the Secretary-General proposes a vacancy rate of 26.20 per cent for the Professional and higher categories, and 19.60 per cent for the General Service and related categories for both 2014 and 2015 (see [A/69/598](#), annex). The Advisory Committee notes from table 5 above that the actual average (January to September 2014) vacancy rates differ from the proposed rates (see also annex). **The Advisory Committee is of the view that since the Mechanism has been in operation for some time now, the actual average vacancy rates realized for the first nine months of 2014 should be used, in line with the practice at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (see paras. 5 and 10 above), and recommends that the actual average vacancy rates as reflected in table 5 above be used instead: 30.4 per cent for the Professional and higher categories and 28.1 per cent for General Service and related categories.**

17. The action to be taken by the General Assembly is set out in paragraph 12 of the Secretary-General's report. **Taking into account its recommendation in paragraph 16 above, the Advisory Committee recommends that the General Assembly take note of the first performance report and approve a revised appropriation for the biennium 2014-2015 in the amount of \$115,521,800 gross (\$108,345,000 net) for the International Residual Mechanism for Criminal Tribunals.**

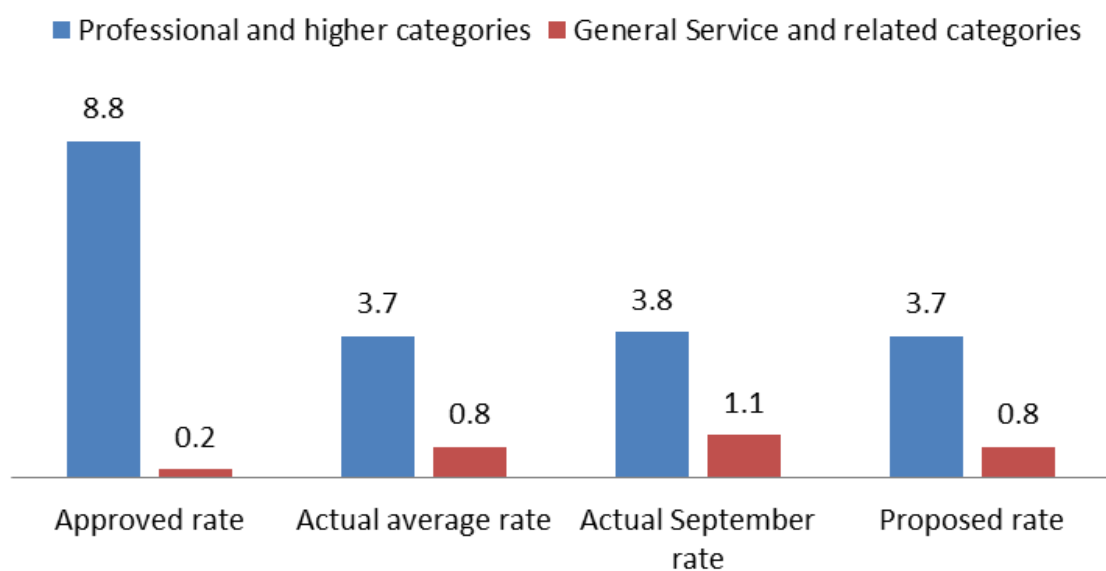
Annex

Vacancy rates: 2014

International Criminal Tribunal for Rwanda: Arusha and Kigali



International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda: The Hague



International Residual Mechanism for Criminal Tribunals