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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 2018–2019

Report of the Secretary-General*

Summary

The present report provides an estimate of the anticipated final level of expenditure for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019, taking into account changes in parameters for inflation and exchange rates, compared with the assumptions made in the first performance report ([A/73/491](#)), which was reviewed by the General Assembly at its seventy-third session and formed the basis for the revised appropriation and estimate of income for the biennium.

The anticipated final level of expenditure for the Mechanism for 2018–2019 amounts to \$185,428,300 (gross), reflecting a decrease of \$10,292,300, compared with the revised appropriation. The decrease is the result primarily of the strengthening of the dollar against the euro and decreases relating to post and non-post resources, offset in part by the depreciation of the dollar against the Tanzanian shilling and the net increase in inflation. The anticipated final level of income from staff assessment for 2018–2019 amounts to \$19,406,400, reflecting a decrease of \$1,623,400 (with a corresponding decrease in staff assessment expenditure). Consequently, the anticipated final level of expenditure and income for 2018–2019 amounts to a decrease of \$8,668,900.

* The date of submission takes into account the requirement to present the most recent actual expenditure data to allow for improved projections.



I. Introduction

1. The second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019 provides an estimate of the anticipated final level of expenditure and income for the period. The estimate takes into account actual expenditure for the first 21 months of the biennium, projected requirements for the last 3 months, changes in inflation and exchange rates, and uses the approved recosting methodology, compared with the assumptions made in the first performance report (A/73/491), which was reviewed by the General Assembly at its seventy-third session and formed the basis for the revised appropriation and estimates of income for 2018–2019.

2. The activities of the Mechanism projected for the biennium 2018–2019 were predominantly judicial, and most of the requirements were therefore linked to the pace of judicial activities, including an unanticipated contempt case in the Arusha branch of the Mechanism. Information on judicial activity during the biennium 2018–2019 is provided in annex II to the present report.

II. Explanation of the changes in expenditure requirements

3. The combined effect of the anticipated final level of expenditure and income represents a decrease in net requirements of \$8,668,900, compared with the revised appropriation and income reflected in the revised appropriation for the biennium 2018–2019, approved by the General Assembly in its resolution 73/277, as shown in tables 1 and 2.

Table 1

Projected changes and proposed final appropriation by component

(Thousands of United States dollars)

Component	Revised 2018–2019 appropriation	Exchange rate	Projected changes			Proposed 2018–2019 final appropriation
			Inflation	Post incumbency and other changes	Total	
Expenditure						
Arusha						
Chambers	769.8	4.5	(7.0)	(212.5)	(215.0)	554.8
Office of the Prosecutor	11 524.6	93.3	450.3	(2 276.9)	(1 733.3)	9 791.3
Registry	39 496.2	285.3	1 027.8	4 113.9	5 427.0	44 923.2
Records management and archives	6 147.8	49.3	269.1	(447.2)	(128.8)	6 019.0
Subtotal	57 938.4	432.4	1 740.2	1 177.3	3 349.9	61 288.3
The Hague						
Chambers	4 257.7	(142.3)	(2.9)	(1 047.0)	(1 192.2)	3 065.5
Office of the Prosecutor	19 447.0	(658.9)	(197.0)	(993.0)	(1 848.9)	17 598.1
Registry	99 524.2	(3 391.1)	(674.3)	(4 699.0)	(8 764.4)	90 759.8

Component	Revised 2018–2019 appropriation	Projected changes			Total	Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Records management and archives	4 270.6	(136.4)	(185.1)	(235.3)	(556.8)	3 713.8
Subtotal	127 499.5	(4 328.7)	(1 059.3)	(6 974.3)	(12 362.3)	115 137.2
New York						
Mechanism support	452.0	–	(33.9)	(11.9)	(45.8)	406.2
Subtotal	452.0	–	(33.9)	(11.9)	(45.8)	406.2
Liabilities for payment of pensions of retired judges and after-service health insurance for former staff members	9 830.7	77.6	(102.4)	(1 209.3)	(1 234.1)	8 596.6
Total expenditure (gross)	195 720.6	(3 818.7)	544.6	(7 018.2)	(10 292.3)	185 428.3
Income						
Staff assessment	21 029.8	(466.9)	33.3	(1 189.8)	(1 623.4)	19 406.4
Total requirements (net)	174 690.8	(3 351.8)	511.3	(5 828.4)	(8 668.9)	166 021.9

Table 2
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

Object of expenditure	Revised 2018–2019 appropriation	Projected changes			Total	Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Expenditure						
Arusha						
Posts	24 772.6	178.7	1 833.9	(2 495.4)	(482.8)	24 289.8
Other staff costs	14 029.0	111.5	(146.5)	(589.6)	(624.6)	13 404.4
Non-staff compensation	559.5	4.5	(5.9)	(48.5)	(49.9)	509.6
Consultants	23.7	0.2	(0.2)	(23.7)	(23.7)	–
Experts	207.0	1.0	(1.8)	(111.9)	(112.7)	94.3
Travel of representatives	210.3	–	(1.1)	(164.0)	(165.1)	45.2
Travel of staff	1 276.4	–	(6.1)	66.9	60.8	1 337.2
Contractual services	2 831.8	22.2	(29.3)	5 917.3	5 910.2	8 742.0
General operating expenses	5 877.1	55.2	(67.1)	(1 518.5)	(1 530.4)	4 346.7
Hospitality	11.3	0.1	(0.1)	(6.1)	(6.1)	5.2
Supplies and materials	851.9	6.8	(9.1)	(254.7)	(257.0)	594.9
Furniture and equipment	1 411.2	14.8	(17.3)	708.8	706.3	2 117.5
Improvement of premises	213.6	2.9	(3.1)	(38.1)	(38.3)	175.3
Grants and contributions	425.3	0.5	(0.8)	151.4	151.1	576.4

Object of expenditure	Revised 2018–2019 appropriation	Projected changes			Total	Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Staff assessment	5 237.7	34.0	194.7	(416.6)	(187.9)	5 049.8
Subtotal	57 938.4	432.4	1 740.2	1 177.3	3 349.9	61 288.3
The Hague						
Posts	14 908.3	(516.7)	(841.9)	(27.5)	(1 386.1)	13 522.2
Other staff costs	61 607.6	(2 167.5)	(32.1)	(2 858.8)	(5 058.4)	56 549.2
Non-staff compensation	4 054.7	(142.3)	(2.2)	(951.8)	(1 096.3)	2 958.4
Consultants	–	–	–	24.2	24.2	24.2
Experts	75.9	(2.6)	(0.2)	148.7	145.9	221.8
Travel of representatives	203.0	–	(0.7)	(95.2)	(95.9)	107.1
Travel of staff	1 662.4	–	(8.1)	(445.1)	(453.2)	1 209.2
Contractual services	11 875.4	(410.3)	(6.6)	(1 664.2)	(2 081.1)	9 794.3
General operating expenses	14 997.3	(517.1)	(8.2)	(1 859.1)	(2 384.4)	12 612.9
Hospitality	9.8	(0.4)	–	(7.5)	(7.9)	1.9
Supplies and materials	450.9	(15.6)	(0.2)	(189.9)	(205.7)	245.2
Furniture and equipment	1 308.2	(45.1)	(0.6)	1 713.0	1 667.3	2 975.5
Improvement of premises	–	–	–	50.0	50.0	50.0
Grants and contributions	595.4	(10.2)	(0.2)	(39.0)	(49.4)	546.0
Staff assessment	15 750.6	(500.9)	(158.3)	(772.1)	(1 431.3)	14 319.3
Subtotal	127 499.5	(4 328.7)	(1 059.3)	(6 974.3)	(12 362.3)	115 137.2
New York						
Posts	410.5	–	(30.8)	(10.8)	(41.6)	368.9
Staff assessment	41.5	–	(3.1)	(1.1)	(4.2)	37.3
Subtotal	452.0	–	(33.9)	(11.9)	(45.8)	406.2
Liabilities for payment of pensions of retired judges and after-service health insurance for former staff members						
Other staff costs	3 086.4	24.3	(32.2)	(626.6)	(634.5)	2 451.9
Non-staff compensation	6 744.3	53.3	(70.2)	(582.7)	(599.6)	6 144.7
Subtotal	9 830.7	77.6	(102.4)	(1 209.3)	(1 234.1)	8 596.6
Total expenditure (gross)	195 720.6	(3 818.7)	544.6	(7 018.2)	(10 292.3)	185 428.3
Income						
Staff assessment	21 029.8	(466.9)	33.3	(1 189.8)	(1 623.4)	19 406.4
Total requirements (net)	174 690.8	(3 351.8)	511.3	(5 828.4)	(8 668.9)	166 021.9

A. Variations in budgetary assumptions

Rates of exchange and inflation (decrease: \$3,274,100)

4. In terms of inflation and exchange rates, the adjustments of resources for 2019 are based on actual experience in 2019, compared with inflation and exchange rates approved in the revised appropriation for 2018–2019. For 2018, the adjustments are based on the actual experience for 2018, compared with inflation and exchange rates approved in the revised appropriation for 2018–2019, which included projections for the last two months of 2018.

5. In estimating the effect of exchange rate fluctuations experienced in 2019, the actual rates realized from January to November were used, the November 2019 rate being assumed for December 2019. Details of the assumptions are reflected in annex I to the present report.

6. Accordingly, the decrease in requirements in this category is attributable to the net effect of (a) the strengthening of the dollar against the euro, offset in part by the depreciation of the dollar against the Tanzanian shilling (\$3,818,700), and (b) the net increase in the level of inflation (\$544,600).

7. With regard to inflation, adjustments are based on the most recent information available (November 2019) on consumer price indices and adjustments resulting from differences in actual post adjustment indices for staff in the Professional and higher categories and salary scales for staff in the General Service and related categories.

B. Post incumbency and other changes

8. The changes reflected under post incumbency and other changes are explained below.

Chambers

Table 3

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2018–2019 appropriation	Projected changes			Total	Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes		
Arusha						
Non-staff compensation	559.5	4.5	(5.9)	(48.5)	(49.9)	509.6
Travel of representatives	210.3	–	(1.1)	(164.0)	(165.1)	45.2
Subtotal	769.8	4.5	(7.0)	(212.5)	(215.0)	554.8
The Hague						
Non-staff compensation	4 054.7	(142.3)	(2.2)	(951.8)	(1 096.3)	2 958.4
Travel of representatives	203.0	–	(0.7)	(95.2)	(95.9)	107.1
Subtotal	4 257.7	(142.3)	(2.9)	(1 047.0)	(1 192.2)	3 065.5
Total	5 027.5	(137.8)	(9.9)	(1 259.5)	(1 407.2)	3 620.3

Non-staff compensation (decrease: \$1,000,300, including a decrease of \$48,500 under the Arusha branch and a decrease of \$951,800 under The Hague branch)

9. The decrease reflects the following:

(a) Arusha: a decrease resulting from the lower number of discrete individual matters than originally anticipated for consideration by a single judge, lower-than-budgeted average number of days required per matter and the earlier-than-anticipated (three months) delivery of the *Ngirabatware* review judgment, offset in part by the costs associated with the *Turinabo et al.* case;

(b) The Hague: a decrease owing mainly to the lower costs for the judges' consideration of the *Šešelj*, *Karadžić*, and *Mladić* appeals than originally anticipated as a result of increased efficiency in the appeal preparation and drafting process, which led to an overall reduction in the number of days required to deliberate on those cases and the earlier-than-anticipated delivery of the *Šešelj* (2.5 months) and *Karadžić* (7.5 months) judgments.

Travel of representatives (decrease: \$259,200, including a decrease of \$164,000 under the Arusha branch and a decrease of \$95,200 under The Hague branch)

10. The decrease reflects the following:

(a) Arusha: a decrease relating mainly to cost-saving measures implemented with respect to the budgeted in-person plenary, by making it largely remote, as well as to a lower-than-anticipated requirement for judges to be present at a Seat of the Mechanism, offset in part by the travel requirements of judges relating to the *Ngirabatware* case;

(b) The Hague: the decrease relates mainly to lower-than-anticipated requirements for representational travel owing to improved travel management, including the improved utilization of videoconferencing, early event planning and issuance of changeable and refundable tickets, where appropriate.

Office of the Prosecutor

Table 4

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2018–2019 appropriation	Exchange rate	Projected changes			Proposed 2018–2019 final appropriation
			Inflation	Post incumbency and other changes	Total	
Expenditure						
Arusha						
Posts	5 302.4	50.9	447.7	(1 026.9)	(528.3)	4 774.1
Other staff costs	4 051.5	31.9	(42.2)	(1 040.0)	(1 050.3)	3 001.2
Experts	–	–	–	34.6	34.6	34.6
Travel of staff	316.3	–	(1.5)	151.4	149.9	466.2
Contractual services	27.9	0.2	(0.2)	114.3	114.3	142.2
General operating expenses	377.7	3.0	(3.9)	(228.7)	(229.6)	148.1
Grants and contributions	–	–	–	20.6	20.6	20.6

Object of expenditure	Revised 2018–2019 appropriation	Projected changes				Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes	Total	
Staff assessment	1 448.8	7.3	50.4	(302.2)	(244.5)	1 204.3
Subtotal	11 524.6	93.3	450.3	(2 276.9)	(1 733.3)	9 791.3
The Hague						
Posts	2 963.1	(108.5)	(159.3)	(154.2)	(422.0)	2 541.1
Other staff costs	13 052.9	(451.7)	(6.9)	(553.9)	(1 012.5)	12 040.4
Experts	33.2	(1.2)	(0.1)	(19.1)	(20.4)	12.8
Travel of staff	304.9	–	(1.5)	(114.9)	(116.4)	188.5
Contractual services	31.1	(0.5)	(0.1)	(2.8)	(3.4)	27.7
Staff assessment	3 061.8	(97.0)	(29.1)	(148.1)	(274.2)	2 787.6
Subtotal	19 447.0	(658.9)	(197.0)	(993.0)	(1 848.9)	17 598.1
Total expenditure (gross)	30 971.6	(565.6)	253.3	(3 269.9)	(3 582.2)	27 389.4
Income						
Staff assessment	4 510.6	(89.7)	21.3	(450.3)	(518.7)	3 991.9
Total requirements (net)	26 461.0	(475.9)	232.0	(2 819.6)	(3 063.5)	23 397.5

Posts (decrease: \$1,181,100, including a decrease of \$1,026,900 under the Arusha branch and a decrease of \$154,200 under The Hague branch)

11. The decrease reflects the following:

(a) Arusha: a decrease attributable primarily to lower common staff costs and overall higher-than-budgeted vacancy rates for the Professional and higher categories during the biennium. The budgetary assumptions for the Mechanism included a vacancy rate of 19.3 per cent for the Professional and higher categories and 11.7 per cent for the General Service and related categories. During 2018, the average vacancy rates were 19.9 per cent for Professional and higher posts and 14.3 per cent for General Service and related posts. For the period from January to September 2019, the average vacancy rates were 24.5 per cent for Professional and higher posts and zero per cent for General Service and related posts;

(b) The Hague: a decrease attributable primarily to lower-than-budgeted common staff costs, offset in part by lower-than-budgeted average vacancy rates during the biennium. The budgetary assumptions for the Mechanism included a vacancy rate of 0.9 per cent for the Professional and higher categories and 2.3 per cent for the General Service and related categories. During 2018, the average vacancy rates were zero per cent per cent for Professional and higher posts and 4.2 per cent for General Service and related posts. For the period from January to September 2019, the average vacancy rates were zero per cent for both Professional and higher posts and General Service and related posts.

Other staff costs (decrease: \$1,593,900, including a decrease of \$1,040,000 under the Arusha branch and a decrease of \$553,900 under The Hague branch)

12. The decrease in both branches reflects a prudent approach to hiring under limited commitment authority approved by the General Assembly (resolution [72/258 A](#)). In addition, in anticipation of additional requirements relating to the *Turinabo et al.* case

to be covered from within existing resources, some activities were deferred, including the delayed hiring of staff during the biennium. However, the judicial proceedings for the *Turinabo et al.* case are being delayed into 2020.

Experts (net increase: \$15,500, including an increase of \$34,600 under the Arusha branch and a decrease of \$19,100 under The Hague branch)

13. The net increase reflects the following:

(a) Arusha: an increase due to the additional expert witnesses required for the *Turinabo et al.* case;

(b) The Hague: a decrease relating to lower-than-budgeted needs for expert witnesses for the appeal trials (*Karadžić, Šešelj and Mladić*).

Travel of staff (net increase: \$36,500, including an increase of \$151,400 under the Arusha branch and a decrease of \$114,900 under The Hague branch)

14. The net increase reflects the following:

(a) Arusha: an increase attributable to additional missions required for the *Turinabo et al.* case and for fugitive tracking, in combination with increased travel requirements for the Prosecutor in relation to the Arusha branch due to increased judicial activity;

(b) The Hague: a decrease relating mainly to (i) lower travel requirements for the Prosecutor in relation to The Hague branch due to reduced judicial activity in The Hague and (ii) improved travel management, through the improved utilization of videoconferencing, early event planning and issuance of changeable and refundable tickets, where appropriate, in organizing missions for the appeal trials (*Karadžić, Šešelj and Mladić*), as well as for the retrial in the *Stanišić and Simatović* case.

Contractual services (net increase: \$111,500, including an increase of \$114,300 under the Arusha branch and a decrease of \$2,800 under The Hague branch)

15. The net increase reflects the following:

(a) Arusha: an increase attributable to additional requirements for contractual services relating to the *Turinabo et al.* case;

(b) The Hague: a decrease relating to lower-than-budgeted requirements for training activities.

General operating expenses (decrease: \$228,700, solely under the Arusha branch)

16. The decrease relates to lower-than-budgeted requirements for special protective measures and the lower-than-anticipated requirements for the tracking of fugitives.

Grants and contributions (increase: \$20,600, solely under the Arusha branch)

17. The increase relates to additional travel requirements relating to fugitive tracking activities.

Staff assessment (decrease: \$450,300, including a decrease of \$302,200 under the Arusha branch and a decrease of \$148,100 under The Hague branch)

18. The decrease reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

Registry

Table 5

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Projected changes				Total	Proposed 2018–2019 final appropriation
	Revised 2018–2019 appropriation	Exchange rate	Inflation	Post incumbency and other changes		
Expenditure						
Arusha						
Posts	15 834.5	96.5	1 126.0	(1 044.8)	177.7	16 012.2
Other staff costs	8 686.8	69.5	(90.9)	344.0	322.6	9 009.4
Consultants	23.7	0.2	(0.2)	(23.7)	(23.7)	–
Experts	207.0	1.0	(1.8)	(146.5)	(147.3)	59.7
Travel of staff	928.6	–	(4.5)	(76.0)	(80.5)	848.1
Contractual services	2 689.6	21.2	(28.0)	5 764.6	5 757.8	8 447.4
General operating expenses	5 474.9	52.0	(62.9)	(1 292.7)	(1 303.6)	4 171.3
Hospitality	11.3	0.1	(0.1)	(6.1)	(6.1)	5.2
Supplies and materials	766.5	6.1	(8.1)	(209.5)	(211.5)	555.0
Furniture and equipment	1 234.1	13.3	(15.3)	790.2	788.2	2 022.3
Improvement of premises	213.6	2.9	(3.1)	(38.1)	(38.3)	175.3
Grants and contributions	425.3	0.5	(0.8)	130.8	130.5	555.8
Staff assessment	3 000.3	22.0	117.5	(78.3)	61.2	3 061.5
Subtotal	39 496.2	285.3	1 027.8	4 113.9	5 427.0	44 923.2
The Hague						
Posts	9 103.3	(311.4)	(525.8)	99.5	(737.7)	8 365.6
Other staff costs	48 050.2	(1 698.3)	(25.0)	(2 081.5)	(3 804.8)	44 245.4
Experts	42.7	(1.4)	(0.1)	167.8	166.3	209.0
Travel of staff	1 331.7	–	(6.5)	(328.8)	(335.3)	996.4
Contractual services	11 820.3	(409.0)	(6.5)	(1 855.4)	(2 270.9)	9 549.4
General operating expenses	14 790.4	(511.5)	(8.0)	(1 659.7)	(2 179.2)	12 611.2
Hospitality	9.8	(0.4)	–	(7.5)	(7.9)	1.9
Supplies and materials	425.2	(14.2)	(0.2)	(177.1)	(191.5)	233.7
Furniture and equipment	1 138.8	(39.2)	(0.5)	1 726.8	1 687.1	2 825.9
Improvement of premises	–	–	–	50.0	50.0	50.0
Grants and contributions	595.4	(10.2)	(0.2)	(39.0)	(49.4)	546.0
Staff assessment	12 216.4	(395.5)	(101.5)	(594.1)	(1 091.1)	11 125.3
Subtotal	99 524.2	(3 391.1)	(674.3)	(4 699.0)	(8 764.4)	90 759.8
New York						
Posts	410.5	–	(30.8)	(10.8)	(41.6)	368.9

Object of expenditure	Projected changes				Total	Proposed 2018–2019 final appropriation
	Revised 2018–2019 appropriation	Exchange rate	Inflation	Post incumbency and other changes		
Staff assessment	41.5	–	(3.1)	(1.1)	(4.2)	37.3
Subtotal	452.0	–	(33.9)	(11.9)	(45.8)	406.2
Total expenditure (gross)	139 472.4	(3 105.8)	319.6	(597.0)	(3 383.2)	136 089.2
Income						
Staff assessment	15 258.2	(373.5)	12.9	(673.5)	(1 034.1)	14 224.1
Total requirements (net)	124 214.2	(2 732.3)	306.7	76.5	(2 349.1)	121 865.1

Posts (net decrease: \$956,100, including a decrease of \$1,044,800, under the Arusha branch, an increase of \$99,500 under The Hague branch and a decrease of \$10,800 under Mechanism support in New York)

19. The net decrease reflects the following:

(a) Arusha: a decrease attributable mainly to lower-than-budgeted common staff costs, offset in part by lower-than-budgeted vacancy rates. The budgetary assumptions for the Mechanism included a vacancy rate of 19.3 per cent for the Professional and higher categories and 11.7 per cent for the General Service and related categories. During 2018, the average vacancy rates were 18.0 per cent for Professional and higher posts and 5.2 per cent for General Service and related posts. For the period from January to September 2019, the average vacancy rates were 5.7 per cent for Professional and higher posts and 6.4 per cent for General Service and related posts;

(b) The Hague: an increase attributable mainly to higher-than-budgeted common staff costs, offset in part by higher-than-budgeted average vacancy rates during the biennium. The budgetary assumptions for the Mechanism included a vacancy rate of 0.9 per cent for the Professional and higher categories and 2.3 per cent for the General Service and related categories. During 2018, the average vacancy rates were 5.0 per cent for Professional and higher posts and 3.5 per cent for General Service and related posts. For the period from January to September 2019, the average vacancy rates were 0.8 per cent for Professional and higher posts and zero per cent for General Service and related posts.

(c) New York: a decrease due to lower-than-budgeted common staff costs.

Other staff costs (net decrease: \$1,737,500, including an increase of \$344,000 under the Arusha branch and a decrease of \$2,081,500 under The Hague branch)

20. The net decrease reflects the following:

(a) Arusha: an increase due mainly to the additional workload in support of the *Turinabo et al.* case;

(b) The Hague: a decrease due to lower support costs for the consideration of the *Šešelj, Karadžić and Mladić* appeals, in combination with a prudent approach to hiring under limited commitment authority approved by General Assembly (resolution [72/258 A](#)).

Consultants (decrease: \$23,700, solely under the Arusha branch)

21. The decrease reflects delayed establishment of a consultancy on the conditions of detention in relation to the Mechanism's mandated supervision of enforcement of sentences.

Experts (net increase: \$21,300, including a decrease of \$146,500 under the Arusha branch and an increase of \$167,800 under The Hague branch)

22. The net increase reflects the following:

(a) Arusha: a decrease relating to lower-than-budgeted requirements to cover the costs of ad hoc expert groups to monitor trials referred to national jurisdictions;

(b) The Hague: an increase relating to higher-than-budgeted expert witnesses required to testify during the retrial in the *Stanišić and Simatović* case.

Travel of staff (decrease: \$404,800, including a decrease of \$76,000 under the Arusha branch and a decrease of \$328,800 under The Hague branch)

23. The decrease reflects the following:

(a) Arusha: a decrease due mainly to lower-than-anticipated travel of the Registrar, staff in his Immediate Office and staff of the Office of the President, other Registry staff and staff of the Division of Administration, in combination with a prudent approach to all staff travel, including improved travel management;

(b) The Hague: a decrease due mainly to lower requirements for travel relating to the protection of witnesses who have been relocated and/or granted protective measures in completed International Tribunal for the Former Yugoslavia cases, as well as for witnesses in the retrial in the *Stanišić and Simatović* case.

Contractual services (net increase: \$3,909,200, including an increase of \$5,764,600 under the Arusha branch and a decrease of \$1,855,400 under The Hague branch)

24. The net increase reflects the following:

(a) Arusha: an increase due mainly to the additional defence counsel requirements under the *Turinabo et al.* case;

(b) The Hague: a decrease due mainly to lower-than-budgeted defence counsel requirements and costs relating to operating detention facilities attributable to the expedited release of those whose sentences were served or who are eligible for early release, as well as transfers to enforcing States.

General operating expenses (decrease: \$2,952,400, including a decrease of \$1,292,700 under the Arusha branch and a decrease of \$1,659,700 under The Hague branch)

25. The decrease reflects the following:

(a) Arusha: a decrease attributable mainly to (i) lower-than-anticipated requirements for the maintenance of data-processing equipment, given that such equipment became unserviceable during the biennium and had to be replaced, and (ii) lower-than-budgeted communications costs;

(b) The Hague: a decrease attributable to (i) lower-than-budgeted requirements for the maintenance of data-processing equipment, given that such equipment became unserviceable during the biennium and had to be replaced, (ii) fewer claims for medical services for both detainees and witnesses, and (iii) lower-than-budgeted communications costs.

Supplies and materials (decrease: \$386,600, including a decrease of \$209,500 under the Arusha branch and a decrease of \$177,100 under The Hague branch)

26. The decrease reflects lower overall requirements in both branches for general office supplies, data-processing supplies, photocopy paper, audiovisual supplies, communications supplies, medical supplies and various miscellaneous expenses relating mainly to a prudent approach to purchasing under limited commitment authority.

Hospitality (decrease: \$13,600, including a decrease of \$6,100 under the Arusha branch and a decrease of \$7,500 under The Hague branch)

27. The decrease reflects lower-than-budgeted requirements for hospitality during the biennium.

Furniture and equipment (increase: \$2,517,000, including an increase of \$790,200 under the Arusha branch and an increase of \$1,726,800 under The Hague branch)

28. The increase reflects the following:

(a) Arusha: an increase due to (i) the replacement of data-processing and network equipment that was no longer serviceable and (ii) the purchase of two ambulances under security and safety equipment, an unanticipated requirement in support of the enforcement of sentences of convicted persons in Mali and Benin;

(b) The Hague: an increase due to the replacement of data-processing and network equipment that was no longer serviceable.

Improvement of premises (net increase: \$11,900, including a decrease of \$38,100 under the Arusha branch and an increase of \$50,000 under The Hague branch)

29. The net increase reflects the following:

(a) Arusha: a decrease due to lower-than-budgeted requirements for enhancements to the security of the premises owing to the delayed establishment of contracts;

(b) The Hague: an increase relating to the purchase of raw materials, such as concrete for minor repairs to the building.

Grants and contributions (net increase: \$91,800, including an increase of \$130,800 under the Arusha branch and a decrease of \$39,000 under The Hague branch)

30. The net increase reflects the following:

(a) Arusha: an increase relating to the travel requirements of defence counsel providing legal assistance to accused persons in accordance with the Mechanism's policies on the remuneration of counsel, which relates to an additional unanticipated judicial activity in Arusha;

(b) The Hague: a decrease due mainly to a shift in the judicial calendar resulting in lower-than-anticipated requirements.

Staff assessment (decrease: \$673,500, including a decrease of \$78,300 under the Arusha branch, a decrease of \$594,100 under The Hague branch and a decrease of \$1,100 under Mechanism support in New York)

31. The decrease reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

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 2018–2019 appropriation	Projected changes				Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes	Total	
Expenditure						
Arusha						
Posts	3 635.7	31.3	260.2	(423.7)	(132.2)	3 503.5
Other staff costs	1 290.7	10.1	(13.4)	106.4	103.1	1 393.8
Travel of staff	31.5	–	(0.1)	(8.5)	(8.6)	22.9
Contractual services	114.3	0.8	(1.1)	38.4	38.1	152.4
General operating expenses	24.5	0.2	(0.3)	2.9	2.8	27.3
Supplies and materials	85.4	0.7	(1.0)	(45.2)	(45.5)	39.9
Furniture and equipment	177.1	1.5	(2.0)	(81.4)	(81.9)	95.2
Staff assessment	788.6	4.7	26.8	(36.1)	(4.6)	784.0
Subtotal	6 147.8	49.3	269.1	(447.2)	(128.8)	6 019.0
The Hague						
Posts	2 841.9	(96.8)	(156.8)	27.2	(226.4)	2 615.5
Other staff costs	504.5	(17.5)	(0.2)	(223.4)	(241.1)	263.4
Consultants	–	–	–	24.2	24.2	24.2
Travel of staff	25.8	–	(0.1)	(1.4)	(1.5)	24.3
Contractual services	24.0	(0.8)	–	194.0	193.2	217.2
General operating expenses	206.9	(5.6)	(0.2)	(199.4)	(205.2)	1.7
Supplies and materials	25.7	(1.4)	–	(12.8)	(14.2)	11.5
Furniture and equipment	169.4	(5.9)	(0.1)	(13.8)	(19.8)	149.6
Staff assessment	472.4	(8.4)	(27.7)	(29.9)	(66.0)	406.4
Subtotal	4 270.6	(136.4)	(185.1)	(235.3)	(556.8)	3 713.8
Total expenditure (gross)	10 418.4	(87.1)	84.0	(682.5)	(685.6)	9 732.8
Income						
Staff assessment	1 261.0	(3.7)	(0.9)	(66.0)	(70.6)	1 190.4
Total requirements (net)	9 157.4	(83.4)	84.9	(616.5)	(615.0)	8 542.4

Posts (net decrease: \$396,500, including a decrease of \$423,700 under the Arusha branch and an increase of \$27,200 under The Hague branch)

32. The net decrease reflects the following:

(a) Arusha: a decrease attributable to lower-than-budgeted common staff costs, offset in part by lower-than-budgeted vacancy rates. The budgetary assumptions for the Mechanism included a vacancy rate of 19.3 per cent for the Professional and higher categories and 11.7 per cent for the General Service and related categories. During 2018, the average vacancy rates were 2.4 per cent for Professional and higher posts and 8.2 per cent for General Service and related posts. For the period from January to September 2019, the average vacancy rates were

10.2 per cent for Professional and higher posts and 1.1 per cent for General Service and related posts;

(b) The Hague: an increase attributable mainly to higher-than-budgeted common staff costs, offset in part by higher-than-budgeted average vacancy rates during the biennium. The budgetary assumptions for the Mechanism included a vacancy rate of 0.9 per cent for the Professional and higher categories and 2.3 per cent for the General Service and related categories. During 2018, the average vacancy rates were zero per cent for Professional and higher posts and 6.7 per cent for General Service and related posts. For the period from January to September 2019, the average vacancy rates were zero per cent for Professional and higher posts and 3.5 per cent for General Service and related posts.

Other staff costs (net decrease: \$117,000, including an increase of \$106,400 under the Arusha branch and a decrease of \$223,400 under The Hague branch)

33. The net decrease reflects the following:

(a) Arusha: an increase due mainly to an unanticipated requirement for a long-term sick leave replacement;

(b) The Hague: a decrease due to a prudent approach to hiring under limited commitment authority, in combination with additional anticipated requirements under the Arusha branch.

Consultants (increase: \$24,200, solely under The Hague branch)

34. An increase relating to specialist services required to support the implementation of systems for the management of records and archives.

Travel of staff (decrease: \$9,900, including a decrease of \$8,500 under the Arusha branch and a decrease of \$1,400 under The Hague branch)

35. The decrease in both branches is related to improved travel management.

Contractual services (increase: \$232,400, including an increase of \$38,400 under the Arusha branch and an increase of \$194,000 under The Hague branch)

36. The increase reflects the following:

(a) Arusha: an increase due to additional requirements for library subscriptions;

(b) The Hague: an increase due to annual support and maintenance charges for existing Mechanism systems for the management of records and archives.

General operating expenses (net decrease: \$196,500, including an increase of \$2,900 under the Arusha branch and a decrease of \$199,400 under The Hague branch)

37. The net decrease reflects the following:

(a) Arusha: an increase attributable to lower-than-anticipated freight costs for the delivery of equipment;

(b) The Hague: a decrease attributable to the annual support and maintenance charges for existing Mechanism systems for the management of records and archives.

Supplies and materials (decrease: \$58,000, including a decrease of \$45,200 under the Arusha branch and a decrease of \$12,800 under The Hague branch)

38. The decrease in both branches reflects lower overall requirements for special supplies needed for the preservation of archives in the custody of the Mechanism's Archives and Records Section as a result of the efficient use of available supplies during the biennium.

Furniture and equipment (decrease: \$95,200, including a decrease of \$81,400 under the Arusha branch and a decrease of \$13,800 under The Hague branch)

39. The decrease reflects the following:

(a) Arusha: a decrease due to the postponement of the procurement of equipment necessary for the secure storage of digital records and archives to ensure that systems identified are compatible with the general information and communications technology infrastructure, for which an upgrade is planned;

(b) The Hague: a decrease due to lower-than-budgeted requirements for the purchase of specialist audiovisual equipment for the preservation of judicial audiovisual records.

Staff assessment (decrease: \$66,000, including a decrease of \$36,100 under the Arusha branch and a decrease of \$29,900 under The Hague branch)

40. The decrease reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

Liabilities for payment of pensions of retired judges and after-service health insurance benefits to former staff members

Table 7

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2018–2019 appropriation	Projected changes				Proposed 2018–2019 final appropriation
		Exchange rate	Inflation	Post incumbency and other changes	Total	
Other staff costs	3 086.4	24.3	(32.2)	(626.6)	(634.5)	2 451.9
Non-staff compensation	6 744.3	53.3	(70.2)	(582.7)	(599.6)	6 144.7
Total	9 830.7	77.6	(102.4)	(1 209.3)	(1 234.1)	8 596.6

Other staff costs (decrease: \$626,600)

41. The decrease reflects lower-than-anticipated requirements owing to fewer retired eligible staff entering into after-service health insurance through the Mechanism.

Non-staff compensation (decrease: \$582,700)

42. The decrease reflects lower-than-anticipated requirements owing to fewer retired judges with a pension through the Mechanism.

III. Action to be taken by the General Assembly

43. The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2018–2019 of \$185,428,300 gross (\$166,021,900 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>Duty station</i>											
	<i>The Hague</i>				<i>Arusha</i>				<i>New York</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>Estimates reflected in the first performance report</i>		<i>Proposed estimates for the final appropriation</i>	
<i>Budget parameters</i>	<i>2018</i>	<i>2019</i>	<i>2018</i>	<i>2019</i>	<i>2018</i>	<i>2019</i>	<i>2018</i>	<i>2019</i>	<i>2018</i>	<i>2019</i>	<i>2018</i>	<i>2019</i>
Rate of exchange ^a	0.838	0.835	0.846	0.891	2 269.069	2 344.550	2 270.032	2 303.336	1.000	1.000	1.000	1.000
Inflation rate (percentage)	1.7	2.3	1.6	2.7	4.0	4.8	3.5	3.5	2.6	2.4	2.4	1.8
Post adjustment multiplier (percentage)	40.26	39.85	39.03	34.61	39.07	36.23	39.07	35.90	66.70	67.38	66.70	67.20

^a The Hague: euro to United States dollar; Arusha: Tanzanian shilling to United States dollar.

Annex II

Judicial activity during the biennium 2018–2019

I. Principal activities of the President

The President continued to coordinate the work of the Chambers and manage the roster of judges, with a view to ensuring an efficient and broad distribution of judicial work and making the best use of the judges' diverse judicial expertise. Both the former President of the International Residual Mechanism for Criminal Tribunals, Theodor Meron, and his successor, Carmel Agius, also worked closely with Chambers management and staff to enhance the smooth and cost-effective functioning of the Chambers more generally.

During the biennium (as at 25 October 2019), the President issued 66 orders and decisions in relation to matters concerning the enforcement of sentences. Those included orders and decisions relating to applications for the early release of persons convicted by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, bearing in mind Security Council resolution [2422 \(2018\)](#), in which the Council encouraged the Mechanism to consider putting in place conditions on early release. Orders and decisions were also issued regarding the transfer of convicted persons and the designation of enforcement States.

The President issued a number of other orders and decisions, including on matters relating to the review of administrative decisions, legal aid and complaints concerning conditions of detention. In addition, the President issued 99 orders assigning matters to a single judge or to the Appeals Chamber. The President also presided over and served as pre-appeal judge in cases assigned to the Appeals Chamber. Former President Meron served as Presiding Judge in the *Karadžić* case and the *Mladić* case for part of the biennium and President Agius presided over appeals from the *Turinabo et al.* case.

II. Principal activities of single judges

During the course of the biennium (as at 25 October 2019), single judges issued 275 orders and decisions relating to matters arising at the Arusha and Hague branches concerning witness protection, requests for access to materials, disclosure and allegations of contempt and false testimony. In addition, Judge William Sekule and Judge Vagn Joensen serve as duty judge at the Arusha branch on a rotating basis.

In addition, a single judge is conducting pretrial proceedings in the *Turinabo et al.* case, which relates to allegations of interference with the *Ngirabatware* case. The five accused persons pleaded not guilty to all counts at their initial appearance on 13 September 2018. Four status conferences were held in Arusha, on 13 December 2018 and 14 March, 4 June and 2 October 2019. On 10 October 2019, a single judge also confirmed a contempt indictment against Augustin Ngirabatware on the basis of allegations that he had interfered in his review case. Pretrial proceedings in this case are ongoing.

III. Principal activities of the Trial Chamber

During the 2018–2019 biennium, the Trial Chamber conducted trial proceedings in the *Stanišić and Simatović* case, which had commenced on 13 June 2017. The prosecution case concluded on 21 February 2019. On 9 April, the Trial Chamber

dismissed Franko Simatović's request for a judgment of acquittal. The pre-defence conference was held on 29 May 2019, and the defence case commenced on 18 June. The *Stanišić* defence concluded the presentation of its witnesses on 17 October, except for one possible witness to be heard at a later stage. The *Simatović* defence will begin its case on 5 November. During the biennium (as at 25 October 2019), the Trial Chamber issued 188 orders or decisions relating to the admission of evidence, the conduct of trial, provisional release and other matters.

IV. Principal activities of the Appeals Chamber

On 11 April 2018, the Appeals Chamber issued its judgment in the appeal of the Prosecutor against the acquittal of Vojislav Šešelj. The Appeals Chamber reversed his acquittals, in part, and convicted him for instigating persecution (forcible displacement), deportation and other inhumane acts (forcible transfer) as crimes against humanity, as well as for committing persecution (violation of the right to security) as a crime against humanity in Hrtkovci, Vojvodina (Serbia). The Appeals Chamber sentenced Mr. Šešelj to 10 years of imprisonment, but declared the sentence served in view of the credit to which he is entitled under the Rules of Procedure and Evidence for his detention in the custody of the International Tribunal for the Former Yugoslavia pending trial from 14 February 2003 to 6 November 2014.

On 20 March 2019, the Appeals Chamber delivered its judgment in the *Karadžić* case. The Appeals Chamber reversed in part some of Radovan Karadžić's convictions on the basis of some incidents, while affirming his remaining convictions for genocide, persecution, extermination, murder, deportation and other inhumane acts (forcible transfer) as crimes against humanity, as well as for murder, terror, unlawful attacks on civilians and hostage-taking as violations of the laws or customs of war, in relation to his participation in four joint criminal enterprises. The Appeals Chamber found that the Trial Chamber had abused its discretion in imposing a sentence of only 40 years of imprisonment and instead imposed on Mr. Karadžić a sentence of life imprisonment.

On 27 September 2019, the Appeals Chamber delivered its review judgment in the *Ngirabatware* case. The Appeals Chamber rejected Augustin Ngirabatware's attempt to show in review proceedings that the four key witnesses underpinning his convictions for direct and public incitement to commit genocide and instigating, aiding and abetting genocide had truthfully recanted their trial testimonies. The Appeals Chamber decided that the appeal judgment, sentencing Mr. Ngirabatware to 30 years of imprisonment for these crimes, remains in force. The Appeals Chamber heard six witnesses and oral arguments from the parties from 16 to 24 September 2019. The Appeals Chamber also considered three other requests for review in the *Corić*, *Semanza* and *Niyitegeka* cases and the assignment of counsel in contemplation for a request for review in the *Ntakirutimana* case.

The Appeals Chamber conducted pre-appeal proceedings in respect of appeals brought by Ratko Mladić and the prosecution against the trial judgment issued on 22 November 2017 by the International Tribunal for the Former Yugoslavia in the case against him. The trial chamber found Mr. Mladić guilty of genocide, crimes against humanity and violations of the laws or customs of war and sentenced him to life imprisonment. He requested the Appeals Chamber to extend the deadlines for the briefing process. The Appeals Chamber granted the requests in part, allowing a total of 210 days of extensions of time. The briefing concluded on 29 November 2018. Following motions brought by Mr. Mladić, three judges were disqualified from the bench in the case on 3 September 2018 owing to the appearance of bias and were

replaced. The Appeals Chamber is preparing the case for a hearing, with five status conferences held to date.

In addition, the Appeals Chamber considered a number of other discrete appeals and other matters, including the referral of a contempt case, interlocutory appeals in the *Turinabo et al.* case and requests relating to witness protection and access to confidential material. During the biennium (as at 25 October 2019), the Appeals Chamber issued 192 orders and decisions.
