

**Sixty-eighth session**

Agenda item 144

**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****Budget for 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, for the
biennium 2014-2015****Report of the Secretary-General***Summary*

The present report contains the resource requirements for the biennium 2014-2015 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.

The resources for the biennium 2014-2015 before recosting amount to \$86,949,400 gross (\$80,877,600 net), and reflect a decrease in real terms of \$101,310,900 gross, or 53.8 per cent (\$94,342,000 net, or 53.8 per cent), compared to the 2012-2013 resources at revised rates.



I. Overview

1. 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 was established by the Security Council in resolution [955 \(1994\)](#) of 8 November 1994. According to articles 2, 3 and 4 of its statute, the Tribunal has been empowered to prosecute 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 violations of international humanitarian law committed in the territory of neighbouring States between 1 January and 31 December 1994. In accordance with article 10 of its statute, the Tribunal consists of three organs, namely, the Chambers, the Office of the Prosecutor and the Registry.

2. In resolution [1329 \(2000\)](#), the Security Council expressed its continuing conviction that, in the particular circumstances of Rwanda, the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributed to the process of national reconciliation, and to the restoration and maintenance of peace in Rwanda and in the region.

3. The Security Council, in resolutions [1503 \(2003\)](#) and [1534 \(2004\)](#), called upon the Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategy). In resolution [1966 \(2010\)](#), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals with two branches. The Arusha Branch commenced operations in 1 July 2012 and The Hague Branch on 1 July 2013. In the same resolution, the Council requested the Tribunal to take all possible measures to complete its work by end of 2014. The present request therefore takes into account the remaining judicial work of the International Criminal Tribunal for Rwanda, functions that have been transferred to the Mechanism and those planned to be transferred in the biennium 2014-2015, as well as the associated resource requirements.

4. The completion strategy of the Tribunal comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal, in accordance with the deadlines set in Security Council resolutions [1503 \(2003\)](#) and [1534 \(2004\)](#), of those who bear the greatest responsibility for the crimes committed in 1994; and (b) the transfer of selected cases for trial to competent national jurisdictions. On 23 May 2013, the latest version of the completion strategy was submitted for the consideration of the Security Council (see [S/2013/310](#)), in which the Tribunal provided an update on the progress towards the completion of its work. The report indicates that the Tribunal has completed its work at the trial level and has almost completed all its work at the appeal level, with the exception of six appeal cases involving 15 accused. As at 31 May 2013, appellate proceedings had been concluded with respect to 46 persons. Of the remaining six appeal cases, it is anticipated that judgment will be delivered in respect of the two cases involving five persons by December 2013 and three cases involving four persons by December 2014. Judgment in the last multi-accused case concerning six persons is expected by August 2015. Should the actual appeals schedule vary significantly from that used

for the formulation of the 2014-2015 budget proposal, the requirements would have to be reassessed and realigned and any additional requirements would be brought to the attention of the General Assembly.

5. During the biennium 2014-2015, the main activities of the Tribunal will be the completion of appeals and related judicial activities, preparation and transfer of records to the Mechanism archives facility, translation of judicial records into English or French and Kinyarwanda, the provision of judicial and administrative support to the Mechanism and the undertaking of the residual administrative operations.

6. As at 31 December 2013, the Tribunal will have transferred to the Mechanism the following functions: the enforcement of sentences, the tracking of fugitives, cooperation with national jurisdictions, witness and victim support and protection, archives management, including management of library services, the prosecution of the remaining three top fugitives, the processing of the Ngirabatware appeal, the monitoring of cases that have been referred to national jurisdictions and the operations of the Kigali premises.

7. The process of transitioning administrative support has commenced and, while the Mechanism is in the process of putting into place its administrative capacity and procedures, the Tribunal will continue to provide assistance as requested, taking into consideration the available resources, in line with the guiding principles of enhancing economies of scale and efficiency.

8. With the projected delivery of the last appeal judgement by August 2015, it is expected that all judicial and related support functions will have transitioned to the Mechanism by end of September 2015. From October 2015, the 95 remaining staff at the Registry of the International Criminal Tribunal for Rwanda (see table 12) will be focusing on finalizing the remaining administrative operations, which will include dismantling the structures and prefabricated facilities, repairing and handing over the rented premises to the Arusha International Conference Centre, disposing of the Tribunal furniture and equipment, settling the outstanding obligations and payables, recovering receivables, resolving outstanding staff issues, including the settlement of final pay and related entitlements and conducting the final closure of accounts. The current budget proposal is based on the assumption that all administrative functions will be completed by the end of 2015. Requirements related to any administrative functions of the Tribunal that may remain at the end of 2015 would be assessed and included in the budget proposal for 2016-2017 of the Residual Mechanism.

9. This budget proposal has been prepared following in-depth consultations with the International Tribunal for the former Yugoslavia and the Mechanism, in order to ensure that resource requirements of the two Tribunals and the Mechanism are well harmonized to avoid duplications, enhance consistency and promote complementarities.

10. The overall resources for the biennium 2014-2015 for the International Criminal Tribunal for Rwanda amount to \$86,949,400 gross (\$80,877,600 net) before recosting, reflecting a net decrease in real terms of \$101,310,900 gross, or 53.8 per cent (\$94,342,000 net, or 53.8 per cent), compared to the 2012-2013 resources at revised rates. The decrease (see table 2) reflects reductions under Chambers (\$3,259,900), the Office of the Prosecutor (\$30,501,300), the Registry

(\$59,659,500) and the records management and archives component (\$7,890,200) owing mainly to the reduction in trial and appeal activity during the biennium 2014-2015.

11. For the biennium 2014-2015, the International Criminal Tribunal for Rwanda proposes the retention of 306 temporary posts until December 2014 and 95 temporary posts thereafter. It is proposed to gradually abolish 321 posts during the biennium, or 77 per cent (149 Professional and higher category (P), 79 General Service and related, 23 Security Service, 67 Local level and 3 Field Service posts). It is proposed that 110 posts be abolished as at 1 January 2014 and 211 posts be abolished as at 1 January 2015, as reflected in table 3, but that funding be provided through general temporary assistance for the number of months for which the functions of some of the posts are needed, as reflected in table 4.

12. The recosting of the proposed budgetary provisions contained in the present report is in line with the standard regular budget recosting methodology.

13. In accordance with staff regulation 6.2, the Tribunal provides its employees who have met certain eligibility requirements with medical and dental coverage after they retire through the after-service health insurance programme of the United Nations. Since the establishment of the Tribunal as a temporary body, the after-service health insurance benefits payable to former staff are provided for in the biennial budget of the Tribunal under common staff costs, but the liabilities pertaining to the after-service health insurance have been accruing and have remained unfunded. These liabilities have now been duly recognized and reflected in the financial statements in accordance with General Assembly resolution [60/255](#). The after-service health insurance liabilities of future benefits as at 31 December 2012 for the Tribunal are estimated to be \$45.6 million. In its report of 4 December 2009 ([A/64/555](#)), the Advisory Committee on Administrative and Budgetary Questions reiterated that, in view of the limited mandates of the Tribunals, the Assembly would need to address the long-term after-service health insurance liabilities of the Tribunals in the context of the final performance reports.

14. In addition, the permanent judges of the Tribunal are eligible for retirement benefits in accordance with the conditions of service and compensation governing the judges of the Tribunals. At present, pension benefits payable to former judges are provided for in the biennial budget of the Tribunal. In its report ([A/64/555](#)), the Advisory Committee recommended that the liabilities for future payments of pensions to judges and surviving spouses be addressed in the final budget submissions and performance reports of the Tribunals.

15. The recommendations of the Advisory Committee were endorsed by the General Assembly in resolution [64/239](#). Accordingly, the question of liabilities for the Tribunal will be addressed in the final performance report of the Tribunal.

16. During the biennium 2014-2015, it is projected that the remaining funds in the Trust Fund for the International Criminal Tribunal for Rwanda amounting to \$330,000 will be utilized to support the legacy activities of the Tribunal.

Table 1
Distribution of resources by component
(Percentage)

| <i>Component</i> | <i>Assessed budget</i> | <i>Extrabudgetary</i> |
|-----------------------------|------------------------|-----------------------|
| A. Chambers | 6.5 | – |
| B. Office of the Prosecutor | 11.0 | – |
| C. Registry | 73.7 | 100.0 |
| D. Archives | 8.8 | – |
| Total | 100.0 | 100.0 |

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

(1) *Assessed budget*

| <i>Component</i> | <i>2010-2011 expenditure</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 | 11 006.0 | 8 865.8 | (3 259.9) | (36.8) | 5 605.9 | 440.3 | 6 046.2 |
| B. Office of the Prosecutor | 52 158.1 | 40 081.6 | (30 501.3) | (76.1) | 9 580.3 | 986.7 | 10 567.0 |
| C. Registry | 182 726.0 | 123 773.2 | (59 659.5) | (48.2) | 64 113.7 | 5 735.2 | 69 848.9 |
| D. Records management and archives | 9 038.5 | 15 539.7 | (7 890.2) | (50.8) | 7 649.5 | 1 171.9 | 8 821.4 |
| Total (gross) | 254 928.6 | 188 260.3 | (101 310.9) | (53.8) | 86 949.4 | 8 334.1 | 95 283.5 |
| Income | | | | | | | |
| Income from staff assessment | 24 821.9 | 13 040.7 | (6 968.9) | (53.4) | 6 071.8 | 332.1 | 6 403.9 |
| Total (net) | 230 106.7 | 175 219.6 | (94 342.0) | (53.8) | 80 877.6 | 8 002.0 | 88 879.6 |

(2) *Extrabudgetary*

| | <i>2010-2011 expenditure</i> | <i>2012-2013 estimate</i> | <i>2014-2015 estimate</i> |
|--------------------------|----------------------------------|-------------------------------|-------------------------------|
| Activities | 730.2 | 187.0 | 330.0 |
| Total (1) and (2) | 230 836.9 | 175 406.6 | 89 209.6 |

Table 3
Temporary post requirements

| Category | Proposed reduction | | Extrabudgetary | | Total | | |
|------------------------------------|--------------------|----------------|----------------|-----------|-----------|------------|-----------|
| | 2013 | 1 January 2014 | 1 January 2015 | 2012-2013 | 2014-2015 | 2014 | 2015 |
| Professional and higher | | | | | | | |
| USG | 1 | – | (1) | – | – | 1 | – |
| ASG | 1 | – | – | – | – | 1 | 1 |
| D-2 | 1 | (1) | – | – | – | – | – |
| D-1 | 3 | (1) | (1) | – | – | 2 | 1 |
| P-5 | 14 | (5) | (7) | – | – | 9 | 2 |
| P-4/3 | 110 | (34) | (65) | – | – | 76 | 11 |
| P-2/1 | 35 | (14) | (20) | – | – | 21 | 1 |
| Subtotal | 165 | (55) | (94) | – | – | 110 | 16 |
| General Service and related | | | | | | | |
| Principal level | 6 | (4) | (2) | – | – | 2 | – |
| Other level | 84 | (25) | (48) | – | – | 59 | 11 |
| Subtotal | 90 | (29) | (50) | – | – | 61 | 11 |
| Other | | | | | | | |
| Security Service | 38 | (8) | (15) | – | – | 30 | 15 |
| Local level | 112 | (15) | (52) | – | – | 97 | 45 |
| Field service | 11 | (3) | – | – | – | 8 | 8 |
| Subtotal | 161 | (26) | (67) | – | – | 135 | 68 |
| Total | 416 | (110) | (211) | – | – | 306 | 95 |

Table 4
General temporary assistance positions in lieu of temporary posts abolished during the biennium 2014-2015

| Category | January-June 2014 | July-December 2014 | January-September 2015 | October-December 2015 |
|--------------------------------|-------------------|--------------------|------------------------|-----------------------|
| Professional and higher | | | | |
| USG | – | – | 1 | – |
| D-1 | – | – | 1 | – |
| P-5 | 2 | – | 5 | – |
| P-4/3 | 26 | – | 30 | – |
| P-2/1 | 9 | – | 16 | – |
| Subtotal | 37 | – | 53 | – |

| <i>Category</i> | <i>January-June 2014</i> | <i>July-December 2014</i> | <i>January-September 2015</i> | <i>October-December 2015</i> |
|------------------------------------|------------------------------|-------------------------------|-----------------------------------|----------------------------------|
| General Service and related | | | | |
| Principal level | – | – | 2 | – |
| Other level | 5 | – | 29 | – |
| Subtotal | 5 | – | 31 | – |
| Other | | | | |
| Security Service | – | – | 5 | – |
| Local level | – | – | 28 | – |
| Subtotal | – | – | 33 | – |
| Total | 42 | – | 117 | – |

II. Programme of work and resource requirements

A. Chambers

17. The Trial Chambers of the International Criminal Tribunal for Rwanda currently comprises one ad litem judge in Arusha, who serves as President of the Tribunal and as duty judge for the Arusha Branch of the Residual Mechanism. The Appeals Chamber consists of 11 permanent appeals judges in The Hague, 5 of whom are financed from the budget of the International Tribunal for the Former Yugoslavia and 6 of whom are financed from the budget of the International Criminal Tribunal for Rwanda.

18. On 10 April 2013, the Tribunal, at its twenty-fourth plenary session, re-elected Judge Vagn Joensen (Denmark) as the President of the Tribunal as at 27 May 2013. Judge Joensen was first elected in February 2012 to serve the remainder of the presidential term vacated by Judge Khalida Rachid Khan (Pakistan) following her redeployment to the Appeals Chamber in The Hague.

19. On 10 May 2013, President Joensen submitted the most recent version of the completion strategy of the Tribunal to the Security Council. On 12 June 2013, President Joensen addressed the Security Council on the completion strategy, indicating that while significant progress had been made in the completion strategy, including the completion of all trials, difficulties owing to delays in translation and other unforeseen circumstances continued to pose a challenge to the strategy. The report outlines the goal of completing all but one appeal by the end of 2014, with the final appeal in the *Nyiramasuhuko et al.* (“Butare”) case, which is expected to be delivered by August 2015.

20. At the time of the address by the President to the Security Council on 12 June 2013, the Tribunal had completed the work at the trial level in respect of all 93 accused. These include 55 first-instance judgements involving 75 accused, 9 of which were guilty pleas; 10 referrals to national jurisdictions comprised of four apprehended accused and six fugitive cases; three top-priority fugitives whose cases have been transferred to the Mechanism; two withdrawn indictments, and three indictees who died prior to or in the course of the trial. Appellate proceedings have

been concluded in respect of 46 persons. Seventeen detainees are currently maintained at the United Nations Detention Facility in Arusha, including 14 convicted persons awaiting appeal judgements by the Tribunal; one person awaiting appeal judgement by the Mechanism; one person awaiting transfer for the enforcement of sentence under the authority of the Mechanism; and one person awaiting transfer to Rwanda for trial following the referral of his case.

21. In order to provide for the continuity necessary to achieve the completion strategy goals, and enable completion of the work at hand amid the new and unexpected challenges confronting the completion strategy, President Joensen, on 21 May 2012, wrote to the Security Council requesting the extension of the judicial mandate and the tenure of assignment of some of the judges. On 29 June 2012, the Council adopted resolution [2054 \(2012\)](#), extending the terms of the trial judges on the *Ngirabatware* case to the end of December 2012 and the term of the President to the end of December 2014 on an exceptional basis so that the President could continue to perform the functions required of him as trial judge and President to complete the work of the Tribunal. On 12 December 2012, the Council, in resolution [2080 \(2012\)](#), decided to authorize the extension of the permanent judges of the International Criminal Tribunal for Rwanda who are members of the Appeals Chamber until 31 December 2014 or until the completion of the cases to which they are assigned, whichever is sooner.

22. The projected workload of the Trial and Appeals Chambers for the biennium 2014-2015 is as follows:

(a) At the trial level:

- With the completion of the *Ngirabatware* trial in 2012, there are no more trials remaining to be done by the Tribunal. However, three contempt trials remain pending, for which indictments were issued before 30 June 2012. The responsibility to try the cases therefore remains with the Tribunal. All the accused indicted by the Tribunal for contempt of court remain at large and there is no certainty of their arrest. No trial resources for the three contempt cases are requested. However, should the arrests be made within the biennium, the requirements would have to be reassessed and any additional requirements would be brought to the attention of the General Assembly;

(b) At the appeals level:

- Hearings on appeals from judgement in three cases involving 8 persons
- Appeal judgement delivery in four cases concerning 10 persons
- Requests for review and reconsideration, and applications related to these matters

23. Judicial requirements for the biennium include the six permanent judges who are members of the Appeals Chamber financed from the Tribunal budget, as well as the President throughout 2014. Upon completion of the final case to which they are assigned, two judges are expected to separate from December 2014; two judges are expected to separate from March 2015; the fifth judge is expected to separate at the

end of April 2015; the sixth one is expected to separate at the end of August 2015; and the President will separate at the end of September 2015.

24. The statute of the Tribunal also requires that a President (elected out of the permanent judges of the Tribunal) be maintained. The statute and rules apportion certain judicial decisions to the President, such as examination of allegations of bias, review of the Registrar's administrative decisions relating to the defence counsel, and decisions on complaints by detainees at the United Nations detention facility in Arusha. The President is also required under the rules and statute to perform certain other functions including: supervision of the judicial activities of the Registry under rule 19; chairing meetings of the Coordination Council of the Tribunal; overall supervision and oversight of the appeals judges; and preparation and delivery of the six-monthly completion strategy reports and annual report. The President is also working closely with and assisting the office of the Registrar to relocate the seven acquitted and three convicted released persons before the Tribunal completes its work and represents the Tribunal at public events such as conferences where he is invited to speak on its judicial activities and legacy. Therefore, a President will need to be maintained until the official closure of the Office of the Prosecutor. The President is also currently serving as duty judge of the Arusha Branch of the Mechanism, and as such provides judicial functions to the Mechanism as long as the Tribunal remains in action.

25. The projections in respect of appeal cases are as follows:

(a) Karemera et Ngirumpatse: this case will be in deliberations and advanced judgement drafting phase in 2014. The judgement is projected to be delivered at the end of the first quarter of 2014;

(b) Nzabonimana: the appeals in this case will be heard in the first quarter of 2014, followed by deliberations and judgement drafting. The judgement is projected to be delivered around mid-2014;

(c) Nizeyimana: the appeals in this case will be heard in the first quarter of 2014 with deliberations and judgement drafting to follow. The judgement is projected to be delivered around mid-2014;

(d) Nyiramasuhuko et al. (Butare): the briefing in this case involving six persons will be completed in the second half of 2013 and the case will be prepared for a hearing. The hearing is projected to take place in the third quarter of 2014 with deliberations and judgement drafting to follow. The judgement is projected to be delivered by August 2015.

26. In addition, the Appeals Chamber will also have to address all other appeals and requests logged before it during the period, including requests for review and reconsideration, and applications related to these matters.

27. The external factors that may impact these projections include: the insufficiency of support services for appeals that have a significant impact on the pace at which appeals progress; inevitable postponements, owing mainly to fair trial issues that may lead to missing the completion target dates for appeals; an unexpected increase in the complexity of the remaining appeals; and the unavailability or serious illness or death of a judge, an accused or a defence counsel.

Outputs

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

- (a) Delivery of all remaining appeals judgements;
- (b) Management: policy papers and directives, guidelines related to legal practice, annual reports, completion strategy reports, statements and briefings;
- (c) Ongoing high-quality and timely legal support to the judges of the Tribunal.

29. At the Appeals Chamber, the programme of work for 2014-2015 is projected as follows. In 2014, three judgements concerning four persons are expected to be delivered (*Karemera et al.* and *Ngirumpatse, Nzabonimana, and Nizeyimana*) and three appeals concerning eight persons are expected to be heard (in the cases of *Nzabonimana, Nizeyimana, and Nyiramasuhuko et al.* (Butare)). In 2015, the final judgement concerning six persons will be delivered (in the Butare case). In addition, the Appeals Chamber will also have to address all other appeals and requests logged before it during 2014-2015, including requests for review and reconsideration, and applications related to these matters.

Table 5
Resource requirements

| Category | Resources (thousands of United States dollars) | | Posts | |
|-----------------|---|---------------------------------|-----------|-----------|
| | 2012-2013 | 2014-2015 (before recosting) | 2012-2013 | 2014-2015 |
| Assessed budget | | | | |
| Non-post | 8 865.8 | 5 605.9 | – | – |
| Total | 8 865.8 | 5 605.9 | – | – |

30. The amount of \$5,605,900, reflecting a net decrease of \$3,259,900 compared to the resources for the biennium 2012-2013, comprises non-post requirements, as follows: (a) \$5,201,400 to provide compensation to the judges, including honoraria, common costs and pension; and (b) \$404,500 for the travel of the President of the Tribunal to Headquarters in New York, to The Hague and within Africa and the travel of members of the Appeals Chamber and Legal Officers to Arusha.

31. The net decrease of \$3,259,900 is mainly attributable to reduced requirements for honoraria and common costs of judges owing to the decrease in the number of judges from seven at the beginning of 2014 to zero at the end of 2015; a decrease in travel of judges; partially offset by an increase in the provision for pension in respect of retired/deceased judges owing to an increase in the number of retired judges. The provisions for the salaries and allowances of judges have been calculated on the basis of the terms and conditions of service established by the General Assembly in accordance with resolutions [63/259](#) and [65/258](#).

B. Office of the Prosecutor

32. The Office of the Prosecutor is responsible for the prosecution of people suspected of bearing the highest responsibility in the commission of genocide and other serious violations of international humanitarian law committed in the territory of the Republic of Rwanda in 1994 as well as Rwandans who are suspected of committing such acts in neighbouring territories between 1 January and 31 December 1994. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in articles 2, 3 and 4 of the Statute of the Tribunal. The Prosecutor is therefore responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those he/she indicts and the presentation of charges and evidence against them before the Chambers of the Tribunal.

33. The Prosecutor achieved several major milestones on the path towards closure during the biennium 2012-2013. On 1 July 2012, the Arusha Branch of the Residual Mechanism became operational. As part of its operations, the Office of the Prosecutor of the Mechanism assumed responsibility for tracking the three fugitives slated for trial before it: Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. This shift in functions enabled the closure of the Office of the Prosecutor in Kigali. During the biennium 2012-2013, the Prosecutor also completed proceedings pursuant to rule 71 bis for the preservation of evidence in the three fugitive cases and handed over the files, including updated indictments, to the Mechanism for prosecution. On 21 February 2013, the Trial Chamber returned its judgement in the *Augustin Ndirabatware* case, the last case slated for trial before the Tribunal. With the return of this judgement and the handover of the three fugitive files to the Mechanism, the Prosecution Division is now closed.

34. During the biennium, the referral chambers allowed the Prosecutor's applications pursuant to rule 11 bis for the referral of the following eight cases to Rwanda for trial: *Jean Uwinkindi*, *Charles Sikubwabo*, *Fulgence Kayishema*, *Ladislav Ntaganzwa*, *Aloys Ndimbati*, *Charles Ryandikayo*, *Phénéas Munyarugarama*, and *Bernard Munyagishari*. These referrals were in addition to the two cases, *Laurent Bucyibaruta* and *Wenceslas Munyeshyaka*, previously referred to France for trial. All of the referral orders are now final. The referral of cases to national jurisdictions keeps the Completion Action Plan on track and, more importantly, ensures that the accused in these referred cases will be held accountable even after the Tribunal closes its doors.

35. Substantial progress has also been made in the prosecution of the appeals. During the 2012-2013 biennium, the Office of the Prosecutor received final judgements in five cases comprising eight separate appeals: *Aloys Ntabakuze*; *Jean-Baptiste Gatete*; *Ildephonse Hategekimana*; *Gaspard Kanyarukiga*; and *Justin Mugenzi et al.* cases. Before the end of 2013, final judgements are anticipated in two additional cases, comprising 10 separate appeals: *Augustin Ndiridilimana et al.* ("Military II") and *Grégoire Ndahimana* cases.

36. As part of the Tribunal strategy of completing all its work before the deadline of December 2014, and to ensure a smooth transition to the Arusha Branch of the Mechanism, the Office of the Prosecutor will undertake the following during the biennium 2014-2015:

- (a) Complete all the remaining appeals;
- (b) Prepare the updated rule 68 disclosures in all active and closed cases;
- (c) Document the best practices for use in future prosecutions;
- (d) Prepare materials for archiving.

37. There are presently 23 active appeals cases pending in six cases. Except for the Butare case, which is not expected to be completed until August 2015, all remaining appeals are expected to be completed by the end of 2014. During 2014 and 2015, the appeals teams will brief and argue all pending appeals and prepare updated disclosures of exculpatory material for defence teams in all pending and closed cases. Appeals from final judgements in the following four cases covering 14 appellants will require both briefing and argument during the biennium 2014-2015: Butare, *Karemera et al.*, *Nizeyimana* and *Nzabonimana*.

38. The staff of the Office of the Prosecutor will help document the important lessons learned in the investigation and prosecution of international humanitarian crimes so these best practices can be shared with national and international authorities. Among other projects, the Office will complete work on best practices manuals on topics including the prosecution of international crimes; the investigation and prosecution of rape and other sexual violence crimes; the tracking and arrest of fugitives; the referral of cases to national jurisdictions; and Appeals Chamber jurisprudence; as well as a comprehensive account of the genocide told through the facts adjudicated in the trial and Appeals Chamber judgments. The Office will also prepare a comprehensive completion report for submission to the Security Council upon the official closure of the Office on 30 September 2015.

39. Prior to closure, the Office will complete the preparation of its records for archiving by the Mechanism. The preservation of files, which involves cleaning, re-housing into acid-free boxes and scanning of documents, has been completed in respect of 56 cases representing 414 linear metres of records. Similar work is in progress in respect of 22 cases involving 250 linear metres of documents and is due to commence in respect of other documents. The entire audio collection of 2,681 cassettes has now been completely digitized. The digitization of video tapes has not yet commenced. The Tribunal records that are ready for archiving continue to be prepared for handover to the Mechanism as its Archives Unit builds up its capacity to receive these records. The remaining active records will be handed over to the Mechanism on or before September 2015 when they are no longer required as working records by the Tribunal.

Table 6

Objectives for the biennium, expected accomplishments, indicators of achievement and performance measures

Objective of the Tribunal: To implement the completion strategy and ensure the smooth transition to the International Residual Mechanism in accordance with the relevant Security Council resolutions

| Expected accomplishments | Indicators of achievement |
|--|---|
| (a) Arrest of accused persons still at large | (a) Number of arrests <i>Performance measures</i> 2010-2011: 2 2012-2013 estimate: none 2014-2015 target: none |
| (b) Accelerated disposition of cases | (b) (i) Number of trials under preparation <i>Performance measures</i> 2010-2011: 7 2012-2013 estimate: 5 2014-2015 target: none (ii) Number of accused at trial <i>Performance measures</i> 2010-2011: 12 2012-2013 estimate: 1 2014-2015 target: none (iii) Total number of prosecution witnesses <i>Performance measures</i> 2010-2011: 133 2012-2013 estimate: 7 2014-2015 target: none |

| | |
|---|--|
| | (iv) Total number of accused in cases concluded (before judgement) |
| | <i>Performance measures</i> |
| | 2010-2011: 10 |
| | 2012-2013 estimate: 1 |
| | 2014-2015 target: none |
| (c) Successful prosecution of accused persons | (c) Number of convictions (when judgements delivered) |
| | <i>Performance measures</i> |
| | 2010-2011: 22 |
| | 2012-2013 estimate: 3 |
| | 2014-2015 target: none |
| (d) Facilitation of appeals to successful conclusion | (d) Number of accused in appeals concluded |
| | <i>Performance measures</i> |
| | 2010-2011: 12 |
| | 2012-2013 estimate: 11 |
| | 2014-2015 target: 10 |
| (e) Transfer of dossiers to national jurisdictions | (e) Number of dossiers transferred out of the Office of the Prosecutor |
| | <i>Performance measures</i> |
| | 2010-2011: 25 |
| | 2012-2013 estimate: none |
| | 2014-2015 target: none |
| (f) Transfer of cases to national jurisdictions using rule 11 bis | (f) Number of cases transferred out of the Office of the Prosecutor |
| | <i>Performance measures</i> |
| | 2010-2011: 1 |
| | 2012-2013 estimate: 7 |
| | 2014-2015 target: none |

External factors

40. The Office is expected to meet its objectives and expected accomplishments on the assumption that: (a) trials are not handicapped by the serious illness of accused persons; and (b) the turnover rate of the Tribunal staff remains within acceptable limits.

Outputs

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

(a) The resolution of the appeals from final judgement and related litigation now pending in the *Karemera et al.*, *Nizeyimana*, *Nzabonimana*, and Butare cases;

(b) Updated and continuous maintenance of the information databases of the Office of the Prosecutor to ensure ongoing functionality and security, and to permit smooth transition of this critical data to the Mechanism, including ZyAlerts established for all closed cases to ensure the smooth transition of all ongoing disclosure obligations to the Residual Mechanism;

(c) Management: policy papers and directives, guidelines related to legal practice, annual reports, press releases, speeches, best practice manuals, statements and briefings;

(d) Review of classification levels and categorization of internal files of the Office of the Prosecutor for archiving.

Table 7

Resource requirements

| Category | Resources (thousands of United States dollars) | | Posts | |
|------------------|---|---------------------------------|-----------|-----------|
| | 2012-2013 | 2014-2015 (before recosting) | 2012-2013 | 2014-2015 |
| | Assessed budget | | | |
| Post | 28 912.5 | 4 428.0 | 78 | – |
| Non-post | 7 851.2 | 4 316.9 | – | – |
| Staff assessment | 3 317.9 | 835.4 | – | – |
| Subtotal | 40 081.6 | 9 580.3 | 78 | – |
| Extrabudgetary | 137.0 | – | – | – |
| Total | 40 218.6 | 9 580.3 | 78 | – |

Table 8
Temporary post requirements

| Category | Proposed reduction | | | Extrabudgetary | | Total | |
|------------------------------------|--------------------|----------------|----------------|----------------|-----------|-----------|------|
| | 2013 | 1 January 2014 | 1 January 2015 | 2012-2013 | 2014-2015 | 2014 | 2015 |
| Professional and higher | | | | | | | |
| USG | 1 | – | (1) | – | – | 1 | – |
| D-2 | 1 | (1) | – | – | – | – | – |
| D-1 | 1 | – | (1) | – | – | 1 | – |
| P-5 | 4 | (2) | (2) | – | – | 2 | – |
| P-4/3 | 44 | (29) | (15) | – | – | 15 | – |
| P-2/1 | 10 | (4) | (6) | – | – | 6 | – |
| Subtotal | 61 | (36) | (25) | – | – | 25 | – |
| General Service and related | | | | | | | |
| Other level | 16 | (12) | (4) | – | – | 4 | – |
| Subtotal | 16 | (12) | (4) | – | – | 4 | – |
| Other | | | | | | | |
| Field Service | 1 | (1) | – | – | – | – | – |
| Subtotal | 1 | (1) | – | – | – | – | – |
| Total | 78 | (49) | (29) | – | – | 29 | – |

Table 9
General temporary assistance positions in lieu of temporary posts abolished during the biennium 2014-2015

| Category | January-June 2014 | July-December 2014 | January-September 2015 | October-December 2015 |
|------------------------------------|-------------------|--------------------|------------------------|-----------------------|
| Professional and higher | | | | |
| USG | – | – | 1 | – |
| D-1 | – | – | 1 | – |
| P-5 | 2 | – | 1 | – |
| P-4/3 | 22 | – | 4 | – |
| P-2/1 | 3 | – | 4 | – |
| Subtotal | 27 | – | 11 | – |
| General Service and related | | | | |
| Other level | 4 | – | 3 | – |
| Subtotal | 4 | – | 3 | – |
| Total | 31 | – | 14 | – |

42. Resources under posts and staff assessment in the amount of \$4,428,000 and \$835,400, respectively, would provide for the continuation of 29 temporary posts required for 2014. The reduction under posts (\$24,484,500) and staff assessment (\$2,482,500) is due to the abolition of all the temporary posts during the biennium (49 in 2014 and 29 in 2015).

43. Non-post requirements in the amount of \$4,316,900, reflecting a decrease of \$3,534,300, would provide for general temporary assistance and for the travel of the prosecutor and legal officers. The provision under general temporary assistance includes requirements to cover the functions of posts abolished during the biennium 2014-2015 that are still needed during part of the biennium 2014-2015. It is proposed to gradually reduce these requirements during the biennium as shown in table 9.

44. The decrease of \$3,534,300 under non-post requirements reflects reduced requirements under other staff costs (\$1,548,300), consultants (\$130,200), travel of staff (\$1,300,000) and general operating expenses (\$555,800), owing mainly to the reduction in trial activity during the biennium and the transfer of activities to the Mechanism.

C. Registry

45. Pursuant to article 16 of the statute of the Tribunal, the Registry is responsible for the administration and servicing of the Tribunal. It is composed of three main organizational units, namely, the Immediate Office of the Registrar, the Judicial and Legal Services Division, including the appeals support office in The Hague, and the Division of Administrative Support Services. The resident auditor and investigator, while reporting directly to the Office of Internal Oversight Services, are reflected under the Registry for budgetary purposes.

46. During the biennium 2014-2015, the Registry will continue to support the implementation of the Tribunal completion strategy geared towards the expeditious completion of remaining appeals. This will include the provision of assistance to indigent accused persons to enable them to obtain or retain legal representation in their cases. The revamped lump-sum system ensures that adequate resources are afforded to accused persons for legal representation throughout their trials and appeals, including at the most critical stage of the criminal process. The Registry will also focus on the completion of all judicial activities, the completion of the preparation of the records of the Tribunal for archiving and handover to the Mechanism, the maintenance of an effective external communications system and the relocation of acquitted persons and persons who were released in the United Republic of Tanzania after serving their sentences. It will also focus on clearing all outstanding administrative matters and transferring the remaining functions to the Mechanism, including the management of the archives, and the ongoing administrative support functions.

47. Furthermore, the Registry will continue to play a key role in supporting the operations of the Arusha Branch of the Mechanism during the period the two institutions will coexist during the biennium 2014-2015.

48. Cooperation and political support for the Tribunal by major stakeholders such as Governments and non-State entities have improved and systematic efforts to

improve the image and the visibility of the Tribunal through the effective dissemination of public information have borne fruit, with increased media coverage, organized visits to the headquarters of the Tribunal for briefing and familiarization, and for better understanding of the achievements and multifaceted challenges of the Tribunal. The Tribunal will continue to encourage more VIPs, Government officials and other stakeholders, including “Friends of the International Criminal Tribunal for Rwanda”, to visit frequently in order to be briefed on the work of the Tribunal as part of its completion strategy. Promoting national reconciliation and restoring peace in the Great Lakes region of Africa has been one of the major communications objectives of the Tribunal. The information and documentation centres of the Tribunal scattered across Rwanda remain the flagship initiative of its outreach programmes in Rwanda. The main centre in Kigali, Umusanzu Centre, continues to supervise and distribute information materials on the Tribunal to the provincial centres as part of the legacy of the Tribunal. The information centre and the Tribunal outreach programme have continued to provide a range of opportunities to increase public understanding of the work of the Tribunal through briefings and projections of films in schools, higher learning institutions, prisons, communes and main regions from where the accused and convicted persons hailed. The Information Centre facilities are fully utilized by the Rwandan public, particularly students and researchers, who wish to get first-hand information about the Tribunal.

49. During the current biennium, the information centre in Kigali receives about 100 visitors daily, including students, journalists, civil servants, judges, lawyers and ordinary citizens from all walks of life. This trend is expected to be sustained during the 2014-2015 biennium. The Tribunal will continue to manage the operations of the information centre until the end of 2014, when it will be handed over to the Rwanda authorities.

50. Cooperation between the Office of the Registrar and Member States has continued in order to find a host country for the seven acquitted persons and the three persons who have served their sentences and remain in Arusha.

51. The Immediate Office of the Registrar continues to provide consistent and effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the judges and the Prosecutor.

52. The Judicial and Legal Services Division continues to provide: (a) direct judicial assistance to the Trial Chambers and the Appeals Chamber, such as legal research, drafting and other judicial support; the preparation of the judicial calendar; the maintenance and scheduling of courtrooms; and the recording, maintenance and registration of records of judicial proceedings, transcripts, motions, orders, decisions, judgements and sentences; and (b) other court-related functions, including the provision and maintenance of the detention facilities; the development and maintenance of a list of defence counsel; the maintenance of a system to remunerate defence counsel; interpretation and translation services; and assistance to prosecution and defence witnesses testifying before the Tribunal.

53. The Division of Administrative Support Services supports the three organs of the Tribunal with administrative support, the management of premises, human resources management and budgetary and financial aspects. The Division also provides support for information technologies, medical services, procurement, travel

and transport, property control and management and security and safety for Tribunal personnel and property. The Division continues to implement career support programmes in order to assist staff in relations with the Tribunal completion strategy. The Tribunal, with the support of the United Nations Secretariat, continues a number of non-monetary measures aimed at retaining staff until their services are no longer required and the milestone of the Tribunal is achieved. In addition to supporting the Tribunal, the Division will continue to support operations of the Residual Mechanism. The management of staff separations; the timely payment of staff entitlements and separation benefits; supporting staff members transitioning to other career opportunities; and the disposal of assets not required by the Mechanism are anticipated to be the main challenges the Division will face in the biennium 2014-2015. Thus, while resource requirements will be reduced in all areas, there will be only limited reduction in areas dealing with asset control, disposal, dismantling and repairing premises before handing them over to the landlord, and the provision of internal and perimeter security for personnel and property.

Table 10

Objectives for the biennium, expected accomplishments, indicators of achievement and performance measures

Objective of the Tribunal: To ensure the implementation of the Tribunal's legal and administrative support activities in compliance with the regulations and rules of the United Nations and with a view to supporting the Tribunal's completion strategy

| Expected accomplishments | Indicators of achievement |
|--|--|
| (a) Strengthened cooperation of Member States on enforcement of sentence | (a) Number of new memorandums of understanding concluded with Member States <i>Performance measures</i> 2010-2011: 1 2012-2013 estimate: none 2014-2015 target: none |
| (b) Increased public awareness of the work of the Tribunal | (b) Number of inquiries with respect to the work of the Tribunal <i>Performance measures</i> 2010-2011: 7,000 2012-2013 estimate: 5,000 2014-2015 target: 6,000 |

- (c) Timeliness of proceedings
- (c) Distribution of judicial documents within 24 hours
- Performance measures*
- 2010-2011: 24 hours
- 2012-2013 estimate: 24 hours
- 2014-2015 target: 24 hours
- (d) Improved dissemination of judicial records to the parties and indirectly to the public through the Internet
- (d) (i) All judicial records filed with the Registry are received, copied, digitized and distributed within a 24-hour period
- Performance measures*
- 2010-2011: 24 hours
- 2012-2013 estimate: 24 hours
- 2014-2015 target: 24 hours
- (ii) All public judicial records are available at the Tribunal's website within a 24-hour period
- Performance measures*
- 2010-2011: 24 hours
- 2012-2013 estimate: 24 hours
- 2014-2015 target: 24 hours
- (e) Faster turnaround time for decisions and orders after the conclusion of pleadings
- (e) Maximum deadline of five days after initial deliberations of the first draft
- Performance measures*
- 2010-2011: 5 days
- 2012-2013 estimate: 5 days
- 2014-2015 target: 5 days
- (f) Reform of the legal aid system
- (f) Percentage of cases for which payments are within the agreed-upon thresholds
- Performance measures*
- 2010-2011: 100 per cent
- 2012-2013 estimate: 100 per cent
- 2014-2015 target: 100 per cent
-

External factors

54. The Registry is expected to meet its objectives and expected accomplishments on the assumption that there are no delays in the proceedings for reasons beyond the control of the Tribunal, including illness of the accused or death of lead defence counsel, unforeseen disclosure of material, requests for replacement of defence counsel, review of cases already tried and the availability of witnesses to certify statements and provide testimony.

Outputs

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

(a) Management policy papers and directives, guidelines and instructions; annual/biennial and periodic reports; budget instructions/proposals and cost estimates; press releases, speeches, statements and briefings, and records of meetings; the provision of judicial support services to the Chambers and the Office of the Prosecutor;

(b) Judicial transcripts, motions, orders, decisions, judgements and sentences; research papers, judicial calendars, schedules of courtrooms usage; and other judicial records;

(c) The relocation of acquitted persons and those who are convicted and served their sentence at the United Nations Detention Facility, in collaboration with the Office of Legal Affairs;

(d) Guidelines and records of the lump-sum system of payment to defence counsels;

(e) Brochures, pamphlets and posters;

(f) Records of visits by officials and delegations from Member States, institutions and other stakeholders interested in learning more about the work of the Tribunal;

(g) Various administrative records, reports and documents relating to human resources management, finance and budget management, asset management and logistics, building management services, health services, information and technology services, records and archives, language services, security and safety services;

(h) Internal human resources and financial policies and guidelines tailored to address the downsizing needs of the Tribunal.

Table 11
Resource requirements

| Category | Resources (thousands of United States dollars) | | Posts | |
|------------------|---|---------------------------------|------------|-----------|
| | 2012-2013 | 2014-2015 (before recosting) | 2012-2013 | 2014-2015 |
| | Assessed budget | | | |
| Post | 80 206.1 | 35 967.5 | 338 | 95 |
| Non-post | 35 095.8 | 23 544.6 | – | – |
| Staff assessment | 8 471.3 | 4 601.6 | – | – |
| Subtotal | 123 773.2 | 64 113.7 | 338 | 95 |
| Extrabudgetary | 50.0 | 330.0 | – | – |
| Total | 123 823.2 | 64 443.7 | 338 | 95 |

Table 12
Temporary post requirements

| Category | Proposed reduction | | | Extrabudgetary | | Total | |
|------------------------------------|--------------------|----------------|----------------|----------------|-----------|------------|-----------|
| | 2013 | 1 January 2014 | 1 January 2015 | 2012-2013 | 2014-2015 | 2014 | 2015 |
| Professional and higher | | | | | | | |
| ASG | 1 | – | – | – | – | 1 | 1 |
| D-1 | 2 | (1) | – | – | – | 1 | 1 |
| P-5 | 10 | (3) | (5) | – | – | 7 | 2 |
| P-4/3 | 66 | (5) | (50) | – | – | 61 | 11 |
| P-2/1 | 25 | (10) | (14) | – | – | 15 | 1 |
| Subtotal | 104 | (19) | (69) | – | – | 85 | 16 |
| General Service and related | | | | | | | |
| Principal level | 6 | (4) | (2) | – | – | 2 | – |
| Other level | 68 | (13) | (44) | – | – | 55 | 11 |
| Subtotal | 74 | (17) | (46) | – | – | 57 | 11 |
| Other | | | | | | | |
| Security Service | 38 | (8) | (15) | – | – | 30 | 15 |
| Local level | 112 | (15) | (52) | – | – | 97 | 45 |
| Field Service | 10 | (2) | – | – | – | 8 | 8 |
| Subtotal | 160 | (25) | (67) | – | – | 135 | 68 |
| Total | 338 | (61) | (182) | – | – | 277 | 95 |

Table 13
General temporary assistance positions in lieu of temporary posts abolished during the biennium 2014-2015

| <i>Category</i> | <i>January-June 2014</i> | <i>July-December 2014</i> | <i>January-September 2015</i> | <i>October-December 2015</i> |
|------------------------------------|------------------------------|-------------------------------|-----------------------------------|----------------------------------|
| Professional and higher | | | | |
| P-5 | – | – | 4 | – |
| P-4/3 | 4 | – | 26 | – |
| P-2/1 | 6 | – | 12 | – |
| Subtotal | 10 | – | 42 | – |
| General Service and related | | | | |
| Principal level | – | – | 2 | – |
| Other level | 1 | – | 26 | – |
| Subtotal | 1 | – | 28 | – |
| Other | | | | |
| Security Service | – | – | 5 | – |
| Local level | – | – | 28 | – |
| Subtotal | – | – | 33 | – |
| Total | 11 | – | 103 | – |

56. Resources under posts and staff assessment in the amount of \$35,967,500 and \$4,601,600, respectively, would provide for the continuation of 277 temporary posts in 2014 and 95 temporary posts in 2015. The reduction under posts (\$44,238,600) and staff assessment (\$3,869,700) is owing to the abolition of 243 temporary posts during the biennium (61 in 2014 and 182 in 2015).

57. Non-post requirements in the amount of \$23,544,600, reflecting a decrease of \$11,551,200, would provide for general temporary assistance, consultants, travel of staff, contractual services, general operating expenses, hospitality, supplies and materials, furniture and equipment, improvement of premises and grants and contributions. The provision under general temporary assistance includes requirements to cover the functions of posts abolished during the biennium 2014-2015 that are still needed during part of the biennium 2014-2015. It is proposed to gradually reduce these general temporary assistance requirements during the biennium as shown in table 13.

58. The decrease of \$11,551,200 in non-post requirements reflects reduced requirements under travel of staff (\$934,500), contractual services (\$7,813,800), general operating expenses (\$2,172,100), supplies and materials (\$1,221,200), furniture and equipment (\$540,300), improvement of premises (\$371,100) and grants and contributions (\$150,000) owing mainly to the reduction in staffing and trial activities during the biennium and to the transfer of functions to the Residual Mechanism. This is partly offset by increases under other staff costs (\$1,452,000) owing to additional requirements for general temporary assistance following the

abolition of temporary posts during the biennium and under consultants (\$199,800) owing to the need to cover the cost of court reporters whose posts have been abolished.

D. Records management and archives

59. Since 2008, the General Assembly has approved resources to ensure that the records of long-term to permanent value of the International Criminal Tribunal for Rwanda are preserved as a full and compliant record of the unique activities of the Tribunal, and are available for access to all stakeholders and future users. Over the past three bienniums, the Tribunal has carried out activities related to the preparation of the records and archives of the Tribunal for transfer to the Mechanism, the institution that will be responsible for their continued management following the completion of the mandate of the Tribunal. Furthermore, the Tribunal has created preservation-quality digital copies of the audiovisual recordings of the trial proceedings and begun the process of generating publicly accessible versions of the audiovisual recordings of the trial proceedings most likely to be of interest to the general public.

60. The objectives of the archives and records management project of the Tribunal are summarized as follows:

(a) To develop access, classification and retention policies for the substantive records of the Tribunal, and to ensure preservation of the material designated for long-term or permanent retention;

(b) To ensure that all judicial records of the Tribunal, including all documentary evidence and research materials of the Office of the Prosecutor, are preserved for judicial, historical and research purposes and that all public records are accessible for research and educational purposes;

(c) To ensure that all administrative records with long-term value are fully archived for their permanent preservation;

(d) To ensure that the administrative records of all sections of the Registry are disposed of in accordance with their respective retention schedules.

61. The Tribunal has made significant progress in relation to the preparation of records for archiving and subsequent handover to the Mechanism, including putting procedures in place aimed at ensuring their preservation and accessibility. The primary objective of the activities related to the preparation of the records of the Tribunal for transfer to the Mechanism is the appropriate and compliant disposition of all records of the Tribunal by or before the completion of its mandate, including:

(a) The preparation for transfer to the Mechanism, in accordance with established procedures, of all records that must be retained beyond the completion of the Tribunal's mandate;

(b) The secure and documented destruction of records that will have exceeded their scheduled retention periods by the completion of the Tribunal's mandate.

62. From 2008 to 2011, the archives project budget included provisions for the digitization and redaction of the audiovisual recordings of the trial proceedings and

the sorting, arrangement, scanning and rehousing of the records of the Office of the Prosecutor. The project was expanded in 2012-2013 to include resources for the disposition of all records of the Tribunal for which provisions had not previously been made, including the paper-based non-judicial records of the Registry.

63. Accomplishments achieved to date within the framework of the archives project and the working group include:

(a) The development of a records retention schedule, which defines the retention policies for all records created or received as a result of the work of the Tribunal;

(b) In collaboration with the International Tribunal for the former Yugoslavia, the development of a Secretary-General's Bulletin that defines the security and access policies for the records of the Tribunals and the Mechanism. The identification of the substantive and administrative records of long-term to permanent value, designated for transfer to the Mechanism;

(c) The implementation of the disposal process for the substantive and administrative records of the Tribunal, including the processing and rehousing of over 1,200 linear metres of records of long-term to permanent value that will be transferred to the custody of the Mechanism;

(d) The generation of preservation-quality digital files for all master audiovisual recordings of the trial proceedings of the Tribunal (over 36,000 hours);

(e) The generation of redacted versions of the audiovisual recordings of over 3,000 hours of trial proceedings;

(f) The verification of hard copies against their corresponding digital records and the rehousing of 60 per cent of all original judicial records;

(g) The processing and rehousing of 60 per cent of all records of the Office of the Prosecutor;

(h) The identification of other substantive and administrative records of long-term to permanent value, designated for transfer to the Mechanism, and the implementation of the disposal process for the other substantive and administrative records of the Tribunal.

64. It is anticipated that, by the end of 2013, nearly 2,000 linear metres of records will have been transferred to the custody of the Mechanism, and that the redacted versions of audiovisual recordings for 6,000 hours of trial proceedings will have been generated.

65. The outputs for the archives project for the biennium 2014-2015 include:

(a) The authorized and secure destruction of all non-records and official records that have exceeded their scheduled retention period;

(b) The preparation, in accordance with established procedures, of 2,400 linear metres of records of long-term to permanent value for handover to the Mechanism;

(c) The development and implementation of a strategy to ensure the compliant handover of all records in digital format to the custody of the Mechanism;

(d) The redaction of the 10,000 hours of audiovisual recordings of trial proceedings identified as possessing the highest expected external access value.

66. The risks that can affect the completion of the archives transfer to the Mechanism include staff attrition. With its imminent closure, the Tribunal may experience a high attrition of key staff members that are critical for the completion of the remaining work of the archives project. This could impact negatively the accomplishments and delay the transfer. Replacing staff through recruitment is a time-consuming exercise and new staff may not join the Tribunal at the tail end of its mandate.

67. It is anticipated that approximately 200 linear metres of records of long-term to permanent value will remain in active use by the Tribunal until the completion of the final judicial activities in the third quarter of 2015, and cannot be transferred to the Mechanism until that work has been completed. As such, some records disposal activities will continue into 2015. However, it is expected that the majority of the records disposition activities will be completed by the end of 2014.

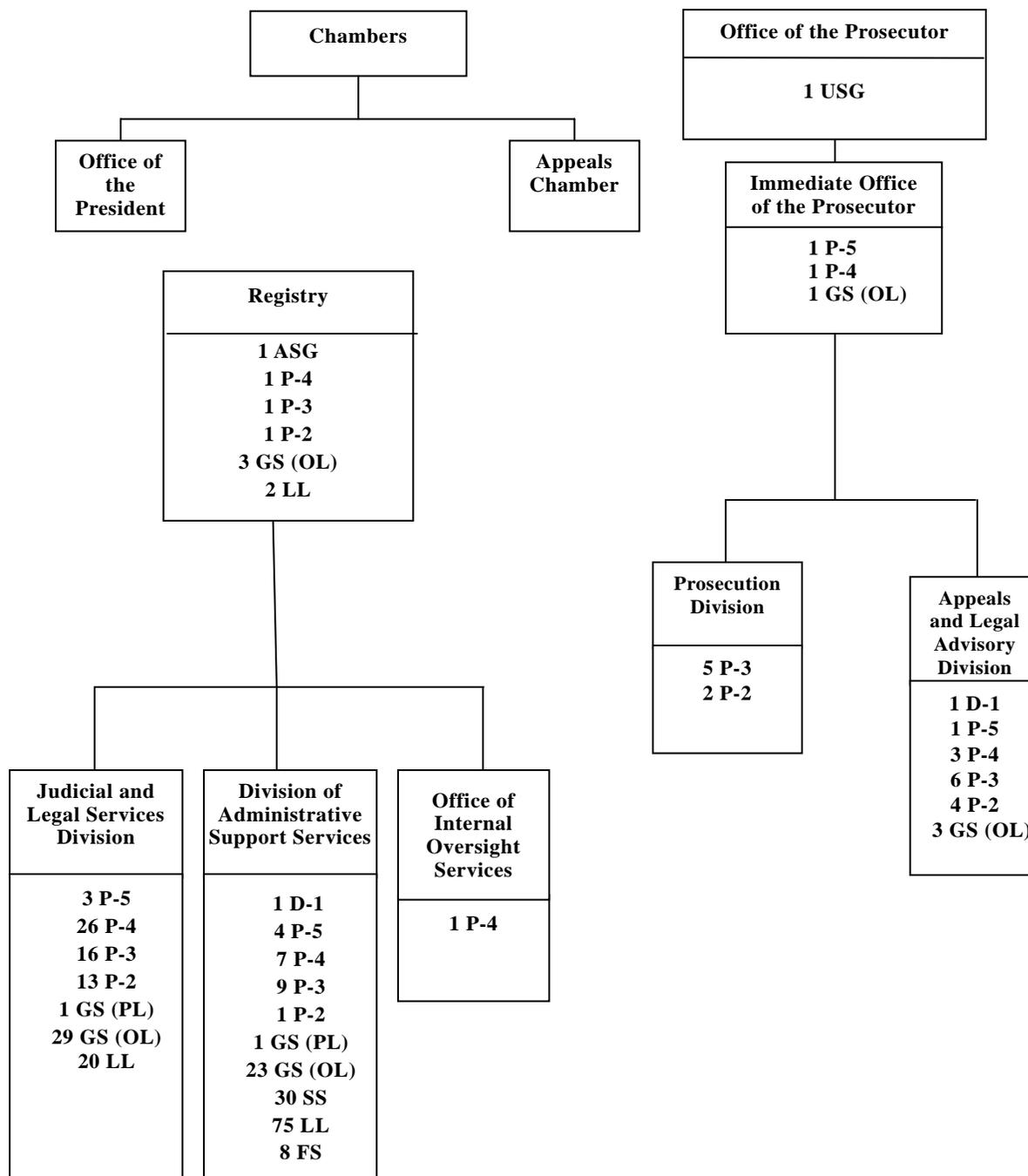
Table 14
Resource requirements

| Category | Resources (thousands of United States dollars) | | Posts | |
|------------------|---|---------------------------------|-----------|-----------|
| | 2012-2013 | 2014-2015 (before recosting) | 2012-2013 | 2014-2015 |
| | Assessed budget | | | |
| Non-post | 14 288.2 | 7 014.7 | – | – |
| Staff assessment | 1 251.5 | 634.8 | – | – |
| Total | 15 539.7 | 7 649.5 | – | – |

68. While a large part of the archives project will be implemented in the current biennium, during the biennium 2014-2015, resources amounting to \$7,649,500 are proposed for the continuation of the redaction of the audiovisual material and for the archiving of the records of the Office of the Prosecutor and the Judicial and Legal Services Division, as well as the digitization and archiving of the administrative records of the Division of Administrative Support Services under the Registry. These requirements would provide for general temporary assistance related to temporary staff that would be required for the continuation of the redaction of the audiovisual material, for the appraisal of the paper-based records of the Tribunal and for the application of preservation and access enhancements measures to those records determined to be of long-term value. The requirements are based on 4 Professional and higher category staff members (two P-3 and two P-2), 40 Field Service staff members, and 25 Local level staff members and also include funds for supplies and materials.

Annex I

Organizational structure and post distribution as at 1 January 2014



Abbreviations: GS (PL), General Service (Principal level); GS (OL), General Service (Other level); SS, Security Service; LL, Local level; FS, Field Service; USG, Under-Secretary-General; P, Professional category.

Annex II

Summary of follow-up action taken to implement the relevant recommendations of the oversight bodies

Brief description of the recommendation

Action taken or to be taken to implement the recommendation

Report of the Board of Auditors ([A/67/5/Add.11](#))

The Board recommends that the Tribunal expedite its preparations, proactively identify its need for the implementation of IPSAS and communicate with the Headquarters International Public Sector Accounting Standards implementation team to better prepare the implementation of IPSAS (para. 20).

The Tribunal concurred with the Board's recommendation that it continue to work closely with the Registrar of the Mechanism to make every effort to accelerate the process of lateral transfers and recruitment through the approved procedures (para. 25).

The Board recommends that the Tribunal develop an action plan to guide the process for its orderly closure, including but not limited to issues to be addressed and the milestones, risks and benefits regarding the closure (para. 29).

The Tribunal concurred with the Board's recommendations that it (a) clearly state the parameters of the data regarding cases and set out the number of cases excluded from the analysis contained in the reports on the completion strategy, along with a clear rationale for their exclusion; and (b) revise the incorrect number of days between transfer of the accused and delivery of trial judgement in its next report (para. 34).

The International Public Sector Accounting Standards Action Plan has been developed by the United Nations Secretariat and anticipates and plans for the closure of the Tribunal and the transfer of residual assets and liabilities to the Mechanism. The Tribunal recognizes the need to fully prepare for the implementation of the Standards in conformity with the advice and guidance received from the Standards project team based in New York. To this end, the task list and status of activities report are reviewed and updated on a monthly basis to ensure that the Tribunal will be in a position to issue International Public Sector Accounting Standards compliant statements for 2014.

The Tribunal continues to support the Mechanism in the recruitment process, including by facilitating lateral transfers through the approved procedures. Since the establishment of the Mechanism in July 2012, a significant number of staff members have been appointed to serve in the Arusha Branch of the Mechanism, in response to the requests made by its management.

The Tribunal continues to develop and refine its action plans to guide its orderly closure. However, recent changes to the judicial calendar, in particular with regard to judgement delivery in the Butare case before the appeals chamber, required a significant number of changes to the planned timeline of activities that are to be reflected in individual section plans for reconsolidation at the Tribunal level.

All provisions of the Board's recommendation were addressed in a letter dated 22 May 2012 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council ([S/2012/349](#)).

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

The Tribunal concurred with the Board's recommendation that it review its budget formulation and expenditure management system to ensure over-expenditure is minimized and approval of redeployment is obtained from Headquarters (para. 37).

The Tribunal has taken additional measures to monitor its expenditures based on the consolidated data held in the SUN System in Arusha and the Integrated Management Information System in New York.

The Tribunal agreed with the Board's recommendation that it establish more realistic training budgets and more effective management and monitoring of training activity (para. 39).

Periodic expenditure reviews are conducted to monitor the training plan implementation. Quarterly meetings are held with Programme Managers to monitor and adjust the training plan, as needed.

The Tribunal agreed with the Board's recommendation that it comply with the requirement of the Financial Regulations and Rules of the United Nations to accurately record the refunds from previous bienniums as miscellaneous income (para. 43).

The Finance Section has taken note of this recommendation and is carefully tracking the reporting of refunds from previous bienniums to ensure they are appropriately recorded as miscellaneous income.

The Tribunal agreed with the Board's recommendation that (a) the agreement between the Tribunal and the travel agency be supplemented and signed in a timely manner and a tracking system established to monitor the accuracy and integrity of the refund from the agency; (b) guidelines or standard operating procedures be established to reinforce the regularity of travel management (para. 48).

The recommendation has been implemented in full.

The Tribunal concurred with the Board's recommendation that it expedite the work on archive management to effect an orderly transfer to the Mechanism (para. 52).

This recommendation relates to a core high priority part of the remaining activities of the Tribunal and separate detailed reports are available tracking the progress to date and future plans for effecting an orderly transition to the Mechanism.

The Tribunal concurred with the Board's recommendations that it (a) further strengthen the cooperation among relevant sections to expedite the process of write-off and decrease the accumulation of assets pending write-off; (b) as part of its completion strategy, continue to pay close attention to the timely and efficient disposal of written off assets in order to ensure full compliance with the requirements of the Property Management Manual; and (c) continue to actively search for the assets that had not yet been found and update the assets records accordingly (para. 55).

The Tribunal remains focused on the need to deal efficiently and expeditiously with the writing off and disposal of the Tribunal's assets in line with the completion strategy and in full compliance with the relevant rules and regulations. To this end, the management of this function has been strengthened and the membership of the Local Property Survey Board has been refreshed. Verification by external auditors has been done during the interim audit of the Tribunal from 6 April to 3 May 2013.

Brief description of the recommendation

Action taken or to be taken to implement the recommendation

Report of the Office of Internal Oversight Services (A/67/297 (Part I)/Add.1)

Information and communications technology governance and security management at the International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda should complete its disaster recovery and business continuity processes and procedures by:

- (a) documenting and implementing a backup strategy;
- (b) implementing a disaster recovery hot site and performing regular disaster recovery and business continuity tests; and (c) moving backup tape storage offsite to ensure effective disaster recovery (table 2).

Documenting and implementing a backup strategy has been completed. The documentation covers the schedule for backups, specific backup types and backup tape rotation. An adequate number of tapes were procured to support the rotation. The disaster recovery hot site has been completed and is located within the campus of the Tribunal because of the additional costs of locating it in a remote location.
