

ECCC Revised Budget Requirements - 2010-2011

Final

24/01/2011

Summary

1. The 2010-2011 budget request for the Extraordinary Chambers in the Courts of Cambodia was endorsed by the Group of Interested States (GIS) on 23 February 2010. A combined budget for the international and national components of the Court totaling \$45.5 million was endorsed for 2010 and \$46.8 million for 2011, including contingency.
2. This document presents a revision of the 2010-2011 budget based on the anticipated expenditures for 2010 and updated requirements for the Court for 2011. The combined revised budget for 2010/2011 totals \$32.1 million for 2010 and \$43.3 million for 2011, including contingency. For ease of reference and comparison, in this document all figures below are without contingency.
3. For the international component of the ECCC it is estimated that in 2010 there are approximate savings of \$8.8 million against the approved budget of \$32.2 million. For 2011 the proposed revision is a reduction of \$2.4 million against the approved budget of \$33.2 million. The total proposed reduction against the approved 2010-2011 budget for UNAKRT is \$11.2 million.
4. For the national component of the ECCC it is estimated that in 2010 there are approximate savings of \$2.8 million against the approved budget of \$10.7 million. For 2011 the proposed revision is a reduction of \$1.1 million against the approved budget of \$11.0 million. The total proposed reduction against the approved 2010-2011 budget for the national component is \$3.9 million.
5. This document contains 2 sections – the first details the estimated savings against the 2010 budget and the second details the variations against the 2011 budget. In addition there are two Annexes, Annex A details the resource requirements for ECCC for 2005-2011 including the variances for 2010 and 2011, and Annex B details the proposed staffing table for both components of the Court in 2011. Where no changes are reflected, the 2011 approved budget will remain in effect.
6. For the international component, a contingency of 7.5% has been instituted with the approval of the 2008-2009 budget in order to build a reserve to meet unanticipated and unforeseen needs, as well as eventual termination/closing costs associated with the international component. The contingency funds accrued during the 2008-2009 budget totaled \$1.9 million, with \$0.8 held in reserve from 2010 contributions. Based on the 2011 projected budget, it is expected that the anticipated contingency will remain at \$1.9 million.
7. For the national component, an operating reserve was never initiated given the need to draw fully upon its resources to meet programme commitments. However, starting in 2011, it is expected to accrue a contingency of \$0.7 to cover unanticipated activities that may arise during the year.

2010 Estimated ECCC Savings (without contingency)

(1) United Nations Funding (includes PSC)

| Description | 2010 Approved Budget | 2010 Estimated Savings | 2010 Estimated Final Expenditure |
|----------------------------|-----------------------------|-------------------------------|---|
| Posts | 20,934,900 | (4,654,300) | 16,280,600 |
| Non-staff compensation | 2,152,700 | (530,200) | 1,622,500 |
| Other staff costs | 279,500 | 43,000 | 322,500 |
| Consultants and experts | 815,500 | (196,000) | 619,500 |
| Witness costs | 38,700 | (38,900) | (200) |
| Travel | 244,500 | (148,800) | 95,700 |
| Contractual Services | 1,513,000 | (877,900) | 635,100 |
| Defence support section | 2,576,500 | (1,108,700) | 1,467,800 |
| Victims support | 414,100 | (410,900) | 3,200 |
| Judicial meetings | 208,600 | 5,400 | 214,000 |
| Training | 201,800 | (124,200) | 77,600 |
| General operating expenses | 716,700 | (193,100) | 523,600 |
| Supplies | 399,500 | (90,300) | 309,200 |
| Furniture and equipment | 1,701,900 | (512,600) | 1,189,300 |
| Subtotal | 32,197,900 | (8,837,700) | 23,360,200 |

(2) Cambodian Funding (includes PSC)

| Description | 2010 Approved Budget | 2010 Estimated Savings | 2010 Estimated Final Expenditure |
|------------------------------|-----------------------------|-------------------------------|---|
| Posts | 6,823,300 | (1,871,800) | 4,951,500 |
| Non-staff compensation | 816,600 | (111,400) | 705,200 |
| Judicial meetings | 33,200 | (10,600) | 22,600 |
| Office of the resident judge | 115,500 | (13,900) | 101,600 |
| Other staff costs | 364,000 | (271,300) | 92,700 |
| Premise alteration | 258,400 | (50,600) | 207,800 |
| Contractual services | 742,800 | 417,300 | 1,160,100 |
| Travel | 155,700 | (79,800) | 75,900 |
| Training and meeting costs | 533,600 | (454,100) | 79,500 |
| Operating expenses | 835,200 | (366,400) | 468,800 |
| Hospitality costs | 35,300 | 6,300 | 41,600 |
| Subtotal | 10,713,600 | (2,806,300) | 7,907,300 |

Total funding (UN and national side)

| | | | |
|---------------------------|-------------------|---------------------|-------------------|
| SUMMARY (1 + 2) | | | |
| Total requirements | 42,911,500 | (11,644,000) | 31,267,500 |

8. Under the International Component, the approximate savings in 2010 of \$8.8 million relate to the following:

- a) \$4,654,300 for posts due to higher than anticipated vacancy rate due to prolonged recruitment processes and unexpected staff separations;
- b) \$530,200 for non-staff compensation due to postponement of the installation of the Supreme Court officials, which was initially anticipated in mid 2010;
- c) \$196,000 for consultants and experts due to reduced costs related to expert witnesses for all cases;
- d) \$38,900 in witness cost due to lower than anticipated expenses for witnesses and prior period savings realized in 2010;
- e) \$148,800 in travel due to the reduced number of missions implemented by UNAKRT and relevant UNHQ offices in 2010;
- f) \$877,900 in contractual services due to lower than anticipated expenditure for public information material of \$228,000, lower than anticipated costs for medical and pathology specialists of \$113,700 and reduced requirements of \$536,200 for contractual translation and transcription, of which \$200,000 will be required in 2011 due to delayed procurement;
- g) \$1,108,700 in defence support costs due to anticipated expenditure for legal support in case 2 and deferment of legal assistance in cases 3 and 4 until 2011;
- h) \$410,900 in victims support costs due to the vacant position of Lead Counsel, as well as reductions in the number of legal consultants;
- i) \$124,200 in training due to training courses not undertaken as planned;
- j) \$193,100 in general operating expenses including reduced charges for communications of \$42,600, reduced requirement of \$114,022 for maintenance of IT, vehicles and office equipment due to the good operating condition of the equipment and savings of \$36,500 for other miscellaneous expenses;
- k) \$90,300 in supplies due to reduced fuel requirements of \$35,000, and reduced requirements for supplies for court management and other areas totaling \$57,500 including recording tapes and stationery;
- l) \$512,600 in furniture and equipment due to the non purchase of vehicles (partially deferred to 2011) and the deferral of the purchase of video technology for the courtroom until 2011;

These savings are offset by additional requirements of \$43,000 for other staff costs due to the use of temporary staff to support OCIJ and PTC while vacancies were being filled, and additional costs of \$5,400 for officials attending judicial meetings due to an increase in the DSA rate for Phnom Penh.

9. Under the National Component, the approximate savings in 2010 of \$2.8 million relates to the following:

- a) \$1,871,800 for posts due to higher than anticipated vacancy rate for posts;
- b) \$111,400 for non-staff compensation due to postponement of the installation of the Supreme Court judges, which was initially anticipated in mid-2010;
- c) \$10,600 for judicial meetings due to lower than anticipated meetings costs;
- d) \$13,900 for legal and support staff of the office of the resident judges due to unexpected vacancies;
- e) \$271,300 for other staff costs due to fewer than anticipated legal consultants and short term contractors, reduced activities for advocacy, and no costs incurred for legacy development projects;
- f) \$50,600 in premise alteration due to the delayed implementation of some projects that were anticipated in the budget;
- g) \$79,800 in travel due to the reduced number of missions, especially for investigation activities;
- h) \$454,200 in training and meetings due to a reduction in the number of VSS trainings and outreach meetings, as well as general ECCC training activities not undertaken in 2010 as planned;
- i) \$366,400 in operational costs due to lower than anticipated expenses due to actual workload;

These savings are offset by additional requirements of \$417,300 for contractual services and \$6,300 for hospitality costs. Under contractual services additional resources were needed to support in-reach and outreach activities, especially the ECCC Study Tours Program which in 2010 brought approximately 32,600 Cambodians from various parts of the country to visit Tuol Sleng Genocide Museum, and to attend briefings by Court officials on the ECCC mandate and process. These activities are considered a success factor of the Court. Under hospitality costs, additional resources were required to support official functions, events and ceremonies, such as (a) hand-over ceremonies of Case 001 verdict distributions to all 24 provinces and Government ministries and institutions; (b) official visit of UN Secretary General; and (c) donors' coordination meetings.

2011 ECCC proposed budget (without contingency)

(1) United Nations Funding (Includes PSC)

| Description | 2011 Approved Budget | Proposed Changes | 2011 Proposed Budget |
|-------------------------------------|-----------------------------|-------------------------|-----------------------------|
| Posts | 21,662,500 | (1,998,600) | 19,663,900 |
| Non-staff compensation | 2,297,800 | - | 2,297,800 |
| Other staff costs | 148,400 | | 148,400 |
| Consultants and experts | 803,100 | 234,300 | 1,037,400 |
| Witness costs | 161,100 | (37,100) | 124,000 |
| Travel | 233,300 | 36,000 | 269,300 |
| Contractual Services | 1,622,800 | (54,200) | 1,568,600 |
| Defence support section | 4,064,700 | (664,600) | 3,400,100 |
| Civil Party Lead Co-Lawyers Section | 407,600 | (111,500) | 296,100 |
| Judicial meetings | 78,400 | 2,800 | 81,200 |
| Training | 109,100 | - | 109,100 |
| General operating expenses | 724,100 | (15,600) | 708,500 |
| Supplies | 430,000 | (67,200) | 362,800 |
| Furniture and equipment | 478,600 | 288,900 | 767,500 |
| Subtotal | 33,221,500 | (2,386,800) | 30,834,700 |

(2) Cambodian Funding (includes PSC)

| Description | 2011 Approved Budget | Proposed Changes | 2011 Proposed Budget |
|------------------------------|-----------------------------|-------------------------|-----------------------------|
| Posts | 7,140,700 | (908,000) | 6,232,700 |
| Non-staff compensation | 952,700 | 40,400 | 993,100 |
| Judicial meetings | - | - | - |
| Office of the resident judge | 117,000 | 10,900 | 127,900 |
| Other staff costs | 307,300 | (152,000) | 155,300 |
| Premise alteration | 85,200 | 29,200 | 114,400 |
| Contractual services | 843,900 | 348,800 | 1,192,700 |
| Travel | 104,800 | 32,700 | 137,500 |
| Training and meeting costs | 583,400 | (262,100) | 321,300 |
| Operating expenses | 799,200 | (253,300) | 545,900 |
| Hospitality costs | 37,100 | - | 37,100 |
| Subtotal | 10,971,300 | (1,113,400) | 9,857,900 |

Total funding (UN and national side)

| | | | |
|---------------------------|-------------------|--------------------|-------------------|
| SUMMARY (1 + 2) | | | |
| Total requirements | 44,192,800 | (3,500,200) | 40,692,600 |

10. Under the international component, the proposed variations under the 2011 approved budget, totaling \$2,386,800 are detailed below.

Posts

11. In the approved budget for 2011 UNAKRT had provisions for 173 posts. Effective 1 January 2011 UNAKRT will make the following staff changes:

- (a) Abolish 10 international posts where the functions are no longer required on a full time basis and can be met through existing staff resources and/or temporary appointments.
- (b) Convert international posts into national posts (2 national officer and 2 general service) as expertise is available locally and the functions can be met through national recruitment.
- (c) Convert consultancy resources for 3 Case Officers in the defence support legal assistance scheme to 3 national officer (NO) positions.
- (d) Redeploy 3 international posts within the Court in line with the 2011 anticipated workload to maximize use of existing resources/staff skills.
- (e) Reduce budgeted work months for various international vacant posts in line with expected reporting dates of new incumbents.

In implementing the above changes, UNAKRT will take relevant measures to reassign existing staff to existing or future vacancies, wherever possible. The justification for the above changes is detailed below, by organizational Section. The total savings from these proposals is \$1,998,600. Annex B details the revised staffing table which reflects 168 posts for 2011 against the approved posts of 173.

Chambers

12. Redeployment

The Trial Chamber has requested a P5 Senior Legal Officer to provide substantive legal support to the Chamber and to assist the judges with the trial and subsequent verdict in Case 2. The trial, which is expected to start in early 2011, involves four accused and is expected to be significantly more complex and contentious than Case 1, thereby requiring enhanced substantive legal support to the Trial Chamber judges.

In order to meet this need, the Office of Administration and the international judges have determined that the P5 Senior Judicial Coordinator (SJC) position, currently assigned to the Office of the Resident Judge to support all Chambers (Pre-Trial Chamber, Trial Chamber and the Supreme Court Chamber) on administrative and substantive issues, would be more effectively used if dedicated to providing substantive, legal support to the Trial Judges, particularly given the heavy workload of the Trial Judges during the trial of Case 2. As of January 2011 the function has been redefined as “Senior Legal Officer” reporting to the Trial Chamber judges only with a particular focus on substantive legal issues.

Administrative support services to the Pre-trial Chamber and the Supreme Court Chamber, previously handled by the Senior Legal Coordinator will be provided by the Office of

Administration. The redeployment of the P5 post to the Trial Chamber has no financial implications.

Office of the Co-Prosecutor

13. Redeployment

The main requirement of the Office of the Co-Prosecutor in 2011 will be the production of written pleadings for trial, appeal and court appearances together with trial support. Additional legal capacity is required for these tasks while the requirement for investigation and research is decreasing. Consequently, a vacant P3 Investigator/Research post has been internally redeployed within the Office and redefined as an Assistant Prosecutor. This internal redeployment has no financial implications.

14. Abolition

In addition, the FS3 international administrative assistant post will be abolished from 1 January 2011 in the office of the international Co-Prosecutor, as the functions of the administrative assistant can be sufficiently handled by a national administrative assistant. The national administrative assistant position was already approved in the 2010-2011 budget and the incumbent is expected to resume duties in early January 2011. The abolition of the FS3 post reduces the staffing of OCP from 18 to 17 posts, resulting in a savings of \$116,200 for 2011.

Office of the Co-Investigating Judge

15. Abolition

In 2010 the Office of the International Co-Investigating Judge was seized with cases 2, 3 and 4, and the Office issued the closing order for Case 2 in September 2010. In 2011 OCIJ's workload will be reduced, as it will be seized exclusively with Case Files 3 and 4. As OCIJ has completed all work related to Case File 2, and as documentation and evidence in Case File 2 partially overlaps with Cases 3 and 4, it is anticipated that the resources required in 2011 will be lower than originally foreseen in the approved budget. Consequently, the following five vacant posts will be abolished effective 1 January 2011: two P3 Investigators, one P3 Analyst, one P2 Associate Legal Officer post, and one FS5 Case Manager. These proposed changes would reduce the staffing of OCIJ from 30 posts to 25 posts, resulting in savings of \$750,500 for 2011.

Defence Support Section

16. Conversion

Effective 1 January 2011, UNAKRT will convert consultancy resources allocated in the 2010-2011 budget under the legal assistance scheme to National Officer positions, as the functions performed by the Case Officers are in line with staff functions. While the previous contracting modality did provide a degree of flexibility in managing the legal assistance scheme, it is particularly important during the next trial to ensure continuity and stability in the team, which can be achieved under national staff positions. The increase of \$124,500 in posts is offset by a corresponding reduction in the budget under the Legal Assistance Scheme and, therefore, this change has no overall financial implications.

17. Vacancy savings

The P5 post of Head, Defence Support Section was vacated at the end of 2010. As full incumbency is not anticipated during 2011 the work months have been reduced from 12 to 6 to better reflect the budgetary requirements of this post in 2011. The reduction in work months will result in an overall savings of \$89,900 for 2011.

Court Management Section/Victims Support Section

18. Redeployment

In view of the upcoming trial in Case 2 there is an urgent need for a dedicated Legal Officer position in the Court Management Section to coordinate trial management issues and act as focal point on all court related issues with the Chambers. Therefore, it is proposed to redeploy the vacant P3 post of Deputy Head, Victims Support Section to the Court Management Section. The Legal Officer in CMS will, in addition to his/her trial management duties, also provide secretariat support to the Judicial Committees (Plenary, Rules and Procedures Committee and Judicial Administration Committee), a function earlier carried out by the Senior Judicial Coordinator. As the Victims Unit is staffed predominantly under the National Component, and has adequate human resources to support its programme of work, a full time position for Deputy Chief, Victims Unit, is no longer warranted. The Legal Officer will, however, assist the Victims Support Section in its activities if necessary or when required.

The above change has no financial implications.

Interpretation and Translation Unit

19. Abolition

In 2011 the Interpretation and Translation Unit will manage the workload during peak periods by relying on contractual translation for factual documents and consultants for legal documents, which will allow the Unit more flexibility in dealing with the peaks and dips in the workload. Therefore, effective 1 January 2011, one vacant P4 interpreter post and one vacant P3 translator post will be abolished, and the budgeted resources utilized for short term consultancy contracts. To manage the contractual translations, a new GS4 post is required to provide administrative support for managing the contractual translators. These changes, which will provide greater flexibility in managing the translation and interpretation requirements will result in a net savings of \$39,000 (\$306,700 post savings, offset by \$267,700 for consultants).

20. Conversion

In addition, due to the change in requirements for the language combinations, which mainly requires Khmer as the base language, it is proposed to convert two vacant P3 translator posts to National Officer (NO-C) translator posts. The national officers will be better equipped to meet Khmer-French and Khmer-English translations since the base language-Khmer is their native language. In addition, it is proposed to add a GS5 post to provide additional referencing support, thereby reducing the time spent by translators and revisers undertaking this task. These proposed posts will also assist with the review and monitoring of the contractual translations. These changes will result in a net savings of \$202,000.

21. Overall, the changes in the Interpretation and Translation Unit will result in savings under posts of \$508,700 for 2011.

General Services Section

22. Conversion

As of 1 January 2011 the vacant P4 Chief, General Services will be converted to a P3 Logistics and Administrative Officer post. The change in level takes into account that all functions related to the premises, including maintenance and direct supervision and/or coordination of drivers are now fully managed by the national component. However, a P3 Logistics and Administrative Officer will be required for providing guidance and management over UNAKRT's property control, travel activities, and to provide logistical and administrative support to the substantive offices within UNAKRT. In addition, as UNAKRT has a responsibility to provide a sound workplace for its staff, the General Services Officer will be the focal point for liaison with the national team on premises issues. The change in level would result in savings of \$10,500 for 2011.

Procurement Unit

23. Abolition

As of 1 January 2011 the vacant FS5 procurement assistant post will be abolished, as the volume of procurement activities can be satisfactorily implemented with the international P3 Procurement Officer, assisted by one local procurement assistant at the GS6 level. This change will result in savings of \$126,900 for 2011.

Safety and Security Section

24. Abolition

In 2011 it is proposed to abolish the vacant FS5 in-house Security Training Officer post as the training requirements for the Safety and Security Section have been met through training provided by external trainers, as well as UNAKRT security officers attending specialized training offered in other UN duty stations. Given the cost efficiency of this approach, this practice will continue in 2011.

25. Work months savings

In addition it is proposed to reduce the total security work months due to the high vacancy rate that has been experienced by the Section, which will continue in 2011. These changes will result in savings of \$520,400 for 2011.

Consultants and Experts

26. In 2011, an increase of \$234,300 is required for resources under consultants and experts for the following purposes:

- a) additional requirement of \$49,200 in OCIJ for a military specialist for 6 months;

- b) additional requirements of \$275,000 in the Interpretation and Translation Unit for short term consultants, which provides added flexibility during peak workloads, and in place of a P4 and P3 post which have been abolished (see paragraph 17 above);
- c) additional requirements of \$15,400 for an individual contractor for the purposes of providing assistance with public affairs publications; and
- d) the above increases are partially offset by reduced requirements totaling \$105,300 for expert witnesses as the witnesses for Case 2 are needed only during the trial stage and therefore will not occur until later in 2011. In addition, due to the overlap in portions of Cases 2, 3, and 4 the number of expert witnesses anticipated for Cases 3 and 4 is reduced.

Witness Costs

27. The estimated costs for witnesses for 2011 will be reduced by \$37,100, as similar to the process for the expert witnesses, their presence will be required for the trial stage in Case 2 and therefore will not occur until later in 2011. In addition, due to the overlap in portions of Cases 2, 3, and 4 the number of witnesses anticipated for Cases 3 and 4 are reduced.

Travel

28. The 2011 travel budget will be increased by \$36,000 to cover a 34% increase in the DSA rate for Phnom Penh that became effective on 1 September 2010 (change from \$137 per night to \$182 per night), as well as additional travel by the International Co-Prosecutor for outreach activities that were not foreseen in the approved budget.

Contractual Services

29. The overall budget for contractual services will be reduced by \$54,200 due to:
- a) increased requirements in the Public Affairs Section for contractual services of \$71,500 due to deferred publications from 2010; and
 - b) reduced requirements in Court Management Services for contractual transcription services in the amount of \$233,200 based on the expenditure pattern in 2010, partially offset by an increase of \$107,500 for translation contracts deferred from 2010.

Defence Support

30. The overall requirements for Defence Support resources in 2011 is reduced by \$664,600 due to revised requirements for cases 3 and 4 during this period, partially offset by an increase in requirements for Cases 1 and 2:

- a) While the Defence Support Section will continue to undertake preparatory work on Cases 3 and 4 in 2011, the nature of the ongoing work makes it possible to have a reduction of \$1,036,600.
- b) It is proposed to realign the fees for foreign Co-Lawyers in accordance with the approved methodology reflected in the 'DSS Policy and Procedure Guidelines', which establishes remuneration for foreign Co-Lawyers at the equivalent of P5 gross salary rates. Effective 1 January 2011, foreign Co-Lawyers at the level of UN P5 Step I will be paid \$96 per hour and those eligible for payment at the level of UN P-5 Step VI will be paid \$106 per hour. These increases are in line with the UN P5 salary scale as at 1 January 2010. This proposed increase would be \$74,800.

- c) The consultancy resources for Case 2 will be increased in light of the added workload for the Defence teams due to the complexity of the case requiring an additional \$87,000 per team, resulting in an overall increase of \$348,000 for all 4 teams in Case 2. In addition, the resources for legal consultants (lawyers, analysts or investigators) will be consolidated to allow the Co-Lawyers flexibility in deciding what type of assistance they require. The consolidation would have no financial implications.
- d) In the approved budget, it was not foreseen that the appeal in Case 1 would continue into 2011. As the Supreme Court Chamber has projected that the appeal could continue for 6 months in 2011, additional resources of \$73,400 are required in 2011 to cover this rephased activity, for which considerable savings were realized under the 2010 budget due to the late start of the appeal process. The additional resources would cover 525 hours for each national co-lawyer as well as additional funds for consultants for the Defence team in Case 1.
- e) The consultancy resources earmarked for Case Officers under the Defence Support legal assistance scheme will be converted to 3 NOB Case Officer positions as the functions performed are in line with staff functions. The decrease of \$124,500 will be completely offset by a corresponding increase under posts for the Defence Support Section and therefore this change has no overall financial implications (see paragraph 15 above).

Civil Party Lead Co-Lawyers Section (previously Victims Support)

31. The resource requirements for legal consultants will be reduced in 2011 by \$111,500 (from \$407,600 to \$296,100) as OCIJ has admitted approximately 2,000 civil parties from the approximate 4,000 applicants, resulting in a lower number of consultancies. The resources are for the Civil Party Lead Co-Lawyers Section and are therefore renamed in the budget to properly reflect the requirements under the Civil Party Lead Co-Lawyers Section and differentiate them from Victims Support Section.

Judicial Meetings

32. An increase of \$2,800 is required to cover the revised DSA entitlements for non-resident judges when attending meetings in Phnom Penh.

General Operating Expenses

33. In 2011 a decrease in maintenance of IT equipment of \$21,500 is expected based on the expenditure pattern for 2010, which will be slightly offset by an increase of \$5,500 for business continuity expenses under the Safety and Security Service. The overall decrease in 2011 would be \$15,600.

Supplies

34. An overall reduction of \$67,200 is expected for supplies based on the expenditure patterns for 2010, including decreases of \$26,900 for fuel, and \$68,600 for security supplies offset by increases of \$21,500 for IT supplies and \$6,800 for court management supplies.

Furniture and Equipment

35. The 2010 approved budget had earmarked \$172,000 for the purchase of 8 additional vehicles, which action was deferred to 2011 due to the good operating condition of the vehicles. The number of vehicles now to be procured has been halved at an estimated cost of \$86,000, which will be partially offset by a reduction of \$12,000 in security equipment. In addition the video delay equipment for the court that was envisaged in 2010 has been deferred to 2011. The overall increase for equipment costs in 2011 is \$288,900.

Cambodian Funding

Posts

36. In the approved budget for 2011 ECCC had provision for 341 posts with a budgeted amount of \$8,093,400. Effective 1 January 2011, 30 posts will be abolished, resulting in a net savings of \$908,000. Annex B details the revised staffing table which reflects 311 posts, with a budgeted amount of \$7,353,840.

Office of Co-Prosecutors

37. Effective 1 January 2011, the ECCC will abolish 1 investigator/researcher/analyst (NO-C) position as the need for investigation and research is diminishing. At the same time, the ECCC will upgrade the existing post of assistant Co-Prosecutor (NO-C) to Deputy Co-Prosecutor (NO-D), in order to ensure sufficient senior support during the trial stage in Case File 2. The post changes being implemented would result in savings of \$31,000.

Office of Co-Investigating Judges

38. Following a thorough review of the staffing needs and activities in 2011 in the Office of the Co-Investigating Judges, and in accordance with the revised work plan, the ECCC will abolish 3 vacant posts including 1 legal officer (NO-C), 1 investigator (NO-C), and 1 data coder (NO-B), and redeploy 1 interpreter (NO-C) and 1 support staff (GS-4) to the Court Management Section and the Supreme Court Chamber, respectively. The post reductions are due to the fact OCIJ has completed all work related to Case File 2, and as documentation and evidence in Case File 2 partially overlaps with Cases 3 and 4, it is anticipated that the resources required in 2011 will be lower than foreseen in the approved budget. This would result in savings of \$159,500.

Defence Support Sections (DSS)

39. The work months for the post of Deputy Head of DSS has been reduced from 12 to 10 months to reflect the anticipated incumbency period effective March 2011, which results in a savings of \$7,900.

Victims Support Sections (VSS)

40. The VSS is fully funded by the GTZ through a project entitled "Improved Victims' Participation in the Proceedings of the ECCC". Two separate proposals have been approved as follows:

- a) 8 month transitional funding covering the period January to August 2010 was approved in the amount of \$0.44 million in June, 2010 to implement key activities related to victims' participation in the ECCC proceedings by effectively providing victim oriented services, especially to effectively facilitate the finalization of the investigation activities to be concluded in September 2010 by the Office of Co-Investigating Judges and other related parties.
- b) 16 month proposal covering the period September 2010 to December 2011, amounting to \$1.2 million was approved in November 2010, to enable the VSS to

discharge the full range of activities in fulfilling its mandate, taking into account the decisions of the Plenary Session of September 2010.

41. The VSS organizational structure has been reorganized to better reflect the requirements of the Section. As a result, significant changes have been made resulting in a net decrease of 4 posts (\$259,800). The reorganization, including abolishment and creation of posts as well as reclassification of levels are detailed in the table below.

| Posts | Level | Approved Posts | Proposed Changes | Revised Posts |
|---|---------|----------------|------------------|---------------|
| a. Victims Support | | | | |
| Chief of Victims Support Section | P-5 | 1 | (1) | - |
| Finance Officer | NOC/P-3 | - | 1 | 1 |
| Program Manager | NOB/P-2 | - | 1 | 1 |
| Assistant Legal Officer | NOA/P-1 | 1 | - | 1 |
| Finance Assistant | GS5 | - | 1 | 1 |
| Help-Line Operator | GS4 | 1 | (1) | - |
| Administrative Assistant | GS4 | 2 | (2) | - |
| Outreach Team | | | | |
| Outreach Coordinator | NOC/P-3 | 1 | - | 1 |
| National Outreach Planning Officer | NOB/P-2 | 1 | (1) | - |
| Outreach Facilitator | GS6 | - | 1 | 1 |
| Outreach Assistant | GS5 | - | 4 | 4 |
| Outreach Assistant | GS4 | 8 | (8) | - |
| Processing Team | | | | |
| Complaints/Application Manager | NOC/P-3 | - | 1 | 1 |
| Complaints/Application Manager | NOB/P-2 | 1 | (1) | - |
| International Analyst | P-1 | 1 | - | 1 |
| Complaints/Application Assistants | GS5 | - | 5 | 5 |
| Data Entry Clerks | GS4 | - | 4 | 4 |
| Complaints/Application Clerks | GS4 | 6 | (6) | - |
| Sub-total a | | 23 | (2) | 21 |
| b. Civil Party Lead Co-Lawyers Section | | | | |
| National Lead Co-Lawyer | P-5 | 1 | - | 1 |
| National Lawyers/Legal Officer | NOD/P-4 | 1 | (1) | - |
| Case Manager | NOB/P-2 | 1 | - | 1 |
| Support Staff | GS4 | - | 1 | 1 |
| Sub-total b | | 3 | - | 3 |
| c. Civil Party Lawyers Team | | | | |
| Civil Party Lawyers | NOD/P-4 | 4 | (1) | 3 |
| Case Manager | NOB/P-2 | 3 | (2) | 1 |
| International Assistant Legal Officer | P-1 | 1 | - | 1 |
| Support Staff | GS4 | - | 1 | 1 |
| Sub-total c | | 8 | (2) | 6 |
| Sub-total a+b+c | | 34 | (4) | 30 |

Office of the Director

42. In the 2010-2011 approved budget, the staffing requirements for the Office of the Director remain unchanged. However, an increase of \$2,900 is incorporated to adjust the salary level of the Director, which was not increased during the 2010/2011 budget exercise. The modest annual increase for the Director and all judicial officials (see paragraph 49 below), is based on 50% of the 2009 UN salary scale, D-1/1 gross (previous salary was pegged at 50% of the 2004 UN salary scale).

Public Affairs Section

43. Effective 1 January 2011 the Outreach Officer (NO -C) position in the Public Affairs Section will be abolished due to the current outreach work being streamlined and covered by the Press Officer position, resulting in savings of \$32,400.

Court Management Section

44. Based on a thorough review of the required activities in 2011, the ECCC will abolish 9 posts whose functions are no longer needed and implement 5 post reclassifications, resulting in an overall savings of \$290,100 (\$413,600 savings from the 9 abolished posts offset by an increase of \$123,500 for the reclassification of 5 posts upward). The above changes are due to the following:

- a) 9 posts are abolished including:
 - (i) 6 interpreters/translators (NO -C) due to reduced workload requirements as translation will be handled by UNAKRT under contractual arrangements; ;
 - (ii) 2 records archive officers (NO-B) due to the current workload requirements, i.e. the upcoming closure of Case File 1; and
 - (iii) 1 language assistant (GS -5) due to the change in the CMS structure.

- b) 5 posts are reclassified as follows:
 - (i) 1 interpreter (NO-C) is converted to reviser/senior interpreter (NO -D) due to the current requirements during the commencement of Case File 2;
 - (ii) 1 greffier/court officer (NO-B) is reclassified to case file officer (NO -C);
 - (iii) 1 detention facility liaison assistant (GS -4) is reclassified to detention facility liaison senior assistant (GS -6) due to the increased responsibility at the Detention Facility taking into account the aged accused; and
 - (iv) 2 records/archive clerks (GS-4) are reclassified to records/archive clerks (GS -5) due to the current restructuring of the Record Archive unit, the trend in workload of the unit and ongoing reforms to enhance efficiency in the utilization of the current staff.

Budget and Finance Section

45. The posts of finance officer (NO -C) and finance assistant (GS -6), which were initially budgeted in the Budget and Finance Section (BFS) of the approved 2010/2011 budget, have been redeployed back to the VSS, as they directly support that Section. This change results in a net savings of \$56,600 in the Budget and Finance Section, and the associated costs are met under the project funded by the GTZ donor.

Human Resources Section

46. In 2010, the post of Chief of Human Resources Section became vacant. During the interim vacancy the Learning Manager post was reclassified from NO-B Officer to a Human Resource Officer NO-C to reflect the increased responsibilities. This change results in a minor increase of \$6,600.

General Services Section (GSS)

47. Due to streamlining of the operational activities, and revised workload requirements, 7 posts will be abolished in the General Services Section, which include 1 maintenance and technical assistant (GS-6), 1 technical and clerical support (GS-4), 1 mail clerk/messenger (GS-4), and 4 drivers (GS-2).. This change is feasible as the investigation activities have been reduced by 30%, and the current 23 drivers can adequately accommodate the work requirements, including providing related service to all vehicles/and judicial officials. The above changes would result in savings of \$62,600. In addition, the title of Co-Chief of the GSS (NO-D) is renamed as Deputy Chief of GSS (NO-D) to better reflect the roles and responsibilities within the current structure of the GSS. This change has no financial implications.

ICT Section

48. The post of Junior System Administrator (GS-6) is abolished in 2011 as the Section has sufficient resources to implement its programme of work. This change results in savings of \$17,600. In addition, the title of the Co-Chief of the ICT Section has been renamed as Deputy Chief to better reflect the roles and responsibilities with the current structure of the ICT Section.

Non-Staff Compensation (Judicial Officers)

49. The approved 2010-2011 budget reflected a total budget of \$952,700 as compensation for 14 judicial officers using the initial salary scheme approved during the Court's establishment, which was equivalent to 50% of the 2004 D1/1 UN gross salary. During the 2010/2011 budget exercise, the salary scale for all national staff was modified to reflect the local salary scale used by the UN system for national personnel, with the exception of positions at the D1 level, which included the judicial officials. This situation is now being adjusted, with a revised budget of \$993,100, which represents a net increase of \$40,400. The new salary rate is based on 50% of the 2009 UN salary scale, at D1/1.

Judicial Meeting

50. No budget is envisaged under this item of expenditures as all national judicial officers are present in Phnom Penh.

Office of Resident Judge

51. The 2011 approved budget for the judge, a legal officer and support staff is \$117,000. The revised budget amounts to \$127,900. The change results in an increase of \$10,900, of which \$2,900 relates to the increase in the D1 salary level and \$8,000 for the reclassification of a legal officer post from NO-C to NO-D. The change in level is due to the fact that the legal

officer supports both the office of the Resident Judge, and the officials of the Supreme Court Chambers. In addition, the incumbent is expected to provide all secretariat services to the Judicial Committees (Plenary, Rules and Procedures Committee and Judicial Administration Committee).

Other Staff Costs

52. The 2011 approved budget of \$307,300 covered the short-term legal consultants, advocacy and dissemination, and legacy development. The revised budget of \$155,300, which reflects a net reduction of \$152,000 is due to the reduced use of short term consultants and experts, especially those in the VSS, as well as a deferment of activities relating to dissemination and advocacy to 2012.

Premises Alterations

53. The 2011 approved budget was \$85,200, which included projects for courtroom renovation and installation, office building repairs and maintenance, site works at the compound, detention facility, and network cabling and installation. The revised budget has been increased to \$114,400, largely to address the recent ECCC flooding situation, which requires constructing a dam of 1.5 km surrounding the ECCC compound to prevent future flooding and minimize disruption to the Court's public hearings.

Contractual Services

54. The 2011 approved budget totals \$843,900 covering staff transportation, audit, town office rental, medical services for detainees, cleaning services, outreach activities related to ECCC's study tours and participants at public hearings, and the ECCC's share of the costs for the Independent Counselor. The above items, with the exception of outreach activities, have been reduced by \$57,900 while increased requirements are foreseen for the ECCC study tours and public hearings in the amount of \$406,700, bringing the revised budget for contractual services up to \$1,192,700. The reasons for the budget increase are below:

- a) 31,349 persons attended the Court public hearings in Case 001, which can be attributed to the successful outreach activities of the ECCC, comparing to similar international tribunals.
- b) The ECCC Outreach and Study Tours Programs have been viewed as important and necessary measures which contribute to the success of the Court. Thus, the Outreach and Study Tours Programs were conducted throughout 2010 with the main objective of creating a greater understanding and awareness of the ECCC mandate among the Cambodian population, and to increase public interest in the public proceedings.
- c) From January to November, 2010, approximately 29,000 Cambodians have been brought from remote areas and provinces to visit Tuol Sleng Genocide Museum, Cheung Ek Killing Field, and ECCC as well as to attend the PTC public hearings and verdict pronouncement of Case 001.
- d) It is expected that more than 30,000 Cambodians from throughout the country will join the ECCC study tours program and attend public hearings in 2011. As such, additional resources of about \$0.4 million are required to continue supporting these activities.

Travel

55. The 2011 approved budget totals \$104,800 covering both domestic and overseas travel for the ECCC and for Victims' activities. The revised budget of \$137,500 includes an increase of \$32,700 due to additional requirements for travel of the Witness and Experts Support Unit (WESU) and additional overseas travel of the Office of Administration. During 2011, WESU will process travel for witnesses, 2,000 civil parties and 6,000 complainants during each of the stages of the judicial proceedings including for the Office of Co-Prosecutors during the preparation of initial submissions, Office of Co-Investigating Judges, Pre-Trial Chamber, Trial Chamber and Supreme Court stages.

Training and Meetings Costs

56. The 2011 approved budget includes \$583,400 covering ECCC and Victims Support Section (VSS) training costs and ECCC and VSS outreach meeting costs. The revised budget is \$321,300, representing a net decrease of \$262,100, due to the projected reduction in the number of VSS training and outreach meetings.

General Operational Costs

57. The 2011 approved budget totals \$799,200, and includes the general operating expenses of the ECCC, including VSS materials and operational costs. The revised budget of \$545,900 reflects a decrease of \$253,300, largely due to reductions related to the provision of VSS materials and operational costs.

Hospitality

58. The 2011 approved budget totals \$37,100 covering hospitality functions, events and protocol costs of the ECCC. Based on the expenditure pattern for 2010, the current budget remains adequate to cover the hospitality costs of the ECCC in 2011.