

*EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA
FOR THE PROSECUTION OF CRIMES COMMITTED DURING
THE PERIOD OF DEMOCRATIC KAMPUCHEA*

**REVISED BUDGET ESTIMATES
FROM 2005 TO 2009**

July 2008

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Introduction

- S.1. The General Assembly, in resolution 57/228 of 18 December 2002, requested the Secretary-General to conclude an agreement with the Government of Cambodia on the establishment of the Extraordinary Chambers within the existing court structure of Cambodia, for the prosecution of crimes committed during the period of Democratic Kampuchea.
- S.2. In resolution 57/228B of 13 May 2003, the General Assembly approved the draft Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea. In that same resolution, the General Assembly decided that the expenses of the Extraordinary Chambers should be met by voluntary contributions, appealing to the international community to provide assistance, including financial and personnel support to the Extraordinary Chambers.
- S.3. In paragraph 14 (b) of A/59/432, the Secretary-General indicated the process of setting up the Chambers could be initiated once sufficient money was in place to fund the staffing and operations for a sustained period of time. The Secretary-General also stated that he would consider that condition to be met when pledges for the full three years of operation of the Chambers, as well as actual contributions for its first year of operations had been received.
- S.4. The initial budgetary requirements for establishing and operating the Extraordinary Chambers were agreed between the Government of Cambodia and the United Nations in December 2004. The total budget for the anticipated three years operation of the Extraordinary Chambers was estimated at \$56.3 million, with the United Nations share established at \$43.0 million to be funded through voluntary contributions, and the Government of Cambodia's share established at \$13.3 million. The final budget of \$56.3 million, while lower than the initial proposal put forward by the United Nations, was based on estimates agreed upon by the international community as sufficient to implement the work of the Court.
- S.5. ECCC operations began in February 2006 when the Director and Deputy Director of Administration and a small start up team moved into the premises provided to the ECCC by the Royal Government of Cambodia, followed by the appointment of international and national judicial officials later in the year. During the course of 2007, the Internal Rules of Procedure were adopted and the first introductory submission was put forward by the Co-Prosecutors, naming 5 suspects who were all subsequently arrested and charged and are represented by counsel.
- S.6. Following investigation, the Co-Investigating Judges gave notice that the judicial investigation into the S-21 detention centre has been completed. Once an indictment is issued, the first trial ("Duch" case) is scheduled to commence in September 2008. In preparation for this development, the Trial Chamber judges and their staff will deploy in July 2008, allowing two months for start

up and trial preparation, which is considered essential to enable more speedy trial proceedings. The judicial process is thus now firmly on its way.

- S.7. The Pre-Trial Chamber began operations in mid-August 2007 and in the first six months held four public hearings on appeals by the Charged Persons against provisional detention, as well as dealing with a number of associated appeals.
- S.8. During the initial period of operations, many gaps and shortfalls in the original budget and planning were identified. A number of expert assessments were carried out to assist in identifying ways to address these gaps, and an inventory of these assessments is set forth in Annex A, attached hereto. Significant and serious problems were found by these experts, including in such essential areas as court management, witness protection, translation and interpretation and courtroom organization. Underlying many of these problems was a lack of resources. As stated by Mr. Vincent and Mr. St. Louis in their expert assessment of the ECCC Judicial Support Systems, “there can be no doubt that the budget and the staffing table which feeds the budget are inadequate to allow the Court to meet its mandate”. They recommended “a comprehensive review of both the present staffing table and budget”.
- S.9. This was echoed by the Board of Auditors in its Preliminary Observations on UNAKRT, which noted that “the initial budget was sometimes over-simplified and the 2004 estimates evidently underestimated several important elements.” The auditors recommended “that UNKART ensure that its budget forecast accurately determine future requirements according to the progress of the trials”. Based on these recommendations, a consolidated revised budget was developed, requesting total funding of \$169.7 million to cover the period 2005 – 2011, which was presented to the Group of Interested States (GIS) on 31 January 2008.
- S.10. Subsequently, via a joint letter of 27 February 2008, the Permanent Representatives of 15 donor countries raised a number of questions and concerns regarding the revised budget, particularly with respect to its linkage to a clearly defined court timeline, and completion strategy. The Permanent Representative of Japan, in a separate communication, also requested further details on the Court processes and timeline, as well as supplemental details on each object of expenditure. In response, both the United Nations and the Royal Government of Cambodia expressed their willingness to submit a revised budget, tied to a review of court management processes which would ensure efficient and timely court operations.
- S.11. On 17 March 2008, the Secretary-General appointed a Special Expert to provide advice on all operational aspects of UNAKRT. A second GIS meeting was convened on 27 March 2008, at which the Controller announced that in response to the concerns expressed by member states, the proposed budget would be revised based on a technical assessment to be conducted by the Special Expert on the functioning of the Court, and the related resources required to support the ECCC judicial process.

- S.12. Working closely with the ECCC Director of Administration and with the assistance of the newly appointed UNAKRT Senior Court Management Officer, the Special Expert has established an indicative court schedule and timetable for the judicial proceedings which is attached as Annex B. This schedule/timetable is the result of detailed discussions with the Office of the Co-Investigative Judges and the Office of the Co-Prosecutors as well as the relevant administrative offices. It takes account of the number of witnesses to be interviewed and/or called to testify, the number of documents to be put before the ECCC in each stage of the judicial proceedings, the length of audio and visual material to be reviewed, the nature and scope of potential charges and the legal and factual issues which are reasonably foreseeable. It should be noted, however, that there are a number of variables involved in developing this schedule/timetable and that it is indicative only, as court proceedings will depend on actual developments and unforeseen events, such as illness of accused and procedural delays. Moreover, at this stage, the trial and appellate judges have not yet taken up their duties and are not familiar with the cases, so it was not possible to have the benefit of their input. It should also be noted that civil law procedures have not been utilized in other hybrid or international tribunals. Thus, given these factors, it must be stressed that this timeline is indicative and for budgetary purposes.
- S.13. The projected number of witnesses to be interviewed and/or called to testify in the respective trials is set forth in Annex C, and the number of documents to be reviewed and/or introduced in the proceedings are reflected in Annex D. Based on this information and by making comparisons with the experience of other hybrid and international courts, the court schedule and timetable was agreed with the above noted judicial officers. Informed assumptions on such figures had to be made in respect of the projected cases as well as cases that are in the early stages of judicial investigations. The result is an indicative timeline that projects the length of each judicial investigation, trial and appeal (see Annex B).
- S.14. Using this timeline as well as comparative analysis of other hybrid and international tribunals, projections were made as to the resources that each office would require to meet the trial and appeals schedule. A systematic and thorough phasing in and out approach for all staff was used in each office, based on the workload of each judicial phase as projected in the timeline. The staffing for each office was also reduced in line with comparable international models, such as the State Court of Bosnia and Herzegovina.
- S.15. Thus, staffing levels have been brought into line with the projected workload, taking into account the experience of other relevant courts. As a result of improved and detailed planning and rationalization of resources, in both the chambers and the support areas, the additional funding requirements for 2005-2009 amounts to \$44.1 million, consisting of \$38.3 million for the United Nations and \$ 5.8 million for the ECCC.
- S.16. The budget outlined in this revised submission reflects the minimum requirements necessary to conduct the work of the court. Every effort has been made to streamline and reduce resource requirements by consolidating

tasks and processes in the ECCC as a whole, thereby reducing staffing levels and by extension operating costs. On the national side, 41 posts have been reduced in comparison to the budgetary proposal submitted to donors in January 2008.

- S.17. In order to reduce the staffing component, this budget proposal includes the outsourcing of cleaning and gardening services, leading to the elimination of 21 national posts. The expenses relating to such outsourcing will be covered under the Cambodian government counterpart fund along with other expenses such as (a) transportation services, (b) town office, (c) medical services for detainees, (d) general operating expenses (electricity, water, maintenance and repairs), (e) detention facility, and (f) hospitality costs.
- S.18. While significant reductions have been achieved, it should be noted that these savings were partially offset by additional costs relating to addressing the considerable backlog of translation that has accumulated to date, as well as the use of “relay” translations, i.e., from Khmer to English and then from English to French, arising from the unavailability of skilled Khmer-French translators and interpreters. This revised budget proposes a new methodology based on prioritizing the existing backlog and separating it from the ongoing operational needs of the Court through outsourcing. Given that outsourcing of translations is less expensive than maintaining full-time staff, this process will be used wherever possible, balanced against the requirement that certain documents must be translated in-house due to confidentiality requirements or judicial orders. The cost of providing this essential judicial support service in the three official languages of the ECCC is, however, despite these and other cost cutting measures, unavoidably high.
- S.19. The pioneering role of victims at the ECCC should also be underlined. In accordance with Cambodian law, the Internal Rules allow victims to participate in the proceedings, with the Victims Unit facilitating the effective participation of victims in the proceedings and processing complaints and civil party applications as well as obtaining legal representation. This is a groundbreaking development, representing the first time that victims’ have participated to such an extent in an internationalized or hybrid court or tribunal. However, there are costs that are associated with this important development, including the establishment of a Victims Unit which will process applications and assist the victims and their representatives, increasing the length of court proceedings to allow for the participation of victims in the proceedings.
- S.20. In summary, this revised budget is based on a methodology which takes into account the projected numbers of witnesses to be interviewed and called to testify in the respective cases, the documents to be introduced in the proceedings, and the relative complexity of the cases. Based on this methodology, a trial/appeals schedule is posited and the resource needs extrapolated, resulting in projected costs which are clearer and linked to court processes.

- S.21. This Revised Budget Estimate 2005-2009 first addresses, in Part I, the years from the establishment of the court through 2009, thus showing the additional costs required for 2008-2009 based on the projected workload of the court arising from the proceedings involving the current five accused currently charged and in custody.
- S.22. Part II, Revised Budget Estimates for 2010, totaling \$35.0 million, is divided into two sections, A and B, with the first section addressing the completion of Case 2. A second section B is also included since there are a number of judicial decisions that will impact on the court's workload for that year which, however, are unknown at this time. Specifically, it is not clear whether there will be any additional charges brought by the Co-Investigating Judges, as the judicial decisions relating thereto have yet to be made. Thus, in the second section projections are made for a notional third case involving two or more accused. As will be recalled, for purposes of planning and forecasting, as well as giving donors as complete a picture as possible of the court's work and a Completion Strategy based on the best available information, a case involving three additional accused was posited in the January 2008 budget proposal. The projections herein, as well as the trial schedule, continue to be made on this basis.
- S. 23. Annex B attached shows the revised timeline for the start of each chamber during the period 2008-2009 and indicates the attendance requirements for chamber judges including pre-trial chamber judges. As already highlighted in the January 2008 budget proposal, attendance by reserve judges and extended time requirements for the Pre-Trial Chamber as shown in Annex B was not considered in the original budget and therefore represents a new requirement not initially foreseen. Annex E (1) and (2) provides an organigram for the international and national staffing, while Annex F (1) and (2) reflects the 2008/2009 staffing requirements by office.

PART I – 2005 – 2009

Indicative Resource Requirements

Table S.1.a

Resource Requirements by component¹

(Thousands of United States Dollars)

(1) United Nations Funding

Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
		2006	2007	2008	2009		
A Judicial Offices and Chambers	9,452.8	1,257.6	3,208.5	7,676.9	8,286.7	20,429.7	10,976.9
B Defence Support Section & Victims Unit	6,016.5	202.6	756.7	3,513.5	3,085.2	7,558.0	1,541.5
C Office of Administration	27,579.7	6,015.9	7,839.9	18,806.6	18,015.4	50,677.8	23,098.1
TOTAL	43,049.0	7,476.1	11,805.1	29,997.0	29,387.3	78,665.5	35,616.5

7.5 % Contingency on increase in funds

2,671.2

New funds requirement

38,287.7

(2) Cambodian Funding

Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
		2006	2007	2008	2009		
A Judicial Offices and Chambers	2,425.1	260.1	906.3	1,727.4	1,910.3	4,804.0	2,378.9
B Defence Support Section & Victims Unit	353.4	3.8	4.3	172.4	312.2	492.6	139.2
C Office of Administration	10,477.4	1,423.2	2,780.5	4,417.1	4,761.2	13,382.0	2,904.6
TOTAL	13,255.9	1,687.1	3,691.1	6,316.9	6,983.6	18,678.7	5,422.8

7.5 % Contingency on increase in funds

406.7

New funds requirement

5,829.5

SUMMARY (1)+(2)							
Total Requirements	56,304.9	9,163.2	15,496.2	36,313.9	36,370.9	97,344.2	41,039.3
7.5 % Contingency on increase in funds						3,077.9	3,077.9
Total requirement	56,304.9	9,163.2	15,496.2	36,313.9	36,370.9	100,422.1	44,117.2

¹ The above figures are inclusive of programme support. Throughout the budget document estimated requirements are inclusive of programme support.

Table S.1.b

Resource Requirements by object of expenditure

(Thousands of United States Dollars)

(1) United Nations Funding

	Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
			2006	2007	2008	2009		
1	Posts	24,007.0	4,304.9	8,927.6	17,913.4	21,892.1	53,038.0	29,031.0
2	Non-staff compensation	2,387.4	227.0	289.8	954.4	1,424.7	2,895.9	508.5
3	Other staff costs	1,454.7	27.9	272.4	554.7	457.9	1,312.9	-141.8
4	Consultants and experts	550.5	71.9	330.4	700.5	568.1	1,670.9	1,120.4
5	Witness costs	111.1	0.2	0.7	71.2	59.1	131.2	20.1
6	Travel	226.7	228.4	36.8	442.7	526.4	1,234.3	1,007.6
7	Contractual services	2,274.5	28.1	76.6	2,250.0	476.2	2,830.9	556.4
8	Defence support	4,768.8	0.0	202.4	2,375.6	1,809.7	4,387.7	-381.1
9	Victims support	0.0	0.0	0.0	313.9	451.5	765.4	765.4
10	Judicial meetings	0.0	47.6	291.6	458.7	189.0	986.9	986.9
11	Training	246.7	145.8	73.7	179.3	134.3	533.1	286.4
12	General operating expenses	2,012.7	178.3	322.7	605.8	622.4	1,729.2	-283.5
13	Supplies	904.1	84.2	199.5	440.3	457.8	1,181.8	277.7
14	Furniture and equipment	4,104.8	2,131.8	780.9	2,736.6	318.0	5,967.3	1,862.5
TOTAL		43,049.0	7,476.1	11,805.1	29,997.1	29,387.2	78,665.5	35,616.5

7.5 % Contingency on increase in funds

2,671.2

New funds requirement

38,287.7

(2) Cambodian Funding

	Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
			2006	2007	2008	2009		
1	Posts	7,758.7	1,100.4	2,470.5	4,520.4	5,200.9	13,292.2	5,533.5
2	Non-staff compensation	813.6	52.8	219.1	547.0	660.8	1,479.7	666.1
3	Judicial meetings	0.0	64.2	108.3	52.8	30.0	255.3	255.3
4	Resident Judges	0.0	0.0	0.0	28.5	51.3	79.8	79.8
5	Other Staff Costs	606.3	0.0	3.0	5.3	5.7	14.0	-592.3
6	Premises Alteration	2,560.0	352.3	514.9	245.1	48.4	1,160.8	-1,399.2
7	Contractual Services	166.3	26.4	170.4	427.5	535.3	1,159.6	993.3
8	Travel	0.0	0.0	14.8	15.8	0.0	30.6	30.6
9	Training	0.0	13.1	9.3	49.2	0.0	71.5	71.5
10	Operating Expenses	1,321.0	74.3	178.2	407.8	432.0	1,092.3	-228.7
11	Hospitality	30.0	3.6	2.6	17.5	19.2	42.9	12.9
TOTAL		13,255.9	1,687.1	3,691.1	6,316.9	6,983.6	18,678.7	5,422.8

7.5% Contingency on increase in funds

406.7

New funds requirement

5,829.5

SUMMARY (1)+(2)							
Total Requirements	56,304.9	9,163.2	15,496.2	36,314.0	36,370.8	97,344.2	41,039.3
7.5 % Contingency on increase in funds						3077.9	3,077.9
Total requirements	56,304.9	9,163.2	15,496.2	36,314.0	36,370.8	100,422.1	44,117.3

Table S.1.c

Post requirements by office and summary*(Thousands of United States Dollars)***(1) United Nations Staffing**

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total
A Judicial Offices & Chambers	Original	7	1	2	7	8	25	-	-	-	2	2	-	-	-	-	-	-	27
	2008	8	3	6	17	7	41	-	3	-	4	7	-	-	3	-	-	3	51
	2009	12	2	6	18	8	46	-	3	-	5	8	-	-	5	-	-	5	59
B Defence Support Section and Victims Unit	Original	-	1	1	-	1	3	-	-	-	1	1	-	-	-	-	-	-	4
	2008	-	1	1	1	1	4	-	-	-	1	1	-	-	-	-	-	-	5
	2009	-	1	1	1	1	4	-	-	-	1	1	-	-	-	-	-	-	5
C Office of Administration	Original	1	-	16	6	-	23	1	9	8	19	37	-	-	-	-	-	-	60
	2008	1	3	15	27	1	47	2	12	17	16	47	-	1	-	-	-	1	95
	2009	1	3	15	27	-	46	2	12	17	18	49	-	1	-	-	-	1	96
Grand Total	Original	8	2	19	13	9	51	1	9	8	22	40	-	-	-	-	-	-	91
	2008	9	7	22	45	9	92	2	15	17	21	55	-	1	3	-	-	4	151
	2009	13	6	22	46	9	96	2	15	17	24	58	-	1	5	-	-	6	160

(2) Cambodian Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total
A Judicial Offices & Chambers	Original	9	1	2	9	8	29	-	-	-	-	-	-	-	6	-	-	6	35
	2008	10	1	5	15	8	39	-	-	-	-	-	-	-	5	-	-	5	44
	2009	15	2	5	15	10	47	-	-	-	-	-	-	-	6	-	-	6	53
B Defence Support Section and Victims Unit	Original	-	-	1	-	3	4	-	-	-	-	-	-	-	3	-	-	3	7
	2008	-	-	2	-	4	6	-	-	-	-	-	-	-	13	-	-	13	19
	2009	-	-	2	-	4	6	-	-	-	-	-	-	-	13	-	-	13	19
C Office of Administration	Original	1	2	13	13	13	42	-	-	-	-	-	11	14	28	46	35	134	176
	2008	1	2	9	34	16	62	-	-	-	-	-	17	27	35	70	38	187	249
	2009	1	2	9	34	16	62	-	-	-	-	-	17	27	35	70	38	187	249
Grand Total	Original	10	3	16	22	24	75	-	-	-	-	-	11	14	37	46	35	143	218
	2008	11	3	16	49	28	107	-	-	-	-	-	17	27	53	70	38	205	312
	2009	16	4	16	49	30	115	-	-	-	-	-	17	27	54	70	38	206	321

SUMMARY (1)+(2)																			
Total Requirements	Original	18	5	35	35	33	126	1	9	8	22	40	11	14	37	46	35	143	309
	2008	20	10	38	94	37	199	2	15	17	21	55	17	28	56	70	38	209	463
	2009	29	10	38	95	39	211	2	15	17	24	58	17	28	59	70	38	212	481

A. The Judicial Offices and Chambers

Table S.2.a

Resource Requirements by object of expenditure

(Thousands of United States Dollars)

(1) United Nations Funding

Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
		2006	2007	2008	2009		
1 Posts	6,574.6	859.9	2,625.3	6,127.2	6,536.4	16,148.8	9,574.2
2 Non-staff compensation	2,387.4	227.0	289.8	954.4	1,424.7	2,895.9	508.5
3 Other staff costs	295.6	0.0	0.0	0.0	0.0	0.0	-295.6
4 Travel	195.2	123.1	1.8	136.6	136.6	398.1	202.9
5 Judicial meetings	0.0	47.6	291.6	458.7	189.0	986.9	986.9
TOTAL	9,452.8	1,257.6	3,208.5	7,676.9	8,286.7	20,429.7	10,976.9

(2) Cambodian Funding

Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
		2006	2007	2008	2009		
1 Posts	1,258.1	143.2	578.9	1,099.1	1,168.1	2,989.2	1,731.1
2 Non-staff compensation	813.6	52.8	219.1	547.0	660.9	1,479.7	666.1
3 Resident Judges	0.0	0.0	0.0	52.8	30.0	82.8	82.8
4 Judicial meetings	0.0	64.2	108.3	28.5	51.3	252.3	252.3
TOTAL	2,071.7	260.1	906.3	1,727.4	1,910.3	4,804.0	2,732.3

Total requirements (1)+(2)	11,524.5	1,517.7	4,114.8	9,404.3	10,197.0	25,233.7	13,709.2
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Table S.2.b

Post requirements for Supreme Court, Trial and Pre-Trial Chambers.

(1) United Nations Staffing

	Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total		
1	Trial Chamber	Original	2	-	-	-	2	4	-	-	-	1	1	-	-	-	-	-	-	-	5	
		2008	3	1	-	1	1	6	-	-	-	1	1	-	-	1	-	-	-	1	8	
		2009	3	1	-	1	1	6	-	-	-	1	1	-	-	1	-	-	-	1	8	
2	Supreme Court Chamber	Original	3	-	-	-	3	6	-	-	-	1	1	-	-	-	-	-	-	-	7	
		2008	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		2009	4	-	-	1	1	6	-	-	-	1	1	-	-	-	2	-	-	2	9	
3	Pre-Trial Chamber	Original	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
		2008	3	-	-	1	1	5	-	-	-	1	1	-	-	-	-	-	-	-	6	
		2009	3	-	-	1	1	5	-	-	-	1	1	-	-	-	-	-	-	-	6	
Judicial Offices Total	Original	5	-	-	-	5	10	-	-	-	2	2	-	-	-	-	-	-	-	-	12	
	2008	6	1	-	2	2	11	-	-	-	2	2	-	-	1	-	-	-	1	14		
	2009	10	1	-	3	3	17	-	-	-	3	3	-	-	3	-	-	3	23			

(2) Cambodian Staffing

	Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total		
1	Trial Chamber	Original	3	-	-	-	3	6	-	-	-	-	-	-	-	1	-	-	-	1	7	
		2008	4	-	-	1	2	7	-	-	-	-	-	-	-	1	-	-	-	1	8	
		2009	4	-	-	1	2	7	-	-	-	-	-	-	-	1	-	-	-	1	8	
2	Supreme Court Chamber	Original	4	-	-	-	4	8	-	-	-	-	-	-	-	1	-	-	-	1	9	
		2008	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		2009	5	1	-	-	2	8	-	-	-	-	-	-	-	1	-	-	-	1	9	
3	Pre-Trial Chamber	Original	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
		2008	4	-	-	1	1	6	-	-	-	-	-	-	-	1	-	-	-	1	7	
		2009	4	-	-	1	1	6	-	-	-	-	-	-	1	-	-	-	1	7		
Judicial Offices Total	Original	7	-	-	-	7	14	-	-	-	-	-	-	-	-	2	-	-	-	2	16	
	2008	8	-	-	2	3	13	-	-	-	-	-	-	-	2	-	-	-	2	15		
	2009	13	1	-	2	5	21	-	-	-	-	-	-	-	3	-	-	-	3	24		

SUMMARY (1)+(2)																				
Total Requirements	Original	12	-	-	-	12	24	-	-	-	2	2	-	-	2	-	-	-	2	28
	2008	14	1	-	4	5	24	-	-	-	2	2	-	-	3	-	-	-	3	29
	2009	23	2	-	5	8	38	-	-	-	3	3	-	-	6	-	-	-	6	47

(a) Supreme Court Chamber, (b) Trial Chamber and (c) Pre-Trial Chamber

S.24. In accordance with the Agreement and the Internal Rules, there are three different Chambers, each with different responsibilities. In determining the support needed for the judges in carrying out their work in an efficient manner, several factors need to be taken into account. First, the judges must have sufficient support staff to be able to process a substantial amount of evidence that will need to be organized and considered for the respective deliberations and judgments. As shown on Annex C and D, in Cases 1 and 2, the judges of the three Chambers (Pre-Trial, Trial and Appeal) will need to deal with approximately 258 witnesses, as well as hundreds of exhibits and thousands of documents (approximately 2,500 pages are being filed every month). Moreover, in view of the complexity of international humanitarian law and, in the case of international judges, a lack of experience with Cambodian law and procedure, they will require support on technical legal and procedural issues.

- S.25. Taking into account these factors, a comparison was made with other tribunals and courts handling cases of similar size and complexity. While each court has a different structure and its own procedure, the size of the cases, in terms of witnesses, documents and exhibits, and the legal issues are roughly comparable to those handled by other international and hybrid courts. Thus, a comparative analysis was made and discussed with the Judicial Administration Committee of the ECCC, which includes representatives of the Chambers from both the national and international sides.
- S.26. The analysis showed that a ratio of 1 L-5 Senior Legal Officer or Coordinator for every 3 Chambers was appropriate. Thus, the previous request of 3 L-5 positions was reduced to one, which will serve in a coordinating role as described below. In addition, the other supporting legal staff in comparable courts has generally been between 2 and 5 legal officers per Chamber (excluding the L-5 position). The staffing ratio was thus reduced from 7 to bring that staffing in line with international practice and the resulting ratio will be 3.5 legal staff per Chamber (excluding the L-5), taking into account both the national and international components. This represents an overall reduction of 6 staff from the previous Revised Budget document.
- S.27. Chambers staffing is now in line with other similarly situated institutions. There is an L-5 Senior Judicial Coordinator shared amongst all the Chambers, two L-3 (a national and an international) and three L-2 for each Chamber (two national and one international, except for the Pre-Trial Chamber which will only have one national L-2). In this new structure, the L-5 would work under the general supervision of the Chambers and assist the judges on general planning, management and coordination issues. Each Chamber has an L-3 national Greffier that ensures adherence to procedural requirements and will be responsible for file supervision and taking the written record of hearings. In addition, there will be an international L-3 Legal Officer who will act as the primary researcher, drafter and supervisor of the L-2 legal staff. The L-2 Associate Legal Officers, both national and international will assist the L-3 Legal Officers and undertake general research and drafting on specific matters. The Trial Chamber will commence its work two months before the projected start of the first trial, so that it may set up basic procedures and prepare for the work ahead. It will remain operational with full staff until the end of the 2009. Similarly, the Supreme Court Chamber will commence its work one month before the first appeal in April 2009, to allow for preparation and set up.
- S.28. The Internal Rules foresee the use of reserve judges during trials and appeals. Trials before the ECCC will be long, and the presence of a reserve judge is vital to ensure continuity, should one of the sitting judges be temporarily unavailable or permanently unable to continue. This avoids the possibility of having to restart the trial, and associated costs (see below). It also avoids adjourning the proceedings wherever a judge is taken ill as the reserve judge can step in without delays. Any delays in the proceedings increase total costs because of ongoing operational support costs. The costs associated with retaining full time international reserves amounts to \$790,000 for the duration

of the court, versus the potential monthly cost of \$1.7 million approx, representing one month's delay in operations resulting from a sitting judge recovering from illness, or for his replacement to arrive in Phnom Penh and take up a pending case. Indeed, the use of reserve judges has become standard practice in other international tribunals when hearing long cases. This practice was born out of experience in cases such as Milosevic at the ICTY, where one of the judges fell gravely ill and had to be replaced by a new judge from outside, causing significant delays before a replacement was able to step in, as well as raising significant ethical and legal issues casting doubt on the trial itself.

- S.29. In an effort to address the lack of any sustained judicial presence at the court during both the time prior to the commencement of the proceedings and during judicial recesses, the Judges' Plenary established the position of Resident Judge as well as the Judicial Administration Committee and the Internal Rules have been amended accordingly.
- S.30. With respect to the Resident Judge, it was decided that only a national resident judge was necessary. Since the President of the Supreme Court holds various other chairmanships in the ECCC, including presiding over plenaries, the Rules and Procedures Committee and the Judicial Administration Committee, he/she will assume the role of the Resident Judge.
- S.31. Following a series of deliberations in various JAC meetings, it has been agreed that the National Resident Judge should take office immediately once the new funding is made available to the ECCC. Therefore, the budget of \$51,993 is estimated for this post from August 2008 to the end of 2009.

(d) Office of the Co-Prosecutor United Nations

Table S.2.c

Post requirements for Office of the Co-Prosecutor - United Nations

(1) United Nations Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
Office of the Co-Prosecutors	Original	1	1	2	1	-	5	-	-	-	-	-	-	-	-	-	-	-	-	5
	2008	1	1	3	3	-	8	-	1	-	1	2	-	-	1	-	-	1	1	11
	2009	1	1	3	3	-	8	-	1	-	1	2	-	-	1	-	-	1	1	11

(2) Cambodian Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total
Office of the Co-Prosecutors	Original	1	1	2	1	-	5	-	-	-	-	-	-	-	2	-	-	2	7
	2008	1	1	3	4	2	11	-	-	-	-	-	-	-	1	-	-	1	12
	2009	1	1	3	4	2	11	-	-	-	-	-	-	-	1	-	-	1	12

SUMMARY (1)+(2)																			
Total Requirements	Original	2	2	4	2	-	10	-	-	-	-	-	-	-	2	-	-	2	12
	2008	2	2	6	7	2	19	-	1	-	1	2	-	-	2	-	-	2	23
	2009	2	2	6	7	2	19	-	1	-	1	2	-	-	2	-	-	2	23

- S.32. The Co-Prosecutors are an essential part of all four phases of the judicial process at the ECCC. During preliminary investigations, they put together the case to be brought forward to the Co-Investigating Judges for investigation by filing the introductory submission. For the first introductory submission, the Co-Prosecutors examined 7,000 documents, and relied on 1,040 documents in putting forward a wide set of facts and naming five persons responsible. Each of these documents had to be selected, translated in whole or in part, analyzed, included into an evidence management database and the information summarized and placed as supporting evidence. The Co-Prosecutors are now conducting further preliminary investigations, the outcome of which will determine whether there will be other introductory submissions filed.
- S.33. The Co-Prosecutors actively participate in the investigation carried out by the Co-Investigating Judges so as to fulfill their responsibility to prove the case at trial and appeal. During the judicial investigation, they participate in interviews, inspect crime scenes, submit additional evidence, participate in hearings and file appeals, where appropriate. They also closely follow the direction of the investigation and where appropriate request additional investigative acts. It is during these initial phases that the case against the accused is built up and all the evidence necessary to prove guilt is gathered and put together. The critical necessity for the Office of the Co-Prosecutor to have significant research, analytical and case management capabilities during these phases can be seen in the amount and type of evidence in the two current case files. Of the 2,718 substantive evidentiary documents currently on these case files, 2,506 documents were submitted by the Co-Prosecutors and 204 introduced by the Co-Investigating Judges. Moreover, since the judicial investigation commenced, over 500 procedural filings have been submitted by the parties, 72 of which were either filed or responded to by the Co-Prosecutors. The filings ranged from 2 pages to 30 pages and the majority filed by the other parties was filed only in one language. Many of the filings had extensive numbers of documents attached ranging from 1 to 500 per filing. It is envisaged that the procedural filings will only increase as the judicial process moves forward.
- S.34. During the trial phase, the Co-Prosecutors are solely responsible for proving the case before the court. For this, they must prepare the evidence, and present it to the judges, as well as giving opening and closing statements to the court. As the Internal Rules currently stand, appeals can take the form of complete re-trials and therefore the extent and type of obligations on the Co-Prosecutor at trial will apply on appeal. As the estimated number of witnesses for each projected case shows (see Annex C) the necessity for thorough research, analysis and case management continues throughout the trial and appeal phase.
- S.35. After examining this workload, it is clear that the current capacity of the Office of the Co-Prosecutor is not sufficient to address this volume of work adequately. Comparison was made to the teams supporting other complex multi-accused cases in international courts. At these courts, in addition to

having a management structure which includes a Prosecutor, Deputy Prosecutor, Chief of Prosecutions and Chief of Investigations, normally the legal staff would include a Senior Trial Attorney at the L-5 level, a team of 4 or more lawyers at the L-2 to L-4 levels, a case manager and 3 or more investigators and analysts. Although the situation is somewhat different at the ECCC, in that much of the investigation is done by the Co-Investigating Judges, the staffing levels in the revised proposal are reasonable, given that the Office will be working on a number of cases going through different phases at any one time. Some cost cutting has been done, however, with the revised proposal dropping two legal posts as well as the Researcher/Analyst/Investigator posts being redirected away from investigative purposes in order to avoid any duplication with the Office of the Co-Investigating Judges. Taking both the national and international staff into account, this revised staffing structure allows for a team comparable to other international and hybrid courts to be working on a case at one time, assuming on-going trials, preliminary investigations and appeals. These posts are the minimum necessary to prosecute cases of this magnitude in a hybrid system.

S.36. The Office of the Co-Prosecutors will be fully staffed until the end of 2009, to deal with Judicial Investigation, Trial and Appeal of Cases 1 and the Judicial Investigation and part of the trial for Case 2.

(e) Office of the Co-Investigating Judges.

Table S.2.d.

Post requirements for Office of the Co-Investigating Judge - United Nations

(1) United Nations Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
Office of the Co-Investigating Judges	Original	1	-	-	6	3	10	-	-	-	-	-	-	-	-	-	-	-	-	10
	2008	1	1	3	12	5	22	-	2	-	1	3	-	-	1	-	-	-	1	26
	2009	1	-	3	12	5	21	-	2	-	1	3	-	-	1	-	-	-	1	25

(2) Cambodian Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
Office of the Co-Investigating Judges	Original	1	-	-	8	1	10	-	-	-	-	-	-	-	2	-	-	-	2	12
	2008	1	-	2	9	3	15	-	-	-	-	-	-	-	2	-	-	-	2	17
	2009	1	-	2	9	3	15	-	-	-	-	-	-	-	2	-	-	-	2	17

SUMMARY (1)+(2)																				
Total Requirements	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
	Original	2	-	-	14	4	20	-	-	-	-	-	-	-	2	-	-	-	2	22
	2008	2	1	5	21	8	37	-	2	-	1	3	-	-	3	-	-	-	3	43
	2009	2	-	5	21	8	36	-	2	-	1	3	-	-	3	-	-	-	3	42

S.37. The Office of the Co-Investigating Judges is the “engine” of the proceedings in that its investigations collect the documentary and testimonial evidence that form the case file on which the Chambers and the parties will rely for the trials and appeals. ECCC Judicial investigations involve an examination of both

crime-base evidence (evidence related to perpetration of direct alleged crimes at numerous sites such as murder, extermination, torture, imprisonment), and evidence which may go towards showing a link between such alleged acts and persons who are the subject of the investigation.

- S.38. By way of illustration, the Introductory Submission that was filed by the Co-Prosecutors requests the Co-Investigating Judges to investigate a large number of individual events, relevant to both the crime-base, and to the link between the crime-base and a suspect. In order to do this, the Co-Investigating Judges need to investigate a number of potential crime locations, at least 5-10 crime-base incidents per location, to demonstrate the systemic nature of operations under investigation, which is, by definition, required to prove a crime against humanity. They will also need to examine at least 10 incidents for each suspect with regard to participatory acts or superior responsibility, and numerous documents, statements and other evidence indicating any control or authority exercised by a suspect in relation to crime-base events. As such, for a trial involving four accused, and limiting the investigation to one event only, such as detention centers, would involve investigating 20 locations with up to 10 incidents per location. This would result in a total of up to 200 individual incidents to be investigated.
- S.39. Although there is no analogue to a civil law approach in international or hybrid tribunals, it is possible to make comparisons with the ICTY as the cases to be investigated are of equal complexity, and follow the investigative methodology laid out above. A team at the ICTY investigating cases similar to those of the Co-Investigating Judges would be composed of 15 – 30 staff, depending on the size of the case, including investigators, lawyers and analysts and headed by an L-5 Senior Trial Attorney. In comparison, the combined staffing of the Office of the Co-Investigating Judges which originally had 22 staff to cover all investigations is woefully inadequate. It is further noted that judicial investigations in a civil law system such as the ECCC are complicated by the constant flow of motions and requests filed by the parties. This adds a layer of work not present in comparable tribunals, which are based on a common law adversarial system, where investigations are conducted by prosecutors unhindered by defence challenges and the necessity to maintain judicial even-handedness.
- S.40. Thus, as is clear from examining its workload, the Office of the Co-Investigating Judges is under-resourced at present. Unless this situation is addressed post-haste, it will have significant consequences for the ECCC as a whole, as if investigations are delayed or stall as a result of lack of resources, subsequent trials and appeals will also be delayed. This is a risk that should not be taken, especially keeping in mind the age of the accused.
- S.41. In explaining this critical resource requirement, it is instructive to examine some actual data on the first judicial investigation which investigated the limited facts of the S-21 security centre and a single charged person. For this case, the Co-Investigating Judges have had to process 17,700 pages of documents, excluding those submitted in the introductory submission by the Co-Prosecutors. They have interviewed around 70 witnesses, with each

interview taking on average 1/2 a day. The charged person was interviewed over 21 times. This investigation has taken 9 months. Using this investigation as a yardstick, and bearing in mind that the other investigation has 4 accused persons and a much larger sets of facts to investigate, it becomes clear that the Office of the Co-Investigating Judges will need to be strengthened to meet the court schedule that has been proposed. The revised staffing structure is detailed below.

- S.42. In seeking to maximize the efficient use of its limited resources, the Office of the Co-Investigating Judges adopted a new structure, based on three distinct units reporting to the Judges: an Investigation Unit, an Analysis Unit and a Legal Unit. This structure is similar to others employed at other international and hybrid tribunals and reflects the three key elements of a coherent investigative strategy. The Co-Investigating Judges had requested 2 L-5 Senior Judicial Coordinators in their office to coordinate these units and undertake management functions. After further review, it was concluded that such administrative work could be handled by the L-4's heading each Unit, which together with the Judges would form the Office's management team. As such, these two senior level posts have now been abandoned. In addition, 3 L-3 investigator posts have also been cut as a result of this restructuring.
- S.43. The Investigation Unit is responsible for carrying out investigative acts on behalf of the Co-Investigating Judges, notably the preparation and conduct of witness interviews. The Unit needs to have 7 integrated investigation teams, each having 1 national L-3 investigator and 1 international L-3 investigator. These resources are clearly required given the high numbers of witnesses that need to be interviewed throughout Cambodia (see Annex C). The team will be led by an international L-4 investigator and an L-4 national investigator.
- S.44. The Analysis Unit is responsible for processing and mapping the information obtained by the Investigation Unit, as well as for processing documentary evidence for the Legal Unit and the Investigation Unit. The unit is made up of three L-3 analysts (one national and two internationals), and two FS-5 case managers who ensure the management and coherence of data inputting into case mapping software. One L-4 Analysis Manager is also included so as to give leadership to the Unit, and to ensure control, storage and analysis of the increasing amounts of information gathered.
- S.45. The two legal advisors (UNV) posts, and the three national L-3 posts in the original budget have proven to be inadequate to fulfill all three main pillars of legal work needed to bring forward the judicial investigation: legal principles research, evidence analysis and motions/other procedural work. The revised budget includes an L-4 Legal Officer, as well as two international L-3 legal officers and four L-2 international associate legal officers (2 UNV posts converted to L-2). The OCIJ have so far had to rely heavily on interns who simply do not have the level of expertise required. Furthermore, their quick turnover amounts to regular loss of training and case knowledge.
- S.46. Finally, an L-4 national Legal Adviser is included to support the national Co-Investigating Judge who needs additional assistance. Both the national and

international Co-Investigating Judges also require one FS-3 and one GS-4 administrative support staff, which have been included in the revised budget, in order to alleviate the administrative burdens of the Office.

- S.47. Although the Indicative Court Schedule shows the judicial investigations into Case 2 finishing in June 2009, the Office is budgeted to investigate Case 2 until the December 2009. The reason for this is to take into account the possibility of a split in case 2. The Indicative Court Schedule showing the progress of Case 2 was calculated based on an average of different judicial possibilities which the Co-Investigating Judges have in conducting their investigation. For instance, the case can be split either by separating events, or by separating suspects. Such a split would bring to trial a first portion of Case 2 quicker, but would delay the end of the investigation into the second part of Case 2. It is also possible that the case is not split, which whilst delaying the start of the second trial, would shorten the close of the judicial investigations into Case 2. To take into account these different possibilities, the Office will need a full complement of staff throughout 2009.

A.1 Resource Requirements – United Nations

Non-staff compensation – salaries and allowances of Judges

- S.48. The original estimate of \$2,387,400 for honoraria and allowances for 7 judicial officials was based on 1 Prosecutor, 1 Co-Investigating Judge, 2 Trial Judges and 3 Appeals Judges equivalent to D-1 level.
- S.49. The revised estimate of \$2,895,964 provides for salaries and allowances for 12 judicial officials comprising 1 Prosecutor, 1 Co-Investigating Judge, 2 Trial Judges, 1 Reserve Trial Judge, 3 Appeals Judges and 1 Reserve Appeals Judge, 2 Pre-Trial Judges and 1 Reserve Pre-Trial Judge. This estimate is based on the deployment of the Judicial Officials as per Annex B and Annex F.
- S.50. Total expenditure to end 2007 was \$516,812

Temporary Posts –excludes judges

- S.51. The original estimate of \$6,574,600 provided for 17 posts in year 1 to support the offices of the Prosecution and Investigation, 24 posts in year 2 to support the judicial offices and the Trial Chamber and 30 posts in year 3 to cover additional requirements for the Appeals Chamber.
- S.52. The revised estimated amount of \$16,148,828 is required to cover salary and related allowances for a total number of 48 posts consisting of 35 professional staff, 8 field service and 5 local general service staff. At peak, the 48 posts are situated as follows; 5 are located in the Trial Chamber, 5 in the Appeals Chamber, 3 in the Pre-Trial Chamber, 10 in the Office of the Co-Prosecutor and 25 in the Office of the Co-Investigating Judges. The deployment dates are in line with the revised timeline of the chambers as defined in Annex B and

have been aligned with the phasing in and out of case load work as shown in Annex F. The Office of the Co-Investigating Judge will reduce one L-5 post in 2009.

S.53 Total expenditure to end 2007 was \$3,485,193

Other staff costs - United Nations and Cambodia

S.54. The original estimate of \$295,600 provided for salaries of two Pre-Trial Judges for two weeks per year, a Reserve Prosecutor and a Reserve Investigating Judge for one month in year 1 and 2 and three weeks in year 3, and 1 Alternate Judge as a replacement during the trial or appeal period.

S.55. As a result of the Internal Rules, the Pre-Trial Chamber judges have been given an expanded role, which includes receiving all appeals from decisions of the Co-Investigating Judges, necessitating their presence in Cambodia every other month until the end of December 2009. Reserve judges for the Trial and Appeals Chambers are now required to be present in Phnom Penh full time throughout the sessions of their respective Chambers. The rationale and a cost/benefit analysis for this are in S.28 above. In view of the expanded role of the Pre-Trial Judges and the Reserve Judges their fee costs have been reflected under– non-staff compensation – salaries and allowances of judges above. There are no requirements included in the present budget as a result. Travel of Pre-Trial Chamber judges is included in Travel of Judges.

Travel of judges

S.56. The original requirement of \$195,200 was intended to cover (i) the travel and DSA for the Pre-Trial Judges, Reserve Prosecutor, Reserve Investigating Judge and Alternate Judge and (ii) travel for investigative work both within Cambodia and in neighboring countries.

S.57. The revised estimate of \$397,908 provides for the travel of the Pre-Trial Chamber Judges to Phnom Penh to assume their functions every other month until end of 2009. The total cost of Pre-Trial Chamber travel for 2008-2009 is budgeted on the basis of six trips per year at an annual cost of \$133,386. Internal travel has also been budgeted for judicial officials to participate in briefings in the provinces of Cambodia as well as to meet with senior officials in those provinces on the witness interviewing processes. During the period 2008 to 2009 five trips per year are estimated at an annual cost of \$3,161 for a total of two judicial officials per year.

S.58. Total expenditure to end 2007 was \$124,815

Meetings of judges

S.59. The original budget did not anticipate the need for the judges to participate in judicial meetings of any type. The Internal Rules called for organized meetings of the Plenary, Rules and Procedures Committee and Judicial Administration Committee. The breakdown of the estimated budget of \$986,996 is as follows.

(i) Plenary meetings \$424,894;

- (ii) Rules and Procedure Committee \$38,367;
 - (iii) Judicial Administration Committee \$115,962.
- S.60. Plenary is expected to convene twice per year, the Rules Committee once per year and the Judicial Administration Committee every other month. This budget revision has assumed that those judges in chambers will take up membership of the committees in order to save travel and DSA costs associated with judges traveling to Phnom Penh for meetings. Thus in 2009, no funds are requested for either Rules Committee or Joint Administration Committee meetings.
- S.61. DSA payments associated with Judicial meetings in Phnom Penh during 2006-2007 amounted to \$68,511 and was paid in 2008.
- S.62. Expenditure figures for 2006 to 2007 amounted to \$339,263.

A.2 Resource Requirements – Cambodia

Non-staff compensation – salaries and allowances of Judges

- S.63. The original estimate of \$813,600 for honoraria and allowances for 9 judicial officials was based on 1 Prosecutor, 1 Co-Investigating Judge, 3 Trial Judges and 4 Appeals Judges equivalent to D-1 level.
- S.64. The revised estimate of \$1,479,732 provides for salaries and allowances for 15 judicial officials comprising 1 Prosecutor, 1 Co-Investigating Judge, 3 Trial Judges, 1 Reserve Trial Judge, 4 Appeals Judges and 1 Reserve Appeals Judge, 3 Pre-Trial Judges and 1 Reserve Pre-Trial Judge. This estimate is based on the deployment of the Judicial Officials as per Annex B and Annex 1 of the Supplementary Information:
- S.65. Total expenditure to end 2007 was \$271,862.

Temporary Posts –excludes judges

- S.66. The original estimate of \$1,258,110 provided for 17 posts in year 1 to support the offices of the Prosecution and Investigation, 20 posts in year 2 to support the judicial offices and the Trial Chamber and 24 posts in year 3 to cover additional requirements for the Appeals Chamber.
- S.67. Revised estimate of \$2,989,225 is required to cover salary and related allowances for a total number of 38 posts consisting of 32 professional staff, and 6 local general service staff. At peak, the 38 posts are situated as follows; 4 are located in the Trial Chamber, 4 in the Appeals Chamber, 3 in the Pre-Trial Chamber, 11 in the Office of the Co-Prosecutor and 16 in the Office of the Co-Investigating Judges. The deployment dates are in line with the revised timeline of the chambers as defined in Annex B and have been aligned with the phasing in and out of case load work.
- S.68. Total expenditure to end 2007 was \$722,050.

Meetings of Judges

- S.69. The original budget did not anticipate any need for the judges to meet and discuss judicial strategic planning, coordination of judicial process and to participate in any judicial meetings, including participation in meetings related to the establishment of the Internal Rules for judicial processes for the Chambers so that the Judges were able to work smoothly and effectively together. In 2006 and 2007, many meetings took place for both international and national judges to discuss and establish the ECCC Internal Rules. The Internal Rules which were adopted in mid-2007 called for three organized meetings of the Plenary Session, Rules and Procedure Committee and Judicial Administration Committee.
- S.70. The breakdown of the estimated budget \$255,296 from 2006 to 2009 is as follows:
- (i) Strategic planning meeting in 2006 amounted to \$23,174
 - (ii) Review Committee meeting in 2006 and 2007 amounted to \$75,601
 - (iii) Plenary meetings convened twice a year amount to \$95,546
 - (iv) Rules and Procedure Committee meetings up to 2009 are scheduled to take place also twice a year amounting to \$44,103
 - (v) Judicial Administration Committee meetings to 2009 are required to convene every month amounting to \$16,872.
- S.71. Total expenditure for meetings of judges to December 2007 amounted to \$172,501.

Resident Judges

- S.72. Due to the significant growth of the need to have judicial inputs in the operations of the ECCC, the position of the Resident Judge has been first raised among judicial officers in the 2nd Plenary of the ECCC in June 2007 and its TORs has been refined and adopted during the 3rd Plenary in January 2008. The Plenary decided to strengthen the role of the Judicial Administration Committee and to roll into its mandate the function of Resident Judge.
- S.73. Due to multiplicity of his current roles, the President of the Supreme Court Chamber would be full time at the Court in order to undertake his function as President of Plenary Session, President of Supreme Court Chamber, Chairman of Rules and Procedure Committee as well as of the Judicial Administration Committee. He would thus be available to the Administration on a permanent basis in order to give judicial input and direction on pertinent administrative matters. The international members of the Judicial Administration Committee are to liaise with the national Resident Judge during their presence in Phnom Penh for Judicial Administration meetings.
- S.74. Following series deliberations in various JAC meeting, it has been agreed that the National Resident Judge should take office immediately once the new funding is made available to the ECCC. Therefore, the budget of \$79,765 including the program support costs of 7.5% is required for this post for the period from August 2008 to end 2009.

B. Defence Support Section and Victim's Unit

Table S.2.e

Resource Requirements by Object of Expenditure

(Thousands of United States Dollars)

(1) United Nations Funding

	Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
			2006	2007	2008	2009		
1	Posts	1,247.7	202.6	554.3	824.0	824.0	2,404.9	1,157.2
2	Defence support	4,768.8	0.0	202.4	2,375.6	1,809.7	4,387.7	-381.1
3	Victims support	0.0	0.0	0.0	313.9	451.5	765.4	765.4
TOTAL		6,016.5	202.6	756.7	3,513.5	3,085.2	7,558.0	1,541.5

(2) Cambodian Funding

	Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
			2006	2007	2008	2009		
1	Posts	353.4	3.8	4.3	172.4	312.2	492.6	139.2
2	Defence support	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	Victims support	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL		353.4	3.8	4.3	172.4	312.2	492.6	139.2

Total requirements (1)+(2)	6,369.9	206.4	761.0	3,685.9	3,397.4	8,050.6	1,680.7
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Table S.2.f

Post Requirements for Defence Support Section and Victims Unit

(1) United Nations Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
1 Defence Support Section	Original	-	1	1	-	1	3	-	-	-	1	1	-	-	-	-	-	-	-	4
	2008	-	1	1	-	1	3	-	-	-	1	1	-	-	-	-	-	-	-	4
	2009	-	1	1	-	1	3	-	-	-	1	1	-	-	-	-	-	-	-	4
2 Victims Unit	Original	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	2008	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
	2009	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
DSS and Victims Total	Original	-	1	1	-	1	3	-	-	-	1	1	-	-	-	-	-	-	-	4
	2008	-	1	1	1	1	4	-	-	-	1	1	-	-	-	-	-	-	-	5
	2009	-	1	1	1	1	4	-	-	-	1	1	-	-	-	-	-	-	-	5

(2) Cambodian Staffing

Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
1 Defence Support Section	Original	-	-	1	-	3	4	-	-	-	-	-	-	-	3	-	-	-	3	7
	2008	-	-	1	-	2	3	-	-	-	-	-	-	-	3	-	-	-	3	6
	2009	-	-	1	-	2	3	-	-	-	-	-	-	-	3	-	-	-	3	6
2 Victims Unit	Original	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	2008	-	-	1	-	2	3	-	-	-	-	-	-	-	10	-	-	-	10	13
	2009	-	-	1	-	2	3	-	-	-	-	-	-	-	10	-	-	-	10	13
DSS and Victims Total	Original	-	-	1	-	3	4	-	-	-	-	-	-	-	3	-	-	-	3	7
	2008	-	-	2	-	4	6	-	-	-	-	-	-	-	13	-	-	-	13	19
	2009	-	-	2	-	4	6	-	-	-	-	-	-	-	13	-	-	-	13	19

SUMMARY (1)+(2)																				
Total Requirements	Original	-	1	2	-	4	7	-	-	-	1	1	-	-	3	-	-	-	3	11
	2008	-	1	3	1	5	10	-	-	-	1	1	-	-	13	-	-	-	13	24
	2009	-	1	3	1	5	10	-	-	-	1	1	-	-	13	-	-	-	13	24

(a) Defence Support Section

S.75. There is no increase in the number of international posts requested for the Defence Support Section. The original compliment of 4 staff remains unchanged at the levels indicated above. The national staffing in Defence Support Section consists of one L-4 legal officer, 3 L-2 associate legal officers and three GS-4 support staff a reduction of a national post of L-2 Associate Legal Officer. The amount of \$2,024,371 is required to cover the staffing costs until 2009.

S.76. The original budget per defence case was \$690,000 based on a 24-month case (judicial investigation, trial and appeal). This was sufficient to pay for 7 accused before the court within the total budget for legal assistance of \$4,768,800. The above estimates cover resource requirements for the existing detainees legal aid fees, until end December 2009.

S.77. This budget is based on defence teams made up of four members to a team. A Cambodian Co-Lawyer, a Foreign Co-Lawyer, a Legal Consultant and a Case

Manager, which is fully in line with other hybrid and international tribunals which often provide greater resources for similarly sized cases. During the investigative stage, the Legal Consultant and Case Manager work full time on the case. The Co-Lawyers work up to 70% of the time. Once the Investigating Judges issue their 'Notice of Intention to Issue Closing Order', however, the Defence Teams will have many numerous tasks to do and the Co-Lawyers are budgeted full time. During the trial stage, all four lawyers are estimated to work full time. As the appeal is a re-trial, all lawyers will work full time during the appeal phase also.

- S.78. The revised estimate of \$4,387,718 is based on the assumption that 5 defendants will be requiring legal aid during the period 2008-2009. Although the actual cost per case may vary depending on its length and complexity, the average cost per case is \$877,544.
- S.79. Expenditure to December 2007 on Defence Legal Aid was \$202,381
- S.80. The revised estimate under the Cambodian side of the budget amounts to \$202,515 to cover 6 posts in the Defence Support Section.
- S.81. Expenditure to December 2007 on Defence was \$8,048.

(b) Victims Unit

- S.82. With the recent establishment of the right of victims to participate in the judicial proceedings under Rules 12 and 23 of the Internal Rules, the Victims Unit must be considerably strengthened to ensure that these rights are realized. Thus, the Victims Unit aims to put in place mechanisms to facilitate the participation of victims in all stages of the proceedings. The Unit is establishing systems that enable the Court to efficiently receive, process, and determine complaints and civil party applications from victims. It is also seeking to ensure that victims understand their rights, and the process to enforce these rights so that they can make an informed decision whether or not to apply for participation. Finally, the Unit provides basic legal assistance and support to enable victims to exercise their rights.
- S.83. To date, there are 8 civil parties to the ongoing proceedings, 3 for Case 1 and 7 for Case 2, two of which are civil parties to both cases. 1,212 Victim Information forms have also been received, but not yet processed, and contain both complaints and civil parties applications. Once processed by the Victims Unit and examined by either the Co-Prosecutors or the Co-Investigating Judge, they could result in more civil parties joined in the proceedings, or in the case of complaints, further investigations being carried out by either the Co-Prosecutors or Co-Investigating Judges. Such determinations must be made urgently in order not to prejudice the rights of victims to participate, as foreseen in the Internal Rules. Resources are urgently required, as detailed below, to allow the Victims Unit to process these forms and assist the Co-Prosecutors and Co-Investigating Judges in the initial phase of their

determination. Further delays could cost the ECCC in its reputation and standing with its core constituency, the victims of the Khmer Rouge regime.

- S.84. The Victims Unit will be headed by an L-4 national Head of Unit, and an L-3 international Deputy. In order to process and follow up civil party applications and complaints, one Case Manager and six Complaints/Applications Clerks will be needed. Based on each Clerk processing 4 applications per day, the Victims Unit will be able to process around 400 forms per month with this level of staffing. This must be seen as a minimum in order to clear the backlog and process incoming forms. One Assistant Legal Officer will also be needed to make *prima facie* determinations of complaints and civil party applications, as well as to organise legal representation and training of Cambodian lawyers wishing to represent victims.
- S.85. In order to ensure that victims are well informed of their rights and of the applicable procedure before the Court, with a view to minimizing any delays and frustrations relating to filing complaints and civil party applications, three Outreach Facilitators will also be needed. They will hold forums and other public events in Phnom Penh and the provinces. Finally, one Administrative Assistant is needed to provide administrative support to the whole unit as well as basic drafting correspondence with victims, their lawyers and intermediary organizations.
- S.86. *Legal representation:* The involvement of lawyers representing the civil parties is essential both for the victims' rights to be exercised and for the efficiency of the proceedings. Without legal representation, victim participation will complicate the proceedings and cause delay, as the victims are not legally trained and will not have an understanding of their rights, thus risking disruptions to the trial and appeals process. The Victims Unit principally aims to provide legal assistance to lawyers representing civil parties. The Unit will also assist groups of victims who cannot afford a lawyer, by appointing a common legal team to represent them. Such teams will consist of one Cambodian lawyer and one foreign lawyer. The legal teams will be supported by an international legal consultant who will conduct legal research and provide advice to the team on substantive and procedural practice of international criminal law. The teams will also be supported by 2 national case managers who will assist the teams in using case software and will follow the internal procedures of the Court.
- S.87. In addition to the above, an international legal consultant will be assigned to assist each team of lawyers that is not paid for by the court. This legal consultant will assist with procedural issues and researching international practice and jurisprudence, thereby ensuring a level of coherence across victim representation. This level of legal support compares favorably with that offered to indigent victims by the International Criminal Court (ICC). The ICC legal aid programme for victims provides 3 legal teams per case, with each team made up of one senior lawyer, one junior lawyer, one case manager and one investigator. In addition, the ICC has created the Office of Public Counsel for Victims which provides free legal advice and representation and is

staffed by one Principal Counsel, 2 Senior Lawyers, 2 Legal Officers, 2 Associate Legal Officers and 3 Case Managers.

- S.88. The estimated cost of Victims legal representation for 2008–2009 is \$765,400. Such modest resources, for legal representation of victims would guarantee that indigent victims are able to effectively exercise their rights and safeguard the efficiency of the proceedings. Efforts have been made to secure these funds from a third party donor, and positive feedback has been received from the donor for funding in 2008. Thus, if this funding is secured through these third party arrangements, it would proportionately reduce the request for funding in this proposal.
- S.89. The revised estimates for posts amounts to \$380,533 under the UN side to cover the costs of one L-3 post, and \$290,089 under the Cambodian side of the budget to cover 13 posts in the Victims Unit.

C. Office of the Administration

Table S.2.g

Resource Requirements by object of expenditure

(Thousands of United States Dollars)

(1) United Nations Funding

Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
		2006	2007	2008	2009		
1 Posts	16,184.7	3,242.5	5,748.0	10,962.2	14,531.7	34,484.4	18,299.7
2 Other staff costs	1,159.1	27.9	272.4	554.7	457.9	1,312.9	153.8
3 Consultants and experts	550.5	71.9	330.4	700.5	568.1	1,670.9	1,120.4
4 Witness costs	111.1	0.1	0.7	71.2	59.1	131.1	20.0
5 Travel of staff	31.5	105.3	35.0	306.1	389.9	836.3	804.8
6 Contractual services	2,274.5	28.1	76.6	2,250.0	476.2	2,830.9	556.4
7 Training	246.7	145.8	73.7	179.3	134.3	533.1	286.4
8 General operating expenses	2,012.7	178.3	322.7	605.7	622.4	1,729.1	-283.6
9 Supplies	904.1	84.2	199.5	440.3	457.8	1,181.8	277.7
10 Furniture and equipment	4,104.8	2,131.8	780.9	2,736.6	318.0	5,967.3	1,862.5
TOTAL	27,579.7	6,015.9	7,839.9	18,806.6	18,015.4	50,677.8	23,098.1

(2) Cambodian Funding

Component	Original Budget	Expenditure		Proposal		Revised Estimate	Difference
		2006	2007	2008	2009		
1 Posts	6,147.2	953.5	1,887.4	3,248.9	3,720.6	9,810.3	3,663.1
2 Other Staff Costs	606.3	0.0	3.0	5.3	5.7	14.1	-592.2
3 Premises Alteration	2,560.0	352.3	514.9	245.1	48.4	1,160.7	-1,399.3
4 Contractual Services	166.3	26.4	170.4	427.5	535.3	1,159.6	993.3
5 Travel	0.0	0.0	14.8	15.8	0.0	30.6	30.6
6 Training	0.0	13.1	9.3	49.2	0.0	71.5	71.5
7 Operating Expenses	1,321.0	74.3	178.2	407.8	432.0	1,092.3	-228.7
8 Hospitality	30.0	3.6	2.6	17.5	19.2	42.9	12.9
TOTAL	10,830.8	1,423.2	2,780.5	4,417.1	4,761.2	13,382.0	2,551.2

Total requirements (1)+(2)	38,410.5	7,439.1	10,620.4	23,223.7	22,776.6	64,059.8	25,649.3
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Table S.2.h

Post requirements (Administration)

(1) United Nations Staffing

	Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total	
1	Office of the Director	Original	1	-	1	-	-	2	-	-	-	1	1	-	-	-	-	-	-	-	3
		2008	1	1	1	-	1	4	-	-	-	1	1	-	-	-	-	-	-	-	5
		2009	1	1	1	-	1	3	-	-	-	1	1	-	-	-	-	-	-	-	4
2	Public Affairs Section	Original	-	-	1	1	-	2	-	-	-	1	1	-	-	-	-	-	-	-	3
		2008	-	-	1	1	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2
		2009	-	-	1	1	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2
3	Court Management Section	Original	-	-	9	1	-	10	-	-	-	-	-	-	-	-	-	-	-	-	10
		2008	-	2	8	22	-	32	1	2	7	-	10	-	-	-	-	-	-	-	42
		2009	-	2	8	22	-	32	1	2	7	-	10	-	-	-	-	-	-	-	42
4	Budget & Finance Section	Original	-	-	1	1	-	2	-	1	2	-	3	-	-	-	-	-	-	-	5
		2008	-	-	1	1	-	2	-	1	2	-	3	-	1	-	-	-	-	1	6
		2009	-	-	1	1	-	2	-	1	2	-	3	-	1	-	-	-	1	6	
5	Personnel Section	Original	-	-	1	1	-	2	-	-	2	-	2	-	-	-	-	-	-	-	4
		2008	-	-	1	1	-	2	-	1	2	-	3	-	-	-	-	-	-	-	5
		2009	-	-	1	1	-	2	-	1	2	-	3	-	-	-	-	-	-	-	5
6	General Services Section	Original	-	-	1	1	-	2	-	3	-	-	3	-	-	-	-	-	-	-	5
		2008	-	-	1	1	-	2	-	3	-	-	3	-	-	-	-	-	-	-	5
		2009	-	-	1	1	-	2	-	3	-	-	3	-	-	-	-	-	-	-	5
7	ICT Section	Original	-	-	1	1	-	2	-	2	-	-	2	-	-	-	-	-	-	-	4
		2008	-	-	1	1	-	2	-	2	2	-	4	-	-	-	-	-	-	-	6
		2009	-	-	1	1	-	2	-	2	2	-	4	-	-	-	-	-	-	-	6
8	Security Section	Original	-	-	1	-	-	1	1	3	4	17	25	-	-	-	-	-	-	-	26
		2008	-	-	1	-	-	1	1	3	4	15	23	-	-	-	-	-	-	-	24
		2009	-	-	1	-	-	1	1	3	4	17	25	-	-	-	-	-	-	-	26
Office of Administration Total	Original	1	-	16	6	-	23	1	9	8	19	37	-	-	-	-	-	-	-	60	
	2008	1	3	15	27	1	47	2	12	17	16	47	-	1	-	-	-	-	1	95	
	2009	1	3	15	27	-	46	2	12	17	18	49	-	1	-	-	-	1	96		

(2) Cambodian Staffing

	Offices	Year	L6	L5	L4	L3	L2/1	L- Total	FS6	FS5	FS4	FS3	FS- Total	GS6	GS5	GS4	GS3	GS2	GS- Total	Grand Total
1	Office of the Director	Original	1		1	1		3					-				2		2	5
		2008	1		1	1	1	4					-	3		2			5	9
		2009	1		1	1	1	4					-	3		2			5	9
2	Public Affairs Section	Original		1		1	1	3					-			3			3	6
		2008		1		1	1	3					-			3			3	6
		2009		1		1	1	3					-			3			3	6
3	Court Management Section	Original		1	9	6	10	26					-			5		10	15	41
		2008		1	5	27	10	43					-	4	13	9		7	33	76
		2009		1	5	27	10	43					-	4	13	9		7	33	76
4	Budget & Finance Section	Original			1	2		3					-		3			1	4	7
		2008			1	2		3					-		3		1		4	7
		2009			1	2		3					-		3		1		4	7
5	Personnel Section	Original			1	1		2					-		3			1	4	6
		2008			1	1	1	3					-		3		1		4	7
		2009			1	1	1	3					-		3		1		4	7
6	General Services Section	Original				2	2	4					-	2	6	16		25	49	53
		2008				2	2	4					-	2	6	16		31	55	59
		2009				2	2	4					-	2	6	16		31	55	59
7	ICT Section	Original						-					-	4					4	4
		2008					1	1					-	3		3			6	7
		2009					1	1					-	3		3			6	7
8	Security Section	Original			1			1					-	5	2	2	44		53	54
		2008			1			1					-	5	2	2	68		77	78
		2009			1			1					-	5	2	2	68		77	78
Office of Administration Total	Original	1	2	13	13	13	42	-	-	-	-	-	-	11	14	28	46	35	134	176
	2008	1	2	9	34	16	62	-	-	-	-	-	-	17	27	35	70	38	187	249
	2009	1	2	9	34	16	62	-	-	-	-	-	-	17	27	35	70	38	187	249

SUMMARY (1)+(2)																				
Total Requirements	Original	2	2	29	19	13	65	1	9	8	19	37	11	14	28	46	35	134	236	
	2008	2	5	24	61	17	109	2	12	17	16	47	17	28	35	70	38	188	344	
	2009	2	5	24	61	16	108	2	12	17	18	49	17	28	35	70	38	188	345	

C.1 Resource Requirements – United Nations

Temporary posts

- S.90. The original requirement of \$16,184,700 provided for 41 posts in year 1, 50 in year 2 and 49 in year 3, with an average of 60 staff at peak. Revised estimate of \$34,484,311 is required until 2009. Annex F1 indicates the number of UN posts at peak deployment, followed by a breakdown of the estimated work months by post by office. Additional post requests are shown above in table S.2.h by post type and by office. The total posts reflected in the current proposal are broken down as follows: 47 professional posts, 49 field service and 1 local general service post. Deployment of administrative staff has been phased in, in line with Chambers activity. Annex F provides details of total staff by office and work months by post and by year.
- S.91. Expenditure on staffing in administration during 2005 to 2007 was \$8,990,423.
- S.92. Total administrative posts amount to 96 at peak compared to 60 in the original estimates. This large increase is related to court management, and will be explained below.
- (a) **Office of the Deputy Director** – One L-2 post is reduced in 2009 due to a restructuring of duties in the Legal Office. One post L-5 Programme Management Officer has been added to the budget from September 2008. The post is required to give much needed support to the Director and Deputy Director of the Administration on matters such as joint fundraising, co-ordination and strengthening of ECCC administrative staff, interaction with the donor community on behalf of the ECCC and also to draft, develop and implement capacity building initiatives for the Court. This position will assist in addressing the gaps which has been referred to in previous expert assessment reports.
 - (b) **Public Affairs Section** – No change
 - (c) **Court Management Section** – Court Management, accounts for 42 posts from an overall total of 96 administrative posts and represents nearly 50% of the post costs within administration. This reflects the central importance of court management in running efficient judicial proceedings. The section is responsible for managing case-related records, archives and evidence, for providing witness support and protection services, for assisting the planning and coordination of hearings and providing audio / visual and transcription support, for providing interpretation and translation services, and for liaising with the ECCC detention facility. This is a broad range of crucial support services.

As indicated in the Vincent / St. Louis report (as well as the report of Rebekka Ehret, an international language expert who provided advice on the set up and management of the language services), the original budget

and staffing structure for court management were wholly inadequate to cover the operational needs of the Court. The new staffing structure was determined through a rigorous assessment of existing workloads and tied to the case projections contained in the budget.

Records related functions

A key indicator for determining record-related workloads is the volume of filings to be processed. The average number of pages processed by CMS in a month is over 4,800, with statistics showing an upward trend, which is consistent with the experiences of other courts (at the ICTY the monthly average of number of pages filed rose from 1,740 in 2002 to 7,627 in 2007). The administrative processing and management of this workload is undertaken by a team of six national records clerks, headed by an international Head of Unit. Filings are received, processed and distributed electronically in accordance with judicial instructions by an international Case-File Officer and a team of three national Court Officers, who are also responsible for coordination of all trials and hearings.

Interpretation and Translation Pool (ITP)

The level of proposed resources for the ITP reflects a high operational workload arising from the size of the cases, and from the use of three working languages. It incorporates the use of “relay” translations and interpretation (for the French language) due to unavailability of highly skilled Khmer-French translators and interpreters. At a total of 64 positions (37 national posts, 27 international posts), the proposed staffing of the ITP meets the projected interpretation and translation workloads, and is consistent with the recommendations of Ms. Ehret.

Due to the size and operational complexity of the ITP, an L-5 international position has been proposed to provide support to the national Head of ITP. A total of five international and two national revisers also support the translation teams, and will also review incoming outsourced translations. These positions are to be supported by a team of two national document control assistants and two national reference assistants.

In order to understand fully the level of resources needed, it is important to note that the current average monthly intake of documents is approximately 2,500. The proposed staffing has 35 translators, who at an average of 4.0-4.25 pages per day (the lower range being reflective of slower pace of translations to and from Khmer) can translate approximately 2,800 pages per month. This provides translation of 56% of all pages filed, the minimum necessary for the conduct of judicial proceedings.

In terms of interpretation, the projected capacity is based on the international standard of 7 sessions (or 3.5 trial days) per week for each interpreter. With the use of English as a relay language, four language combinations are necessary: Khmer into English, English into Khmer,

English into French and French into English. For each of these combinations, two simultaneous interpreters are necessary for each session. As such, in any one week of trials, 12 interpreters will be needed to cover the 80 interpretation sessions. ITP thus needs 15 interpreters (8 international, 7 national), with the 3 extra positions covering additional interpretation workloads, and any annual leave or absences due to sickness.

Due to the fact that the Court has not had an adequate number of translators or professional capacity to manage its workload (Ms. Ehret's report states, at page 3: "There is no question that there is a very significant lack of capacity in terms of professionalism, nor is there any question that the number of ITP staff currently employed is inadequate to carry out the duties expected".), the Court has incurred a considerable backlog of documents that need translation. This backlog will be cleared through outsourcing, and as such is treated separately from ongoing translation and interpretation needs. The current total number of pages that need translating is approximately 40,000. The cost of translating these comes to \$1,853,000 (20,000 pages translated internationally at \$70 per page and 20,000 translated locally at \$13.5 per page; local capacity can be relied on to translate only about 50% of these documents).

Transcription Unit

The provision of a transcription service has been proposed both as a measure to reduce the number of greffier positions in chambers, and to provide a higher level of procedural support for trials and appeals. The use of transcripts as an irreplaceable tool for conducting trials and appeals in large criminal cases has been incorporated by other international and hybrid tribunals. Availability of verbatim records of witness testimonies assists the parties to prepare and participate effectively in the proceedings, and speeds up the work of the Supreme Court Chamber. Further, the need for transcripts has already been recognised by the Pre-Trial Chamber in its decision on Nuon Chea's appeal against a provisional detention order. The availability of full transcripts also contributes to the Court's legacy by providing a complete record of the trials and appeals.

The use of transcripts, in conjunction with a restructuring of Chamber staffing, will effect a major reduction in the number of greffier positions, by removing the need for one greffier for each language (while retaining a national greffier in accordance with Cambodian criminal procedure). Without transcripts, the Court would need professional-level legal staff to produce written summaries of hearings in the working languages of the Court. An additional 2 international greffiers would thus be required per chamber for a total of up to 6 greffiers across the three chambers). The Transcription Unit also supports the work of investigators by providing transcribers for witness interviews in the field, a service which will last only until the completion of the judicial investigations.

Witness and Expert Support Unit (WESU)

The number of witnesses are shown in two parts of the budget submission. Annex C indicates the total estimated number of 808 Fact witnesses (of which 372 will require support services) to be heard during investigations, trials and appeals for Cases 1 and 2. Additionally 60 Expert witnesses will be heard, making a total of 868. The estimated total number of witnesses who will require support services is 432. Of this number, 258 (239 Fact and 19 Expert witnesses) will appear during the trial phases, the remainder having been dealt with during the investigations.. Given this heavy work load the number of staff providing witness support services at the ECCC is considerably reduced (the ICTY, in comparison, has 41 staff handling an average of 500 witnesses per year). At the ECCC, two professional UNAKRT posts provide core expertise. Support functions are included within the Head of Unit job description, with witness protection functions in a specialist post. One UNAKRT Administrative Assistant is required to manage the extensive financial aspects of the work. WESU has 3 national P-2 posts for activities in three key areas: legal and administration, witness security, and field operations, supported by 3 GS staff providing direct logistical and support services to witnesses. WESU has the authority to mobilise, where they exist, domestic Cambodian resources to assist it in its tasks, thus reducing the number of staff required.

- (f) **Budget and Finance Section** – An extra GS-5 position is needed to provide back-up and coverage during leave periods. This is especially important to maintain the minimal level of segregation of financial duties in compliance with the United Nations Financial Regulations and Rules. The post will also provide extra capacity to handle the initiation of financial documents, allowing the existing staff member time to focus on substantive disbursement and payroll duties. Finally, the post will provide administrative and clerical support to the team members.
- (g) **Personnel Section** – One FS-5 position is requested to add strength to the existing team of four staff members. The volume of work created by the increase in staffing, as well as the diversity of tasks necessitates the addition of one more senior member to the team.
- (h) **General Services Section** – No change
- (i) **ICT Section** – An addition of two FS-4 posts are necessary to provide critical support to meet the IT needs of additional staff as well as provide additional IT services such as administration and management of Intranet and servers in the Court House, and ECCC-Information Center. There are serious weaknesses that have been noted by the relevant experts regarding these services, and these staff will assist in addressing these deficiencies. Furthermore, these positions are critical for information security as these two additional posts will provide back-up and cover for the Systems Administrator and Communication’s Officer.

- (j) **Security and Safety Section** – No change. It should be noted that there has been an assessment of the security services at the ECCC and that, based on that assessment, no additional resources are needed.

Other staff costs

- S.93. The original requirement of \$1,159,100 was intended to provide general temporary assistance to cover peak workload periods for translation and interpretation teams, including the recruitment of freelance interpreters residing abroad. The original budget was also intended to cover replacement of staff on maternity and sick leave and to fill urgent short-term needs.
- S.94. The revised estimate of \$1,312,973 provides for the following requirements:
- (i) Language staff - \$96,750 is budgeted to support temporary translation requirements in 2008.
 - (ii) Data management assistants - \$709,500 with \$354,750 in 2008 and the same amount in 2009. These funds cover requirements for 11 data coders, with 5 in the area of investigation and 6 in prosecution for coding information into the relevant legal data systems, to be used for analysis and research. Average monthly cost of \$2,500 per assistant has been budgeted.
 - (iii) General temporary assistants - \$206,400 is estimated to cover 10 temporary administrative support assistants at a cost of \$800.00 per month from 2008 to 2009, to cover peak work load periods as well as absences of UNAKRT staff on maternity leave and extended sick leave.
- S.95. Expenditure from 2006 to 2007 was \$300,323.

Consultants and experts

- S.96. The original requirement of \$550,500 was intended to cover the cost of expert witnesses who are recognized experts in their field to advise the prosecution on specialized issues and/or testify in court. These funds also included an amount of \$218,200 for counseling and psychological support to witnesses as well as other services such as forensic and specialized legal expertise as necessary.
- S.97. The revised estimate of \$1,670,805 would provide for the following costs:
- (i) A provision of \$229,042 is estimated for expert witnesses. Medical and forensic experts will be called by the Investigating Judges during 2008 to 2009. As the investigations and trials gain momentum, it is projected that 10 expert witnesses will be called in for case one, 8 in 2008 and 2 in 2009. During 2008 it is anticipated that 18 experts will be requested by the judges in relation to case two and 22 in 2009. It is expected that expert witnesses will be traveling mainly from Europe, Australia and North America requiring travel, DSA and fee. An average cost of \$3,000 has been used for air travel cost purposes.

- (ii) A provision of \$1,441,764 is requested for consultancy services to support the court. During 2006-2007 external expert assistance was required at a cost of \$400,938 in the areas of court management, translation and interpretation management, witness support, and strategic advice and guidance on judicial matters, none of which had been anticipated in the original budget. In 2008 consultancy services estimated at \$582,115 is required to provide 10 expert consultants: required by; one for investigation; two for prosecution; one for the Victim's Unit; one for Interpretation and; four for others to include security related and other general support. In 2009 funds requested are \$473,234 required by; (1) investigation; (2) prosecution; (3) interpretation and (4) other to include security related, general support and psychological support to witnesses.

S.98. Expenditure for consultants and experts to end 2007 was \$402,273

Witness costs

S.99. The original requirement of \$111,100 was budgeted for the travel and related allowances for witnesses for both the prosecution and the defense. The original budget was based on 150 witnesses, 30% of whom reside outside of Cambodia.

S.100. The revised estimate for 2005-2009 amounts to \$131,158, based on the following:

- (i) During 2008 witness costs total \$34,858, covering \$18,539 of domestic witness costs to cover travel and accommodation and support costs related to 100 domestic witnesses which includes funds for family support, deemed an essential element of support to the witnesses, with the accommodation for family on a shared basis. Funds of \$15,652 have been budgeted for 6 international witnesses expected during case one and case two in 2008. Insurance costs of \$667 are included in 2008 figures to procure witness insurance coverage for 100 witnesses.
- (ii) 2009 witness costs account for a total of \$22,801 for travel and accommodation associated with an estimated total of 84 domestic witnesses, which includes funds for family support as above amounting to \$14,459. Funds of \$7,826 are budgeted to provide funds for an expected 2 international witnesses appearing for case two. Funds amounting to \$516 have been included in the 2009 total to procure witness insurance coverage for 84 witnesses.
- (iii) Relocation costs of \$72,616 for witnesses are as follows: Relocation of one family within Cambodia at a cost \$25,316 for the two years and one family to an international location at a cost of \$47,300 for the two years. The average family is calculated on the basis of a family of five, and costs include accommodation rental, travel and sundry other costs.

S.101. Expenditure to 2007 was \$883.

Travel of staff

S.102. The original budget only included an amount of \$31,500 to cover one trip to New York per year for the Deputy Director of Administration for briefings with senior staff. Experience during the first two years of the court's operation highlighted the need to include sufficient travel funds to cover travel for outreach activities, investigative work, both domestic and abroad, domestic travel for witness interviews, travel for close protection officers to accompany the judicial officers and travel of staff to meetings both in headquarters and ESCAP for court related matters.

S.103. The revised estimates of \$836,321 for 2005-2009 for travel are as follows:

(i) Estimated cost of investigative related travel is \$418,777 for approx 300 trips,

of which all but 4 will be conducted within Cambodia. Investigation travel to neighboring countries is based on trips for a team of five, consisting of 2 investigators, one national, one international, one security person, one interpreter/transcriber and one driver.

(ii) Travel for domestic and regional outreach activity from 2008 to 2009 is based

on 44 field trips in Cambodia for both national and international staff of Public Affairs and Victims Unit. 5 regional outreach trips are planned from 2008 to 2009, three for national Chief of Public Affairs and two for the UN Public Affairs Officer. Total cost during 2008-2009 is projected at \$50,624.

(iii) Travel of ECCC and UNAKRT staff, to participate in work related conferences and seminars including the travel of the Director and Deputy Director of Administration to New York for consultation, briefings and donor meetings, as well as travel of Chiefs of Sections to New York for meetings on specific administrative aspects of UNAKRT's work programme. Total estimates are \$198,316. The total number of trips per year is budgeted at 7.

(iv) Travel of Headquarters staff to Phnom Penh for monitoring and oversight missions estimated at 2 trips per year. Total cost for 2008 to 2009 is \$28,294.

S.104. Expenditure to December 2007 was \$140,310.

Contractual services

S.105. The original requirement of \$7,043,300 included defence counsel fees, external audit fees, contractual translation, external printing, audio visual services and miscellaneous services. Given the nature of the defence counsel legal aid fee schemes, the defence support services are being reflected as a distinct budget item and are explained in Section B. 1 above.

S.106. The revised estimate for contractual services is \$2,830,923 which comprises the following costs:

(i) \$68,104 is required for external audit fees covering the cost of an annual audit from 2007 to 2009 to be conducted by the UN Board of Auditors.

- (ii) \$1,881,250 for contractual translation has been estimated at \$1,827,500 for 2008 and \$53,750 for 2009. As discussed above in S.18, external translation services from institutions, universities and others are deemed vital to cope with the demands to translate large backlogs of judicial documents into three languages during 2008. The calculation for contractual translation is based on a total number of 40,000 documents to be outsourced, half of which will be sent out internationally for translation. The remaining 20,000 pages will be translated in Cambodia where the 20,000 pages is assumed to be the maximum that the local market can absorb in the time frame involved.
- (iii) \$268,803 for external printing which includes \$107,500 per year from 2008 to 2009 to cover the cost of printing of public affairs outreach material, administrative forms and judicial judgments and documents. Expenditure to end 2007 was \$53,803.
- (iv) \$612,765 is required to cover contractual requirements for public affairs for court related materials, subscriptions to on line data services such as Lexis Nexis, subscriptions to legal library related services and other unforeseen expenses. A significant portion of these funds (\$102,125 per annum) relates to the production of outreach material and documentation of court hearings for public dissemination.

S.107. Total expenditure to December 2007 amounted to \$104,723

Training

S.108. The original budget included \$246,700 to conduct training for the Office of the Prosecutor, Office of Investigation, Court Management Service, including interpreters, and two Trial Chambers.

S.109. The revised budget for 2008 to 2009 amounts to \$532,996 and is required for the following:

- (i) Continual strengthening and continuing assessment of interpretation and translation staff is required to maintain the standards necessary to support the judicial proceedings. As stated in Ms. Ehret's report "a concentrated training program should be put in place to improve the qualifications of the practicing court interpreters and the translators of legal documents, statements, etc." It is expected that 45 interpreters/translators will be trained on the premises in 2008 and 2009 with 6 training events taking place in the first year and 4 in 2009. The estimated cost for this training is \$78,277 for 2008 and \$52,185 for 2009.
- (ii) An annual strategic planning workshop is budgeted for the judicial and administrative staff. This event, which was conducted in 2006 and 2007, sets the strategic milestones for the court's programme of work for the forthcoming year. The annual estimated cost of the workshop is \$2,258.

- (iii) Travel of one security personnel to Geneva/Vienna has been budgeted to participate in a “train the trainer” workshop on weapons use and certification. Funds have also been budgeted for training on Information Security in the Asia region, use of trauma packs and required first aid, refresher training for Chief SSS and induction programme for Deputy Chief SSS. The costs for these events are estimated at \$34,144.
- (iv) Training in Judicial Offices

Prosecution Training	Yearly requirement from 2008 to 2009
Investigation Training	Yearly requirement from 2008 to 2009
Defence Training	Six training events per year until 2009
Pre-trial	Yearly requirement from 2008 to 2009
Appeals and Trial Chambers	Yearly requirement from 2008 to 2009

- (v) Budgetary provisions are required in the amount of \$49,429 per annum to conduct one training event in the Trial Chamber, Appeals Chamber, Office of the Co-Investigating Judge and the Prosecutor’s Office, Defence, Victim’s Unit and investigating teams.
- (vi) Training events in ICT and procurement related activities amount to \$45,557. The training includes ICT upgrade and training in the maintenance of ICT services, specific training in procurement and procurement oversight bodies which is recommended by UNHQ for staff dealing with procurement and has been included in this revision.

S.110. Expenditure to December 2007 was \$219,460.

General Operating Expenses

S.111. The original budget included \$2,012,700 for commercial communication costs totaling \$959,200 plus \$1,053,500 for licensing fees, various insurances, routine operation and maintenance costs and miscellaneous operating expenses.

S.112. The revised estimate of \$1,729,169 will cover the following operational requirements from 2006 to 2009:

- (i) \$604,688 is estimated for the communication systems of the Court. This includes satellite communication links through the UN system for internet access, video conferencing link which will be used to interview remote witnesses, telephone connectivity, mobile phones, diplomatic pouch services and postage. Savings have been realized through the use of the UN satellite link through leased lines at UN

reduced rates. In addition, significant cost savings were realized due to the transfer of satellite equipment from other UN offices which were downsizing at a greatly reduced cost.

(ii) \$623,473 is required for the following miscellaneous services:

- Medical evacuation insurance policy costs for internationally recruited personnel at a cost of \$101,769 per annum for an average of 334 persons including dependents residing at the duty station.
- Insurance costs for UN vehicles and UN assets based on actual 2007 policy costs amounting to \$25,800 per annum.
- Maintenance of equipment has been budgeted at an estimated amount of \$164,905 for 2008-2009. This includes maintenance of IT software (\$53,750), maintenance of Security equipment (\$44,075), maintenance of vehicles (\$15,480) and other equipment (51,600).
- Remaining miscellaneous operating expenses cover expenses for bank charges, common services charges and miscellaneous unforeseen expenses.

S.113. Expenditure to December 2007 was \$501,009.

Supplies and materials

S.114. The original budget included an amount of \$904,100 for stationery and office supplies (\$272,718), petrol and oil for the motor vehicles (\$152,755), data processing supplies (\$109,087), security and safety supplies (\$109,000), including uniforms and other supplies such as preservation of evidence (\$13,080), consumables for copiers (\$142,572), the remaining requirements are miscellaneous supplies such as archival supplies, numbering machines, periodicals and library books.

S.115. The revised total requirements of \$1,181,765 are made up of \$988,373 for office supplies and consumables, including archival materials, are based on the increased number of staff required until December 2009. This revised amount includes funding for periodicals, newspapers, office consumables, data processing supplies, library books, archival supplies and petrol, oil and lubricants for vehicles.

S.116. Fuel is estimated at \$193,392 to run 24 UN vehicles for the official functioning of the court.

S.117. Expenditure to December 2007 was \$283,707.

Furniture and equipment

S.118. The original requirements of \$4,104,800 were intended to cover the following items; (i) furniture at \$209,300; (ii) data processing, communication and office automation equipment at \$1,770,800; (iii) audio and interpretation equipment at \$312,700; (iv) vehicles at \$1,100,000; (v) safety and security equipment at \$592,000; and (vi) other miscellaneous equipment at \$120,000.

- S.119. Revised estimate of \$5,967,368 is based primarily on the increased staffing levels in addition, to the fact that equipment and furniture was not adequately provided for in the original budget, certain items such as legal system hardware, specialized security and scanning equipment, IT support to investigative teams, the number of servers to support the staff numbers and applications necessary to run an international court of this nature, were simply not fully projected to meet the actual needs. The result is that additional essential equipment has been added to the budget as well as the support needed for staffing such as office furniture, data processing equipment and other standard operating equipment;- phones, faxes, photocopying machines,. Increased funding is also required for the specialized IT systems needed for judicial research and case file processing and analysis. During 2006 and 2007 funding was used to procure Zylab, a legal case file archiving and storage system, case map, analysis and research tools for legal officers, which is a standard product used at all other hybrid and international tribunals and has been shown to markedly increase work efficiency and save courtroom time. Equipment has been budgeted for essential requirements and where possible the UN have benefited from transfers of assets from downsizing missions at a considerable cost saving to UNAKRT. Estimated savings from such transfers are in the region of \$1 million for IT related equipment.
- S.120. IT equipment (\$1,468,631), security and safety equipment (\$285,681), audio visual equipment (\$778,300) which was under budgeted in the original estimates, and communication equipment (\$121,423) represent the major projected cost components under this budget line for 2008-2009. Furniture costs are (\$214,657). vehicle related (\$107,500), office equipment (\$65,575), other equipment (\$12,900).
- S.121. Expenditure to December 2007 is \$2,912,700

C.2 Resource Requirements – Cambodia

Posts under the Office of Administration shown above in S.2.h

- S.122. The original requirement of \$6,245,600 provided for 136 temporary posts in year 1, 165 in year 2 and 164 in year 3 with an average of 183 at peak.
- S.123. Following the result of the budget revision exercise, administrative staffing requirements were reduced by a total of 45 posts. The posts removed are mostly from within General Services and are cleaners, gardeners, and close protection officers. The breakdown of posts by levels is presented above.
- S.124. Revised estimate of \$9,810,348 covers the cost of 249 temporary posts including 62 professional staff and 187 general support staff in the Office of Administration up to end 2009. The actual expenditure to December 2007 was \$2,840,843. Thus, additional budget is \$6,969,505.

Other staff costs

- S.125. The original requirement of \$507,900 was intended to provide temporary assistance to cover peak workload periods for translation and interpretation teams, general temporary assistance.
- S.126. The revised estimate of \$14,109 including the actual expenditure of \$3,039 in 2007 would provide for temporary translation and interpretation, document indexing, languages assistants, temporary posts, expert consultants, as required.
- (i) Short term and urgent services for translations and interpretations will be required for PTC appeals or during the plenary meetings, until the ECCC interpretation and translation pool are fully operational. Such services may be also required by the Office of Co-Prosecutors and Office of Co-Investigating Judges, where they need to hire temporary translators to translate urgent documents required to move forward the investigation.
 - (ii) Temporary transcribers, are frequently needed by the Court Management Section
 - (iii) Legal consultants and experts are required to support the judicial offices in their work especially in areas where expertise is not available within the court.

Improvement of premises

- S.127. The original requirement of \$2,560,000 was to cover the following costs – (i) Site work; (ii) Alteration of office building; (iii) Alteration of court room; (iv) Construction of a detention facility and (v) Voice and data cabling.
- S.128. The revised estimate of \$1,160,728 including program support costs 7.5% covers the following costs from 2006 to December, 2009:
- (i) Court room renovation - \$166,542
 - (ii) Office building renovation - \$389,502
 - (iii) Site and ground work in the ECCC compound - \$341,805
 - (iv) Construction of the Detention Facility - \$140,158
 - (v) Other repairs and renovation - \$47,087
 - (vi) Installation of network cabling - \$75,635

S.129. The reduction in budgetary requirements is due to the savings realized during renovations of the two main buildings (court room and office building).

S.130. The actual expenditure to December 2007 was \$867,253.

Contractual Services

S.131. Revised estimates for contractual services total \$1,159,575 and are broken down as follows:

Bus services

- S.132. The original estimate of \$166,300 was to cover contractual transportation services to facilitate the commute of the staff to and from the Extraordinary Chambers.
- S.133. Originally the Royal Government of Cambodia proposed several separate premises for the offices and court buildings for ECCC that were within the central business district of Phnom Penh. In late 2005, the Prime Minister decided that it would be much more suitable to locate the court in a single site, and that the newly constructed headquarters for the High Command of the Royal Cambodian Armed Forces (RCAF), some 16 km from the centre of town, would be appropriate. Following the result of the UNAKRT Assessment Mission in late December, 2005 the UN confirmed its agreement to the newly proposed premise, but required the Cambodian government to, *inter alia*, ensure that the public and media are granted full access to the ECCC premises and court proceedings through the arrangement of free bus services from the Phnom Penh town to the ECCC, and to bear the cost of providing transport for international and national staff to the new site. The Government accepted these conditions.
- S.134. According to the revised staffing table, total personnel will increase up to 480 persons. On this basis, it is estimated that 10 units and 12 units of 35-seat bus will be needed in 2008 up to 2009 to transport all ECCC staff from Phnom Penh to the ECCC premises and vice versa. The current cost per 35-seat bus is \$1,400 per month.
- S.135. Following the ECCC latest policy on the vehicles utilization, the judicial officers and VIPs (DOA and DDOA) are provided the official vehicles based on a security risk assessment to be conducted by the international and national chiefs of security. If their risk assessments are rated low, the judicial officers and the VIPs are given two options, namely, they agree to use the UN vehicle including a driver and gasoline consumption, to be rented by the ECCC to bring them from their respective residences to the Office and vice versa; or they use their own vehicles and then get reimbursed the ECCC monthly flat rate. 15 VIPS are used in the estimation for budgetary purposes.

Medical services

- S.136. In the budget estimate of 2004, the medical costs were earmarked as an in-kind contribution from the Cambodian Government with the due assumptions that the detainees were to be placed in an existing national prison, and related medical costs for those detainees separately arranged by the Cambodian Government. Following the last mission conducted by the UN assessment teams in December 2005, when the site of the ECCC premises was changed by the Government, it was agreed that there should be a purpose-built prison provided adjacent to the new ECCC premises. The medical costs for the detainees remained the responsibility of the Government, as an in-kind contribution. The associated costs for medical service provision is therefore included in the Cambodian budget and funded by the Government of Cambodia.

- S.137. It was necessary to set up an appropriate Medical Unit within the ECCC compound to take care of the would-be detainees on a 24/7 basis, as well as to provide emergency medical care to all ECCC staff as required in the Supplementary Agreement on Security and Safety. There was also a need to have stand-by medical emergency response for the public when there are public hearings at the ECCC. To meet these obligations, the ECCC established a contract with Calmette Hospital in August 2007 to provide the required medical services for detainees, and staff. The contract supplies the services of 4 doctors, 5 nurses and a stand-by ambulance to the Hospital.
- S.138. According to the latest budget revision all posts of cleaners and gardeners in the General Services Section will be phased out from October, 2008 onwards. Thus, such costs are now estimated in this contractual services component to be funded from the Government budget.
- S.139. The revised estimate of \$1,159,575 which include programme support costs is required to continue up to December, 2009 the provision of transportation as well as new items not originally anticipated such as (a) judicial officers and VIPs' transport; (b) spot check and audit services; (c) town office in Phnom Penh; (d) medical services and treatment; and (e) outsourced cleaning and gardening services, as follows:
- (i) \$605,179 is estimated for bus services to transport both national and international staff from Phnom Penh to the ECCC location (a distance of approximately 20 km). Total current staff size is 330 (250 national staff and 80 international staff) and it is anticipated that staffing numbers will increase to approximately 500 persons at full deployment. The above costs also include the vehicles use for the judicial offices and VIPs; and for the media and public who attend the hearings. This budget also anticipates annual inflation rate 5%.
 - (ii) \$95,224 is planned for financial spot checks and audit services which was not included in the original budget. The financial spot checks are conducted every three months and also include areas to include procurement and human resources management not included previously. The costs are budgeted from 2008 onwards, with an external audit planned annually, and will continue until December 2010. The revised figures includes program support costs and an annual inflation rate of 5%.
 - (iii) \$42,240 is budgeted for the rental of a town office for the Victims Unit and Public Affairs Section in Phnom Penh. This office will facilitate the victims' ability to obtain additional information with respect to victims' rights and who wish to lodge a complaint in town. The office will be also used by the Public Affairs Section to enable the public to access information on the ECCC. Thirdly, it will be a departure location for the free-bus services for the public who will attend the court proceedings. The rental fee for the Phnom Penh office in 2008 is approximately \$ 1,600 per month, which has been adjusted for annual inflation of 5%.

- (iv) \$342,034 is estimated for the operation of a Medical Unit (24hours/7days) for medical treatment of detainees, given their advanced age. The Medical Unit also provides emergency services for all ECCC national and international staff, as well as members of the public attending court proceedings. The budget also includes a provision for medical equipment and materials, and emergency medical services; and takes into account the annual inflation rate of 5%. This activity was not previously budgeted under the national budget as the costs were expected to be met from the in-kind contributions of the Cambodian Government.
- (v) \$65,565 is planned for the outsourcing services of cleaning and gardening for the ECCC office buildings, court room and the compound after such posts are phased out from the General Services Section. This newly proposed budget is borne from the national budget at an estimate of \$4,371 per month including annual inflation rate of 5%.
- (vi) \$9,333 is for other miscellaneous reimbursable services costs,

S.140. The actual expenditure to December 2007 was \$196,789.

Travel of staff

- S.141. Travel of staff was not foreseen in the original national budget proposal. However, since the commencement of the ECCC's operations it has become evident that funding is required to support the needs of outreach activities, investigative activities and other travels for attending local and international conferences.
- S.142. Further, following the latest budgetary revision, the travel budget under the Cambodian side was estimated up to 30 June 2008 following which the United Nations budget covers travel expenses from 1 July, 2008 onwards to harmonize administrative activity. The estimated budget of \$30,609 comprises the following:
 - (i) \$1,058 is estimated for travel of ECCC Public Affairs staff to perform outreach activities and to attend forums at the provincial levels up to June, 2008.
 - (ii) \$5,370 is estimated for travel of drivers and judicial police officers to accompany the investigators at the provinces.
 - (iii) \$2,513 is estimated for administrative and professional staff who attend the forums and seminars with the NGOs partners.
 - (iv) \$6,514 was expenditure of international travel for 2 staff of OCIJ analytical and research units who attended practical training in 2007 at the ICC and ICTY.
 - (v) \$12,211 was actual expenses for travel for three senior staff of the ECCC who participated in New York based GIS meetings in March, 2008.

- (vi) \$2,943 was expenses for travel of court management staff who attended in 2007 the practical training in ICTY and ICC on court management related issues.

S.143. The actual expenditure to December 2007 was \$14,764.

Training

S.144. Although training of staff was not included in the initial budget 2004, training for Judicial Officials, Prosecutors and legal staff is absolutely necessary. It has become evident that such requirements also exist in the area of Interpretation and Translation, and for professional staff in general.

S.145. Following the result of subsequent discussions with the UNDP, the latter agreed to allocate \$60,000 from the UN Trust Fund to cover the training needs of the ECCC. As same as the above travel line, the training budget under the Cambodian side is estimated up to 30 June 2008 and the UNAKRT budget will take over from 1 July 2008 in an effort to consolidate processes and activities.

S.146. The estimated requirement of \$71,514 is necessary to support the training needs of both the judicial and administrative areas as follows:

- (i) \$9,388 was actual training costs conducted by the UNDP in 2007 to enhance the ECCC interpretation and translation capacity.
- (ii) \$12,465 was an actual training cost that was jointly conducted in 2007 by the Office of Co-Investigating Judges and ICC staff, financed by Switzerland and New Zealand. Training was focused on investigative skills and related laws for 120 judicial police officers who have been appointed to work for the ECCC.
- (iii) \$48,858 is estimated for judicial training to be hosted by The Hague Forum at the ICC from 25 May to 06 June, 2008. The above training is designed for both international and national officers and interpreters to learn from similar court proceedings and hearings.
- (iv) \$803 is reserved for training of administrative and professional personnel at the Office of Administration, especially in the areas of court management where regularly require training is required to enhance their skills and improve efficiency of work.

S.147. The actual expenditure to December 2007 was \$22,333.

General Operating Expenses

S.148. The original requirement of \$1,321,000 was to cover general operating expenses, such as electricity, water, diesel fuel, general maintenance and cleaning of premises.

S.149. The revised estimate of \$1,092,313 is required for operational and maintenance costs until end 2009 to cover the following expenses:

- (i) \$837,170 is estimated for (a) electricity consumption (office building, court room, town office); (b) electrical transmission line from Phnom Penh to the ECCC compound to provide an internal electrical network for continuous electricity supply; and (c) rental fees for three back-up generators including a 25 kVA for ICT, a 500 kVA for office building and a 250 kVA for the court room proceedings which are being leased.
- (ii) \$36,195 is estimated for water distribution system from Phnom Penh to the ECCC that includes a sub-distribution and water reservoir tank to adequately supply water for the office building, court room and grounds. Funding is required to cover costs related to water consumption and other costs of water distributing and generating system.
- (iii) \$70,477 is reserved to cover building maintenance and repairs for 350 rooms in the court room and ECCC office buildings; as well as the room partitions to accommodate the staffing needs by relevant offices and sections on the periodic basis.
- (iv) \$49,865 is for cleaning materials and supplies for 350 rooms in the court room and office building as well as maintenance of the grounds in the entire ECCC compound.
- (v) \$43,398 is estimated for pure drinking water for all staff and for refreshments of the judicial interviews with detainees, official meetings, training and other seminars held at the ECCC.
- (vi) \$17,131 is planned for miscellaneous expenses including banking charges, judges' robes and unforeseen costs.
- (vii) \$38,077 is reserved for supplies and food for the detainees.

S.150. The actual expenditure to end December 2007 was at \$252,527.

Hospitality Costs

S.151. The original requirement of \$30,000 was to cover hospitality during official functions.

S.152. Since the ECCC became fully operational, there have been an increasing number of events and functions. The budgetary requirements for Hospitality up to December, 2009 are \$42,854 and cover the following:

- (i) \$9,822 is estimated for hospitality and protocol costs for VIPs, as needed, formal meetings of judges, prosecutors and their reserves as well as for judicial training and seminar events.

(ii) \$31,982 is reserved for expenses of signing ceremonies and official functions.

(iii) \$1,050 is planned for other unforeseen expenses.

S.153. Actual expenditure to December 2007 was \$6,201.