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Proposed programme budget for the biennium 2012-2013

Request for a subvention to the Special Court for Sierra Leone

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 65/259, by which the Assembly, inter alia, took note of the resource requirements of the Special Court for Sierra Leone until its closure, authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed \$9,882,594 to supplement the voluntary financial resources of the Court for the period from 1 January to 31 December 2011, and requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of that resolution.

It is recalled that, in his letter of 6 October 2010 to the President of the Security Council (S/2010/560), the Secretary-General brought to the attention of the Council the funding difficulties of the Special Court for Sierra Leone corresponding to \$18.4 million in shortfall until its closure. The Secretary-General also indicated that should the Council invite him to bring the matter to the attention of the General Assembly with a view to seeking appropriation of funds for the Court, he would do so.

In his response dated 29 October 2010 (S/2010/561), the President of the Security Council informed the Secretary-General that the members of the Council had no objection to the latter's proposal with regard to supplementing voluntary contributions for the Court. He also indicated that it was not expected that there would be additional subventions for the Special Court for Sierra Leone, and that the United Nations Secretariat, the Management Committee, and the Registrar and other senior officials of the Court would intensify their efforts to fund the activities of the Court through voluntary contributions.



The Secretary-General, in his previous report (A/65/570), indicated that the Court was to complete its work by 29 February 2012. Due to unforeseen circumstances, however, the Court will not be able to complete its mandate by February 2012 and consequently requires additional time and financial support for its activities through July 2012, the anticipated date when the Court will complete its work.

The present report updates the status of the Court's activities and sets out the total level of resources for the Court, including a subvention requested for the period from January through July 2012, estimated at \$9,066,400. This reflects an increase of \$6,709,650 in subvention over the \$2,356,750 previously estimated for the two-month period in 2012.

The approval of a subvention of up to \$9,066,400 is sought from the General Assembly for the period from January through July 2012, taking into account that there were no balances in voluntary contributions to the Court as of the end of October 2011.

The amount being sought in the present report would be adjusted should there be future receipt of voluntary contributions to the Court. It is proposed that the requested amount of \$9,066,400 be charged against the provision for special political missions for the biennium 2012-2013.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 65/259, by which the Assembly, *inter alia*: took note of the resource requirements of the Special Court for Sierra Leone from November 2010 until its closure; authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed \$9,882,594 to supplement the voluntary financial resources of the Court for the period from 1 January to 31 December 2011; and requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of the same resolution. The present report is submitted also to bring to the attention of the General Assembly the continuing financial constraints faced by the Court, despite the extraordinary efforts of its key donors, including Member States and the Management Committee of the Court, as well the updated timeline for the completion by the Court of its work, and to request an additional subvention for the period from January through July 2012, the anticipated date when the Court will complete its work.

2. It is recalled that following the exchange of letters between the Secretary-General (S/2010/560 and the President of the Security Council (S/2010/561), the former requested a subvention to cover the activities of the Court for the period from 1 November 2010 to 29 February 2012 (A/65/570). The General Assembly, having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/65/603) took note of the funding requirement of the Court, and authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed \$9,882,594 to supplement the voluntary financial resources of the Special Court for Sierra Leone for the period from 1 January to 31 December 2011.

3. According to the timeline reported to the Assembly during its sixty-fifth session, the Court was to complete its work by 29 February 2012. However, due to the unforeseen circumstances enumerated below, the Court will not be able to complete its mandate by February 2012 and, consequently, will require additional time and financial support for its activities through July 2012. The present report sets out the total level of financial support required for the period from January through July 2012, estimated at \$9,066,400, and the anticipated date when the Court will complete its work. The level of support being sought for 2012 amounts to \$9,066,400, and is higher by \$6,709,650 than the \$2,356,750 previously estimated for the two-month period in 2012.

II. Historical background

4. The Security Council, by its resolution 1315 (2000), requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone with a view to creating an independent special court with the primary objective of prosecuting persons who bore the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone.

5. In previous reports (S/2000/915, para. 71, and S/2001/40, para. 11), the Secretary-General expressed the view that the only realistic solution was for the Special Court to be financed from assessed contributions, as that would produce a viable and sustainable financial mechanism affording secure and continuous funding. In his letter to the Secretary-General dated 22 December 2000 (S/2000/1234), the President of the Security Council reiterated the support of the Council for its resolution 1315 (2000), under which the Special Court would be funded through voluntary contributions. It was, however, understood by the Security Council that the Secretary-General would not be expected to create any institution for which he did not have adequate funds in hand for at least 12 months and pledges to cover expenses for a second year of the Court's operation.

6. Consequently, after sufficient funds had been received and substantial amounts pledged for that purpose, on 16 January 2002 the United Nations Legal Counsel and the Attorney-General of Sierra Leone signed the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (S/2002/246 and Corr.2 and 3, appendix II).

7. Article 6 of the Agreement stipulates that "should voluntary contributions be insufficient for the Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Court".

8. At various points during 2010, the Court again experienced financial crises. Only through the extraordinary efforts of its key donors, and in particular the Management Committee, was the Court able to continue the Taylor trial without disruption. The Member States of the Court's Management Committee not only made additional contributions of their own funds and encouraged other Governments to donate, but also requested the Secretary-General to seek a subvention from the United Nations. Following its consideration of the report of the Secretary-General, the General Assembly, as an exceptional measure, approved \$9,882,594 to cover the resource requirements of the Court for the period from 1 January to 31 December 2011 to supplement the voluntary financial resources of the Court.

9. Of this amount, \$8,525,800 was to be used in 2011, and the remaining amount of \$1,356,800 was to be surrendered in the context of the second performance report of the Court for the biennium 2010-2011.

10. Also in the past, the General Assembly approved subvention grants to the Court. In 2004, as outlined in the exchange of letters between the Secretary-General and the President of the Security Council (S/2004/182 and S/2004/183), problems arose during the Court's second year of operation from the lack of voluntary contributions. The Secretary-General informed the Council of the Court's difficulties with regard to its third year budget and advised that the matter be brought to the attention of the General Assembly. The Secretary-General then submitted a request for a subvention of up to \$40 million to the General Assembly (see A/58/733). In its resolution 58/284, the General Assembly, *inter alia*, authorized, as an exceptional measure, a subvention in an amount not to exceed \$16.7 million for the period from 1 July to 31 December 2004, on the understanding that any regular budget funds appropriated for the Court would be refunded to the United Nations at the time of liquidation of the Court should sufficient voluntary contributions be received. The commitment authority was not utilized and was subsequently surrendered.

11. In a subsequent report of the Secretary-General (A/59/534/Add.2), a request was made for an appropriation in the amount of \$20 million with effect from 1 January to 30 June 2005. In its resolution 59/276, the Assembly, inter alia, authorized the Secretary-General to enter into commitments in an amount not to exceed \$20 million to supplement the financial resources of the Court with effect from 1 January to 30 June 2005. In view of the anticipated full utilization of the \$20 million commitment authority approved in resolution 59/276, the Secretary-General sought an additional subvention of \$13 million for the period from 1 July to 31 December 2005 (see A/59/534/Add.4). The Assembly, in its resolution 59/294, inter alia, authorized the appropriation of \$20 million of the previously approved commitment authority, and a further commitment authority in the amount of \$13 million. In reporting on the utilization of the commitment authority in the context of the second performance report on the programme budget for the biennium 2004-2005 (see A/60/572/Add.1), the Secretary-General advised the General Assembly that the full \$13 million commitment authority would not be required and in lieu a provision of only \$11.2 million would be required as an appropriation. In Assembly resolution 60/245 A on the final appropriations for the biennium 2004-2005, the provision of \$11.2 million was appropriated. It should be noted that, as indicated in the report of the Secretary-General (A/61/593/Add.1), in accordance with financial regulation 5.3 of the Financial Regulations and Rules of the United Nations, it was anticipated that, of the \$11.2 million appropriation, an estimated unspent balance of \$2,401,326.95 would be surrendered under the programme budget as at 31 December 2006. However, based on actual expenditure, an amount of \$3,286,505.63 was surrendered at 31 December 2006.

III. Progress to date

12. The Special Court has made significant progress in achieving its mandate. Three trials involving eight accused persons have been completed in Freetown.¹ The Court is now in its completion phase and is thus preparing for its transition to the Residual Special Court for Sierra Leone. In its last trial, the *Prosecutor v. Charles Ghankay Taylor*, Trial Chamber II accepted written briefs and heard oral pleadings under Rule 86 of the Rules of Procedure and Evidence in February and March 2011, with the final day of closing arguments taking place on 11 March 2011. The Trial Chamber expects to issue a Judgement on the merits by December 2011.

13. The approved June 2010 Completion Strategy projected the completion of all trials and appeals by February 2012. However, the June 2010 Completion Strategy relied on the expectation that evidentiary proceedings in the Taylor trial would conclude in October 2010 and closing arguments would be made in December 2010. According to that time frame, a Judgement on the merits was expected in June 2011, with a Sentencing Judgement (if any) in August 2011 and an Appeals Judgement (if applicable) in February 2012. However, unforeseen developments in the Taylor judicial proceedings resulted in a shift in the milestones projected by the June 2010 Completion Strategy. At the time the Strategy was approved, the Court could not

¹ The *Prosecutor v. Fofana and Kondewa* (the Civil Defence Forces case), the *Prosecutor v. Sesay, Kallon and Gbao* (the Revolutionary United Front case) and the *Prosecutor v. Brima, Kamara and Kanu* (the Armed Forces Revolutionary Council case). The eight persons convicted by the Special Court are now serving their sentences in Mpaga Prison in Rwanda.

have predicted the number of witnesses, including rebuttal witnesses, or the length of witness testimony. Owing to lengthy examination in chief and cross-examination of defence witnesses, as well as the examination of rebuttal witnesses under Rule 85 of the Rules of Procedure and Evidence, the evidentiary proceedings did not conclude until November 2010, marking the first shift in the projected milestones. Consequently, the Chamber ordered that closing arguments would take place on 8 February 2011.

14. Further developments which could not have been foreseen at the time the June 2010 Completion Strategy was approved included the late filing by the defence of the closing trial brief and various ensuing motions related to the Trial Chamber's majority decision not to accept the late trial brief. The adjudication of various defence motions further affected the date of closing arguments, resulting in additional delay. Consequently, the defence presented its closing arguments on 8 and 9 March 2011, two and a half months later than what was projected in the approved Completion Strategy. Closing arguments ended on 11 March 2011. All of these complications made it impossible to meet the milestones previously projected for the Judgement on the merits and any subsequent judgements that may have been applicable.

15. The aforementioned developments and unexpected judicial events impacted the previously established judicial milestones. These changes prompted the Special Court judges at the 15th Plenary, held in May 2011, to review the June 2010 Completion Strategy and establish new milestones. As mentioned above, closing arguments in the Taylor trial did not conclude in December 2010, as projected in the approved Completion Strategy, but on 11 March 2011. Consequently, Trial Chamber II expects to issue a Judgement on the merits in December 2011, rather than the previously anticipated June 2011 milestone, and a Sentencing Judgement (if any) would follow six to eight weeks later, approximately. Based on the new milestones and the expectation that an appeal proceeding will likely take six months starting from the delivery of a Sentencing Judgement, an Appeals Judgement (if applicable and marking the end of all proceedings) is now projected for July 2012, rather than February 2012. A prospective Appellate Judgement, however, is also subject to a number of highly probable delays, such as requests by the parties for extensions of time to file submissions and motions proposing additional evidence under Rule 115.

16. In addition, two unforeseen contempt cases, *Independent Counsel v. Senessie* and *Independent Counsel v. Bangura et. al.*, are ongoing before the Special Court. On 24 May 2011, by Orders in lieu of Indictments, Trial Chamber II charged five persons with contempt of the Special Court. Of the five accused persons convicted by the Special Court, two are currently serving their sentences in Mpanga Prison in Rwanda. On 15 July 2011, the initial appearances of all accused occurred in Freetown before Justice Teresa Doherty. The two convicted persons in Rwanda appeared via videoteleconference connecting the courtroom in Freetown to the videoteleconference facilities of the International Criminal Tribunal for Rwanda in Kigali. As four of the five accused pleaded not guilty to charges contained in the Orders in lieu of Indictments, the Court will move forward with trial. Videoteleconference remains an option for the trial proceedings in Bangura, but the Court is also exploring the possibility of conducting the Bangura trial on site in Rwanda, which would require movement of Court staff, counsel, the sitting judge and witnesses. Towards this end, the Court is in close contact with the International

Criminal Tribunal for Rwanda and the relevant Rwandan authorities. The contempt trials will be conducted in parallel with the ongoing Taylor proceedings.

17. As discussed in detail below, the Court has also made significant progress in preparing for its transition to the Residual Special Court for Sierra Leone. In August 2010, the United Nations and the Government of Sierra Leone signed an Agreement on the Establishment of a Residual Special Court for Sierra Leone, and the Registry is currently working with the United Nations Office of Legal Affairs, the Management Committee, the Government of Sierra Leone, the Government of the Netherlands and other stakeholders on the legal, financial and technical aspects of the establishment of the Residual Special Court for Sierra Leone. The Registry has also prepared the preliminary budget of the Residual Special Court for its set-up and first year of operation. As also detailed below, the Court has also commenced the liquidation of its remaining assets by transferring such assets to the Government of Sierra Leone.

IV. Financial position

18. As of 30 June 2011, the Special Court's fund balance of unrestricted contributions was \$527,375. From 1 January to 30 June 2011, the Management Committee and senior officials of the Court engaged in fund-raising activities, the result of which secured \$4,815,934. The shift in milestones mentioned in paragraphs 14 to 16 of the present report had budgetary implications that necessitated the revision of the 2011 and 2012 budgets. The previous approved budget for 2011 was forecast at \$12,290,500. However, owing to the unforeseen shifts in milestones, the revised approved 2011 budget of the Special Court has increased by \$3,722,900. Therefore, a total of \$16,013,400 is now required for operations in 2011, which is adequately covered by the approved subvention and total voluntary contributions received for 2011.

19. The previous approved budget for 2012 was \$2,356,750. The revised approved budget for 2012 is \$9,066,400, which represents an increase of \$6,709,650 over the previously approved amount. However, despite continued fund-raising efforts, the Special Court does not have any pledges or contributions for 2012.

20. The Court understands that any subvention grant approved by the General Assembly would be disbursed by the United Nations to the Special Court on an incremental basis through the mechanism of the Controller effecting transfers to the Registrar. The Registrar, as an appointee of the Secretary-General, would be required, in this regard, to provide the Controller with monthly statements of all expenditures and income of the Special Court. The existing arrangements whereby the Court contracts with the Office of Internal Oversight Services for internal audits, and with the Auditor-General of South Africa for external audit services, would remain in place.

21. Information on resource requirements by component and object of expenditure and the staffing requirements of the Special Court are set out in annexes I through III to the present report.

V. Residual and legacy activities

A. Residual activities

22. After the closure of the Court in 2012, a residual mechanism — the Residual Special Court for Sierra Leone — will manage the residual functions of the Court. In August 2010, the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone was finalized. The Statute of the Residual Special Court enumerates the residual functions and also guarantees continuity of the Court's jurisdiction, rights and obligations. In coordination with the Management Committee, the Office of Legal Affairs and other relevant stakeholders, the Court's Registry is managing the legal, budgetary and logistical tasks that are an integral part of the set-up of the Residual Special Court for Sierra Leone and the effective transition of the Court to the residual mechanism in 2012.

23. The residual functions can be broadly divided into two categories: "ongoing functions", requiring day-to-day management, and "ad hoc functions", which may be required from time to time, or may, in practice, never be required at all. The Residual Special Court will carry out the following residual functions: maintenance, preservation and management of the Court's archives; continued provision of protection and support to witnesses and victims; provision of assistance to national prosecution authorities by managing requests for evidence and information; adjudication of contempt proceedings; supervision of the enforcement of prison sentences; review of convictions and acquittals; provision of defence counsel and legal aid for proceedings before the Residual Special Court; management of requests from national authorities with respect to claims for compensation; and prevention of double jeopardy. The Residual Special Court shall also have the power to prosecute the remaining fugitive, Johnny Paul Koroma, if his case is not referred to a competent national jurisdiction.

24. Pursuant to article 6 of the Residual Special Court for Sierra Leone Agreement, the Residual Special Court shall carry out its functions at an interim seat in the Hague, with a branch or sub-office in Freetown for witness protection and support and coordination of defence issues, until such time as the United Nations and the Government of Sierra Leone agree otherwise. In both locations, the Residual Special Court will share an administrative platform with another organization. In the Hague, the Court has entered into negotiations with three institutions in contemplation of sharing space. In Freetown, the Court is investigating the possibility of sharing an administrative platform with a United Nations agency. The host institution would provide such key services as office space, security, procurement, finance, information technology and facilities management.

25. Ongoing functions will be managed by the personnel in both offices. If any of the ad hoc functions trigger, all the necessary arrangements will be made to convene the Residual Special Court. Pursuant to article 15 of the Residual Special Court for Sierra Leone Statute, the Secretary-General, in consultation with the President of the Residual Special Court for Sierra Leone, shall appoint a Registrar. The Registrar shall be based permanently at the seat of the Residual Special Court and shall be responsible for the administration of the Residual Special Court and all financial resources. The Residual Special Court shall consist of seven permanent staff: four in

the Hague (Registrar, Prosecution Legal Adviser/Evidence Officer, Information/Archiving Officer and Office Manager) and three in Freetown (two Witness Protection and Support Officers and one Defence Officer). In addition, articles 11 to 14 of the Residual Special Court Statute provide for remote personnel to be remunerated on a solely pro rata basis. Such personnel would include a roster of judges, President, Prosecutor and Trial Chambers staff.

26. The Residual Special Court shall also have an oversight committee to assist in obtaining adequate funding and to provide advice and policy direction on all non-judicial aspects of its operations. The oversight committee shall consist of the United Nations, the Government of Sierra Leone and significant contributors to the Residual Special Court. The expenses of the Residual Special Court shall be borne by voluntary contributions.

27. Rather than recruit additional staff or consultants to effect the set-up and transition to the Residual Special Court, the legal, technical and logistical work required to ensure the establishment of the Residual Special Court and its transition to the residual mechanism in July 2012, is being done by existing personnel, in addition to their regular duties.

Transfer of Johnny Paul Koroma Case (indictée at large)

28. The Court has one fugitive indictée at large, Johnny Paul Koroma. The Prosecutor is currently negotiating the transfer of the Koroma case to a State that has jurisdiction and is willing and adequately prepared to accept the case.

Archiving

29. The Court is making all efforts to complete its mandate in a timely fashion in order to facilitate a smooth transfer of its facilities to the Government of Sierra Leone and an expeditious transition to the Residual Special Court for Sierra Leone. The Court successfully relocated its evidence and the original set of the records of the three completed trials to the Hague in December 2010 with the assistance of the Government of the Netherlands. The records are housed in the Dutch National Archive. Court personnel in Freetown and the Hague sub-offices are now working towards two critical milestones. First, the preparation of two sets of the Special Court archives, one (the original records) which will be located with the Residual Special Court, and the other (copies of the original public records) which will be transferred to the Government of Sierra Leone in accordance with article 7 of the Residual Special Court Agreement. Second, in accordance with article 7 of the Residual Special Court Statute, stating that electronic access to, and printed copies of, the public archives shall be available to the public in Sierra Leone, the preparation of the copy of the set of public records for the Government of Sierra Leone is ongoing in Freetown and is supported by the Court Management Section (paper records) and staff from the Communications and Information Technology Unit (electronic records). The digitization of all the audio-visual records of the completed trials is ongoing, and the task is managed by existing personnel in addition to their regular duties. Also, in preparation for the transition of the Special Court to the Residual Special Court, the Registry, in coordination with the Office of Legal Affairs and the other organs of the Special Court, is coordinating the preparation of the information, security and access policies for the archives of the Residual Special Court archives.

Witness protection

30. It is important to note that the majority of witnesses who testified before the Special Court live in Sierra Leone. Therefore, the Court continues to pursue the establishment of a national witness protection unit within the Sierra Leone Police. This unit will serve as an effective and reliable mechanism to assist the Court and meet its long-term post-trial statutory obligations towards witnesses. It will also provide protection and assistance to witnesses in national cases involving organized crime, corruption and gender-based violence, and wherever else appropriate. In addition, the Court has worked closely with the Sierra Leone Police on a number of cases requiring witness protection services. This has provided further practical experience for the Sierra Leone Police Officers trained in 2009 as part of the Court's residual and legacy activities.

B. Legacy activities

31. Legacy activities of the Special Court include the establishment of a Peace Museum and a Virtual Tribunal.

Peace Museum

32. The Peace Museum project began in March 2011 and will establish a Peace Museum on the site of the Special Court. The Museum was originally proposed by the Government of Sierra Leone in 2009 as one of the future uses of the site, and will be housed in the Special Court Security Building. It will consist of an exhibition narrating the history of the conflict in Sierra Leone and the efforts made to bring about peace; a memorial to honour the suffering of the war's victims; and an archive of war and peace-related materials. The archive will include a set of the Special Court's public records, the archives of the Truth and Reconciliation Commission and those of the National Commission for Disarmament, Demobilization and Reintegration, among other relevant records. The Museum will be an excellent historical resource on Sierra Leone's conflict and peace process.

33. The project is funded by the United Nations Peacebuilding Fund and is overseen by the Office of the United Nations High Commissioner for Human Rights. The Special Court is responsible for the implementation of the project. However, as the Peace Museum will be an independent national institution, the role of the Special Court is limited to coordinating the design of the Museum. Decisions about the Museum's content and management are being made by a committee of relevant national stakeholders, including the Office of the Attorney General, the Human Rights Commission and other representatives of the Government of Sierra Leone, independent national organizations and members of civil society. By placing responsibility for its design with these national bodies, the Museum will be a truly Sierra Leonean institution and a fitting legacy of the Special Court.

Virtual tribunal

34. The Special Court is exploring the possibility of collaborating with the University of California at Berkeley to create a "virtual tribunal" for the Special Court for Sierra Leone. The virtual tribunal aims to make available in real time the video record of trials, trial transcripts and documentation, interviews and commentary. The Special Court will be one of the virtual tribunal's pilot collections

and will feature the Court's records and trial footage. Through web-based availability of the collection, in addition to virtual tribunal "learning centres" in key Sierra Leonean locations, such as schools and universities or even the Peace Museum, the project will hopefully make the legacy of the Special Court accessible to a wide audience. The Special Court is currently in negotiations with the University of California at Berkeley regarding the drafting of a memorandum of understanding.

C. Liquidation of the Court's assets

35. Article 12 of the Residual Special Court Agreement, which governs the Practical Arrangements, states that

"appropriate arrangements shall be made to ensure that there is a coordinated transition from the activities of the Special Court to the activities of the Residual Special Court. Priority shall be given to the needs of the Residual Special Court in the liquidation of the assets of the Special Court, after which the assets shall be disposed of to the Government of Sierra Leone in accordance with the liquidation policy of the Special Court".

36. The Court has made significant progress in its liquidation. The Management Committee approved the Court's liquidation policy in June 2010 and an addendum to the liquidation policy in February 2011. Since then, the Court has concluded identification and verification of assets. The 2010 audits of accounts and assets, conducted by the Auditor-General of South Africa and the Office of Internal Oversight Services, are now complete. In 2009, following the transfer of persons convicted by the Special Court to serve their sentences in Rwanda, the Court transferred its detention facility to the National Prison Service to house female inmates. With the departure of the United Nations Mongolian Guard Force and the drastic downsizing of personnel that has taken place in the past two years, the Court is now occupying only one third of the original site. Two thirds of the site has been vacated to be transferred to the Government of Sierra Leone. As a result, the Court's fuel consumption has decreased by approximately two thirds. Witness safe houses in Freetown, Liberia and the Hague have been closed. The Court is working with the Government of Sierra Leone and other stakeholders to convert the Security Building to a Peace Museum, which will likely house the Court's library and the copy set of its archives that will remain in Sierra Leone. Nevertheless, a small part of the Court site will be needed until the delivery of the Appeals Judgement in the Taylor trial in order to provide administrative and operational support to the parties and the Chambers as required; to respond to post-testimony witness protection needs and to assist in setting up the residual witness protection unit; and to meet the Security Council resolution requirement of making the Taylor trial accessible to the subregion. The site can now be shared with the Government of Sierra Leone, with the Special Court's skeletal staff remaining in the judicial and legal services division and the administrative secretariat. A phased liquidation of the Court's moveable assets, not needed for current operations, is in progress.

VI. Conclusion and recommendation

37. The Secretary-General seeks the approval of the General Assembly for funding of up to \$9,066,400 for the Special Court for Sierra Leone to enable it to complete its mandate.

38. Should the General Assembly decide to approve such support for the Special Court, the Assembly may wish:

(a) To approve a subvention in the amount of \$9,066,400 for the period from 1 January through 31 July 2012 for the Special Court for Sierra Leone, to be charged against the provisions for special political missions under section 3, Political affairs, of the proposed programme budget for the biennium 2012-2013;

(b) To request the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the subvention during the biennium 2012-2013 and the status of voluntary contributions for the Special Court.

Annex I

Availability of funds for the Special Court for Sierra Leone as at 31 October 2011 and expenditures as at 31 October 2011

(United States dollars)

A. Income as at 31 October 2011			Total
Cash balance brought forward as at 1 January 2011			2 671 664
Contribution received from 1 January to 31 October 2011			4 815 934
Contributions anticipated and pledges November to December 2011			—
Restricted contribution			—
Subvention received/used			8 525 802
Subtotal (A)			16 013 400
B. Expenditure as at 31 October 2011			
<i>Current year</i>	<i>Disbursement</i>	<i>Obligation</i>	<i>Total expenditure</i>
January	898 326	726 155	1 624 481
February	1 007 929	313 159	1 321 088
March	1 207 314	(20 114)	1 187 200
April	881 392	(3 188)	878 204
May	996 360	96 383	1 092 743
June	1 293 762	37 293	1 331 055
July	1 101 282	(166 293)	934 989
August	1 005 337	4 497	1 009 834
September	1 103 785	67 099	1 170 884
October	1 364 585	64 970	1 429 555
Subtotal (B)	10 860 072	1 119 961	11 980 033

Annex II

Requirements by component and object of expenditure

Table 1
Requirements by component
 (United States dollars)

	<i>Actual expenditure (1 November- 31 December 2010)</i>	<i>Previously estimated requirements (1 January- 31 December 2011)</i>	<i>Revised estimated requirements (1 January- 31 December 2011)</i>	<i>Estimated requirements (1 January- 31 July 2012)</i>	<i>Total budget</i>
<i>Component</i>	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e = (a+c+d)</i>
1. The Chambers	314 820	2 916 256	3 223 000	1 579 800	5 117 620
2. The Office of the Prosecutor	45 052	1 829 200	2 056 600	1 038 700	3 140 352
3. The Registry	4 547 419	7 545 044	9 971 300	6 016 200	20 534 919
4. Contingency			762 500	431 700	1 194 200
Total	4 907 291	12 290 500	16 013 400	9 066 400	29 987 091
Less pledges and contributions	(5 088 405)	(1 233 045)	(4 815 934)	—	—
Less available cash as at 1 January 2011			(2 671 664)		
Less amount of subvention used	—		(8 525 802)		—
Total	(181 114)	11 057 455	—	9 066 400	29 987 091

Table 2
Requirements by object of expenditure
 (United States dollars)

	<i>Actual expenditure (1 November- 31 December 2010)</i>	<i>Previously estimated requirements (1 January- 31 December 2011)</i>	<i>Revised estimated requirements (1 January- 31 December 2011)</i>	<i>Estimated requirements (1 January- 31 July 2012)</i>	<i>Total budget</i>
<i>Object of expenditure</i>	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e = (a+c+d)</i>
Posts (gross)	1 869 650	6 513 400	7 373 800	4 466 900	13 710 350
Temporary posts	254 374	354 200	763 700	444 200	1 462 274
Compensation to judges	314 820	2 006 600	2 024 800	943 800	3 283 420
Consultants and experts	69 321	74 700	326 400	104 400	500 121
Witness costs	65 192	—	50 000	20 900	136 092
Travel of witnesses	75 291	—	7 500	2 500	85 291
Travel	74 402	213 600	469 900	170 400	714 702
Contractual services	618 400	971 000	1 160 400	815 500	2 594 300
General operating expenses	450 010	1 421 300	1 736 000	1 249 000	3 435 010
Hospitality and outreach	344	44 400	46 400	33 100	79 844
Supplies and materials	389 284	496 300	631 200	284 000	1 304 484

<i>Object of expenditure</i>	<i>Actual expenditure (1 November- 31 December 2010)</i>	<i>Previously estimated requirements (1 January- 31 December 2011)</i>	<i>Revised estimated requirements (1 January- 31 December 2011)</i>	<i>Estimated requirements (1 January- 31 July 2012)</i>	<i>Total budget</i>
	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e = (a+c+d)</i>
Acquisition of furniture and equipment	26 203	45 000	510 800	—	537 003
Tax liability	700 000	150 000	150 000	100 000	950 000
Contingency	—		762 500	431 700	1 194 200
Total	4 907 291	12 290 500	16 013 400	9 066 400	29 987 091
Less pledges and contributions	(5 088 405)	(1 233 045)	(4 815 934)	—	—
Less available cash as at 1 January 2011			(2 671 664)		
Less subvention used/sought	—		(8 525 802)		—
Total	(181 114)	11 057 455	—	9 066 400	29 987 091

Annex III

Post requirements and drawdown staffing plan

Table 1
Post requirements as at 1 November 2011

<i>Category</i>	
Professional and above	
Judges (USG level)	9
USG	1
ASG	2
D-2	1
D-1	2
P-5	3
P-4	10
P-3	22
P-2/1	14
Subtotal	64
General Service and other	
Principal level	—
Local level	25
Field Service	8
National Professional Officer	14
Subtotal	47
Total	111

Table 2
Post requirements and drawdown (November 2010-July 2012)

	<i>Professional category and above</i>									<i>General Service and related categories</i>			<i>National staff</i>			<i>Total</i>
	<i>USG</i>	<i>ASG</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2/ P-1</i>	<i>Subtotal</i>	<i>Field/ Security Service</i>	<i>General Service</i>	<i>Total inter-national</i>	<i>National Professional Officer</i>	<i>Local level</i>		
1 November to 31 December 2010	10	2	1	2	3	10	22	14	64	8	—	72	14	25	111	
1 to 31 January 2011	10	1	1	2	3	9	20	14	60	8	—	68	16	18	102	
1 to 28 February 2011	10	1	1	2	3	9	19	14	59	8	—	67	16	18	101	
1 to 31 March 2011	10	1	1	2	3	9	18	14	58	8	—	66	16	18	100	
1 April to 30 June 2011	10	1	1	2	3	9	18	14	58	8	—	66	15	14	95	
1 to 31 August 2011	11	1	1	2	3	9	18	13	58	8	—	66	15	12	93	
1 to 31 October 2011	11	1	1	2	3	9	17	13	57	4	—	61	14	12	87	
1 November to 31 December 2011	7	1	1	2	3	7	15	10	46	2	—	48	10	8	66	
1 January to 29 February 2012	7	1	1	2	3	7	15	11	47	7	—	54	15	19	88	
1 to 31 March 2012	7	1	1	2	3	7	15	11	47	4	—	51	15	19	85	
1 to 30 April 2012	7	1	0	1	2	5	14	10	40	4	—	44	15	18	77	
1 May to 31 July 2012	7	1	0	1	2	5	14	10	40	4	—	44	14	17	75	