

**Sixty-eighth session**

Agenda item 145

**Financing of the International Tribunal for the Prosecution
of Persons Responsible for Serious Violations of International
Humanitarian Law Committed in the Territory of the
Former Yugoslavia since 1991****Second performance report on the budget of the
International Tribunal for the Former Yugoslavia for the
biennium 2012-2013****Report of the Secretary-General***Summary*

The second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2012-2013 is submitted pursuant to General Assembly resolution [67/243](#). The report provides an estimate of the anticipated final level of expenditure for the biennium 2012-2013, taking into account changes in parameters for inflation and exchange rates and cost-of-living adjustments vis-à-vis the assumptions made in the first performance report ([A/67/595](#)), which was reviewed by the Assembly at its sixty-seventh session and which formed the basis for the revised appropriation for the biennium.

The revised requirements reflect a decrease of \$4,074,200 gross (\$4,476,100 net) compared with the revised appropriation for the biennium 2012-2013. The decrease is the result of the net effect of an increase due to exchange rate fluctuations (\$1,717,700 gross (\$1,758,400 net)) and an increase resulting from the effect of inflation (\$3,576,600 gross (\$3,043,200 net)), partly offset by a decrease in post incumbency and other changes (\$9,368,500 gross (\$9,277,700 net)).

The General Assembly is requested to revise the appropriation for 2012-2013 to the Special Account for the International Tribunal for the Former Yugoslavia to \$278,993,500 gross (\$247,260,800 net).



I. Introduction

1. The purpose of the present second performance report on the budget of the International Tribunal for the Former Yugoslavia is to provide an estimate of the final level of resources required for the biennium 2012-2013. The estimate is based on actual expenditures for the first 19 months of the biennium, projected requirements for the last 5 months and changes in inflation and exchange rates and cost-of-living adjustments compared with the assumptions made in the first performance report (A/67/595), which was reviewed by the General Assembly at its sixty-seventh session and which formed the basis for the revised appropriation for the biennium 2012-2013.

2. The activities of the International Tribunal are predominantly trial based, and most of the requirements are therefore linked to the pace of trial activities.

II. Explanation of the changes in expenditure requirements

3. The estimates in the present report reflect a decrease of \$4,074,200 gross (\$4,476,100 net) compared with the revised appropriation approved by the General Assembly in its resolution 67/243. The distribution of the projected changes and the proposed final appropriation for the International Tribunal for the biennium 2012-2013 are set out in tables 1 and 2 below.

Table 1
Projected changes and proposed final appropriation by component

(Thousands of United States dollars)

<i>Component</i>	<i>Revised 2012-2013 appropriation</i>	<i>Rate of exchange</i>	<i>Projected changes</i>		<i>Total</i>	<i>Proposed 2012-2013 final appropriation</i>
			<i>Inflation</i>	<i>Post incumbency and other changes</i>		
Expenditure						
Chambers	12 007.5	29.5	(123.4)	1 226.1	1 132.2	13 139.7
Office of the Prosecutor	58 256.7	171.7	830.8	2 940.6	3 943.1	62 199.8
Registry	210 174.3	1 502.9	2 856.6	(12 316.4)	(7 956.9)	202 217.4
Records management and archives	2 629.2	13.6	12.6	(1 218.8)	(1 192.6)	1 436.6
Total expenditure (gross)	283 067.7	1 717.7	3 576.6	(9 368.5)	(4 074.2)	278 993.5
Income						
Staff assessment	31 031.3	(40.7)	533.4	–	492.7	31 524.0
Other income	299.5	–	–	(90.8)	(90.8)	208.7
Total requirements (net)	251 736.9	1 758.4	3 043.2	(9 277.7)	(4 476.1)	247 260.8

Table 2
Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Projected changes			Total	Proposed 2012-2013 final appropriation
		Rate of exchange	Inflation	Post incumbency and other changes		
Expenditure						
Posts	110 509.4	(75.2)	2 357.9	2 592.6	4 875.3	115 384.7
Other staff costs	54 203.7	643.2	307.9	3 292.0	4 243.1	58 446.8
Salaries and allowances of judges	11 795.6	29.0	(123.0)	1 266.5	1 172.5	12 968.1
Consultants	463.9	5.7	2.8	(82.0)	(73.5)	390.4
Experts	247.6	4.2	1.8	(84.3)	(78.3)	169.3
Travel of staff	4 107.9	–	(13.2)	(685.7)	(698.9)	3 409.0
Contractual services	39 667.9	669.8	293.9	(10 682.4)	(9 718.7)	29 949.2
General operating expenses	26 453.4	421.8	187.3	(4 175.2)	(3 566.1)	22 887.3
Hospitality	16.5	0.3	0.1	–	0.4	16.9
Supplies and materials	1 515.5	24.6	11.1	(366.6)	(330.9)	1 184.6
Furniture and equipment	2 653.5	27.1	13.3	(423.9)	(383.5)	2 270.0
Improvement of premises	351.5	7.9	3.3	–	11.2	362.7
Grants and contributions	50.0	–	–	(19.5)	(19.5)	30.5
Staff assessment	31 031.3	(40.7)	533.4	–	492.7	31 524.0
Total expenditure (gross)	283 067.7	1 717.7	3 576.6	(9 368.5)	(4 074.2)	278 993.5
Income						
Staff assessment	31 031.3	(40.7)	533.4	–	492.7	31 524.0
Other income	299.5	–	–	(90.8)	(90.8)	208.7
Total requirements (net)	251 736.9	1 758.4	3 043.2	(9 277.7)	(4 476.1)	247 260.8

A. Variations in budgetary assumptions

Rates of exchange and inflation (increase: \$5,294,300)

4. The increase in this category is attributable to the impact of exchange rate fluctuations (\$1,717,700) and to increased requirements for inflation (\$3,576,600). Adjustments for posts resources for 2013 are based on actual experience during the year as compared with those rates of exchange and inflation approved in the revised appropriation for 2010-2011. For 2012, the adjustments are based on the actual experience for 2012 as compared with those rates of exchange and inflation approved in the revised appropriation for 2012-2013, which include projections for the last two months of 2012. For non-post requirements, adjustments are based on actual experience thus far in the biennium as compared with those approved in the revised appropriation for 2012-2013.

5. In estimating the effect of exchange rate fluctuations experienced in 2013, the rates realized from January to October, with the October 2013 rate applied to

November and December, have been used in the present report. The increased requirements under exchange rates reflect the weakening of the dollar vis-à-vis the euro. Details of the assumptions are outlined in annex I to the present report.

6. With regard to inflation, the adjustments are based on the latest information available on consumer price indices, as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional category and above and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories as compared with the assumptions made in the revised appropriations.

B. Post incumbency and other changes

7. Changes reflected under the column headed "Post incumbency and other changes" in tables 3 to 6 are explained below.

Chambers

Table 3

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Rate of exchange	Projected changes		Total	Proposed 2012-2013 final appropriation
			Inflation	Post incumbency and other changes		
Salaries and allowances of judges	11 795.6	29.0	(123.0)	1 266.5	1 172.5	12 968.1
Consultants	27.6	0.5	0.2	–	0.7	28.3
Travel of staff	184.3	–	(0.6)	(40.4)	(41.0)	143.3
Total requirements	12 007.5	29.5	(123.4)	1 226.1	1 132.2	13 139.7

Salaries and allowances of judges (increase: \$1,266,500)

8. The increase is attributable to delays in the completion dates of trials, which resulted in the extension in the period of service of six ad litem judges from the 45-month period originally planned to the 95-month period actually worked during the biennium. This resulted in an increase under honorariums as well as under pension obligations due to the payment of the one-time ex gratia lump sum to ad litem judges upon separation from the Tribunal.

Travel of staff (decrease: \$40,400)

9. The decrease is mainly attributable to the combining of the travel expenses of members of the Tribunal and the International Residual Mechanism for Criminal Tribunals and the sharing of that cost between the two bodies.

Office of the Prosecutor

Table 4

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Rate of exchange	Projected changes		Total	Proposed 2012-2013 final appropriation
			Inflation	Post incumbency and other changes		
Expenditure						
Posts	27 182.1	(18.8)	567.6	460.5	1 009.3	28 191.4
Other staff costs	20 958.9	200.4	102.4	2 488.6	2 791.4	23 750.3
Consultants	295.7	4.0	1.9	(55.6)	(49.7)	246.0
Travel of staff	584.6	–	(0.9)	103.6	102.7	687.3
Contractual services	72.0	1.4	0.6	(56.5)	(54.5)	17.5
Staff assessment	05	(15.3)	159.2	–	143.9	9 307.3
Total expenditure (gross)	58 256.7	171.7	830.8	2 940.6	3 943.1	62 199.8
Income						
Staff assessment	9 163.4	(15.3)	159.2	–	143.9	9 307.3
Total requirements (net)	49 093.3	187.0	671.6	2 940.6	3 799.2	52 892.5

Posts (increase: \$460,500)

10. The increase reflects the net effect of decreased requirements under salaries (\$105,000) and increased requirements under common staff costs (\$565,500). The decreased requirements under salaries are due to the fact that the salaries of the incumbents of the positions were, on average, lower than the standard salary costs during the biennium 2012-2013. The budgetary assumptions included a vacancy rate of 8.8 per cent in 2012 and 9.5 per cent in 2013 for the Professional category and above and 0.2 per cent in 2012 and 7.9 per cent in 2013 for the General Service and related categories. During 2012, the average vacancy rates were 7.0 per cent for Professional posts and zero per cent for General Service posts. For the period from January to September 2013, the average vacancy rates were 3.0 per cent for Professional posts and 0.1 per cent for General Service posts. At the end of September 2013, a total of two posts (2 Professional) remained unencumbered, reflecting actual vacancy rates of 2.4 per cent for Professional posts and zero per cent for General Service posts. The increased requirements under common staff costs relate to higher-than-budgeted payments for installation/repatriation travel and allowances, generating a higher rate of actual common staff costs than budgeted.

Other staff costs (increase: \$2,488,600)

11. The increase, which is based on the pattern of expenditure for general temporary assistance positions, is mainly due to a lower-than-budgeted vacancy rate. The budgetary assumptions included a vacancy rate of 8.8 per cent in 2012 and 9.5 per cent in 2013 for the Professional category and above and 0.2 per cent in 2012 and 7.9 per cent in 2013 for the General Service and related categories. During

2012, the average vacancy rates for general temporary assistance positions were 7.9 per cent for Professional posts and 1.9 per cent for General Service posts. For the period from January to September 2013, the average vacancy rates were 2.1 per cent for Professional posts and 0.3 per cent for General Service posts.

Consultants (decrease: \$55,600)

12. The decrease is due to movements in the estimated completion dates of trials, which led to reduced requirements in the number of consultancies. Consultants assist the investigators and analysts in identifying key elements of a case, conduct research and prepare reports on which testimony can be based.

Travel of staff (increase: \$103,600)

13. The increase relates mainly to travel associated with the retrial in the *Haradinaj* case, for which no provisions were made in the budget. The case involved significant additional travel for the purpose of hearing witness testimony and additional missions for the purpose of converting statements into rule 92 bis statements for use in court proceedings.

Contractual services (decrease: \$56,500)

14. The decrease is mainly due to the organization of joint training sessions with other bodies, including the International Criminal Tribunal for Rwanda or the International Criminal Court, which reduced costs for each body.

Registry

Table 5

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

<i>Object of expenditure</i>	<i>Revised 2012-2013 appropriation</i>	<i>Rate of exchange</i>	<i>Projected changes</i>			<i>Total</i>	<i>Proposed 2012-2013 final appropriation</i>
			<i>Inflation</i>	<i>Post incumbency and other changes</i>			
Expenditure							
Posts	83 327.3	(56.4)	1 790.3	2 132.1	3 866.0	87 193.3	
Other staff costs	32 458.8	435.7	201.8	916.2	1 553.7	34 012.5	
Consultants	64.4	1.1	0.5	–	1.6	66.0	
Experts	247.6	4.2	1.8	(84.3)	(78.3)	169.3	
Travel of staff	3 339.0	–	(11.7)	(748.9)	(760.6)	2 578.4	
Contractual services	38 941.5	663.2	290.4	(9 970.2)	(9 016.6)	29 924.9	
General operating expenses	26 453.4	421.8	187.3	(4 175.2)	(3 566.1)	22 887.3	
Hospitality	16.5	0.3	0.1	–	0.4	16.9	
Supplies and materials	1 515.5	24.6	11.1	(366.6)	(330.9)	1 184.6	
Furniture and equipment	1 728.7	26.0	11.4	–	37.4	1 766.1	
Improvement of premises	351.5	7.9	3.3	–	11.2	362.7	

<i>Object of expenditure</i>	<i>Revised 2012-2013 appropriation</i>	<i>Rate of exchange</i>	<i>Projected changes</i>			<i>Total</i>	<i>Proposed 2012-2013 final appropriation</i>
			<i>Inflation</i>	<i>Post incumbency and other changes</i>			
Grants and contributions	50.0	–	–	(19.5)	(19.5)	30.5	
Staff assessment	21 680.1	(25.5)	370.3	–	344.8	22 024.9	
Total expenditure (gross)	210 174.3	1 502.9	2 856.6	(12 316.4)	(7 956.9)	202 217.4	
Income							
Staff assessment	21 680.1	(25.5)	370.3	–	344.8	22 024.9	
Other income	299.5	–	–	(90.8)	(90.8)	208.7	
Total requirements (net)	188 194.7	1 528.4	2 486.3	(12 225.6)	(8 210.9)	179 983.8	

Posts (increase: \$2,132,100)

15. The increase reflects the net effect of increased requirements under salaries (\$2,153,900) and slightly decreased requirements under common staff costs (\$21,800). The increased requirements under salaries are due to the lower-than-budgeted vacancy rate during the biennium 2012-2013. The budgetary assumptions included a vacancy rate of 8.8 per cent in 2012 and 9.5 per cent in 2013 for the Professional category and above and 0.2 per cent in 2012 and 7.9 per cent in 2013 for the General Service and related categories. During 2012, the average vacancy rates were 8.3 per cent for Professional posts and 0.3 per cent for General Service posts. For the period from January to September 2013, the average vacancy rates were 3.8 per cent for Professional posts and 0.4 per cent for General Service posts. At the end of September 2013, a total of nine posts (6 Professional and 3 General Service) remained unencumbered, reflecting actual vacancy rates of 3.4 per cent for Professional posts and 1.2 per cent for General Service posts.

Other staff costs (increase: \$916,200)

16. The increase is the net effect of increased requirement under general temporary assistance positions (\$2,246,300), partly offset by reduced requirements under interpretation (\$1,050,100) and overtime (\$199,600). The increase under general temporary assistance positions is based on the pattern of expenditure and is mainly due to a lower-than-budgeted vacancy rate. The budgetary assumptions included a vacancy rate of 8.8 per cent in 2012 and 9.5 per cent in 2013 for the Professional category and above and 0.2 per cent in 2012 and 7.9 per cent in 2013 for the General Service and related categories. During 2012, the average vacancy rates for general temporary assistance positions were 8.1 per cent for Professional posts and 1.6 per cent for General Service posts. For the period from January to September 2013, the average vacancy rates were 6.2 per cent for Professional posts and 1.9 per cent for General Service posts. The decrease under interpretation is mainly attributable to delays in the trial schedule due to the statutory time frames of the rules of procedure and evidence as well as to factors beyond the Tribunal's control, which have had a consequential impact on courtroom utilization and hearing time and led to lower requirements for interpretation. The decrease in overtime has been achieved through continual and rigorous monitoring of requests for overtime during the biennium.

Experts (decrease: \$84,300)

17. The decrease is due to movements in the estimated completion dates of trials, which resulted in a lower-than-budgeted number of expert witnesses called to testify before the courts.

Travel of staff (decrease: \$748,900)

18. The decrease is mainly due to movements in the estimated completion dates of trials as a result of trial postponement and other factors affecting judicial activity, which led to a reduction in the number of witnesses and accompanying dependents travelling to The Hague during the biennium.

Contractual services (decrease: \$9,970,200)

19. The decrease is mainly attributable to reduced requirements for defence counsel fees (\$5,823,000) and for contractual verbatim reporting (\$3,373,200). The decrease under defence counsel fees is due to several changes in the scheduling of trials, including the temporary suspension of ongoing trials and appeals, delays in the commencement of trials, changes in the assumptions regarding self-representation and a lower-than-budgeted number of contempt cases during the biennium. The *Prlić et al.* case (a multiple accused, level-3 case), which has been dormant for a period of time, resulted in savings under defence fees and travel. Furthermore, the majority of the anticipated appeal activity following the trial judgement in this case has been deferred until the issuance of the English translation of the judgement, which is expected in 2014. In the *Mladić* case, while the projected costs included imposed counsel, subsequent developments have not led to the imposition of counsel. Finally, funds budgeted in accordance with decisions of the Trial Chambers and Appeals Chamber for a self-represented accused have not been claimed. The decrease under contractual verbatim reporting is mainly the result of the delay or postponement of proceedings, which had a consequential impact on courtroom utilization and hearing time and led to lower requirements for court reporting services in both English and French.

General operating expenses (decrease: \$4,175,200)

20. The decrease is mainly due to reduced requirements under rental of premises (\$2,335,400), miscellaneous services (\$927,900), communications (\$316,400), maintenance of communications equipment (\$168,700) and maintenance of data-processing equipment (\$160,000). The decrease under rental of premises is mainly due to a lower-than-budgeted rent for the main building at The Hague as the result of the renegotiation of the lease as of 1 July 2012. The decrease under miscellaneous services is mainly due to savings under claims and medical services for witnesses owing to the lower-than-budgeted number of witnesses and their families. The decrease under communications is due to controls introduced by the Tribunal that resulted in a reduction in the number of telephone calls made as well as lower service costs as a result of the changing of telecommunications providers. The decrease under maintenance of communications equipment is mainly due to the use of spare PABX equipment, which was made available following the closure of the Zagreb field office, rather than acquiring new spare parts. The decrease under maintenance of data-processing equipment is mainly due to a reduction in the

maintenance charges for the Tribunal's storage area network in 2013, which was negotiated as part of a planned upgrade of the network.

Supplies and materials (decrease: \$366,600)

21. The decrease is mainly attributable to reduced requirements under stationery (\$145,600), public information supplies (\$112,500) and petrol, oil and lubricants (\$78,900). The decrease under stationery is due to the continued reduction in the consumption of copy paper as a result of using double-sided printing as the default setting on all multifunctional copiers and printers, as well as the introduction, in 2012, of the "scan-to-e-mail" option on newly acquired multifunctional copiers. The reduction under public information supplies relates to the postponed replacement of equipment in the audiovisual booth in the courtroom. The reduction under petrol, oil and lubricants is due to a higher than planned reduction in the vehicle fleet from the 69 budgeted vehicles to the 60 present at the end of 2012 and the 59 budgeted vehicles to the 54 present in 2013.

Grants and contributions (decrease: \$19,500)

22. The decrease is due to the reduction in the amount of the Tribunal's contribution to the Department of Safety and Security based on the pattern of expenditures.

Records management and archives

Table 6

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Revised 2012-2013 appropriation	Rate of exchange	Projected changes			Total	Proposed 2012-2013 final appropriation
			Inflation	Post incumbency and other changes			
Expenditure							
Other staff costs	786.0	7.1	3.7	(112.8)	(102.0)	684.0	
Consultants	76.2	0.1	0.2	(26.4)	(26.1)	50.1	
Contractual services	654.4	5.2	2.9	(655.7)	(647.6)	6.8	
Furniture and equipment	924.8	1.1	1.9	(423.9)	(420.9)	503.9	
Staff assessment	187.8	0.1	3.9	–	4.0	191.8	
Total expenditure (gross)	2 629.2	13.6	12.6	(1 218.8)	(1 192.6)	1 436.6	
Income							
Staff assessment	187.8	0.1	3.9	–	4.0	191.8	
Total requirements (net)	2 441.4	13.5	8.7	(1 218.8)	(1 196.6)	1 244.8	

Other staff costs (decrease: \$112,800)

23. The decrease is based on the pattern of expenditures for general temporary assistance positions.

Consultants (decrease: \$26,400)

24. The decrease is mainly due to a reduction in the cost of the three consultancies from the budgeted amount of \$25,000 each to the actual cost of \$16,000 each.

Contractual services (decrease: \$655,700)

25. The decrease is mainly due to the technical difficulties encountered in completing the design and implementation of digitization initiatives following the transition to the International Residual Mechanism for Criminal Tribunals in June 2012, which resulted in the need to postpone most of the planned digitization initiatives to the biennium 2014-2015.

Furniture and equipment (decrease: \$423,900)

26. The decrease is due to the technical difficulties described in paragraph 25 above, which resulted in the need to delay the acquisition of digitization equipment until the biennium 2014-2015, as well as to delays in the finalization of acquisitions related to the replacement of the Tribunal's storage area network.

III. Action to be taken by the General Assembly

27. The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2012-2013 of \$278,993,500 gross (\$247,260,800 net) to the Special Account for the International Tribunal for the Former Yugoslavia.

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

<i>Budget parameters</i>	<i>Estimates reflected in the first performance report</i>		<i>Proposed estimates for the final appropriation</i>	
	<i>2012</i>	<i>2013</i>	<i>2012</i>	<i>2013</i>
Rate of exchange (US\$ 1: €)	0.779	0.779 ^a	0.778	0.755
Rate of inflation (percentage)	2.6	2.0	2.8	2.8
Post adjustment multiplier at The Hague (percentage)	49.58	52.20 ^b	49.76	55.42

^a For 2013, estimates for posts were deferred and therefore the revised appropriation for posts for 2013 reflects the rate approved in the revised appropriation for 2010-2011, which is 0.753.

^b For 2013, estimates for posts were deferred and therefore the revised appropriation for 2013 reflects the rate approved in the revised appropriation for 2010-2011, which is 52.00.

Annex II

Trial activity during the biennium 2012-2013

1. The core work of the International Tribunal for the Former Yugoslavia is the completion of all trials and appeals. During the biennium, the Tribunal rendered 13 trial, appeal and contempt judgements. At the time of the preparation of the present report: all 161 indicted individuals had been accounted for; a total of 21 individuals were in appeal proceedings or had been granted extensions to file their notices of appeal; and four individuals were on trial.

Trial Chamber I

2. *Mladić* case: Ratko Mladić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The trial commenced on 16 May 2012; the pretrial conference was held on 24 April and 3 May 2012; and the prosecution presented its opening statement on 16 and 17 May 2012. The presentation of the prosecution's case commenced on 9 July 2012, and it is still in process. The judgement is expected in July 2016.

3. *Stanišić and Simatović* case: Jovica Stanišić and Franko Simatović are charged with five counts of crimes against humanity and violations of the laws or customs of war for acts allegedly committed in Croatia and Bosnia and Herzegovina between April 1991 and December 1995. The trial commenced on 28 April 2008 and the judgement was rendered on 30 May 2013. The Trial Chamber acquitted Jovica Stanišić and Franko Simatović on all counts in the indictment.

Trial Chamber II

4. *Goran Hadžić* case: Goran Hadžić is charged with 14 counts of crimes against humanity and violations of the laws or customs of war in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The trial commenced on 16 October 2012, and the judgement is expected in December 2015.

5. *Haradinaj et al.* case: Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj were charged with six counts of violations of the laws or customs of war for acts allegedly committed in Kosovo in 1998. The trial commenced on 18 August 2011 and the judgement was rendered on 29 November 2012. The Trial Chamber acquitted Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj on all counts in the indictment.

6. *Tolimir* case: Zdravko Tolimir is charged with eight counts of genocide, crimes against humanity and violations of the laws or customs of war for acts allegedly committed in Bosnia and Herzegovina in 1995. The trial commenced on 26 February 2010 and the judgement was rendered on 12 December 2012. The Trial Chamber found Zdravko Tolimir guilty of genocide, conspiracy to commit genocide, crimes against humanity and violation of the laws or customs of war. Tolimir was sentenced to life imprisonment.

7. *Stanišić and Župljanin* case: Mićo Stanišić and Stojan Župljanin are charged with 10 counts of crimes against humanity and violations of the laws or customs of war for acts allegedly committed in Bosnia and Herzegovina between April and December 1992. The trial commenced on 14 September 2009 and the judgement was rendered on 27 March 2013. The Trial Chamber found Mićo Stanišić and Stojan Župljanin guilty of crimes against humanity and violations of the laws or customs of war. Stanišić and Župljanin were each sentenced to 22 years imprisonment.

Trial Chamber III

8. *Karadžić* case: Radovan Karadžić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war in relation to acts allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The trial commenced on 26 October 2009. The prosecution concluded its case on 25 May 2012. The accused presented an oral motion under rule 98 bis for acquittal on all counts in the indictment. On 28 June 2012, the Trial Chamber delivered its oral ruling, acquitting Karadžić of count 1 (genocide in the municipalities) and dismissing the remainder of Karadžić's motion under rule 98 bis. The defence commenced its case in October 2012. Following the judgement of the Appeals Chamber of 11 July 2013, which reversed the partial acquittal, reinstated count 1 and invited the Trial Chamber to consider relevant evidence after hearing evidence adduced by the accused with respect to that count, Karadžić filed several motions concerning the interpretation of the judgement of the Appeals Chamber. On 2 August 2013, the Trial Chamber denied the severance motion filed by Karadžić and granted his suspension motion, in part ordering that hearings be suspended for two months and recommence on 29 October 2013. The trial's projected time frame has been revised and the trial judgement is now expected in October 2015, three months later than previously anticipated. Delay in delivery of the trial judgement is attributable to the reversal by the Appeals Chamber, on 11 July 2013, of the Trial Chamber's oral rule 98 bis ruling of 28 June 2012. On 29 October 2013, the Trial Chamber granted the accused an additional 25 hours in which to present his evidence on count 1. Cumulatively, these additional proceedings will lengthen the period before delivery of the trial judgement by three months.

9. Two contempt charges were brought against Milan Tupajić and Radislav Krstić for failing to appear at the Tribunal when subject to subpoenas in the Karadžić case. Milan Tupajić was convicted of one count of contempt for his failure to appear at the Tribunal in response to subpoena to do so. His trial was held on 3 February 2012. On 24 February 2012, the Chamber sentenced Tupajić to two months imprisonment. On 18 July 2013, Krstić was found not guilty of contempt.

10. *Prlić et al.* case: Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić are charged with 26 counts of crimes against humanity and violations of the laws or customs of war for acts allegedly committed in Bosnia and Herzegovina between November 1991 and April 1994. The trial commenced on 26 April 2006. The prosecution concluded its case on 24 January 2008 and the defence concluded its case on 17 May 2010. On 7 January 2011, the parties filed their final briefs, and closing arguments were heard between 7 February and 2 March 2011. The judgement was rendered on 29 May 2013. The Trial Chamber found Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić guilty of crimes against humanity,

violations of the laws or customs of war and grave breaches of the Geneva Conventions: Prlić was sentenced to 25 years imprisonment; Stojić, Praljak, and Petković were each sentenced to 20 years imprisonment; Ćorić was sentenced to 16 years imprisonment; and Pušić was sentenced to 10 years imprisonment.

11. *Šešelj* case: Vojislav Šešelj is charged with nine counts of crimes against humanity and violations of the laws or customs of war in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina, and Vojvodina (Serbia) between August 1991 and September 1993. The trial started on 7 November 2007, but was adjourned on 11 February 2009 by a majority, Judge Antonetti dissenting. The trial recommenced on 12 January 2010. After the close of the prosecution's case-in-chief, the Trial Chamber, on 4 May 2011, ruled under rule 98 bis that there was enough evidence to support the counts in the indictment. Šešelj did not present a defence case. Šešelj and the prosecution filed their final briefs on 30 January 2012 and 5 February 2012, respectively. Closing arguments were heard between 5 and 20 March 2012, respectively. Trial proceedings concluded on 20 March 2012 and the Chamber is in the process of deliberations. A scheduling order setting the date for the pronouncement of the judgement on 30 October 2013 was issued on 12 April 2013. On 9 July 2013, Šešelj filed a motion seeking the disqualification of Judge Frederik Harhoff from all further proceedings in this case on the basis of a letter that the Judge wrote dated 6 June 2013, which Šešelj submitted, indicating bias towards conviction of Serbs on the part of Judge Harhoff. On 23 July 2013, the President of the Tribunal withdrew and assigned the Vice-President to consider the motion in his place. The Vice-President referred the matter for determination on the merits to a panel of three judges. On 28 August 2013, the panel of three judges appointed by the Vice-President decided, by majority, to uphold the motion, finding that the letter in question rebutted the presumption of impartiality, that there was an unacceptable appearance of bias on the part of Judge Harhoff and that Judge Harhoff should therefore be disqualified from participating further in the proceedings against Šešelj. On 3 September 2013, Judges Antonetti and Lattanzi filed a request for clarification of the 28 August 2013 decision. On 3 September 2013, the prosecution filed a motion seeking reconsideration and a stay of the 28 August 2013 decision before the Acting President. On 6 September 2013, the Acting President issued an order reconvening the panel of three judges in order to reconsider the prosecution's motion. On 7 October 2013, the panel denied, by majority, Judge Liu dissenting, the prosecution's motion of 3 September 2013 seeking reconsideration of the 28 August 2013 decision. On 31 October 2013 the Acting President issued a decision assigning Judge Niang to replace Judge Harhoff on the case.

12. *Rašić* Contempt case: Jelena Rašić, a former member of the Milan Lukić defence team, pleaded guilty to five charges of contempt for procuring false statements in exchange for money from three persons to be called as witnesses for the defence for Milan Lukić in the *Prosecutor v. Milan Lukić and Sredoje Lukić* case. At a hearing on 31 January 2012, the Trial Chamber accepted Rašić's plea agreement. On 7 February 2012, the Chamber sentenced Rašić to 12 months imprisonment, suspending the last eight months thereof for two years on condition of good behaviour.

Specially Appointed Chamber (rule 75 (G) and (H), rule 75 bis and rule 75 ter)

13. The Specially Appointed Chamber has issued 45 decisions and orders, deciding on applications filed by third parties for access to confidential information and evidence from 12 cases.

Appeals Chamber

14. The Appeals Chamber issued 12 decisions on interlocutory appeals, in the cases of *Prlić et al.* (6), *Karadžić* (4), *Tolimir* (1) and *Mladić* (1). It remains seized of interlocutory appeals in the cases of *Mladić* (2) and *Karadžić* (1).

15. In the case of *Prosecutor v. Vojislav Šešelj*, the Appeals Chamber rendered contempt appeal judgements on 28 November 2012 and 30 May 2013.

16. In the case of *Prosecutor v. Jelena Rašić*, the Appeals Chamber rendered a contempt appeal judgement on 16 November 2012.

17. In the case of *Prosecutor v. Ante Gotovina and Mladen Markač*, the appeal judgement was rendered on 16 November 2012. The Appeals Chamber reversed the convictions against both appellants.

18. In the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, the appeal judgement was rendered on 4 December 2012. The Appeals Chamber: reversed certain of Sredoje Lukić's convictions and reduced his sentence to 27 years of imprisonment; rejected all of Milan Lukić's grounds of appeal and affirmed his life sentence; and declined to grant the prosecution's grounds of appeal.

19. In the case of *Prosecutor v. Momčilo Perišić*, the appeal judgement was rendered on 28 February 2013. The Appeals Chamber reversed all of Perišić's convictions.

20. On 11 July 2013, the Appeals Chamber rendered a judgement in the prosecution's appeal of a partial acquittal, entered pursuant to rule 98 bis in the case of *Prosecutor v. Radovan Karadžić*. The Appeals Chamber reversed Karadžić's acquittal and remanded the matter to the Trial Chamber.

21. At the time of preparation of the present report, the Appeals Chamber remains seized of three cases for which appeals were filed prior to the reporting period. The projected timelines for the appeal judgements in these cases are as follows: December 2013, two cases for which the appeals hearings took place in 2013, namely *Prosecutor v. Nikola Šainović et al.*, and *Prosecutor v. Vlastimir Đorđević*; and October 2014, one case for which the appeals hearing is scheduled in December 2013, namely *Prosecutor v. Vujadin Popović et al.* Appeals from judgement were filed before the Appeals Chamber in 2013 in four additional cases (*Prosecutor v. Jadranko Prlić et al.*, *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, and *Prosecutor v. Zdravko Tolimir*). Pre-appeal activity and briefings are ongoing in these cases pending before the Appeals Chamber.

22. A total of 190 pre-appeal decisions and orders were issued during the reporting period.

23. The Appeals Chamber disposed of three other appeals in the case of *Prosecutor v. D. Milošević* (2) and *Prosecutor v. Orić* (1).

24. The Chamber disposed of one application for review filed by Sredoje Lukić, against the appeal judgement in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*. It is currently seized of one application for review filed by defence counsel for the late Rasim Delić, against the trial judgement in the case of *Prosecutor v. Rasim Delić*.
