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Request for a subvention to the Extraordinary Chambers in the Courts of Cambodia

Report of the Secretary-General

Summary

In his previous request for a subvention to the Extraordinary Chambers in the Courts of Cambodia ([A/73/331](#)), the Secretary-General identified progress made in the judicial work across all sets of proceedings before the Extraordinary Chambers in the Courts of Cambodia. The Secretary-General also highlighted the continuing financial challenges facing both the international and national components of the Extraordinary Chambers and requested the approval of a subvention of up to \$9.7 million for the year 2019.

By its resolution [73/279 A](#), the General Assembly authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed \$7.5 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2019, and requested the Secretary-General to report on the use of the commitment authority in the context of the next report.

In the present report, the Secretary-General outlines the judicial progress of the Extraordinary Chambers since the issuance of the previous report, provides a projection regarding the anticipated use of the commitment authority for 2019, presents information on the proposed budget of the Chambers for 2020 and seeks the approval by the General Assembly of an appropriation for a subvention for the international component of the Chambers in the amount of \$8.5 million for 2020.



I. Introduction

1. Since their establishment, and as detailed in the previous requests of the Secretary-General for a subvention to the Extraordinary Chambers in the Courts of Cambodia ([A/58/617](#), [A/59/432](#), [A/59/432/Add.1](#), [A/60/565](#), [A/62/304](#), [A/67/380](#), [A/68/532](#), [A/69/536](#), [A/70/403](#), [A/71/338](#), [A/72/341](#) and [A/73/331](#)), the Extraordinary Chambers in the Courts of Cambodia have achieved substantial progress towards fulfilling their mandate. Since the issuance of the previous report of the Secretary-General, the trial proceedings in case 002/02 have concluded with the notification of the trial judgment in March 2019. The co-investigating judges completed investigations in all cases before them with the issuance of closing orders in cases 004/02, 003 and 004.

2. Case 001, against Kaing Guek Eav, alias “Duch”, was the first case tried before the Extraordinary Chambers. His conviction became final, as varied, by the appeal decision of the Supreme Court Chamber of 3 February 2012. He was sentenced to life imprisonment.

3. Case 002 has been severed into two trials. The first trial, case 002/01, against Nuon Chea and Khieu Samphan, concentrated on alleged crimes against humanity relating to the forced movement of the population from Phnom Penh and later from other regions and the alleged execution of former Khmer Republic soldiers at Tuol Po Chrey. On 23 November 2016, the Supreme Court Chamber delivered the judgment on appeals, confirming the convictions for the crimes against humanity of murder, persecution on political grounds and other inhumane acts, and upholding the sentence of life imprisonment imposed on both accused. The second trial, case 002/02, contains additional charges against Nuon Chea and Khieu Samphan related to the genocide against the Muslim Cham and Vietnamese minorities, forced marriage and rape, the treatment of Buddhists and Khmer Republic officials, as well as alleged crimes against humanity and grave breaches of the Geneva Conventions committed at four security centres, three worksites and a group of work cooperatives. The reasoned judgment was notified in the three working languages of the Court on 28 March 2019. In the judgment, both accused were found guilty of crimes against humanity, grave breaches of the Geneva Conventions and genocide against the Vietnamese ethnic, national and racial group, while Nuon Chea was found guilty of genocide against the Cham ethnic and religious group. Both accused were sentenced to life imprisonment. Case 002/02 was the last trial in relation to case 002. Nuon Chea died on 4 August 2019 and proceedings against him were subsequently terminated by the Supreme Court Chamber on 13 August 2019.

4. In cases 003 and 004, significant progress has been made in the judicial investigations since the previous report was issued. The cases involve allegations against four charged persons. In case 003, Meas Muth was charged by the international co-investigating judge in March 2015, and additional charges were laid against him in December 2015. In case 004, Im Chaem and Ao An were formally charged by the international co-investigating judge in March 2015. Additional charges against Ao An, including genocide, were announced in March 2016. Yim Tith, the last suspect in case 004, was charged by the international co-investigating judge in December 2015. Case 004 has been severed into three cases, one for each charged person, to guarantee the right of the charged persons to be informed of the decision on the charges brought against them without undue delay.

5. On 10 July 2017, the co-investigating judges issued a reasoned closing order for dismissal of case 004/01 against Im Chaem, finding that she was not subject to the personal jurisdiction of the Extraordinary Chambers. The international co-prosecutor filed an appeal against the dismissal. On 29 June 2018, the Pre-Trial Chamber

disposed of the appeal, confirming the dismissal decision of the co-investigating judges and concluding the judicial proceedings relating to Im Chaem.

6. On 16 August 2018, in case 004/02, the co-investigating judges issued two separate closing orders against Ao An. The international co-investigating judge indicted Ao An for genocide, crimes against humanity and domestic crimes. The national co-investigating judge dismissed the case for lack of personal jurisdiction. Submissions on appeal were filed by the co-lawyers for Ao An, the national co-prosecutor and the international co-prosecutor. The Pre-Trial Chamber is expected to deliver judgment on the appeals by the fourth quarter of 2019.

7. On 28 November 2018, the co-investigating judges issued two separate closing orders in case 003 against Meas Muth. The international co-investigating judge indicted Meas Muth for genocide, crimes against humanity, war crimes and domestic crimes. The national co-investigating judge dismissed the case for lack of personal jurisdiction. Submissions on appeal were filed by the co-lawyers for Meas Muth, the national co-prosecutor and the international co-prosecutor. The Pre-Trial Chamber is expected to deliver judgment on the appeals against the closing orders by the first quarter of 2020.

8. On 28 June 2019, in case 004, the co-investigating judges issued two separate closing orders against Yim Tith. The international co-investigating judge had indicted Yim Tith for genocide, crimes against humanity, war crimes and domestic crimes. The national co-investigating judge dismissed the case for lack of personal jurisdiction. The Pre-Trial Chamber is expected to deliver judgment on any appeals filed against the closing order by the third quarter of 2020.

9. Pursuant to the request for a completion strategy made by the General Assembly in its resolution [68/247 B](#), the Extraordinary Chambers prepared a completion plan in which it highlighted remaining procedural milestones and estimating the time required for judicial completion of the current caseload. The plan is updated on a quarterly basis. As it is still unknown whether cases 004/02, 003, and 004 will go to trial, it would be premature to project an overall timeline for the Court's judicial work. Nevertheless, according to the completion plan, appeal proceedings in case 002/02 will continue into the second quarter of 2021. The timelines for any additional trials in cases 00/402, 003, and 004 can be projected only when there is clarity whether any or all cases will go to trial.

10. The Extraordinary Chambers continue to face considerable financial challenges. It has proved difficult to attract the requisite voluntary funding to fully cover the costs of the international component in 2019. The authorization by the General Assembly of a subvention to supplement the voluntary financial resources of the international component has been essential for the work of the Court. The anticipated level of voluntary contributions to the international component will require the full use of the commitment authority of \$7.5 million by the end of 2019. Regarding the national component, the financial contributions from the Government of Cambodia, coupled with pledges from the international community, have stabilized the funding situation of that component. However, a shortfall in the amount of \$177,000 remains for 2019. Given the structure of the Court, if the operation of either the national or the international component is jeopardized, the overall work of the Court is severely impeded.

II. Progress made in the case files

A. Case 001: Kaing Guek Eav, alias “Duch”

11. Kaing Guek Eav continues to serve the remainder of his life sentence at Kandal provincial prison, Cambodia.

B. Case 002: Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith

12. On 15 September 2010, the co-investigating judges of the Extraordinary Chambers issued a closing order indicting the former Chair of the Democratic Kampuchea People’s Representative Assembly and Deputy Secretary of the Communist Party of Kampuchea, Nuon Chea, the former Deputy Prime Minister for Foreign Affairs of Democratic Kampuchea, Ieng Sary, the former Head of State of Democratic Kampuchea, Khieu Samphan, and the former Minister for Social Affairs of Democratic Kampuchea, Ieng Thirith, for crimes against humanity, grave breaches of the Geneva Conventions relating to the protection of victims of international armed conflicts and genocide against the Cham and Vietnamese ethnic groups. Ieng Thirith was found unfit to stand trial on medical grounds and remained under judicial supervision until her death in August 2015 and the subsequent termination of the proceedings. The proceedings against Ieng Sary were also terminated upon his death, in March 2013.

13. The charges in case 002 were severed into two separate cases, styled as cases 002/01 and 002/02, each with a separate trial and judgment. Case 002/01 focused on alleged crimes against humanity relating to the forced movement of the population from Phnom Penh (phase one) and later from the regions (phase two) and the alleged execution of former Khmer Republic soldiers at Tuol Po Chrey. It also concerned the structure of Democratic Kampuchea, the history of the Communist Party of Kampuchea, the organizational structure of Democratic Kampuchea and the roles of the accused in relation to the policies of the Democratic Kampuchea regime as relevant to all charges. Case 002/02 encompassed charges relating to genocide against the Muslim Cham and Vietnamese minorities, forced marriage and rape, treatment of Buddhists and targeting of former Khmer Republic officials, in addition to alleged crimes against humanity and war crimes committed at four security centres (including S-21) as part of internal purges, three worksites and a group of work cooperatives. By order of the Supreme Court Chamber of 29 July 2014, further charges not encompassed in the two cases were provisionally stayed pending appropriate disposal by the Trial Chamber. On 27 February 2017, the Trial Chamber issued a decision terminating the proceedings with regard to all facts set out in the case 002 closing order that were not included in either case 002/01 or case 002/02. Consequently, case 002 will be completed upon the final adjudication of case 002/02.

14. On 7 August 2014, the Trial Chamber delivered its judgment in the proceedings in case 002/01. It found that Nuon Chea and Khieu Samphan had, through their participation in a joint criminal enterprise, committed the crimes against humanity of murder, political persecution and other inhumane acts (comprising forced transfers and attacks against human dignity) during the first phase of the movement of population; political persecution and other inhumane acts (comprising forced transfers and attacks against human dignity) during the second phase of the movement of population; and murder and extermination through executions of Khmer Republic officials at Tuol Po Chrey. They were also found to have planned, instigated, aided and abetted the aforementioned crimes during first and second phases of the movement of population and at Tuol Po Chrey. In addition, Nuon Chea was found to have ordered the crimes and to have been responsible as a superior for all crimes

committed in the course of the movement of population and at Tuol Po Chrey. The Trial Chamber sentenced both Nuon Chea and Khieu Samphan to life imprisonment.

15. In late 2014, appeals were filed against the trial judgment by the co-prosecutors, as well as by both Nuon Chea and Khieu Samphan, who advanced 223 and 148 grounds of appeal, respectively. On 23 November 2016, the Supreme Court Chamber rendered its judgment on the appeals. The Supreme Court Chamber upheld the convictions for the crimes against humanity of murder, persecution on political grounds and other inhumane acts in relation to the evacuation of Phnom Penh immediately after the fall of the city on 17 April 1975 and reversed the conviction for the crime against humanity of extermination in connection with that event. Regarding the second phase of the population transfers that occurred between 1975 and 1977, the Chamber affirmed the convictions of both accused for the crime against humanity of other inhumane acts, entered a conviction for the crime against humanity of murder, and reversed the convictions for the crimes against humanity of extermination and persecution on political grounds. While the Supreme Court Chamber upheld the Trial Chamber's finding that at least 250 soldiers and officials of the Khmer Republic had been executed at Tuol Po Chrey in April 1975 and that crimes against humanity were likely to have occurred, it considered the evidence to be inadequate to substantiate a finding that there had been a policy to kill all Khmer Republic soldiers at the time. As a result, the Chamber reversed the convictions for the crimes against humanity of extermination, murder and persecution on political grounds at Tuol Po Chrey. The Supreme Court Chamber considered that the imposition of a life sentence upon both Nuon Chea and Khieu Samphan was appropriate and therefore confirmed the sentence imposed by the Trial Chamber. The Supreme Court Chamber also found inadmissible the appeal by the co-prosecutors seeking declaratory relief on the applicability of the most extended form of joint criminal enterprise before the Extraordinary Chambers.

16. The trial in case 002/02 opened on 17 October 2014, with the presentation of evidentiary hearings commencing on 8 January 2015. On 11 January 2017, the Trial Chamber concluded the evidentiary hearings, after hearing evidence on the topics of the Tram Kok cooperatives (including Kraing Ta Chan Security Centre and the treatment of Buddhists), the 1 January Dam worksite, the Kampong Chhnang Airfield construction site, the Trapeang Thma Dam worksite, the treatment of the Cham and the Vietnamese, the Au Kanseng, Phnom Kraol and S-21 security centres and internal purges, the regulation of marriage, the nature of the armed conflict and the roles of the accused. The Chamber sat for 274 hearing days during which it heard the testimony of 114 witnesses, 63 civil parties and 8 experts. The Chamber heard the parties' closing statements between 13 and 23 June 2017. On 16 November 2018, the Chamber pronounced its judgment together with a summary of its findings. The Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity, grave breaches of the Geneva Conventions and genocide against the Vietnamese ethnic, national and racial group. Both accused were also found to have aided and abetted the crime against humanity of murder at the Tram Kok cooperatives, the three worksites and the four security centres. The Chamber further convicted Nuon Chea under the doctrine of superior responsibility for genocide against the Cham ethnic and religious group. The reasoned judgment was issued in the three working languages of the Court on 28 March 2019. Both Nuon Chea and Khieu Samphan were sentenced to life imprisonment. The Chamber merged their sentences in case 002/01 and 002/02 into a single life term. On 21 June 2019, the co-prosecutors filed a notice of appeal of the trial judgment in case 002/02. Nuon Chea and Khieu Samphan filed their notices of appeal on 1 July 2019. After being hospitalized on 2 July, Nuon Chea died on 4 August 2019. Proceedings against him were terminated by the Supreme Court Chamber on 13 August 2019. Submissions on appeal will follow in the case against Khieu Samphan only.

C. Cases 003 and 004

17. On 7 September 2009, the international co-prosecutor filed two introductory submissions (subsequently supplemented by further submissions) with the co-investigating judges alleging the commission of further crimes falling under the jurisdiction of the Extraordinary Chambers by five additional suspects. The crimes under investigation were genocide, crimes against humanity, grave breaches of the Geneva Conventions relating to the protection of victims of international armed conflicts and violations of the 1956 Penal Code of Cambodia. Of the five suspects, four have been charged. One suspect in case 003 died in 2014. In total, 269 field missions and 1,411 witness interviews have been completed with respect to these two cases.

18. Pursuant to submissions filed by the international co-prosecutor, the co-investigating judges were seized of 10 crime scenarios in case 003 and 55 crime scenarios in case 004. Under the internal rules, the co-investigating judges are legally obligated to investigate all crime scenarios of which they have been seized, although they have the authority, at the time of notification of the conclusion of a judicial investigation, to reduce the scope of a case, as long as its remaining facts are representative of the scope of the introductory submission and any supplementary submissions.

19. On 3 March 2015, the international co-investigating judge charged Meas Muth and Im Chaem in absentia in cases 003 and 004, respectively. Meas Muth was charged with crimes against humanity, war crimes and violations of the 1956 Penal Code of Cambodia, while Im Chaem was charged with crimes against humanity and violations of the 1956 Penal Code of Cambodia. The charges were laid in absentia, as the charged persons had ignored formal summonses and ensuing arrest warrants had not been executed. On 27 March 2015, the international co-investigating judge charged Ao An in person in case 004 with crimes against humanity and violations of the 1956 Penal Code of Cambodia. On 2 June 2015, the co-investigating judges issued a decision dismissing the criminal allegations against Sou Met, until then a suspect in case 003, on account of his death in 2014. On 9 December 2015, the last remaining suspect in case 004, Yim Tith, appeared before the international co-investigating judge. He was charged with genocide, crimes against humanity, war crimes and violations of the 1956 Penal Code of Cambodia. On 14 December 2015, Meas Muth appeared voluntarily before the international co-investigating judge, where he was notified of additional charges, including genocide. A number of charges laid in the previous decision to charge him in absentia were rescinded, as was the outstanding arrest warrant.

20. On 18 December 2015, the co-investigating judges notified the parties that they considered the judicial investigations against Im Chaem concluded. Noting that Im Chaem had the right to determination of the charges brought against her without undue delay, on 5 February 2016, the co-investigating judges ordered the severance of the proceedings against Im Chaem from case 004 into a new case file, 004/01. On 22 February 2017, the co-investigating judges issued a dispositive closing order in the proceedings against Im Chaem in case 004/01. They dismissed the case on the grounds that, based on the evidence collected during the investigation, Im Chaem was not subject to the personal jurisdiction of the Extraordinary Chambers, as she was neither a senior leader nor otherwise one of the most responsible officials of the Khmer Rouge regime. On 10 July 2017, the co-investigating judges issued the reasoned closing order, dismissing case 004/01 against Im Chaem. On 9 August 2017, the international co-prosecutor filed his appeal against the closing order with the Pre-Trial Chamber. On 29 June 2018, the Pre-Trial Chamber disposed of the appeal on personal jurisdiction, concluding the judicial proceedings in the case. The decision

of the co-investigating judges that the Extraordinary Chambers have no jurisdiction over Im Chaem therefore stands.

21. On 14 March 2016, the international co-investigating judge expanded the charges against Ao An to include additional crimes against humanity and genocide. On 16 December 2016, the co-investigating judges notified all parties in case 004 that they considered the judicial investigation against Ao An to be concluded and ordered the severance of the proceedings from case 004 and the creation of a new case file, 004/02, because as a charged person, he had the right to be informed of the decision on the charges brought against him without undue delay. The international co-investigating judge also issued a separate decision reducing the scope of the investigation pursuant to internal rule 66 bis, constituting the first application of this rule since its adoption in January 2015. On 19 May 2017, the co-investigating judges issued a forwarding order directing the co-prosecutors to file their final submission in case 004/02 against Ao An. On 18 and 21 August 2017, the international and national co-prosecutors filed their respective final submissions. On 16 August 2018, the co-investigating judges issued two separate closing orders in case 004/02. The international co-investigating judge indicted Ao An for genocide, crimes against humanity and domestic crimes. The national co-investigating judge dismissed the case for lack of personal jurisdiction. Submissions on appeal were filed by the co-lawyers for Ao An, the national co-prosecutor and the international co-prosecutor. The Pre-Trial Chamber heard the appeals on 19, 20 and 21 June 2019.

22. On 10 January 2017, the international co-investigating judge notified all parties in case 003 that he considered the judicial investigation against Meas Muth in case 003 to be concluded and issued a separate decision reducing the scope of the judicial investigation pursuant to internal rule 66 bis. The national co-investigating judge reiterated that he had issued a notice of conclusion of the investigation in case 003 on 29 April 2011 followed by a forwarding order on 7 February 2013. On 25 July 2017, the international co-investigating judge forwarded the case file to the co-prosecutors for their final submissions. The co-prosecutors filed their final submissions in November 2017. On 28 November 2018, the co-investigating judges issued two separate closing orders in case 003 against Meas Muth. The international co-investigating judge indicted Meas Muth for genocide, crimes against humanity, war crimes and domestic crimes. The national co-investigating judge dismissed the case for lack of personal jurisdiction. Submissions on appeal were filed by the co-lawyers for Meas Muth, the national co-prosecutor and the international co-prosecutor.

23. On 13 June 2017, the co-investigating judges notified all parties in case 004 that they considered the judicial investigation against Yim Tith in case 004 to be concluded. The international co-investigating judge issued a separate decision reducing the scope of the judicial investigation pursuant to internal rule 66 bis. The national co-prosecutor filed her final submission on 31 May 2018; the international co-prosecutor filed his final submission on 4 June 2018. On 28 June 2019, the co-investigating judges issued two separate closing orders in case 004 against Yim Tith. The international co-investigating judge indicted Yim Tith for genocide, crimes against humanity, war crimes and domestic crimes. The national co-investigating judge dismissed the case for lack of personal jurisdiction. These orders are subject to appeal by the parties in the case.¹

¹ Rule 75, paras. 1 and 3, of the internal rules of the Extraordinary Chambers in the Courts of Cambodia stipulate that notices and submissions on appeals must be filed within 10 and 30 days, respectively, from the date that the notice of the decision or order has been received.

III. Completion plan and road map: projected timelines

24. Pursuant to the request of the General Assembly for a completion strategy with a clear road map, the Extraordinary Chambers have prepared a completion plan that details the remaining work to be completed in the proceedings of which they are currently seized. As a clarifying note, the current proceedings represent the entire caseload of the Chambers, as confirmed by the international co-prosecutor. Based on an individual assessment of each case, the plan sets out a road map in which the remaining procedural milestones are highlighted and the timelines required for the judicial completion of the current caseload are projected. The plan was first prepared in March 2014 and has subsequently been revised on a quarterly basis to reflect the most accurate perspective as the proceedings evolved. It also sets out a series of measures that could assist expeditious completion.

25. In case 002, a milestone was reached in the first quarter of 2019 with the notification of the reasoned judgment in case 002/02 in Khmer, English and French. The timing of the final conclusion of the judicial proceedings in case 002/02 will depend on the complexity of the submissions on appeal. Notices of appeal were filed by the co-prosecutors on 21 June 2019 and by the defence on 1 July 2019. Those will be followed by submissions on appeal. On the basis of current projections, in 2019, a milestone will be reached with the deadline for appeals against the trial judgment. Another milestone is currently projected in case 002, with the delivery of the appeal judgment by the second quarter of 2021. The delivery of an appeal judgment in case 002/02 will bring case 002 to a close.

26. In cases 003 and 004, a milestone was reached in 2018 with the decision of the Pre-Trial Chamber confirming the dismissal of the case against Im Chaem in case 004/01, which concluded those judicial proceedings. Further milestones were achieved in 2018 and 2019 with the issuance of closing orders in case 004/02 against Ao An, case 003 against Meas Muth, and case 004 against Yim Tith, which completed all ongoing proceedings before the co-investigating judges. One additional milestone is expected to be reached in 2019: the Pre-Trial Chamber's disposal of appeals against the closing orders in the case relating to Ao An by the fourth quarter of 2019. In 2020, two milestones are expected to be reached: a decision of the Pre-Trial Chamber on any appeal against the closing orders in the cases against Meas Muth and Yim Tith by the first quarter of 2020 and the third quarter of 2020, respectively. Should cases 004/02, 003 and/or 004 go to trial in whole or in part, projections for trial timelines would then need to be assessed, taking into account the number of cases going to trial, the number of accused and the scope and complexity of the charges against the accused.

27. The Secretary-General reaffirms the importance of conducting all judicial proceedings before the Extraordinary Chambers in a manner that conforms with the terms of the 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 regard, in his previous report, the Secretary-General noted the need to develop, in a timely manner, a framework for the completion of the work of the Chambers and for the performance of any necessary residual functions. In its resolution 73/279 A, the General Assembly requested the Secretary-General to undertake consultations with the Chambers and the Government of Cambodia, in order to begin developing a framework for the completion of the work of the Chambers, including with regard to the drawdown of activities, and to identify residual functions, if any, which will need to be performed following the completion of the mandate. In November 2018, in accordance with the request of the General Assembly, the United Nations Legal Counsel held initial discussions with senior officials of Cambodia regarding a framework for consultation on the

completion of the work of the Chambers and the identification of potential residual functions. Representatives of the Office of Legal Affairs subsequently travelled to Cambodia in February 2019 to undertake consultations with representatives of the Chambers and the Government of Cambodia. The Office of Legal Affairs presented its report on its consultations to date, the identification of residual functions and a possible framework for the performance of those functions to the Chair of the steering committee on the United Nations Assistance to the Khmer Rouge Trials on 28 June 2019. Further consultations between the Office of Legal Affairs and the Government of Cambodia are required in that regard and will continue to be held, taking into account any feedback provided by the steering committee.

IV. Current financial position and fundraising efforts

28. Previous reports of the Secretary-General have highlighted to Member States the financial challenges faced by the Extraordinary Chambers. These challenges have persisted throughout 2019. In previous years, the impacts of these challenges have included recruitment freezes and the uncertainty of staff working on month-to-month contracts, with the potential for distraction from the discharge of core functions. Because of the severe financial constraints in past years, national component staff went without contracts and salaries for prolonged periods, resulting in, inter alia, a walkout by 100 staff in September 2013. Given the structure of the Chambers, wherein national component and international component staff work side by side, the overall work of the Court was severely impeded by this action. Nevertheless, with the increased contributions from the Government of Cambodia since 2014, the financial situation of the national component has improved significantly in recent years. The financial situation of the international component, however, remains uncertain.

29. Under the Agreement, the United Nations is responsible for financing the costs of the international component of the Extraordinary Chambers, while the Government is responsible for defraying the costs of the national component, including the salaries of national personnel, utilities and service expenses of the Chambers. In its resolution [73/279 A](#), the General Assembly encouraged all Member States to provide voluntary support for both the international and national components of the Chambers, and requested the Secretary-General to continue his intensive efforts to obtain additional voluntary contributions, including by broadening the donor base, for funding the future activities of the Chambers.

30. **International component.** Historically, funding for the international component of the Extraordinary Chambers has been raised from a limited number of Governments each year, many of which participate in the principal donors group. In the period 2010–2018, the Special Expert on the United Nations Assistance to the Khmer Rouge Trials designated by the Secretary-General assisted in fundraising for the Chambers. Past fundraising activities have focused on reaching out to potential new donor Governments and included two pledging conferences (in 2010 and 2013), written appeals from the Secretary-General to all Member States, bilateral requests by senior United Nations officials to donor countries, written appeals from the Chairs of the principal donors group to permanent missions of Member States in New York in 2015 and 2017, and the development of a fundraising strategy adopted in 2016. In 2018, further to a number of letters that were sent by the principal donors group, the Republic of Korea and Norway formally joined the principal donors group.

31. **National component.** In the first years of operation of the Extraordinary Chambers, their national component was funded largely by voluntary contributions covering 80 per cent of the budget, with the remainder paid by the Government of Cambodia, which also provided in-kind contributions of buildings, facilities and local

services. The contribution of the Government of Cambodia has increased significantly in past years. Since 2014 it has covered over 60 per cent of the national component's resource requirements. In response to the serious financial constraints on the national component, extensive efforts were undertaken by senior officials of the Extraordinary Chambers, senior officials of the Government of Cambodia, the Special Expert, and ambassadors of Cambodia in foreign capitals to jointly seek the support of key foreign Governments for the national component. These efforts resulted in the raising of sufficient funds for the national component in 2016, 2017 and 2018.

32. **Fundraising efforts in 2019.** Efforts continue to be undertaken to pursue the fundraising strategy developed in 2016 to broaden the donor base and to maintain the support of traditional donors. As the contract of the Special Expert ended in mid-October 2018 and funding was no longer available for this position, no Special Expert has been in place in 2019 to assist with fundraising activities.

33. In May 2019, the steering committee, in coordination with the Secretariat, held an awareness-raising event in New York entitled "The recent milestone judgment in Extraordinary Chambers case 002/02: looking at the implications for international criminal accountability in Cambodia and beyond". Introductory remarks were made by the Permanent Representative of Germany to the United Nations, the Deputy Head of the Delegation of the European Union to the United Nations and the Permanent Representative of Cambodia to the United Nations. The United Nations Legal Counsel delivered remarks and moderated a panel of three speakers, including the Special Adviser of the Secretary-General on the Prevention of Genocide, a representative of the Open Society Justice Initiative, and a professor at New York University on topics related to the prosecution and prevention of genocide, the role of civil society and victim participation in the work of the Extraordinary Chambers, and the methods for assessing the impact and future legacy of the Chambers. The vital importance of having continued financial support for the work of the Chambers from the international community was underlined at the event.

34. The Secretariat has continued to pursue fundraising efforts through communications with diplomatic missions. To broaden and maintain the existing donor base, the Secretary-General sent a letter to all the permanent missions of the Member States in August 2019, seeking their financial support for the Extraordinary Chambers. In addition, the Assistant Secretary-General for Legal Affairs held meetings with representatives of several Member States in June 2019 to seek voluntary contributions for the international component of the Chambers.

35. Despite the ongoing fundraising efforts, voluntary contributions for the international component continued to decline, falling from \$17.7 million in 2015 to \$13.1 million in 2016, to \$9.4 million in 2017 and further to \$8.4 million in 2018. Based on indications given by the current donors, the voluntary contributions for 2019 are estimated at \$6.3 million. This estimate consists of \$4.8 million in received contributions, \$1 million in confirmed pledges and \$500,000 in anticipated contributions from members of the principal donors group.

Current financial position and use of the commitment authority

36. The General Assembly approved a commitment authority of \$15.5 million for the international component of the Extraordinary Chambers for 2014; these funds, however, were never drawn upon, as voluntary funding eventually covered in full the international component's obligations during 2014. The Assembly again approved commitment authorities for the international component amounting to \$12.1 million for 2015, \$12.1 million for 2016, \$11.0 million for 2017, \$8.0 million for 2018, and \$7.5 million for 2019, thus ensuring that the salaries and expenses of personnel could be paid on time and avoiding any disruption in the work of the Chambers.

37. By the end of 2018, \$6.9 million in expenditures had been incurred against \$8.0 million actually appropriated. The unused amount of \$1.1 million of the regular budget funds provided to the Extraordinary Chambers in 2018 will be returned to the United Nations.

38. The commitment authority has functioned as a bridging financing mechanism, permitting the United Nations to extend the contracts for international officials and staff at the Extraordinary Chambers, and as a source of operating funds should voluntary funding fall short. Taking into account the availability of voluntary contributions and the commitment authority, the United Nations extended staff contracts in four steps in 2018, and has done so in three steps so far in 2019, by a one-month, a six-month and a three-month period, in line with the approved staffing table. Further contract extensions will be subject to the availability of funds.

39. The group of interested States approved a revised budget for 2019 amounting to \$16.0 million for the international component and \$5.4 million for the national component. As at 30 June 2019, voluntary contributions of \$4.8 million had been received for the international component for 2019, which, together with the drawdown of \$7.5 million from the commitment authority, covered the expenditures for the first seven months of 2019. To meet the operational requirements of the international component in the latter five months of 2019, additional voluntary contributions of \$3.7 million are required. Should the remaining expected contributions be formalized before the end of the year, it is expected that the contributions and the subvention from the regular budget, in combination with the implemented cost-saving and cost avoidance measures, would be sufficient to secure the operations of the international component of the Extraordinary Chambers until the end of 2019. For the national component, as at 30 June 2019, voluntary contributions and pledges of \$4.9 million had been received for 2019. In addition, the remaining balance of \$298,000 was carried forward from 2018. The budgetary shortfall of \$177,000 has not been secured at the time of reporting. However, as the fund requirements for 2019 have, for the main part, been met by the contributions from the Government of Cambodia as well as by other voluntary contributions, and with austerity measures undertaken, it is expected that these funds will be sufficient for the uninterrupted operations of the national component through the end of 2019.

40. Taking into account that the confirmed and anticipated pledges together with the voluntary contributions received were not sufficient to meet the budgetary requirements, cost-saving measures were put in place to avoid costs for the international component during 2019 through continued coordination with the Economic and Social Commission for Asia and the Pacific for a range of administrative services, the freezing of recruitment against vacant posts unless hiring was absolutely necessary to ensure the uninterrupted continuation of judicial proceedings, and curtailing measures in areas such as travel, operating expenses and contractual services. Although the above measures should yield some savings, thus ensuring that the available funding is adequate to conduct the essential judicial operations, the extensions of staff contracts by short increments have impacted staff morale and contributed to high staff turnover.

V. Funding requirements of the Extraordinary Chambers for 2020

41. The international component and the national component are funded separately, with the Secretariat being responsible for the receipt and management of voluntary funds for the international component and the Government of Cambodia being responsible for funding the national component, including through contributions from

the international community for this purpose. The budget proposal for 2020 is aligned with the resource requirements for the full year of operations in line with the judicial workplan as reflected in revision 21 of the completion plan, dated 30 June 2019.

42. The budget proposal, which is subject to review by the principal donors group and the steering committee, and to review and final approval by the group of interested States, takes into account the relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report [A/73/448](#), which have been endorsed by the General Assembly in its resolution [73/279 A](#). Details of the recommendations and of the actions taken by the Extraordinary Chambers are provided in annex I to the present report.

43. The budget proposal for 2020, as indicated in tables 1 and 2 below, reflects the resources for the international component, including staff resources, for the operation of the Extraordinary Chambers throughout the year. Further details on the financial status of the Chambers are provided in annex II.

Table 1
Financial resources for the international component of the Extraordinary Chambers

(Thousands of United States dollars)

Component	2017 expenditure	2018 expenditure	2019 revised budget ^a	Resource change		2020 budget ^b
				Amount	Percentage	
A. Judicial offices	6 815.6	5 706.4	5 460.6	(607.4)	(11.1)	4 853.2
B. Defence and Victims Support Sections	3 872.1	3 128.6	3 327.9	(1 712.5)	(51.5)	1 615.4
C. Office of Administration	9 405.4	6 533.3	6 310.0	(790.5)	(12.5)	5 519.5
D. Provision for cases 003 and 004	–	–	915.6	555.6	60.7	1 471.2
Total	20 093.1	15 368.3	16 014.1	(2 554.8)	(16.0)	13 459.3

^a The approved budget of the Extraordinary Chambers for the biennium 2018–2019 budget was revised and approved by the group of interested States after the first year of the biennium.

^b Figures for the 2020 budget are subject to review and approval by the group of interested States.

Table 2
Post resources for the international component of the Extraordinary Chambers

Category	Approved			Proposed ^a
	2017	2018	2019	2020
Professional and higher categories				
D-2	12	12	11	10
D-1	1	1	1	1
P-5	7	5	4	4
P-4	15	12	11	9
P-3	37	30	18	9
P-2	9	4	6	5
Subtotal	81	64	51	38

Category	Approved			Proposed ^a
	2017	2018	2019	2020
Other levels				
Field Service	20	12	11	9
National Professional Officer	11	12	11	10
Local level	46	43	42	37
Subtotal	77	67	64	56
Total	158	131	115	94

^a 2020 proposed budget figures are subject to review and approval by the group of interested States

44. In 2020, resource requirements in the amount of \$13,459,300 would provide for 94 positions (10 D-2, 1 D-1, 4 P-5, 9 P-4, 9 P-3, 5 P-2, 9 Field Service, 10 National Professional Officer and 37 Local level), representing a reduction of 21 posts compared with the 2018 requirements, and for such non-post items as non-staff compensation, other staff costs, consultants and experts, travel of staff, travel of witnesses, contractual services, general operating expenses, supplies and furniture and equipment.

45. For 2020, the total funding requirements for both the national and international components are estimated at \$18,499,700 (\$13,459,300 for the international component and \$5,040,400 for the national component). On the international side, at the time of reporting, the Secretariat had received pledges in the amount of \$1.6 million, with anticipated pledges amounting to \$3.4 million for 2020 based on indications from the traditional donors. Based on the pattern of contributions in the period 2017–2019, it is expected that resources will be pledged in piecemeal and varied amounts, with insufficient fund balances available at any given time to ensure a reasonable duration of staff contracts. The operational reserve of \$4.2 million that had accumulated since the inception of the Extraordinary Chambers was fully depleted in 2012 to meet staff payroll costs, and remains at zero. With continuing shortfalls in voluntary contributions and given the terms applying to the use of the subvention from the regular budget since 2015, which means that any unspent balance is to be returned to the United Nations, the Secretariat has been unable to reinstate any reserve, and thus has no funding mechanism to address operational contingencies.

46. To address the situation, the Secretary-General is proposing a subvention of \$8.5 million for the international component for the year 2020. The level of the requested subvention takes into account the proposed budget for 2020 of \$13.5 million, the estimated voluntary contributions of \$5.0 million in 2020, and the fact that voluntary funds raised from Governments have continued to fall short of overall budgetary needs. The level of the requested subvention reflects the financial resources necessary to secure the operation of the Extraordinary Chambers during 2020, with the assumption that the budget for 2020 will be approved by the group of interested States. Should the proposed budget be approved at a different level, updated information on any adjustments to the budget or the consequent adjustment to the proposed level of subvention will be provided to the General Assembly. The proposed subvention will allow the continuation of the operation of the Chambers, pending the receipt of additional voluntary contributions necessary for the operation throughout the year. The Secretary-General proposes that the subvention be available to be drawn upon, should the extrabudgetary funds on hand be insufficient to meet salary and operational costs of the international component. Given the financial situation of the

Chambers, the Secretary-General proposes a subvention to be appropriated in order not to affect negatively the cash flow of the Organization and to enable the issuance of staff contracts of reasonable duration. Cognizant of the difficulties of securing funds through voluntary contributions and, at the same time, the need to ensure the expeditious completion of the remaining cases, the Secretary-General will continue his intensive fundraising efforts.

47. The provision by the Government of Cambodia of \$4.1 million in 2015, \$4.2 million each in 2016 and 2017, \$4 million in 2018 and \$3.9 million in 2019 is a significant increase compared with previous years. Despite the improvement in the situation of the national component in recent years, the timing of voluntary contributions remains an important factor and the overall funding remains uncertain in 2020 and beyond. The Government of Cambodia has reiterated its strong commitment to the ongoing process relating to the Extraordinary Chambers and to addressing their funding challenges. The United Nations will also continue to support the Government of Cambodia in seeking to obtain from the international community additional voluntary contributions for the national component. As has been seen in previous years, any funding shortfall on either side is likely to seriously affect the activities of the Extraordinary Chambers as a whole.

VI. End-of-service liabilities for judges, prosecutor and staff

48. The financial situation of the Extraordinary Chambers remains precarious. At the time of reporting, staff contracts had been extended no further than to 31 October 2019, pending receipt of expected contributions to cover requirements for the remaining part of the year. The proposed 2020 budget is based on the assumption that the Court will continue to operate, and provides for end-of-service payments due to staff and international judges who are expected to separate in 2020, in line with the approved staffing table, to the extent that full funding is made available.

49. Should full funding not be available in 2020, the extension of contracts and appointments for continuing staff, judges and the prosecutor would not be possible. Existing contracts and appointments would be allowed to expire in accordance with their terms and conditions, which would result in additional liabilities not provided for in the proposed 2020 budget. Those liabilities would include entitlements and benefits payable upon separation, such as relocation travel and shipment and repatriation grants for the international judges, the international co-prosecutor and international staff, and commutation of unused annual leave for international and locally recruited staff. For the international component, these liabilities are currently estimated at \$1,740,200 (\$329,800 for judges and \$1,410,400 for staff members). That amount does not include any costs required for the proper and orderly closure of operations, should the need arise.

50. As previously indicated, the operational reserve was depleted in 2012 to meet payroll expenses at that time owing to shortfalls in voluntary contributions. The terms applying to the use of the subvention have not allowed the rebuilding of any reserves to meet end-of-service liabilities.

VII. Conclusions

51. **The Secretary-General welcomes the important progress made by the Extraordinary Chambers across all sets of current proceedings in the year since his previous report. In this context, and bearing in mind the essential mandate of the Chambers, the Secretary-General notes the continuing importance of conducting all judicial proceedings before the Chambers in a manner that**

conforms with the terms of the 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.

52. With the judgments in cases 001, 002/01 and the landmark trial judgment in case 002/02, and the dismissal of case 004/01, the Extraordinary Chambers have made substantial progress in the completion of their mandates. Judicial investigations in cases 003 and 004 have, in 2018 and 2019, reached milestones with the last closing orders in cases 004/02, 003 and 004.

53. The Secretary-General commends the judicial officials and staff of both components of the Extraordinary Chambers for their sustained commitment and dedication in fulfilling the challenging but essential mandate of the Chambers.

54. The Secretary-General welcomes the provision of the majority of the funding of the national component by the Government of Cambodia in 2015, 2016, 2017, 2018 and 2019 and acknowledges the commitment to the success of the Extraordinary Chambers shown by the Government. At the same time, the Secretary-General is concerned that the Chambers face persistent financial challenges and that voluntary funds raised from Governments have continued to fall short of overall budgetary needs during the period 2014–2019. It remains clear that the current funding mechanisms of the Chambers are not sustainable without additional assistance over the long term.

55. It remains critical for the international community to ensure that the Extraordinary Chambers have the necessary financial means to ensure, within the scope of their mandate, full accountability for the crimes perpetrated during the former Khmer Rouge regime. A financial failure of the Chambers would constitute a renewed tragedy in the quest for justice of the people of Cambodia, who have waited four decades for these efforts to reach belated fruition, and would constitute a serious setback to the international community's fight against impunity.

VIII. Recommendations

56. The Secretary-General requests the General Assembly:

(a) To take note of the present report and the use of the commitment authority approved for 2019;

(b) To take note of the resource requirements of the Extraordinary Chambers for the period from 1 January to 31 December 2020, estimated at \$13,459,300 for the international component of the Chambers to continue to fulfil its judicial mandate;

(c) To appropriate an amount of \$8,454,800, by way of subvention for 2020 for the international component of the Extraordinary Chambers under section 8, Legal affairs, of the proposed programme budget for the year 2020;

(d) To take note of the end-of-service liabilities for judges, the prosecutor and staff of the Extraordinary Chambers, currently estimated at \$1,740,200.

Annex I

Summary of follow-up action taken to implement relevant recommendations

Brief description of the recommendation

Action taken or to be taken to implement the recommendation

Report of the Advisory Committee on Administrative and Budgetary Questions (A/73/448)

The Advisory Committee notes the progress made in the judicial proceedings and stresses again the importance of the regular updates to the comprehensive case completion plan. The Committee again emphasizes the need to take all necessary measures to expedite case completion, including more effective planning, while fully respecting the requirements of the judicial process (see also [A/72/7/Add.7](#), para. 12). Considering the length of the proceedings to date, uncertainty over the timelines for the remaining cases and the likelihood of continued judicial activity for several years beyond the current financial period, the Committee reiterates its concern regarding the related potential financial implications and the decreasing voluntary contributions (para. 13).

While welcoming the cost-saving measures taken by the Extraordinary Chambers, the Advisory Committee considers that leaving essential posts vacant may have a detrimental effect on the case completion timelines, and expects that all efforts will be made to ensure that such vacancies are filled expeditiously (para. 18).

The Extraordinary Chambers are taking all available measures to expedite the completion of their mandate and manage available resources diligently to ensure cost-efficiency, while respecting the independent nature of the judicial process and adhering to all statutory requirements. In addition to the statutory framework, the work of the Chambers is directed by the substantive developments in the cases before them, which are often initiated by legally independent parties to the cases.

The projection of a timeline is based on information available to the Chambers at a given time, what the known workload is and how it is to progress going forward. The projection will need adjustments when the work progresses in a manner different from that first stipulated, often owing to deviating requirements subsequently presented by the parties in the case. The projected timelines are adjusted if and when available information changes. Committed to efficiency and transparency in their projections, the Chambers assess their work progress quarterly and adjust the projections as required by the substantive developments in the respective cases. These revised projections are subsequently reflected in the quarterly updates of the completion plan of the Chambers.

Since the issuance of the previous report of the Secretary-General, the Extraordinary Chambers have made substantive progress in all cases. The trial judgment in case 002/02 was issued on 28 March 2019. This was the last trial in relation to case 002. Closing orders in case 003, case 004 and case 004/02 have been issued, a fact that marks the end of all investigations before the Office of Co-Investigating Judges. Judgments on appeals against the closing order in case 004/02 are anticipated by the last quarter of 2019. Refer to section III (“Completion plan and road map: projected timelines”) of the main report for a more detailed description of the timelines.

Taking into account that the voluntary contributions pledged and received were not sufficient to meet the budgetary requirements, measures put in place in previous years to avoid or defer the incurring of costs for the international component continued in 2019, including imposing a recruitment freeze against vacant posts unless they have an impact on the judicial process

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

The Advisory Committee notes the commitments made by the Government of Cambodia to meeting the terms of its Agreement with the United Nations. The Committee trusts that the Secretary-General will continue to actively engage with the Government to ensure that the obligations arising from the terms of the Agreement are met (para. 20).

While welcoming the proposed reductions, the Advisory Committee notes that the pace of downsizing is slower than anticipated and reiterates its call for efficiency and expeditiousness in case completion in full respect for the requirements of the judicial process (para. 22).

In view of the persistent funding challenges faced by the Extraordinary Chambers, the Advisory Committee reiterates that there is an ongoing need for intensified fundraising efforts, including by broadening the donor base, in support of the expeditious completion of the mandate of the Chambers (para. 25).

and curtailing expenses in such areas as travel, operating costs and contractual services.

There was a recruitment freeze for posts that were not required to be filled immediately. For instance, the post of court security and witness and expert personnel were frozen since there are no ongoing trials and pending cases are at different stages of the judicial process. None of the posts critical to the uninterrupted continuation of judicial proceedings, such as those in the judicial chambers and offices, were frozen.

Moreover, all efforts were made to ensure that the vacancies were filled expeditiously. From 1 January 2017 to 28 February 2019, the United Nations Assistance to the Khmer Rouge Trials completed nine standard recruitments within an average of 101 days – against a target of 120 days – and one recruitment from the roster within 46 days. Also, selection procedures for nine temporary job openings were completed in 54 days on average.

In keeping with prior practice, the Secretary-General intends to write to the Government of Cambodia seeking the support of the Government for both the subvention for 2020 and the funding of the national component of the Extraordinary Chambers in 2020.

Following the issuance of the trial judgment in case 002/02 on 28 March 2019, all staff positions in the Trial Chamber were abolished. The international reserve judge was discharged, while the international judge resigned. His replacement will be installed only if the Chamber is seized of another trial. Furthermore, following the issuance of closing orders in cases 003, 004 and 004/02, all staff positions at the Office of Co-Investigating Judges were abolished as at 30 June 2019 and the international co-investigating judge has submitted his resignation. It is proposed that, in total, 21 positions under the international component that are no longer required for the completion of the mandate of the Extraordinary Chambers be abolished in the 2020 budget.

Refer to paragraphs 32 to 34 of the main report for a detailed description of the fundraising efforts undertaken in 2019.

The Advisory Committee considers that the Secretary-General, while explicitly referring to the rebuilding of the operational reserve through any unutilized voluntary contributions, is de facto proposing the rebuilding of the depleted reserve through the subvention from the regular budget. In that regard, the Committee recommends against the full drawdown of the subvention, emphasizing that voluntary contributions should remain the main source of funding of the operations and obligations of the Extraordinary Chambers. The Committee also recalls that the subvention is merely a bridging financing mechanism approved on the basis of set conditions (see [A/72/7/Add.7](#), para. 36) and for the defined purpose of enabling the carrying out of the judicial mandate of the Chambers (paras. 29–30).

The Advisory Committee recommends that the General Assembly request the Secretary-General to discontinue without further delay the current practice of providing the international judges with a net remuneration in the amount of a gross remuneration (para. 33).

The Advisory Committee recommends that the General Assembly request the Secretary-General to entrust the Office of Internal Oversight Services with conducting an audit of the international component of the Extraordinary Chambers and submitting its findings to the General Assembly during the main part of the seventy-fourth session (para. 34).

Since the operational reserve was depleted in 2012 to meet payroll expenses at that time owing to shortfalls in voluntary contributions and the terms applying to the use of the subvention have not allowed the rebuilding of any reserves to meet end-of-service liabilities, the Secretary-General requested that the General Assembly allow the full drawdown of the subventions and the retention of the unutilized portion of the voluntary contributions received, if any, for the international component for the purpose of rebuilding an operational reserve for the Extraordinary Chambers.

Had the General Assembly approved the Secretary-General's request, this operating reserve would have been used to meet any end-of-service liabilities in the event that full funding would not be available in 2019 for the continued operations of the international component of the Extraordinary Chambers.

In line with the recommendation of the Advisory Committee, as endorsed by the General Assembly in its resolution [73/279 A](#), the estimated end-of-service liabilities of judges and staff who were expected to serve beyond 2019 were taken into account when considering the duration of the personnel contracts, so as to ensure that sufficient funds would be available to cover those liabilities with the current contract extensions.

Furthermore, in line with this recommendation, the unused balance from 2018 of \$1.1 million will be returned to the regular budget.

The Secretariat has finalized the proposed revisions to the compensation and other terms and conditions of the appointments of the international judges and the international co-prosecutor. The proposal includes revisions to the modality of determining the annual net base salary, which is now designated as a fixed fee, rather than benchmarked against the gross remuneration of staff.

The proposal was approved by the group of interested States in September 2019. Following this approval, the revised terms and conditions will be implemented starting 1 October 2019.

Pursuant to General Assembly resolution [73/279 A](#), the Office of Internal Oversight Services conducted an audit of the international component of the Extraordinary Chambers from February to May 2019. The audit covered the period from January 2017 to March 2019. The final audit results will be presented to the General Assembly during the main part of the seventy-fourth session.

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

Furthermore, the Advisory Committee again notes that, after six consecutive requests since 2013 for subventions to support the international component of the Extraordinary Chambers, the practice is in fact no longer exceptional in nature. Nevertheless, the Committee continues to stress that voluntary contributions should remain the major source of funding for the Chambers and that additional efforts should be made to avoid continued reliance on the subvention (para. 36).

Despite the continued intensive fundraising efforts, voluntary contributions for the international component continued to decline, from \$17.6 million in 2015 to \$13.1 million in 2016 to \$9.5 million in 2017 to \$8.4 million in 2018, and are anticipated to amount to \$6.3 million in 2019. In recent years, voluntary contributions have continuously fallen short of the budgetary requirements of the international component of the Extraordinary Chambers without the support of the regular budget subvention.

While the fundraising efforts continued in 2019, in view of the trend referred to above and indications received from the current donors, the level of voluntary contributions is anticipated to decline further to about \$5 million in 2020.

Annex II

Financial status of the Extraordinary Chambers in the Courts of Cambodia

International component: United Nations Assistance to the Khmer Rouge Trials

Table A.1

Financial status of the international component as at 31 December 2018

(Thousands of United States dollars)

A. Income	
Contributions received from 2005 to 2018	216 115.4
Interest earned from 2005 to 2018 and other adjustments	5 057.8
Subtotal	221 173.2
B. Expenditure^a	
	(259 734.4)
Fund balance (shortfall)^b	(38 561.2)

^a Figures include a grant of \$3,255,000 in 2013 and loans of \$780,000 in 2014 to the national component to cover salary costs. These costs are also reflected in the national component tables.

^b The shortfall was covered by the regular budget subvention for 2015 (\$10,678,400), 2016 (\$10,407,700), 2017 (\$10,619,000) and 2018 (6,856,200).

Table A.2

Financial status of the international component for 2019 and projection for 2020

(Thousands of United States dollars)

A. Income for 2019	
Contributions received for 2019	4 840.7
Outstanding pledges for 2019 ^a	950.0
Anticipated pledges for 2019	518.9
Subtotal	6 309.5
B. Revised budget for 2019	
	(16 014.1)
C. Estimated shortfall for 2019	
	(9 704.6)
D. Income for 2020	
Outstanding pledges for 2020 ^b	1 574.5
Anticipated pledges for 2020	3 430.0
Subtotal	5 004.5
E. Estimated requirements for 2020^c	
	(13 459.3)
F. Estimated shortfall for 2020	
	(8 454.8)

^a European Union (US\$ 950,000).

^b Australia (\$A2,250,000 revalued as at 30 June 2019).

^c 2020 budget figures are subject to review and approval by the group of interested States.

Indicative resource requirements for the United Nations Assistance to the Khmer Rouge Trials

Table A.3.1

Requirements by component and funding availability, international component

(Thousands of United States dollars)

Component	2017 expenditure	2018 expenditure	2019 revised budget ^a	Resource change		2020 budget ^b
				Amount	Percentage	
A. Judicial offices	6 815.6	5 706.4	5 460.6	(607.4)	(11.1)	4 853.2
B. Defence and Victims Support Sections	3 872.1	3 128.6	3 327.9	(1 712.5)	(51.5)	1 615.4
C. Office of Administration	9 405.4	6 533.3	6 310.0	(790.5)	(12.5)	5 519.5
D. Provision for cases 003 and 004	–	–	915.6	555.6	60.7	1 471.2
Total	20 093.1	15 368.3	16 014.1	(2 554.8)	(16.0)	13 459.3
Balance brought forward	–	–	–	–	–	–
Pledges and contributions	9 474.1	8 512.1	6 309.5	(1 305.0)	(20.7)	5 004.5
Total income	9 474.1	8 512.1	6 309.5	(1 305.0)	(20.7)	5 004.5
Surplus/(shortfall)	(10 619.0)	(6 856.2)	(9 704.6)	1 249.8	12.9	(8 454.8)

^a The approved budget of the Extraordinary Chambers for the 2018–2019 biennium budget was revised and approved by the group of interested States after the first year of the biennium.

^b 2020 budget figures are subject to review and approval by the group of interested States.

Table A.3.2

Requirements by object of expenditure and funding availability, international component

(Thousands of United States dollars)

Object of expenditure	2017 expenditure	2018 expenditure	2019 revised budget ^a	Resource change		2020 budget ^b
				Amount	Percentage	
Posts	12 437.1	8 847.5	8 564.5	(1 559.7)	(18.2)	7 004.8
Non-staff compensation	1 952.1	1 939.6	1 911.1	(22.6)	(1.2)	1 888.5
Other staff costs	–	195.3	761.2	(142.8)	(18.8)	618.4
Consultants and experts	4 682.5	3 401.1	3 299.0	(611.1)	(18.5)	2 687.9
Travel of staff	36.4	40.1	50.9	(3.9)	(7.7)	47.0
Travel of witnesses	5.6	–	29.5	(9.0)	(30.5)	20.5
Contractual services	412.8	276.0	819.0	(33.1)	(4.0)	785.9
General operating expenses	270.9	548.9	237.2	(45.6)	(19.2)	191.6
Supplies	94.1	66.7	100.1	(0.8)	(0.8)	99.3
Furniture and equipment	201.6	53.1	241.6	(126.2)	(52.2)	115.4
Total expenditure	20 093.1	15 368.3	16 014.1	(2 554.8)	(16.0)	13 459.3
Balance brought forward	–	–	–	–	–	–

Object of expenditure	2017 expenditure	2018 expenditure	2019 revised budget ^a	Resource change		2020 budget ^b
				Amount	Percentage	
Pledges and contributions	9 474.1	8 512.1	6 309.5	(1 305.0)	(20.7)	5 004.5
Total income	9 474.1	8 512.1	6 309.5	(1 305.0)	(20.7)	5 004.5
Surplus/(shortfall)	(10 619.0)	(6 856.2)	(9 704.6)	–	–	(8 454.8)

^a The approved budget of the Extraordinary Chambers for the 2018–2019 biennium budget was revised and approved by the group of interested States after the first year of the biennium.

^b 2020 budget figures are subject to review and approval by the group of interested States.

National component: Cambodia

Table A.4

Financial status of the national component as at 31 December 2018

(Thousands of United States dollars)

A. Income	
Contributions received from 2005 to 2018	80 096.3
B. Expenditure	(79 798.7)
Fund balance	297.6

Table A.5

Financial status of the national component for 2019 and the projection for 2020

(Thousands of United States dollars)

A. Income for 2019	
Cash balance brought forward as at 1 January 2019	297.6
Contributions received for 2019	3 100.0
Outstanding pledges for 2019 ^a	1 800.0
Anticipated pledges for 2019	–
Subtotal	5 197.6
B. Revised budget for 2019	(5 374.2)
C. Estimated shortfall for 2019	(176.6)
D. Income for 2020	
Outstanding pledges for 2020	–
Anticipated pledges for 2020	–
Subtotal	–
E. Estimated requirements for 2020	5 040.4
F. Estimated shortfall for 2020	(5 040.4)

^a \$1,000,000 from the European Union and \$800,000 from the Government of Cambodia.

Indicative resource requirements for the national component

Table A.6.1

Requirements by component and funding availability

(Thousands of United States dollars)

Component	2017 expenditure	2018 expenditure	2019 revised budget ^a	Resource change		2020 budget ^b
				Amount	Percentage	
A. Judicial offices	1 445.0	1 325.6	990.9	(79.4)	(8.0)	911.5
B. Defence and Victims Support Sections	325.3	276.1	331.3	11.7	3.5	343.0
C. Office of Administration	4 059.4	3 677.0	3 930.5	(373.5)	(9.5)	3 557.0
D. Provision for cases 003 and 004	–	–	121.5	107.4	88.4	228.9
Total expenditure	5 829.7	5 278.7	5 374.2	(333.8)	(6.2)	5 040.4
Balance brought forward	38.7	89.3	297.6	(297.6)	(100.00)	–
Pledges and contributions	5 880.3	5 487.0	4 900.0	(4 900.0)	(100.00)	–
Total income	5 919.0	5 576.3	5 197.6	(5 197.6)	(100.0)	–
Surplus/(shortfall)	89.3	297.6	(176.6)	(4 863.8)	2 753.5	(5 040.4)

^a The approved budget of the Extraordinary Chambers for the 2018–2019 biennium budget was revised and approved by the group of interested States after the first year of the biennium.

^b 2020 budget figures are subject to review and approval by the group of interested States.

Table A.6.2

Post requirements

Category	Approved			Proposed
	2017	2018	2019	2020
Professional and higher categories				
D-1	15	12	13	13
P-5	1	1	1	1
NPO-D	22	20	19	16
NPO-C	16	16	11	8
NPO-B/NPO-A	19	16	16	12
Subtotal	73	65	60	50
Other levels				
Local level	110	90	85	79
Subtotal	110	90	85	79
Total	183	155	145	129

^a 2020 budget figures are subject to review and approval by the group of interested States.

Table A.6.3
Requirements by object of expenditure and funding availability

Object of expenditure	2017 expenditure	2018 expenditure	2019 revised budget ^a	Resource change		2020 budget ^b
				Amount	Percentage	
Posts	3 002.7	2 530.3	2 704.1	(330.2)	(12.2)	2 373.9
Non-staff compensation	699.1	678.0	608.9	67.7	11.1	676.5
Other staff costs	217.2	185.6	222.6	8.2	3.7	230.9
Consultants and experts	107.2	69.9	141.7	–	–	141.7
Travel of staff	20.6	1.1	21.6	(4.2)	(19.2)	17.4
Contractual services	1 267.9	1 263.5	1 121.5	(42.2)	(3.8)	1 079.3
General operating expenses	397.1	361.4	423.0	(30.1)	(7.1)	392.9
Hospitality	34.4	45.9	27.2	–	–	27.2
Premises alternation	82.3	69.4	56.5	(1.0)	(1.8)	55.5
Training and meeting	1.2	73.5	47.1	(2.0)	(4.3)	45.1
Total expenditure	5 829.7	5 278.7	5 374.2	(333.8)	(6.2)	5 040.4
Balance brought forward	38.7	89.3	297.6	(297.6)	(100.00)	–
Pledges and contributions	5 880.3	5 487.0	4 900.0	(4 900.0)	(100.00)	–
Total income	5 919.0	5 576.3	5 197.6	(5 197.6)	(100.0)	–
Surplus/(shortfall)	89.3	297.6	(176.6)	(4 863.8)	2 753.5	(5 040.4)

^a The approved budget of the Extraordinary Chambers for the 2018–2019 biennium budget was revised and approved by the group of interested States after the first year of the biennium.

^b 2020 budget figures are subject to review and approval by the group of interested States.