



General Assembly

Distr.: General
14 December 2000

Original: English

Fifty-fifth session

Agenda item 128

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Eduardo Manuel da Fonseca Fernandes **Ramos** (Portugal)

I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled “Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994” and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 35th, 36th and 38th meetings, on 6, 7 and 13 December 2000. Statements and observations made in the course of the Committee’s consideration of the item are reflected in the relevant summary records (A/C.5/55/SR.35, 36 and 38).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing the proposed resource requirements for 2001 for the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations



of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/55/512 and Corr.1 and Add.1);

(b) Report of the Secretary-General containing the annual budget performance report of the Tribunal for the year ended 31 December 1999 (A/55/622);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed requirements for 2001 for the financing of the Tribunal (A/55/643);

(d) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the follow-up to the 1997 audit and investigation of the Tribunal (A/52/784).

II. Consideration of draft resolution A/C.5/55/L.16

4. At the 38th meeting, on 13 December, the representative of Norway, coordinator of the informal consultations on the item, introduced, on behalf of the Chairman, a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/55/L.16).

5. At the same meeting, the Committee adopted draft resolution A/C.5/55/L.16 without a vote (see para. 7).

6. Following the adoption of the draft resolution, a statement in explanation of position was made by the representative of Nigeria (see A/C.5/55/SR.38).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law

Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,¹ the related report of the Advisory Committee on Administrative and Budgetary Questions,² and the oral statement made by the Chairman of the Advisory Committee to the Fifth Committee at its 35th meeting, on 6 December 2000,³

Recalling its resolution 49/251 of 20 July 1995 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which were resolutions 54/240 A of 23 December 1999 and 54/240 B of 15 June 2000,

Taking note of the report of the Secretary-General on the budget performance of the Tribunal for 1999⁴ and the comments of the Advisory Committee thereon,⁵

Taking note also of Security Council resolution 1329 (2000) of 30 November 2000 concerning the election of two judges of the International Tribunal for Rwanda and the assignment of two of the judges elected or appointed in accordance with article 12 of the statute of the International Tribunal for Rwanda to be members of the Appeals Chambers of the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,

1. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions,⁵ subject to the provisions of the present resolution;

2. *Decides* that the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 shall be biennialized, on an experimental basis, for the period 2002-2003, also decides to keep the matter of the biennialization under review, and requests the Secretary-General to report to the General Assembly at its fifty-eighth session on the results of the experiment and the impact on the functioning of the Tribunal;

3. *Notes with satisfaction* that the benefits of this provisional reform could include the use of two-year employment contracts at the Tribunal;

4. *Welcomes* recent improvements in the functioning of the Tribunal, and encourages continued efforts to address areas where improvement is needed;

5. *Requests* the Secretary-General to provide in his proposed budget, with the involvement of all organs of the Tribunal, workload data for the budget period so as to give more justification for its resource requirements, and also requests the Secretary-General to include in his budget presentation information on budgetary requirements, including targets for recruitment, training, judicial scheduling and performance standards for support activities;

¹ A/55/512 and Corr.1 and Add.1.

² A/55/643.

³ See A/C.5/55/SR.35.

⁴ A/55/622.

⁵ See A/55/643.

6. *Welcomes* the actions taken so far to address the issue of dilatory motions and pleadings, which have the effect of lengthening trial proceedings, and encourages the Tribunal to take further measures to improve the monitoring and oversight of defence counsel;

7. *Endorses* the recommendation of the Advisory Committee that the judicial activities of the Tribunal should have priority over public relations activities and attendance at external meetings;

8. *Endorses* the recommendation of the Advisory Committee in paragraph 23 of its report,² and requests the Secretary-General to undertake a study, with the involvement of the Tribunal, to indicate whether it is possible to state the likely date or dates for the completion of the mandate of the Tribunal, and to report thereon in the context of the next proposed budget;

9. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the likely long-term financial obligations of the United Nations with regard to the enforcement of sentences;

10. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 66 of its report² and the additional budgetary recommendations of the Committee arising from Security Council resolution 1329 (2000), as presented orally by the Chairman of the Advisory Committee to the Fifth Committee at its 35th meeting;

11. *Decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 93,974,800 United States dollars gross (85,607,600 dollars net) for 2001;

12. *Decides also* that the financing of the appropriation for 2001 under the Special Account shall take into account the actual unencumbered balance of 2,937,000 dollars gross (1,988,700 dollars net) as at the end of 1999, and the estimated unencumbered balance of 2 million dollars gross (1,816,000 dollars net) which was taken into account in resolution 54/240 A, as well as the amount of 2,667,000 dollars gross (2,667,000 dollars net), being the interest and other miscellaneous income recorded for the biennium 1998-1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

13. *Decides further* that the financing of the appropriation for 2001 under the Special Account shall also take into account an amount of 4,237,100 dollars gross (3,851,900 dollars net), being the estimated unencumbered balance as at the end of 2000, which shall also be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

14. *Decides* to apportion the amount of 43,066,850 dollars gross (39,458,000 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001;

15. *Decides also* to apportion the amount of 43,066,850 dollars gross (39,458,000 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001;

16. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 7,217,700 dollars approved for the Tribunal for 2001.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	<i>Gross</i>	<i>Net</i>
	<i>(United States dollars)</i>	
Proposed budget for 2001 (A/55/512)	95 056 600	86 616 600
Add:		
Additional requirements arising from Security Council resolution 1329 (2000) (see A/55/512/Add.1)	654 300	628 900
Total proposed budget for 2001	95 710 900	87 245 500
Less:		
Advisory Committee recommendations (A/55/643)	(1 536 100)	(1 437 900)
Additional Advisory Committee recommendations as presented orally by the Chairman of the Advisory Committee to the Fifth Committee at its 35th meeting on 6 December 2000	(200 000)	(200 000)
Estimated appropriation	93 974 800	85 607 600
Add:		
Estimated unencumbered balance for 1998-1999 that was taken into account and reduced from the assessment for 2000 (see resolution 54/240 A)	2 000 000	1 816 000
Less:		
Actual unencumbered balance for the biennium 1998-1999 as at 31 December 1999	(2 937 000)	(1 988 700)
Interest and other miscellaneous income for 1998-1999 as at 31 December 1999	(2 667 000)	(2 667 000)
Estimated unencumbered balance from the appropriation for 2000 as at the end of 2000	(4 237 100)	(3 851 900)
Balance to be assessed for 2001	86 133 700	78 916 000

	<i>Gross</i>	<i>Net</i>
	<i>(United States dollars)</i>	
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001	43 066 850	39 458 000
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001	43 066 850	39 458 000