

Statement of the Chairman
Advisory Committee on Administrative and Budgetary Questions
13 December 2011

**Second performance reports for the 2010-2011 biennium and proposed budgets
for the 2012-2013 biennium of the International Criminal Tribunal for Rwanda
and the International Tribunal for the Former Yugoslavia;
and the proposed budget for the International Residual Mechanism for Criminal
Tribunals for the 2012-2013 biennium**
(ACABQ report A/66/600)

Mr Chairman,

I am pleased to introduce the Advisory Committee's report (A/66/600) on the second performance reports for the 2010-2011 biennium and the proposed budgets for the 2012-2013 biennium of both the International Criminal Tribunal for Rwanda (ICTR), and the International Tribunal for the Former Yugoslavia (ITY), and the proposed budget for the International Residual Mechanism for Criminal Tribunals for the 2012-2013 biennium. The Committee considered these reports together in order to address cross-cutting issues and the transition process to the International Residual Mechanism.

Mr Chairman,

The Committee's report deals first with two cross-cutting issues: staff retention and the lump-sum legal aid system for defence counsel costs. On staff retention, the Committee notes that Tribunal staff continue to leave for more stable and long-term positions elsewhere, despite measures aimed at addressing this problem. The Committee has encouraged the Tribunals to continue their efforts to recruit and retain staff, so as not to hinder the timely completion of their mandates.

With respect to the lump-sum legal aid system, the Committee recognizes the advantages of a lump-sum system that ensures predictability in defence counsel costs and encourages ITY to extend the system to appellate level proceedings.

Mr Chairman,

I move on now to the International Criminal Tribunal for Rwanda (ICTR). The proposed budget for ICTR is based on the outstanding trials, appeals and other tasks it is mandated to complete. Due to the pace of work, not all first-instance trials have been completed as previously projected. Therefore, during the 2012-2013 biennium, ICTR's anticipated activities include 3 contempt of court trials, 2 genocide trials (if referrals of those cases to Rwanda are unsuccessful), 40 appeals, the tracking of 9 fugitives, continued archiving of records and other ongoing activities.

The proposed budget for the 2012-2013 biennium amounts to \$174.3 million gross (\$157.9 million net) before recosting. ICTR proposes to retain 416 posts,

representing an abolition of 212 posts, in addition to funding through general temporary assistance for 254 positions for between 6 and 24 months each.

The Tribunal also receives extrabudgetary funding for an outreach and capacity building programme, but the fund balance is now depleted, and the Committee has recommended further efforts to replenish the fund.

In summary, with respect to ICTR, the Committee has recommended that the General Assembly take note of the second performance report and approve the final appropriation for the biennium 2010-2011 in the amount of \$257.1 million gross (\$233.7 million net). The Committee has also recommended approval of the resource requirements outlined in the proposed budget for the biennium 2012-2013.

Mr Chairman,

The Advisory Committee's comments and recommendations on the second performance report and proposed budget of the International Tribunal for the Former Yugoslavia (ITY) are set out in section IV of its report.

With regard to the ITY's completion strategy, the Committee notes that there has been some slippage in the estimated trial completion dates owing to various unforeseen developments during the current biennium, including the arrest of the last two fugitives. Accordingly, during the biennium 2012-2013, it is estimated that the Chambers will work on nine trials, thirty pre-appeal procedures, eleven final appeals and all interlocutory appeals arising from ongoing trials. The Advisory Committee commends ITY for the various measures it has taken to accelerate the pace and enhance the efficiency of its operations and encourages it to pursue further efforts in this regard.

Estimated resource requirements for ITY for the biennium 2012-2013 amount to \$280.2 million gross before recosting, reflecting a decrease of \$40.4 million, or 12.6 per cent, gross as compared with the revised appropriation for 2010-2011. The Committee notes that the decrease in requirements is due primarily to the anticipated reduction in trial activity in 2013.

The Advisory Committee has made a series of comments on the proposed staffing table for ITY in paragraphs 53 to 58 of its report. In brief, during its consideration of the Secretary-General's proposals the Committee was informed that, since the biennium 2008-2009 and in the context of its downsizing efforts, the ITY had been using general temporary assistance funding to continue the functions of abolished temporary posts. 319 positions funded in that way would be required at the beginning of the biennium 2012-2013. While the Committee understands that this procedure allows for more accurate and responsive budgeting, as well as greater flexibility to adjust staffing levels, it considers that the presentation of the associated resource requirements in the proposed budget is not clear and that greater efforts should have been made to streamline the staffing structure. In addition, the Committee regrets that the budget document does not contain information justifying the continued need for all 546 temporary posts during the biennium 2012-2013. The Committee expects that the staffing table for the biennium 2014-2015 will reflect a

significant reduction in temporary posts, given that the bulk of the ITY's work will have been completed.

Overall, the Committee recommends that the General Assembly take note of the second performance report of ITY and approve the final appropriation for the biennium 2010-2011 in the amount of \$327.5 million gross. The Committee also recommends approval of the resource requirements outlined in the proposed budget for the biennium 2012-2013 for ITY, bearing in mind the observations and recommendations set out in its report.

Mr Chairman,

I turn now to the International Residual Mechanism for Criminal Tribunals. The Security Council established the Residual Mechanism to continue the jurisdiction, rights, obligations and essential functions of the Tribunals (see resolution 1966 (2010)). The branch for ICTR (Arusha branch) commences operations on 1 July 2012. The branch for the ITY (Hague branch) commences operations on 1 July 2013. The Residual Mechanism will co-exist with both Tribunals during the biennium 2012-2013, allowing the three entities to share resources, provide mutual support and coordinate their activities.

The Residual Mechanism will engage in two main types of activities – continuous and ad hoc. Continuous activities include witness protection, tracking of fugitives, supervision of enforcement of sentences, archive management, and assistance to national prosecution authorities. The establishment of 67 posts is requested to undertake continuous activities of the Mechanism, in addition to 30 double-hatted staff from the two Tribunals.

Ad hoc activities consist primarily of the conduct of trials and appeals and preparatory activities for the Residual Mechanism. Funding through general temporary assistance is requested in respect of 154 positions for an average of 12 months to carry out these ad hoc activities of the Mechanism.

Mr. Chairman, the Committee recognized the efforts by the Secretary-General to reduce costs through resource-sharing but considers that more savings could have been achieved, and has encouraged the Secretary-General to reflect further savings through increased resource-sharing in his next proposed budget.

The resources requested for the Residual Mechanism for the biennium 2012-2013, before recosting, amount to \$50.4 million gross (\$46.8 million net), of which the Committee has recommended for approval. The Committee has also recommended the establishment of the 67 requested posts.

Thank you, Mr Chairman.

