



**STATEMENT ON BEHALF OF THE GROUP OF 77 AND
CHINA BY MS. SONDR CHEONG, FIRST SECRETARY OF THE PERMANENT
MISSION OF THE COOPERATIVE REPUBLIC OF
GUYANA TO THE UNITED NATIONS
ON AGENDA ITEM 153: PROPOSED BUDGET FOR THE INTERNATIONAL
RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS FOR THE YEAR 2021,
AT THE FIFTH COMMITTEE DURING
THE MAIN PART OF THE SEVENTY-FIFTH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

(New York, December 14, 2020)

Mr. Chair,

1. I have the honour to speak on behalf of the Group of 77 and China on agenda item 153: Proposed budget for the International Residual Mechanism for Criminal Tribunals for the year, 2021.
2. At the outset the Group of 77 and China would like to thank Mr. Chandramouli Ramanathan, Assistant Secretary-General, Controller, Office of Programme Planning, Finance and Budget for presenting the proposed budget contained in document A/75/383. The Group would also like to thank Mr. Abdallah Bachar Bong, Chair of the Advisory Committee for Administrative and Budgetary Questions, for introducing the Advisory Committee's report contained in document A/75/632.
3. The Group takes this opportunity to reaffirm its support to the work of the Residual Mechanism and to reiterate that the consideration of proposed budget and allocation of adequate resources for mandate delivery form a major part of our collective interests.

Mr. Chair,

4. The Group of 77 and China note that the Secretary-General is proposing the requirement for the maintenance of the International Mechanism and implementation of planned activities in the amount of US\$ 97.2 million before re-costing for the two branches in Arusha and the Hague, as well as for internal oversight and support functions in New York, as compared to the US\$ 96.9 million approved for 2020, reflecting almost the same level of resources for the two years.
5. Further to this, the Group notes that the resource requirement for 2021 will consist primarily to support mandated activities, including witness protection, supervision of the

enforcement of sentences, assistance to national jurisdictions, and archives management.

6. The Group has also taken note that expenditures have consistently been lower than appropriation and stands ready to discuss and better understand this trend while supporting adequate funding for the Mechanism.

7. The Group of 77 and China also notes the impact of the current pandemic of COVID-19 to the work of the Mechanism, notably the delay in Stanisić & Simotović retrial, the Turinabo trial and the Mladić appeal, and welcomes the fact that the Mechanism has resumed its courtroom activities with upgraded safety and health protocols, which warrant all cases to be tried in Arusha.

Mr. Chair,

8. The Group of 77 and China welcome the information related to the arrest of Mr. Félicien Kabuga in May of this year and his temporary transfer to the UN Detention Unit in The Hague. The Group notes that unlike the proposal for 2020 which included separate resources for fugitives, the proposal before us is proposing the absorption of the requirement despite the arrest that was made in May 2020.

9. The Group will be interested to learn the details of the proposed resources for Kabuga case and how the absorption is being calculated and possible implication to mandate delivery particularly in the Arusha Branch.

10. Like the Advisory Committee, the Group of 77 and China is confused about the rationale to plan for resources for Kabuga in The Hague while the trials are to be done in Arusha. We will be interested in understanding the definition of 'temporary' as connected to his stay in The Hague, and would like the Secretary General to refer to the mandate of the Hague and that of Arusha in this regard and to deliver General Assembly mandates. It is our understanding that Kabuga will be transferred to Arusha immediately. We will propose all resource requirements for this case to be allocated in Arusha and not otherwise as this is not consistent with the rules of procedure nor the mandate of the Hague.

11. The Group notes that this is an Arusha Branch trial and would like to better understand the function of the positions proposed in The Hague in relation thereto. Workloads have been consistently higher in the Arusha branch while resources requirement remain lower for it. We believe that distribution of resources between the two branches, post and non-post, should match the workloads and we are concerned that this has not been the case.

Mr. Chair,

12. With regards to the narration of the budget document, the Group of 77 and China has taken note of the proposed changes to the narration of the Objective of the Registry as presented in paragraph 25 of the Secretary General's report and will therefore seek clarity

on these changes. The Group believes that it is the Assistant Secretary General for the mechanism who is accountable to the General Assembly and not the president nor the prosecutor and will therefore support retaining the previous agreed text as contained in paragraph 19 of the proposed budget for 2020 in document A/74/355 to avoid unnecessary and complicated debate which could have been handled by the Committee for Programme and Coordination.

13. The Group has also taken note of the progress made so far in mandate implementation including low level of projected under-expenditure due to Covid-19 pandemic. The Group is however not in a position to support the ACABQ comments to conclude requirements for 2021 based on the expenditure pattern for 2020, just as it has not for many other offices and departments.

Mr. Chair,

14. Turning to staffing and recruitment, the Group has over the years been pleased to see efforts made to bring gender balance and equitable geographical representation. We hope that this trend will be maintained and will be interested to see more improvement for candidates from developing countries at all levels to address the existing imbalances.

15. The Group of 77 and China welcomes the observations by the ACABQ on the need for the nationalization plans of the posts and position in all branches. We will also be interested in learning how the Mechanism structure will look as judicial activities are completed in the Hague in 2021 and later years in Arusha. We will also be interested to understand the rationale for keeping such a high number of staffing in The Hague at a time where the judicial activities are winding up, instead of Arusha where activities are on the increase. We will seek specific clarification on this during our informal consultations.

16. The Group has also taken note of the information contained in the report of the Board of Auditors on the accounts of the Mechanism for the year ending December, 2019 as well as the status of implementation of the related recommendations as presented by the Secretary General.

Mr. Chair,

17. Finally, the Group wishes to express our appreciation to the governments of the United Republic of Tanzania and the Netherlands for their continued support to the work of the Mechanism and other United Nation entities. We stand ready to engage positively with a view to reaching consensus and a positive outcome on this important item in a timely manner, taking into account the time constraints.

I thank you.