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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. Justin **Kisoka** (United Republic of Tanzania)

I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh 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 20th and 22nd meetings, on 17 and 24 December 2012. Statements and observations made in the course of the Committee’s consideration of the item are reflected in the relevant summary records (A/C.5/67/SR.20 and 22).

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

(a) First performance report of the Secretary-General on the budget of the International Criminal Tribunal for Rwanda for the biennium 2012-2013 (A/67/594);

(b) Report of the Board of Auditors on the International Criminal Tribunal for Rwanda (A/67/5/Add.11, chap. II);



(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/67/646).

II. Consideration of draft resolution A/C.5/67/L.15

4. At its 22nd meeting, on 24 December, the Committee had before it 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.5/67/L.15), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Ecuador.

5. At the same meeting, the Committee adopted draft resolution A/C.5/67/L.15 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. 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,

Having considered the first performance report of the Secretary-General on the budget of the International Criminal Tribunal for Rwanda for the biennium 2012-2013,¹ the report of the Board of Auditors on the Tribunal and the recommendations contained therein² and the related report of the Advisory Committee on Administrative and Budgetary Questions,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 was resolution 66/238 of 24 December 2011,

1. *Takes note* of the first performance report of the Secretary-General on the budget of the International Criminal Tribunal for Rwanda for the biennium 2012-2013;¹

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,³ subject to the provisions of the present resolution;

3. *Notes* the recommendations of the Board of Auditors contained in its report,² and in this regard emphasizes the need for their timely implementation as a matter of priority;

4. *Reiterates* its requests to the Secretary-General contained in paragraphs 7 and 8 of section II of its resolution 66/238 on matters relating to the recruitment and administration of human resources;

5. *Recalls* paragraph 17 of the report of the Advisory Committee on Administrative and Budgetary Questions,³ and in this regard requests the Secretary-General to ensure effective implementation of the completion strategy for the Tribunal;

6. *Welcomes* the continued efforts of the Secretary-General to facilitate the selection of staff of the Tribunal who are subject to downsizing, in compliance with the existing staff rules and regulations;

¹ A/67/594.

² *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 5K* (A/67/5/Add.11), chap. II.

³ A/67/646.

7. *Reiterates* paragraph 7 of its resolution 65/252 of 24 December 2010;

8. *Decides* to defer further consideration of post-related recosting for inflation and exchange rate projections, as well as of adjustments to standard costs relating to payroll, common staff costs and vacancy rates for 2013, to the time of its consideration of the second performance report on the programme budget for the biennium 2012-2013, in order to ensure that appropriation is in line with actual post-related expenditure;

9. *Also decides* on a revised appropriation 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 of a total amount of 182,163,600 United States dollars gross (169,508,000 dollars net) for the biennium 2012-2013, as detailed in the annex to the present resolution;

10. *Further decides*, for the year 2013, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 48,176,025 dollars gross (44,870,050 dollars net), including 5,270,250 dollars gross (4,986,100 dollars net), being the increase in assessments;

11. *Decides*, for the year 2013, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for the year, the amount of 48,176,025 dollars gross (44,870,050 dollars net), including 5,270,250 dollars gross (4,986,100 dollars net), being the increase in assessments;

12. *Also decides* 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 10 and 11 above, their respective share in the Tax Equalization Fund in the amount of 6,611,950 dollars, including 568,300 dollars, being the increase in the estimated staff assessment income approved for the Tribunal for the biennium 2012-2013.

Annex

Financing for the biennium 2012-2013 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>	
Initial appropriation for the biennium 2012-2013 (resolution 66/238)	171 623 100	159 535 800
First performance report for the biennium 2012-2013 (A/67/594)		
Revised estimates based on post-related actual expenditure experience and updated projected rates	188 279 300	175 235 300
Revised estimates based on post-related actual expenditure experience	182 163 600	169 508 000
Appropriation recommended by the Advisory Committee on Administrative and Budgetary Questions (A/67/646)	171 623 100	159 535 800
Revised appropriation for the biennium 2012-2013 recommended by the Fifth Committee	182 163 600	169 508 000
Assessment for 2012	(85 811 550)	(79 767 900)
Balance to be assessed for 2013	96 352 050	89 740 100
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2013	48 176 025	44 870 050
Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2013	48 176 025	44 870 050