

Chapter II

International tribunals

In 2000, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) instituted internal reforms and saw an increase in the number of so-called high-profile accused persons anticipated to stand trial.

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 (ICTR) delivered two judgements involving convictions for genocide and crimes against humanity.

On 30 November, the Security Council, in an effort to expedite the Tribunals' cases, established a pool of ad litem judges in ICTY, who would serve with the permanent judges on a case-by-case basis, and enlarged the membership of the Appeals Chambers of both Tribunals. The Council amended the statutes of the Tribunals accordingly. ICTY and ICTR shared the same Chief Prosecutor and appellate chamber, but had separate Registrars and Deputy Prosecutors.

The Security Council, by resolution 1315(2000) (see p. 205), requested the Secretary-General to negotiate an agreement with Sierra Leone to create an independent special court to try crimes against humanity, war crimes and other serious violations of international humanitarian law.

International Tribunal for the Former Yugoslavia

In 2000, ICTY efforts to institute internal reforms included the creation of a Coordination Council and a Management Committee to enable the organs of the Tribunal—the Chambers, the Office of the Prosecutor and the Registry—to determine their longer-term judicial priorities together and to work more closely towards the accomplishment of the Tribunal's mission. The package of reforms was expected to allow ICTY to fulfil its mandate by 2008 instead of 2016.

In 2000, the activities of ICTY, established by Security Council resolution 827(1993) [YUN 1993, p. 440], were described in two reports to the Council and the General Assembly—one covering the period 1 August 1999 to 31 July 2000 [A/55/273-S/2000/777] and the other covering the period 1 August 2000 to 31 July 2001 [A/56/352-S/2001/865]. On 20 November, the Assembly took note of the 1999/2000 report (decision 55/413).

The Chambers

The judicial activity of the Chambers comprised trials, appellate proceedings, proceedings pertaining to the exercise of the primacy of the Tribunal and contempt proceedings. The Chambers also reviewed indictments submitted by the Prosecutor, issued arrest warrants, conducted hearings, and engaged in regulatory activities to improve trial procedures.

New trials and cases

Mitar Vasiljevic, detained by the multinational Stabilization Force (SFOR) on 25 January and charged with violations of the laws or customs of war and crimes against humanity, pleaded not guilty to all counts on 28 January. On 22 September, the accused entered a special defence of alibi. The prosecution filed its pre-trial brief on 11 December. The trial was scheduled for September 2001.

On 3 April, Momcilo Krajisnik was arrested by SFOR and charged with genocide, complicity in genocide, crimes against humanity, violations of the laws and customs of war and grave breaches of the Geneva Conventions for the protection of war victims of 12 August 1949 (Geneva Conventions). The accused, at his initial appearance on 7 April, pleaded not guilty to all charges. On 8 June, the defence filed two preliminary motions challenging the jurisdiction of the Tribunal and the form of indictment. The Appeals Chamber denied the accused's application for leave to appeal the decision concerning the form of the indictment, while the appeal against the decision on jurisdiction was pending.

Following his detention by SFOR on 21 April, Dragan Nikolic pleaded not guilty to 80 counts charged against him on 28 April relating to grave breaches of the Geneva Conventions, violations

of the laws or customs of war and crimes against humanity for his alleged role in the mistreatment of detainees at the Susica camp (Bosnia and Herzegovina) where he was a commander in 1992.

Ongoing trials

Radoslav Brdanin and Momir Talic, both charged with genocide and crimes against humanity [YUN 1999, p. 1215], pleaded not guilty to all counts at a hearing on 11 January. On 28 April, Mr. Brdanin filed a motion for provisional release, which was denied by the Trial Chamber on 25 July, following a hearing, on the basis that it was not satisfied that, if released, he would appear for trial. Mr. Brdanin filed an application for leave to appeal the decision on 1 August, which the Appeals Chamber rejected on 7 September. On 8 December, Mr. Talic filed a motion for provisional release.

In the case of Kupreskic and Others [YUN 1998, p. 1194], the Trial Chamber rendered its judgement on 14 January. In January, notices of appeal were filed by Vladimir Santic, Drago Josipovic, Vlatko Kupreskic, Zoran Kupreskic and Mirjan Kupreskic. The prosecution also filed an appeal. Subsequently, the Appeals Chamber rendered a number of decisions on various procedural and evidentiary matters, primarily concerning the admission of additional evidence.

Following a plea of not guilty to an amended indictment in 1999 [YUN 1999, p. 1216], the defence in the case of General Radislav Krstic filed a new motion based on defects in the form of some paragraphs of the indictment and pointed out that it considered the acts specified in support of counts 7 and 8 (deportation, inhumane acts) as being identical to those used for count 6 (persecution). The Chamber rejected the motion on 28 January, and suggested that the parties present arguments on cumulative charging in their pre-trial briefs. The trial began on 13 March; the prosecution closed its case on 28 July and the defence on 13 December.

In the appeal of Zlatko Aleksovski against a 1999 judgement and sentence [YUN 1999, p. 1215], the Appeals Chamber, on 9 February, dismissed his appeal against conviction and allowed the prosecution's appeal against the sentence. Stating that a "revised sentence" would be considered, the Appeals Chamber ordered the accused's immediate return to custody and reserved its judgement on the prosecution's grounds of appeal against the judgement. It announced that a written reasoned judgement, including the revised sentence, would be issued. On 24 March, the Appeals Chamber rendered its written judgement and found the accused responsible for aiding and abetting the mistreatment of prisoners outside the prison com-

pound at Kaonik, Bosnia and Herzegovina; however, the Appeals Chamber specified that it did not believe that the additional finding warranted any heavier sentence. As to the prosecution appeal against the initial sentence of two and a half years, the Appeals Chamber found that the Trial Chamber had erred when exercising its discretion by not having given sufficient weight to the gravity of the conduct of the appellant and by failing to treat his position as a commander as an aggravating feature. In imposing a revised sentence, the Appeals Chamber considered the element of double jeopardy, in that the appellant had had to appear for sentencing twice for the same conduct and also that he had been detained a second time after a period of release of nine months. The sentence was increased to seven years' imprisonment with deduction for the time already spent in custody. On 22 September, the accused was transferred to Finland to serve his sentence.

Regarding the three accused in the case of Kunarac and Others [YUN 1999, p. 1215], a redacted indictment against Zoran Vukovic was made public at the time of his arrest on 21 February. The other accused, Radomir Kovac and Dragoljub Kunarac, appeared with him. Their trial began on 20 March and concluded on 13 June. On 20 June, the accused filed a joint motion for judgement of acquittal on certain counts in the indictments against them. On 3 July, the Trial Chamber entered a judgement of acquittal in favour of Mr. Kunarac on count 13 of the third amended indictment, and held that Mr. Vukovic had no case to answer in relation to the allegations made by a witness. All remaining counts stood. On 3 April, the prosecution withdrew counts 14 to 17 against Mr. Kunarac. The defence case began on 4 July and concluded on 20 September. Rebuttal witnesses were heard on 23 October.

The trial of Kvočka and Others (Miroslav Kvočka, Mlado Radic, Zoran Zigic, Milojica Kos) [YUN 1998, p. 1192, & YUN 1999, p. 1216] began on 28 February. A fifth accused, Dragoljub Prcać, who was transferred to the Tribunal in March, pleaded not guilty to the charges against him. The cases against the five accused were joined on 14 April, with the agreement of the parties. The trial resumed on 2 May and, for the first time in the Tribunal's history, two of the accused, Messrs. Kvočka and Radic, chose to testify at the opening of the prosecution case, while Mr. Zigic made a declaration, not under oath, at the start of his defence case. The prosecution case concluded on 6 October, having called 46 witnesses. Four of the five defendants filed motions for acquittal. The Trial Chamber granted certain aspects of the motions, entering a judgement of acquittal in favour of Messrs. Kvočka, Kos, Radic and Prcać on parts of the indictment that concerned the Keraterm and Trnopolje camps, and in favour of all the

defendants with respect to certain allegations in support of which no evidence had been presented by the prosecution.

Milorad Krnojelac, who pleaded not guilty to all charges against him in 1999 [YUN 1999, p. 1216], was charged in the second amended indictment of 2 March with 18 counts of crimes against humanity, violations of the laws and customs of war and grave breaches of the Geneva Conventions for his alleged role as warden of a camp in Foca municipality (Bosnia and Herzegovina) between April 1992 and August 1993. At the trial's start, the prosecution motion to withdraw all grave breach charges was granted by the Trial Chamber and the trial proceeded on the remaining 12 counts only. The prosecution filed its pre-trial brief on 16 October and the defence filed its brief on 25 October. The pre-trial conference was held on 26 October and the trial began on 30 October.

Following the 1998 sentencing and appeal of Anto Furundzija [YUN 1998, p. 1194], a hearing of the appeal took place on 2 March. In its judgement of 21 July, the Appeals Chamber unanimously rejected each ground of appeal, dismissed the appeal and affirmed the convictions and sentences. On 21 September, the accused was transferred to Finland to serve his sentence.

Following the trial of General Tihomir Blaskic [YUN 1999, p. 1216], the accused filed a notice of appeal on 17 March against the Trial Chamber's judgement of 2 March. Pursuant to requests by the parties, the Appeals Chamber ordered suspension of the briefing schedule pending the resolution of certain issues relating to the admission of additional evidence.

In the case of Dario Kordic and Mario Cerkez, charged in 1999 [ibid., p. 1215], the Prosecution's case-in-chief concluded on 10 March. On 30 March, the Trial Chamber heard defence motions for a judgement of acquittal, which were dismissed on 6 April. Mr. Kordic's defence began on 10 April. Mr. Cerkez's defence began on 24 July, with closing arguments heard on 14 and 15 December. The Trial Chamber dealt with a large number of applications from both parties relating to provisional release, the admission of affidavit evidence, the admission of transcripts from the other factually related cases and applications for judicial assistance relating to States and other entities. In an interlocutory appeal, the accused, on 17 March, sought to appeal an oral decision of 10 March by the Trial Chamber, which granted a prosecution motion that sought to admit into evidence certain affidavits and a formal statement. On 18 September, the Appeals Chamber directed the Trial Chamber to exclude the affidavits from evidence and to re-evaluate the admissibility of the formal statement.

In the case of Martinovic and Naletilic, Mladen Naletilic was transferred from Croatia to the custody of the Tribunal on 21 March and entered a plea of not guilty, as had the co-accused, Vinko Martinovic, in 1999 [YUN 1999, p. 1216]. A request by Mr. Naletilic to be interrogated under application of a polygraph was denied on 27 November. Also in November, the prosecution was granted leave to amend the indictment to better characterize the charges contained therein. The amendment gave rise to a new opportunity for the defence to file preliminary motions, and both accused challenged the new indictment by that mechanism. The trial was scheduled to begin in 2001.

Regarding the Celebici case [YUN 1996, p. 1186], the Appeals Chamber heard the oral arguments of the parties from 5 to 8 June on the appeal against the 1998 judgement [YUN 1998, p. 1193] of three of the convicted co-accused, Zdravko Mucic, Hazim Delic and Esad Landzo. The prosecution also had filed a notice of appeal against the judgement, challenging the acquittal of the fourth co-accused, Zejnil Delalic, in 1998 [ibid.].

The Appeals Chamber ordered the brief of Goran Jelusic, convicted and sentenced in 1999 [YUN 1999, p. 1216], to be filed by 7 August, the Response by 6 September and the Reply by 21 September. Both sides had appealed in 1999, the prosecution against acquittal on the genocide count and the accused against sentence on the counts to which he had pleaded guilty, together with a challenge to cumulative convictions.

On 15 September, the Trial Chamber decided that Dusko Sikirica, arrested by SFOR on 25 July, would be jointly tried with Dragan Kolundzija and Damir Dosen [YUN 1999, p. 1215]. On 13 October, the prosecution filed its second, revised pre-trial brief, taking into account the arrest of Mr. Sikirica. In November, the three accused filed their pre-trial briefs. At a status conference on 22 November, the prosecution clarified certain points in the amended indictment, and counsel for Messrs. Kolundzija and Sikirica confirmed their intention to offer, at trial, evidence on diminished mental responsibility and alibi, respectively.

The defence counsel initially assigned to General Stanislav Galic, who had pleaded not guilty to charges against him in 1999 [YUN 1999, p. 1215], was replaced in November. The new counsel, who was working towards an expeditious trial, requested five months to prepare.

Three of the five accused in the case of Simic and Others [YUN 1999, p. 1215] (Miroslav Tadic, Simo Zaric, Milan Simic) were granted provisional release in 2000. Stevan Todorovic, the fourth accused, remained in custody while pursuing various challenges to the legality of his ar-

rest. On 29 November, the prosecution and the defence filed a confidential joint motion for consideration of a plea agreement between Mr. Todorovic and the Office of the Prosecutor, pursuant to which Mr. Todorovic would plead guilty to the charge of persecution and withdraw all pending motions, while the prosecution would withdraw the remaining charges under the indictment and request a sentence of 5 and 12 years' imprisonment. It was also a condition of the agreement that he would testify for the prosecution in other proceedings before the Tribunal. On 13 December, Mr. Todorovic entered a guilty plea to count 1 of the indictment. The matter was referred to the full Trial Chamber. The fifth accused, Blagoje Simic, remained at large.

In 2000, there was one request for review. On 18 June, Dusko Tadic filed a review of his case and proceedings [YUN 1999, p. 1216], pursuant to the Tribunal's Rules with reference to the finding by the Appeals Chamber on 31 January of contempt by his previous defence counsel. That decision was reached on the ground that the former counsel had put forward to the Appeals Chamber a case that was known to him to be false and had manipulated two witnesses. On 25 October, a bench of the Appeals Chamber granted the former counsel's application for leave to appeal.

In other action, Mr. Tadic was transferred to Germany on 31 October on the basis of an ad hoc agreement concluded on 17 October between ICTY and Germany. Germany, where Mr. Tadic was first arrested and detained before his transfer to ICTY custody, had not signed a formal agreement with the United Nations on the enforcement of ICTY sentences. The ad hoc agreement was signed following an exequatur decision by a Munich regional court of 6 September, which confirmed the 20-year prison sentence imposed by the Appeals Chamber on 26 January.

Communications. On 4 May [S/2000/381], Bosnia and Herzegovina expressed concern about a public visit with Slobodan Milosevic, the President of the Federal Republic of Yugoslavia (FRY) who was indicted by ICTY in 1999 [YUN 1999, p. 1214], by two representatives of the Security Council while on a mission to Kosovo. Bosnia and Herzegovina proposed a debate within the Council and the adoption of standards of appropriate protocol in dealing with individuals who denied the Tribunal's authority and, by extension, that of the Council and the United Nations.

On 28 November [A/55/657-S/2000/H36], the Russian Federation, referring to a 21 November statement by the Prosecutor to the effect that the Tribunal had no agreement with the North Atlantic Treaty Organization (NATO), cited the Tri-

bunal's third annual report [YUN 1996, p. 1185], which stated, "On 9 May 1996, a memorandum of understanding between the Tribunal and the Supreme Headquarters of Allied Powers of Europe (SHAPE) was signed by both parties. The memorandum spelled out the practical arrangements for support to the Tribunal and the detention and transfer of indictees to the Tribunal."

Composition of the Chambers

On 23 February [S/2000/188], the Secretary-General informed the Security Council President of the resignation for health reasons of Judge Wang Tieya (China), effective 31 March, and that China had presented the candidacy of Liu Daqun to replace him. Mr. Liu's curriculum vitae was annexed to the Secretary-General's letter. Following consultations with Council members, the President, on 3 March [S/2000/189], indicated his support of the Secretary-General's intention to appoint Mr. Liu. On 7 March [S/2000/195], the Secretary-General stated that he had received a corresponding letter from the General Assembly President and had appointed Mr. Liu, effective 1 April 2000, for the remainder of Judge Wang's term, due to expire on 16 November 2001.

On 23 December, the General Assembly decided that the item on the election of ICTY judges would remain for consideration during its resumed fifty-fifth (2001) session (**decision 55/458**).

Office of the Prosecutor

In 2000, the Office of the Prosecutor, in addition to its ongoing prosecution work, completed mass grave exhumations in Kosovo. During the year, one grave site was exhumed in Croatia and another six in Bosnia and Herzegovina.

The Prosecutor's investigative strategy continued to be to prosecute the leaders of the conflict, with lower-level perpetrators subject to local/domestic prosecutions. The Office called on States and relevant organizations to arrest fugitives in Republika Srpska (Bosnia and Herzegovina) and FRY.

Regarding cooperation, the change in Government in FRY, following elections in September (see p. 384), had a significant impact on the activities of the Office. The Belgrade field office was reopened and investigators were granted visas to enter FRY. In January, a headquarters agreement was concluded with Croatia for the establishment of an office in Zagreb. A request to exhume a mass grave in Gospic where Croats allegedly had killed Croatian Serbs in 1991 was complied with, and access was granted to various archives containing collections of documents critically important for ongoing trials and investigations. Cooperation

with Republika Srpska remained unchanged, with no indication of any concrete move to apprehend fugitives known to be hiding there.

An advocacy training course was held in March for 24 prosecutors in the Office.

The Registry

The Registry of the Tribunal continued to exercise court management functions and provide administration and services to the Chambers and the Office of the Prosecutor. It also provided information to the media and the public, administered the legal aid system and supervised the Detention Unit. The Victims and Witnesses Section was part of the Registry, which was also responsible for budgetary matters.

France and Spain, on 25 February and 28 March, respectively, concluded the Agreement with the United Nations on the Enforcement of Sentences imposed by the Tribunal, allowing convicted persons to serve their sentences in those countries. The other nations that had signed agreements were Austria, Finland, Italy, Norway and Sweden.

In 2000, the ICTY Outreach Programme, with offices in The Hague and in Banja Luka and Sarajevo (Bosnia and Herzegovina) and Zagreb (Croatia), sought to ensure that the Tribunal's activities were transparent and accessible to the communities of the former Yugoslavia through conferences, seminars and workshops.

International Tribunal for Rwanda

The work of ICTR accelerated in 2000 and its output increased. In February, several of the Tribunal's Rules were amended with a view to expediting and shortening trials. Current investigations were concerned with central and local government figures, members of the armed forces, militias and civil defence, prominent businessmen, intellectuals, members of the clergy and media figures. ICTR played a significant role in developing international humanitarian and criminal law, as many of the substantive legal issues adjudicated by its Trial Chambers previously had not been decided; the emerging jurisprudence would serve as precedent and impetus for the International Criminal Court (see p. 1238) and the special court for Sierra Leone, envisioned in Security Council resolution 1315(2000) (see p. 205). In addition to its judicial work, the Tribunal remained seized of the process of na-

tional reconciliation in Rwanda, by carrying out various outreach programmes.

In 2000, the activities of ICTR, established by Security Council resolution 955(1994) [YUN 1994, p. 299], were covered in two reports to the Council and the General Assembly, for the periods 1 July 1999 to 30 June 2000 [A/55/435-S/2000/927] and 1 July 2000 to 30 June 2001 [A/56/351-S/2001/863 & Corr.1,2]. On 20 November, the Assembly took note of the 1999/2000 report (**decision** 55/412).

The Chambers

New trials and cases

On 29 January, Augustin Ndingiyimana, former Chief of Staff of the Gendarmerie Nationale of Rwanda, was arrested in Belgium and subsequently transferred to the Tribunal's Detention Facility. At his initial appearance on 22 April, he pleaded not guilty to 10 counts charging him with genocide, crimes against humanity and violations of the Geneva Conventions.

Tharcisse Muvunyi, former Commander of the Ecole des sous-officiers, was arrested in the United Kingdom on 5 February and transferred to the Tribunal on 30 October. On 8 November, he pleaded guilty to the charges against him—five counts of genocide or, alternatively, complicity in genocide, direct and public incitement to commit genocide and crimes against humanity.

Francois Xavier Nzuwonemeye, former Commander of the Forty-second Battalion, was arrested on 15 February and transferred to the Tribunal from France on 23 May. He pleaded not guilty to charges of conspiracy to commit genocide, genocide, complicity in genocide, crimes against humanity and violations of the Geneva Conventions.

On 15 February, Innocent Sagahutu, former Second-in-Command of the Reconnaissance Battalion, was arrested in Denmark and subsequently transferred to ICTR on 24 November. At his initial appearance on 28 November, he pleaded not guilty to 12 counts charging him with complicity in genocide, crimes against humanity and violations of the Geneva Conventions.

Jean de Dieu Kamuhanda, former Minister for Culture and Education, was transferred from France on 7 March. On 23 March, at his initial appearance before the Tribunal, he pleaded not guilty to nine counts charging him with genocide and crimes against humanity.

Elizaphan Ntakirutimana [YUN 1998, p. 1202], a former clergyman accused in a case with Gerard Ntakirutimana, was transferred, following protracted legal proceedings in the United States, to

the ICTR Detention Facility on 24 March. He made his initial appearance on 31 March and pleaded not guilty to two counts of genocide and crimes against humanity. At a status conference on 24 May, the trial of both accused was scheduled to begin in January 2001.

The trial of André Ntagerura, former Minister of Transport, Emmanuel Bagambiki, former Prefect of Cyangugu, and Samuel Imanishimwe, former Lieutenant in the Rwandan Armed Forces, jointly consolidated as the Cyangugu case in 1999 [YUN 1999, p. 1222], began on 18 September. They were charged with genocide and crimes against humanity.

The trial of Laurent Semanza [YUN 1999, p. 1223], former Bourgmestre of Bicumbi, charged with genocide and crimes against humanity, began on 16 October. On 3 November, the Trial Chamber issued its decision on the Prosecutor's motion to take judicial notice. By taking judicial notice of various factual matters of common knowledge and numerous documents, the Trial Chamber was able to expedite the trial.

Ongoing trials

On 27 January, Alfred Musema [YUN 1999, p. 1223] was convicted of genocide and of two counts of crimes against humanity (rape and extermination), and was sentenced to life imprisonment. He appealed against the judgement.

In a 6 April decision, the Appeals Chamber dismissed the appeal of Omar Serushago, confirming his 15-year imprisonment sentence [YUN 1999, p. 1221].

On 15 May, Georges Ruggiu, a former Belgian journalist who had pleaded not guilty in 1997 [YUN 1997, p. 1328], changed his plea to guilty. On 1 June, he was convicted of direct and public incitement to commit genocide and crimes against humanity (persecution). Neither he nor the Prosecutor appealed against the sentence of 12 years' imprisonment on each of the counts, to run concurrently.

Regarding the Kajelijeli case [YUN 1999, p. 1223], involving five senior officials of the 1994 interim Government of Rwanda, the Appeals Chamber rendered two decisions. On 10 August, an appeal was dismissed because the notice of appeal had been filed outside the prescribed time limits. In a second decision, on 12 December, the Appeals Chamber dismissed a motion to grant relief from dismissal of appeal (appeal against its 10 August decision) and confirmed its previous decision.

Following defence motions in 1999 for severance from consolidated cases, known as the government cases, involving eight accused, the Trial Chamber only granted the motion to sever filed by Juvenal Kajelijeli [YUN 1999, p. 1222]. In 2000,

the Trial Chamber, following a defence motion, ordered that Mr. Kajelijeli be tried separately.

The Trial Chamber heard closing submissions in September and October in the trial of Ignace Bagilishema [YUN 1999, p. 1223]. On 19 October, the trial was adjourned for the Trial Chamber's deliberations and preparation of its judgement.

On 19 October, the Appeals Chamber rendered its judgement in respect of the appeal filed by Jean Kambanda, former head of the interim Government, against his conviction and sentence of a single term of life imprisonment handed down in 1998 [YUN 1998, p. 1202]. It unanimously dismissed the eight grounds of appeal and affirmed the conviction and sentence.

In the case against Jean-Bosco Barayagwiza [YUN 1998, p. 1202], consolidated with that of Ferdinand Nahimana and Hassan Ngeze in 1999 [YUN 1999, p. 1222] as the media case, trial began on 26 October and continued to 9 November. The hearings would resume in 2001. On 31 March, the Appeals Chamber reviewed its decision ordering the release of Mr. Barayagwiza [ibid.] and ordered a continuation of the proceedings, while deciding that the accused would be entitled either to compensation if he was acquitted or to a reduction in the sentence if he was found guilty. Two appeals filed by Mr. Barayagwiza against two decisions rendered by the Trial Chamber on 11 April and 6 June, respectively, were dismissed by the Appeals Chamber on 12 September. The appeals raised objections in respect of matters pertaining to the temporal jurisdiction of the Tribunal and challenged the validity of the indictment. On 14 December, the Appeals Chamber dismissed a motion for review or reconsideration of its 31 March decision, on the basis that the motion lacked merit. On 13 December, the Appeals Chamber dismissed an appeal filed on 18 September because it did not satisfy the Tribunal's Rules.

From 30 October to 2 November, the Appeals Chamber heard oral arguments in the appeals by Clement Kayishema [YUN 1999, p. 1221], former Prefect of Kibuye, Obed Ruzindana [ibid.], former businessman in Kibuye Prefecture, and Jean-Paul Akayesu [YUN 1998, p. 1201], former Bourgmestre of Taba commune. It was planned that the three would be transferred to State prisons to serve their sentences as soon as a treaty between the United Nations and the State concerned was finalized and the detention facilities completed.

On 13 November, the Appeals Chamber dismissed an appeal filed by Gratien Kabiligi [YUN 1997, p. 1328] against the Trial Chamber's decision of 13 April, stating that the alleged irregularity pertaining to the pre-trial proceedings did not fall within the ambit of the Tribunal's Rules.

In 2000, the appeal in the case of Georges Anderson Rutaganda [YUN 1999, p. 1221], the Second Vice-President of the Interahamwe in Rwanda in 1994, was still pending.

Office of the Prosecutor

In 2000, the Office of the Prosecutor continued to implement and refine its strategy of investigating new cases, preparing existing cases for trial and conducting trials before the Trial Chambers. The period was also one of reorientation for the Office. New systems were introduced governing the formal opening of investigations, the assignment of senior trial attorneys to oversee and direct investigations and the allocation, to named individuals, of the responsibility for the preparation and conduct of investigations and prosecutions. The Appeals Section was reorganized, as was the Investigations Division. A special team within the Division tracked the whereabouts of accused persons still at large.

The Office increased the level of cooperation with authorities of countries other than Rwanda by seeking assistance in the investigation and prosecution of crimes committed in Rwanda. A greater level of understanding, coordination and cooperation with the authorities in Rwanda was also achieved.

On 10 May, the Investigations Unit organized a workshop on witness management issues within the Tribunal.

The Registry

The Registry continued to administer and service the Tribunal, emphasizing the provision of judicial and administrative support to the Chambers and the Office of the Prosecutor, as well as reforms in strategies and management systems.

On 31 August, the United Nations signed an agreement with Swaziland on the enforcement of ICTR sentences. Benin and Mali had also committed themselves to enforcing the sentences.

The Press and Public Affairs Unit continued to disseminate information about the Tribunal's mandate, organization and achievements. The Unit produced printed information materials for journalists in English, French, Kinyarwanda and Kiswahili.

The Tribunal's information centre Umusanzu mu Bwiyunge in Kigali, the focal point of its Outreach Programme, was inaugurated on 25 September. Also in September, 20 Rwandan judges attended a week-long seminar organized by the Tribunal in Arusha, United Republic of Tanzania.

Under the internship programme, 105 interns were placed in various sections and units of the Tribunal. To increase the participation of African students/lawyers in the programme, the University of Notre Dame (Illinois, United States) made a grant to cover their expenses.

The Witness and Victims Support Section-Defence completed an operational guidance manual to serve as a reference book for defence counsel and experts in witness protection, in the context of international criminal justice.

Functioning of the tribunals

Amendment of the statutes

In identical letters of 7 September [A/55/382-S/2000/865] to the General Assembly and the Security Council, the Secretary-General summarized three proposals of the ICTY President for reducing the time to complete the trials of those persons who were being, or would be in the future, prosecuted before it. The proposals had been endorsed by the Bureau of the Tribunals and unanimously adopted by the judges on 18 April.

The proposals involved conferring on senior legal officers at the Trial Chambers certain powers vested in judges to take decisions regarding the pre-trial process; creating a pool of ad litem judges, on which the Tribunals could draw, as needed, to put together new Trial Chambers to supplement the existing three Chambers; and enlarging the ICTY and ICTR Appeals Chambers by two additional judges drawn from the ICTR Trial Chambers. While the first proposal would not require Council action, the Assembly's approval would be required for the related increase in the Tribunals' budgets. Adoption of the second proposal would require the Council to amend the ICTY statute, while the adoption of the last would require the Council to amend the statutes of both Tribunals. Adoption of the latter two proposals would require the Assembly's approval of the related increase in the budgets of the Tribunals.

Annexed to the Secretary-General's letter were the ICTY President's complete plan of 12 May on ICTY operation, including his plan for reform, and a letter of 14 June from the ICTR President containing comments on the plan.

SECURITY COUNCIL ACTION

Following consultations among its members on 21 and 30 November [meetings 4229, 4240], the Security Council, on 30 November, unanimously adopted **resolution 1329(2000)**. The draft [S/2000/

1131] was prepared during consultations among Council members.

The Security Council,

Reaffirming its resolutions 827(1993) of 25 May 1993 and 955(1994) of 8 November 1994,

Remaining convinced that the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia contributes to the restoration and maintenance of peace in the former Yugoslavia,

Remaining convinced also that in the particular circumstances of Rwanda the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributes to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and in the region,

Having considered the letter from the Secretary-General to the President of the Security Council dated 7 September 2000 and the letters annexed thereto dated 12 May 2000 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and 14 June 2000 from the President 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 1994 and 31 December 1994, addressed to the Secretary-General,

Convinced of the need to establish a pool of ad litem judges in the International Tribunal for the Former Yugoslavia and to increase the number of judges in the Appeals Chambers of the International Tribunals in order to enable the Tribunals to expedite the conclusion of their work at the earliest possible date,

Noting the significant progress being made in improving the procedures of the International Tribunals, and convinced of the need for their organs to continue their efforts to further such progress,

Taking note of the position expressed by the International Tribunals that civilian, military and paramilitary leaders should be tried before them in preference to minor actors,

Recalling that the International Tribunals and national courts have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law, and noting that the rules of procedure and evidence of the International Tribunal for the Former Yugoslavia provide that a Trial Chamber may decide to suspend an indictment to allow for a national court to deal with a particular case,

Taking note with appreciation of the efforts of the judges of the International Tribunal for the Former Yugoslavia, as reflected in annex I to the letter from the Secretary-General dated 7 September 2000, to allow competent organs of the United Nations to begin to form a relatively exact idea of the length of the mandate of the Tribunal,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish a pool of ad litem judges in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and to enlarge the membership of the Appeals Chambers of the International Tribunal for the Former Yugoslavia and 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 1994 and 31 December 1994, and to this end decides to amend articles 12, 13 and 14 of the statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in annex I to the present resolution, and decides also to amend articles 11, 12 and 13 of the statute of the International Tribunal for Rwanda and to replace those articles with the provisions set out in annex II to the present resolution;

2. Decides also that two additional judges shall be elected as soon as possible as judges of the International Tribunal for Rwanda, and decides, without prejudice to article 12, paragraph 4, of the statute of that Tribunal, that, once elected, they shall serve until the date of the expiry of the terms of office of the existing judges, and that for the purpose of that election the Security Council shall, notwithstanding article 12, paragraph 2 (c) of the statute, establish a list from the nominations received of not less than four and not more than six candidates;

3. Decides further that, once two judges have been elected in accordance with paragraph 2 above and have taken up office, the President of the International Tribunal for Rwanda shall, in accordance with article 13, paragraph 3, of the statute of the International Tribunal for Rwanda and article 14, paragraph 4, of the statute of the International Tribunal for the Former Yugoslavia, take the necessary steps as soon as practicable to assign 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 Tribunals;

4. Requests the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above, for the election as soon as possible of twenty-seven ad litem judges in accordance with article 13 ter of the statute of the International Tribunal for the Former Yugoslavia, and for the timely provision to the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda of personnel and facilities, in particular, for the ad litem judges and the Appeals Chambers and related offices of the Prosecutor, and further requests him to keep the Council closely informed of progress in this regard;

5. Urges all States to cooperate fully with the International Tribunals and their organs in accordance with their obligations under resolutions 827(1993) and 955(1994) and the statutes of the International Tribunals, and welcomes the cooperation already extended to the Tribunals in the fulfilment of their mandates;

6. Requests the Secretary-General to submit to the Council, as soon as possible, a report containing an assessment and proposals regarding the date ending the

temporal jurisdiction of the International Tribunal for the Former Yugoslavia;

7. Decides to remain actively seized of the matter.

ANNEX I

Amendments to the statute of the International Tribunal for the Former Yugoslavia

Replace articles 12, 13 and 14 by the following:

Article 12

Composition of the Chambers

1. The Chambers shall be composed of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of nine ad litem independent judges appointed in accordance with article 13 ter, paragraph 2, of the statute, no two of whom may be nationals of the same State.

2. Three permanent judges and a maximum at any one time of six ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the statute and shall render judgement in accordance with the same rules.

3. Seven of the permanent judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

Article 13

Qualifications of judges

The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

Article 13 bis

Election of permanent judges

1. Fourteen of the permanent judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 13 of the statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a judge 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 1994 and 31 December 1994 (hereinafter referred to as "The Inter-

national Tribunal for Rwanda") in accordance with article 12 of the statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-eight and not more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect fourteen permanent judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

2. In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the statute, for the remainder of the term of office concerned.

3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

Article 13 ter

Election and appointment of ad litem judges

1. The ad litem judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for ad litem judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to four candidates meeting the qualifications set out in article 13 of the statute, taking into account the importance of a fair representation of female and male candidates;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than fifty-four candidates, taking due account of the adequate representation of the principal legal systems of the world and bearing in mind the importance of equitable geographical distribution;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the twenty-seven ad litem judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States

maintaining permanent observer missions at United Nations Headquarters shall be declared elected;

(e) The ad litem judges shall be elected for a term of four years. They shall not be eligible for re-election.

2. During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. When requesting the appointment of any particular ad litem judge, the President of the International Tribunal shall bear in mind the criteria set out in article 13 of the statute regarding the composition of the Chambers and sections of the Trial Chambers, the considerations set out in paragraphs 1 (b) and (c) above and the number of votes the ad litem judge received in the General Assembly.

Article 13 quater

Status of ad litem judges

1. During the period in which they are appointed to serve in the International Tribunal, ad litem judges shall:

(a) Benefit from the same terms and conditions of service *mutatis mutandis* as the permanent judges of the International Tribunal;

(b) Enjoy, subject to paragraph 2 below, the same powers as the permanent judges of the International Tribunal;

(c) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal.

2. During the period in which they are appointed to serve in the International Tribunal, ad litem judges shall not:

(a) Be eligible for election as, or to vote in the election of, the President of the Tribunal or the Presiding Judge of a Trial Chamber pursuant to article 14 of the statute;

(b) Have power:

(i) To adopt rules of procedure and evidence pursuant to article 15 of the statute. They shall, however, be consulted before the adoption of those rules;

(ii) To review an indictment pursuant to article 19 of the statute;

(iii) To consult with the President in relation to the assignment of judges pursuant to article 14 of the statute or in relation to a pardon or commutation of sentence pursuant to article 28 of the statute;

(iv) To adjudicate in pre-trial proceedings.

Article 14

Officers and members of the Chambers

1. The permanent judges of the International Tribunal shall elect a President from amongst their number.

2. The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.

3. After consultation with the permanent judges of the International Tribunal, the President shall assign four of the permanent judges elected or appointed in accordance with article 13 bis of the statute to the Appeals Chamber and nine to the Trial Chambers.

4. Two of the judges elected or appointed in accordance with article 12 of the statute of the Interna-

tional Tribunal for Rwanda shall be assigned by the President of that Tribunal, in consultation with the President of the International Tribunal, to be members of the Appeals Chamber and permanent judges of the International Tribunal.

5. After consultation with the permanent judges of the International Tribunal, the President shall assign such ad litem judges as may from time to time be appointed to serve in the International Tribunal to the Trial Chambers.

6. A judge shall serve only in the Chamber to which he or she was assigned.

7. The permanent judges of each Trial Chamber shall elect a Presiding Judge from amongst their number, who shall oversee the work of the Trial Chamber as a whole.

ANNEX II

Amendments to the statute of the International Tribunal for Rwanda

Replace articles 11, 12 and 13 by the following:

Article 11

Composition of the Chambers

The Chambers shall be composed of sixteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Seven judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

Article 12

Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. Eleven of the judges of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") in accordance with article 13 bis of the statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall estab-

lish a list of not less than twenty-two and not more than thirty-three candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect eleven judges of the International Tribunal for Rwanda. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

3. In the event of a vacancy in the Chambers amongst the judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

4. The judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 13

Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. The President of the International Tribunal for Rwanda shall be a member of one of its Trial Chambers.

3. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign two of the judges elected or appointed in accordance with article 12 of the present statute to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda. A judge shall serve only in the Chamber to which he or she was assigned.

4. The members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

5. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

Before adoption of the text, the Council President noted that four urgent issues remained, namely, the issues of geographical distribution, compensation of victims (see below), compensation of victims of miscarriage of justice and of persons unlawfully arrested or detained (see below), and gender balance.

Compensation

In September [S/2000/904] and October [S/2000/925], the Secretary-General transmitted to the Security Council reports of the ICTY and ICTR Presidents indicating that, according to their

judges, the Tribunals should be able, in certain situations, to compensate persons wrongfully detained, prosecuted or convicted. Compensation would be awarded when a person had suffered punishment resulting from a final decision and the decision was reversed by the Tribunals or a pardon granted; when a detainee was subsequently acquitted by a final decision or released following a decision to terminate the proceedings against him/her in circumstances that revealed a miscarriage of justice; and when a person was arrested or detained in a manner that constituted a violation of the right to liberty and security of person and when the conduct that gave rise to the violation was legally imputed to the Tribunals and thus to the United Nations. The Presidents observed that the Council would be obliged to amend the Tribunals' statutes to empower them to deal with compensation issues.

However, in November [S/2000/1063], the ICTY President stated that the judges had concluded that conferring the power to order the payment of compensation to the victims of crimes that fell within ICTY's jurisdiction was not desirable, since it would significantly increase the workload of the Chambers and the length and complexity of trials, and raised questions about the funding of such awards. They suggested that the Council, or some other organ to which it might refer the matter, might consider mechanisms for the payment of compensation, such as the creation of an international compensation commission.

The ICTR President, in December [S/2000/1198], stated that the judges shared the same view concerning the implications of ICTR possessing such a power, but considered that the Tribunal, in tandem with other mechanisms, might be vested with a limited power to order the payment of compensation from a trust fund to victims who appeared as witnesses in trials. Adoption of that measure would require the Council to amend the Tribunal's statute.

Expert Group recommendations

In response to General Assembly resolutions 54/239 A [YUN 1999, p. 1220] and 54/240 A [ibid., p. 1225], the Secretary-General, in April [A/54/850], transmitted the comments of the Tribunals on the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of ICTY and ICTR [YUN 1999, p. 1219].

Of the 46 recommendations made by the Group, 16 had been implemented and 11 had been indicated as subject to further review. The Secretary-General said that two recommendations dealing with the possible realignment of the control of administrative functions were of

particular importance in terms of his overall authority. The Group had expressed the view that, although dividing the Registry into two separate administrative structures with one integrated into the Office of the Prosecutor and the other servicing the Chambers might have budgetary implications, it should be seriously considered. The Secretary-General was of the view that the continuing delineation of his overall responsibility for the functioning of the respective Registries did not preclude further efforts being made to improve the quality of support given to the other two organs. To maintain a clear line of accountability, the Secretary-General had delegated authority under the UN Financial Regulations and Rules and Staff Regulations and Rules to the Registrars and other officers under their authority. Should the Security Council decide to revise the administrative elements in the respective statutes, the revision would need to be subject to a full understanding between the Assembly and the Council regarding their respective authorities before any changes could be effected with respect to delegation of authority.

The general observations of the Prosecutor and the ICTR Registry were annexed to the note.

In June [S/2000/597], the Secretary-General transmitted to the Council the report of the Expert Group [YUN 1999, p. 1219].

ACABQ action. Following consideration of the Secretary-General's note (see above), the Advisory Committee on Administrative and Budgetary Questions (ACABQ), in May [A/54/874], referring to the recommendations that affected the statutory roles of the Registries vis-a-vis the Chambers and the Prosecutor, recalled that, in recommending the establishment of the Expert Group, it had indicated that the review would be carried out in full respect of the Tribunals' statutes. Accordingly, unless the statutes were amended by the Security Council, ACABQ recommended that the current practice be followed and that the shortcomings that had led to the Expert Group's recommendations on the matter be resolved. It also recommended that the Secretary-General prepare the 2001 budget proposals for the Tribunals based on their existing structures.

The Committee proposed that the Secretary-General prepare a separate report in 2001, in the context of the budgets of the Tribunals, on the actions taken or to be taken in respect of the recommendations that remained under review. Furthermore, a comprehensive report should be submitted in 2001 on the results of the implementation of the Group's recommendations.

ACABQ observed that the Tribunals were independent entities, operating and functioning in different environments, and their practices

might diverge. Thus, it cautioned against calling for complete harmonization in applying the Group's recommendations.

GENERAL ASSEMBLY ACTION

On 15 June [meeting 98], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/54/678/Add.1], adopted **resolution 54/239 B** without vote [agenda item 142].

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Recalling its resolutions 53/212 and 53/213 of 18 December 1998, in which it requested the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and 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, to conduct a review in full cooperation with the Presidents of the International Tribunals, without prejudice to the provisions of the statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations,

Recalling also its resolution 54/239 A of 23 December 1999, in which it requested the Secretary-General to obtain comments and observations from the International Tribunal for the Former Yugoslavia on the report of the Expert Group to conduct a review of the effective operation and functioning of the International Tribunals, and to submit them, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly for consideration at its resumed fifty-fourth session,

1. Takes note of the report of the Expert Group to conduct a review of the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and 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, established by the Secretary-General pursuant to General Assembly resolutions 53/212 and 53/213, and the note by the Secretary-General transmitting comments thereon;

2. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. Requests the Secretary-General to transmit to the Security Council for its consideration the report of the Expert Group, together with the note by the Secretary-General transmitting comments thereon;

4. Welcomes the recent improvements in the functioning of the International Tribunal for the Former Yugoslavia, and encourages continued efforts to that effect;

5. Notes that work is in hand to address areas where improvement is needed, including those noted by the Expert Group and the external and internal oversight bodies;

6. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session, in the context of the budget of the International Tribunal for the Former Yugoslavia for 2001, reflecting the views of all organs of the Tribunal, on actions taken or to be taken to improve the functioning of the Tribunal, including in respect of the recommendations of the Expert Group that remain under review, to the extent that they can be implemented;

7. Also requests the Secretary-General to submit a comprehensive report on the results of the implementation of the recommendations of the Expert Group to the General Assembly at its fifty-sixth session;

8. Notes that the proposed budget for the International Tribunal for the Former Yugoslavia for 2000 did not include provision for all the forensic experts later determined to be needed, and emphasizes that the Secretary-General should ensure that the budget proposals for the Tribunal are adequate and conform with the applicable rules and regulations and the relevant General Assembly resolutions;

9. Confirms the appropriation that was approved on a provisional basis in its resolution 54/239 A.

Also on 15 June [meeting 98], the Assembly, on the recommendation of the Fifth Committee [A/54/679/Add.1], adopted **resolution 54/240 B** without vote [agenda item 143].

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,

Recalling its resolutions 53/212 and 53/213 of 18 December 1998, in which it requested the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and 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, to conduct a review in full cooperation with the Presidents of

the International Tribunals, without prejudice to the provisions of the statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations,

Recalling also its resolution 54/240 A of 23 December 1999, in which it requested the Secretary-General to obtain comments and observations from the International Tribunal for Rwanda on the report of the Expert Group to conduct a review of the effective operation and functioning of the International Tribunals, and to submit them, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly for consideration at its resumed fifty-fourth session,

1. Takes note of the report of the Expert Group to conduct a review of the effective operation and functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and 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, established by the Secretary-General pursuant to General Assembly resolutions 53/212 and 53/213, and the note by the Secretary-General transmitting comments thereon;

2. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. Requests the Secretary-General to transmit to the Security Council for its consideration the report of the Expert Group, together with the note by the Secretary-General transmitting comments thereon;

4. Welcomes the recent improvements in the functioning of the International Tribunal for Rwanda, and encourages continued efforts to that effect;

5. Notes that work is in hand to address areas where improvement is needed, including those noted by the Expert Group and the external and internal oversight bodies;

6. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session, in the context of the budget of the International Tribunal for Rwanda for 2001, reflecting the views of all organs of the Tribunal, on actions taken or to be taken to improve the functioning of the Tribunal, including in respect of the recommendations of the Expert Group that remain under review, to the extent that they can be implemented;

7. Also requests the Secretary-General to submit a comprehensive report on the results of the implementation of the recommendations of the Expert Group to the General Assembly at its fifty-sixth session;

8. Confirms the appropriation that was approved on a provisional basis in its resolution 54/240 A.

OIOS review

In response to a request from the UN Controller, the Office of Internal Oversight Services (OIOS), in June [A/55/759], conducted an investigation into possible fee-splitting arrangements between defence counsel and indigent detainees

at both Tribunals. The request to OIOS followed the 1999 report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of ICTY and ICTR [YUN 1999, p. 1219].

OIOS investigators found evidence that several former defence counsels at both Tribunals either had been solicited and/or had accepted requests for fee-splitting arrangements. At ICTR, some defence teams had made gifts to their clients and their relatives; at both Tribunals, some teams had hired friends or relatives of their clients as defence investigators. Fee-splitting was linked with problems in verifying claims for indigence submitted by the suspect/accused; the process of selecting and changing assigned counsel; the fees paid to defence teams; and the use of frivolous motions and other delaying tactics before the Trial Chambers.

The information found by OIOS about possible ongoing fee-splitting arrangements needed to be further developed, refined and corroborated by specific investigative steps. Thus, OIOS would continue to pursue the issue in consultation with the Registries and would report as necessary.

OIOS made a series of recommendations, with which the Secretary-General concurred.

Financing

ICTY

Reports of Secretary-General. In response to General Assembly resolution 54/239 B (see p. 1232), the Secretary-General, in October [A/55/517 & Corr.1], submitted the proposed 2001 ICTY resource requirements, amounting to \$112,464,300 gross (\$100,180,800 net), reflecting an increase of \$4,238,200 net and an additional 89 posts over the 2000 appropriation and authorized staffing level.

Pursuant to Assembly resolution 53/212 [YUN 1998, p. 1199], the Secretary-General, in November [A/55/623], presented the fifth annual budget performance report of ICTY for the year ended 31 December 1999, including actual performance indicators. Of the total net appropriation of \$94,103,800, actual expenditures recorded for 1999 totalled \$80,489,500, resulting in a reduction in requirements of \$13,614,300. The 1999 budget was impacted by expanded investigations into the Kosovo conflict that were funded through the assessed budget and the ICTY trust fund; lower-than-anticipated usage of the Tribunal's three courtrooms; and absorption of half the expenditures of the Expert Group to Conduct a Review of the Effective Operation and Functioning of ICTY and ICTR [YUN 1999, p. 1219] within the ICTY 1999 budget.

In December [A/55/517/Add.1], the Secretary-General submitted supplementary resource re-

quirements for 2001, arising from Security Council resolution 1329(2000) (see p. 1228), for the use of six ad litem judges in ICTY in 2001. The estimated additional requirements would amount to \$5,280,900 gross (\$4,899,400 net) with an additional 54 temporary posts, bringing the total resource requirements for 2001 to \$117,745,200 gross (\$105,080,200 net). Provisions related to the proposed two additional judges for the ICTY Appeals Chamber were included in the report on the financing of ICTR [A/55/512/Add.1] (see p. 1236).

ACABQ action. In November [A/55/642], ACABQ recommended that the General Assembly approve an appropriation of \$108,487,700 gross (\$96,443,900 net) for the operation of the Tribunal in 2001. The Committee summarized its recommendations regarding post reductions.

GENERAL ASSEMBLY ACTION

On 23 December [meeting 89], the General Assembly, on the recommendation of the Fifth Committee [A/55/691], adopted **resolution 55/225 A without vote** [agenda item 127].

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the related report of the Advisory Committee on Administrative and Budgetary Questions and the oral statement made by the Chairman of the Advisory Committee to the Fifth Committee on 6 December 2000,

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which were resolutions 54/239 A of 23 December 1999 and 54/239 B of 15 June 2000,

Taking note of the report of the Secretary-General on the budget performance of the International Tribunal for the Former Yugoslavia for 1999 and the comments of the Advisory Committee thereon in its report,

Taking note also of Security Council resolution 1329(2000) of 30 November 2000 concerning the establishment of a pool of ad litem judges in the International Tribunal for the Former Yugoslavia,

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

2. Decides that the budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 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 International Tribunal for the Former Yugoslavia;

4. Welcomes recent improvements in the functioning of the International Tribunal for the Former Yugoslavia, 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 International Tribunal for the Former Yugoslavia, 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;

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 International Tribunal for the Former Yugoslavia to take further measures to improve the monitoring and oversight of defence counsel;

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

8. Decides to revert, at its resumed fifty-fifth session, to the consideration of resource requirements for the implementation of modifications to the statute of the International Tribunal for the Former Yugoslavia, without prejudice to the nomination and election of the ad litem judges;

9. Decides also to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 108,487,700 United States dollars gross (96,443,900 dollars net) for 2001;

10. Decides further that the financing of the appropriation for 2001 under the Special Account shall take into account the unused unencumbered balance of 5,873,600 dollars gross (5,414,300 dollars net) for 1999, interest and miscellaneous income of 3,412,000 dollars recorded for the biennium 1998-1999, the estimated unencumbered balance of 2.5 million dollars gross (2,227,000 dollars net) for 2000 and the estimated income of 77,200 dollars for 2001, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. Decides to apportion the amount of 48,312,450 dollars gross (42,695,300 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001, as set out in its resolution 55/5 B of 23 December 2000;

12. Decides also to apportion the amount of 48,312,450 dollars gross (42,695,300 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001;

13. 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 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 11,234,300 dollars approved for the International Tribunal for the Former Yugoslavia for 2001.

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross (United States dollars)	Net
Proposed budget for 2001 (A/55/517 and Corr.1) ^a	112,464,300	100,180,800
Less:		
Recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/55/642)	(3,976,600)	(3,736,900)
Estimated appropriation	108,487,700	96,443,900
Add:		
Estimated unencumbered balance for 1999 that was taken into account and reduced from the assessment for 2000 (resolutions 54/239 A and B)	8,200,000	8,200,000
Less:		
Actual unencumbered balance for 1999	(14,073,600)	(13,614,300)
Interest and other miscellaneous income for the biennium 1998-1999 as at 31 December 1999	(3,412,000)	(3,412,000)
Estimated unencumbered balance for 2000	(2,500,000)	(2,227,000)
Estimated income for 2001	(77,200)	
Balance to be assessed for 2001	96,624,900	85,390,600
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001	48,312,450	42,695,300
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001	48,312,450	42,695,300

^aThe amount does not include provisions sought for ad litem judges (A/55/517/Add.1).

Also on 23 December, the Assembly decided that the item on ICTY financing would remain for consideration during its resumed fifty-fifth (2001) session (**decision 55/458**) and that the Fifth Committee should continue consideration of the item at that session (**decision 55/455**).

ICTR

Reports of Secretary-General. In October [A/55/512 & Corr.1], the Secretary-General submitted the proposed 2001 ICTR resource requirements, amounting to \$95,056,600 gross (\$86,616,600 net), reflecting an increase of \$8,901,700 gross (\$8,446,400 net) and 81 additional new posts.

In response to Assembly resolution 49/251 [YUN 1995, p. 1324], the Secretary-General, in November [A/55/622], submitted the fifth annual budget performance report of ICTR for the year ended 31 December 1999, including actual performance indicators. Expenditures for 1999 totalled \$64,156,000 net, resulting in an unencumbered balance of \$4,375,300 net, which consisted of reduced requirements of \$3,525,600 net under the Registry and \$918,400 net under the Office of the Prosecutor, offset by an overexpenditure of \$68,700 under the Chambers.

In December [A/55/512/Add.1], the Secretary-General presented the supplementary resource requirements for 2001 arising from Security Council resolution 1329(2000) (see p. 1228), by which the Council approved the appointment of two additional judges to the Appeals Chambers of ICTR and ICTY. The estimated additional requirements amounted to \$654,300 gross (\$628,900 net), bringing the total resource requirements for 2001 to \$95,710,900 gross (\$87,245,500 net).

ACABQ action. In November [A/55/643], ACABQ reviewed ICTR financing and recommended that the General Assembly approve an appropriation of \$93,520,500 gross (\$85,178,700 net) for the operation of the Tribunal in 2001, representing a reduction of \$1,536,100 gross (\$1,437,900 net) from the estimate in the Secretary-General's proposal.

GENERAL ASSEMBLY ACTION

On 23 December [meeting 89], the General Assembly, on the recommendation of the Fifth Committee [A/55/692], adopted **resolution 55/226** without vote [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

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, the related report of the Advisory Committee on Administrative and Budgetary Questions and the oral statement made by the Chairman of the Advisory Committee to the Fifth Committee on 6 December 2000,

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Tribunal for Rwanda

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 International Tribunal for Rwanda for 1999 and the comments of the Advisory Committee thereon in its report,

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 Chamber of the International Tribunal for Rwanda and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

1. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, 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 International Tribunal for Rwanda;

4. Welcomes recent improvements in the functioning of the International Tribunal for Rwanda, 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 International Tribunal for Rwanda, 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;

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 International Tribunal for Rwanda 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 International Tribunal for Rwanda should have priority over public relations activities and attendance at external meetings;

8. Also endorses the recommendation of the Advisory Committee in paragraph 23 of its report, and requests the Secretary-General to undertake a study, with the involvement of the International Tribunal for Rwanda, 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 report and the additional budgetary recommendations of the Advisory Committee arising from Security Council resolution 1329(2000), as presented orally by the Chairman of the Advisory Committee to the Fifth Committee;

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, as set out in its resolution 55/5 B of 23 December 2000;

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 International Tribunal for Rwanda 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

	Gross (United States dollars)	Net
Proposed budget for 2001 (A/55/512 and Corr.1)	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:		
Recommendations of the Advisory Committee on Administrative and Budgetary Questions (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
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

Also on 23 December, the Assembly decided that the item on ICTR financing would remain for consideration during its resumed fifty-fifth (2001) session (**decision 55/458**).