



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. WALEED ALSHAHARI, PERMANENT MISSION OF THE REPUBLIC OF YEMEN TO THE UNITED NATIONS, ON AGENDA ITEM: 132: CONDITIONS OF SERVICE FOR THE AD LITEM JUDGES OF THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, AT THE FIRST PART OF THE RESUMED SIXTY-FOURTH SESSION OF THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY (New York, 10 March 2010)

Mr. Chairman,

1. I have the honour to speak on behalf of the G77 and China on this very important agenda item: 132 entitled: Conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. We thank the Assistant Secretary-General for Human Resources Management, Ms. Catherine Pollard, for introducing the Report of the Secretary-General, A/64/635, and the Chairperson of the ACABQ, Ms. Susan McLurg, for introducing the related report, A/64/7/Add.20.

Mr. Chairman,

2. The Group of 77 and China, as usual, believes in fairness, equality and justice in all areas of activities of the United Nations. The issue of fairness and equality get more prominence when it relates to all judges administering justice in the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. In this connection, the Group thanks the Secretary-General for being cognizant of prevailing discrimination in the conditions of service of the ad litem judges vis-à-vis the same for permanent judges of these Tribunals.

3. The Group recalls that the ad litem judges were appointed with the understanding that their mandate will not exceed a period of three years. The prediction of tenure of ad litem judges not exceeding three years yielded to the condition of not according pension benefits to them. The continued extension of the mandate of these particular ad litem judges has thus brought their service at par with that of the permanent judges, who by their mandates are eligible to pension benefits after three years. The Group, therefore, believes that the non-payment of pension benefits to the ad litem judges who have similar qualifications and workload, and are appointed through similar procedures under the same statutes of these Tribunals, is a clear demonstration of non-compliance with principles of equality, fairness and justice. This should not be the case.

4. The question of eligibility for pension relates to lengths of service as mandated by relevant pension rules. In addition to that, as stated by ACABQ in para. 9 of its report, neither the statutes of the International Tribunal for the Former Yugoslavia nor the International Criminal Tribunal for Rwanda explicitly disqualifies ad litem judges from receiving pension benefits. Premising on that, the ACABQ, in the same paragraph, has certified ad litem judges eligible for pension benefits.

5. The Group observes that by the end of 2010, about 75 percent of the ad litem judges would have completed three years of cumulative period of service at the two Tribunals. The Group is apprehensive that the continued discrimination against them may adversely impact on the successful implementation of the completion strategy as projected. The difference in terms and conditions between the ad litem and permanent judges is no longer justified and, therefore, it

should be addressed in terms of equality and fairness. In this regard, the Group stresses that this matter should be addressed during the first resumed 64th session. Finally, the Group would like to add that the position just presented exclusively applies to the situation of the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

Mr. Chairman,

6. In conclusion, the Group of 77 and China looks forward to engaging constructively during the forthcoming discussion on this matter.

I thank you, Mr. Chairman.