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Proposed programme budget for 2023

Report on the use of the 2022 subvention and request for a subvention to the Special Tribunal for Lebanon for 2023

Twenty-fifth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for 2023

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the use of the 2022 subvention and request for a subvention to the Special Tribunal for Lebanon for 2023 ([A/77/548](#) and [A/77/548/Corr.1](#)). During its consideration of the report, the Committee received additional information and clarifications, concluding with written responses received on 17 November 2022.

2. In his report, the Secretary-General outlines the Tribunal's progress in 2022, including its transition to a limited residual phase in July 2022 after the conclusion in June 2022 of the Tribunal's main judicial activities. He also notes the adoption and implementation of a completion plan that entails the final closure of the Tribunal at the end of 2023. Furthermore, the Secretary-General provides information on the Tribunal's financial situation, the projected use of the 2022 subvention and the Tribunal's 2023 budget, and seeks the approval by the General Assembly of an appropriation for a final subvention for the Tribunal in the amount of \$2.97 million for 2023 ([A/77/548](#), summary).

3. The Special Tribunal for Lebanon was established following the adoption of Security Council resolution [1757 \(2007\)](#) to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of the former Prime Minister of Lebanon, Rafik Hariri, and the death or injury of other persons. The Tribunal's jurisdiction also extends to other attacks that it judicially determines to be "connected" to the attack of 14 February 2005. Pursuant to the Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon, annexed to resolution [1757 \(2007\)](#), 51 per cent of the expenses of the Tribunal are to be borne by voluntary contributions from States, while the remaining 49 per cent are to be borne by the Government of Lebanon (*ibid.*, paras. 1–3).



4. The Advisory Committee recalls that, in his previous report ([A/76/522](#)), the Secretary-General had provided information on the Tribunal's financial challenges and had requested approval by the General Assembly of an appropriation for a subvention in the amount of \$8.3 million for 2022. By its resolution [76/246 A](#), the General Assembly appropriated an amount of \$6 million under section 8, Legal affairs, of the programme budget for 2022, to supplement the voluntary financial resources of the Tribunal by way of a subvention for the period from 1 January to 31 December 2022. The Assembly also requested the Secretary-General to provide detailed information on the final expenditures and unencumbered balance, as well as its return to the Member States, in the context of the financial performance report on the programme budget for 2021 during the main part of the seventy-seventh session of the General Assembly.

5. The Secretary-General indicates in his latest report that the United Nations and the Government of Lebanon have agreed to a completion plan for the Tribunal. Further to the completion plan, it is foreseen that the Tribunal will perform its limited residual functions, from 1 July 2022 to the end of 2023. He further explains that the Tribunal faced a significant shortfall of funds in the first half of 2022. In order to avoid a premature liquidation of the Tribunal in early 2022, the Government of Lebanon, despite its economic challenges, undertook significant efforts to pledge \$900,000 as a portion of its assessed contribution. In parallel, the Tribunal undertook efforts to realize cost reductions. The Tribunal also continued its intensive fundraising efforts. With the added benefit of the completion plan, it was able to raise sufficient funds to allow it to continue its operations through the end of 2022. While the 2022 financial shortfall was ultimately resolved, the financial situation for 2023 remains dire. Insufficient financing puts at risk the completion of the Tribunal's work and its timely closure at the end of 2023 ([A/77/548](#), paras. 5–8).

II. Progress made in the case files and completion plan

A. Completion of the *Ayyash et al.* case (STL-11-01)

6. The *Ayyash et al.* case concerned the attack on the former Prime Minister of Lebanon, which killed 22 people, including the Prime Minister, and injured 226 others. On 18 August and 11 December 2020, the Trial Chamber delivered its judgment and sentenced Salim Jamil Ayyash to five concurrent sentences of life imprisonment, while acquitting the three others accused in the case. Following appellate proceedings throughout 2021 that involved two of the three acquitted individuals, Hassan Habib Merhi and Hussein Hassan Oneissi, the Appeals Chamber issued its appeal judgment on 10 March 2022. The appeal judgment reversed their acquittals and convicted them on all charged counts. On 16 June 2022, having considered submissions and observations from the parties, the Appeals Chamber sentenced Mr. Merhi and Mr. Oneissi to five concurrent sentences of life imprisonment each. The sentencing judgment concluded the proceedings in the main case (STL-11-01) before the Tribunal ([A/77/548](#), paras. 9–11).

B. Continued stay of the “connected” *Ayyash* case (STL-18-10)

7. The “connected” *Ayyash* case relates to three attacks against Lebanese politicians, Marwan Hamade, George Hawi and Elias El-Murr, on 1 October 2004, 21 June 2005 and 12 July 2005, respectively. The accused, Mr. Ayyash, was charged with conspiracy to commit a terrorist act, together with a number of other related charges. The proceedings in the “connected” case were stayed in June 2021, some two weeks before the trial date, as a result of insufficient funding. Those proceedings remain stayed and

have no allocated resources, in either the revised budget for 2022 or the budget for 2023 (ibid., paras. 12–13). **The Advisory Committee notes the conclusion of the *Ayyash et al.* case (STL-11-01) and also notes with concern the stay of the “connected” *Ayyash* case (STL-18-10) due to the unavailability of funding.**

C. Completion plan

8. The Secretary-General explains in his report that, in 2021, following consultations with members of the Security Council and the Government of Lebanon, the United Nations agreed on the framework for the performance of residual functions by the Tribunal, as well as the scope of the residual functions. In June 2022, the United Nations and the Government of Lebanon agreed on a completion plan for the finalization of work and the orderly closure of the Tribunal at the end of 2023. The completion plan sets forth that the Tribunal’s residual phase would commence upon completion of the judicial work of the Tribunal. Accordingly, following the issuance of the appeal sentencing judgment in the main case (STL-11-01) on 16 June 2022, the Tribunal commenced the performance of its residual functions on 1 July 2022. Owing to the limited scope of the residual functions of the Tribunal, the United Nations and the Government of Lebanon further agreed that the residual phase of the Tribunal would be completed at the end of 2023, which will require a final mandate renewal after the current mandate expires at the end of February 2023. It is envisaged that such a final mandate renewal would be limited to a non-judicial mandate that would focus on the completion of the non-judicial residual functions. The residual functions include: (a) completing outstanding judicial activities; (b) addressing questions relating to the protection and support of victims and witnesses; (c) providing assistance to national authorities and responding to requests for information; (d) managing and preserving the records and archives of the Tribunal; (e) completing the translation of the judgments; and (f) continuing efforts to draw down the Tribunal and ensure its legacy (ibid., paras. 14–18). Upon enquiry, it was pointed out that the Special Tribunal for Lebanon was the first ad hoc Tribunal to close following the completion of residual functions. **The Advisory Committee notes the activities under the completion plan for the work of the Tribunal by the end of 2023, as provided by the Secretary-General. The Committee acknowledges the efforts made to reach the completion of work of the Tribunal, thus making it the first United Nations Tribunal to achieve the completion of its mandate. The Committee trusts that lessons learned and best practices related to the experience of the Tribunal will be collated and shared with relevant entities of the United Nations.**

9. Upon enquiry, the Advisory Committee was informed that, if the mandate of the Tribunal was not extended, its legacy would be seriously affected and it would be unable either to continue to provide services to victims and witnesses who cooperated with the Tribunal or to ensure long-term solutions to address any remaining security concerns, including about their confidential information. Furthermore, the Tribunal’s judgments would not be available in Arabic and French for the Lebanese population and the wider public. The records and archives of the Tribunal would not be preserved or accessible, and there would be no comprehensive website available to the public. In addition, it could not be guaranteed that highly sensitive and confidential information provided by Member States would be properly secured before the closure of the Tribunal. A non-renewal of the mandate would also lead to a disorderly closure, thereby negatively affecting the Tribunal’s ability to liquidate properly. The Committee notes that the services currently provided for witnesses and victims will be discontinued and that support in the future will be provided through consultancies and the Legal Officer, and, if necessary, the Office of the Prosecutor will assist in the protection of witnesses and victims (ibid., para. 44). **The Advisory Committee notes the importance of all residual functions. The Committee stresses that all possible**

measures will continue to be taken to ensure the protection of victims and witnesses, in accordance with the Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon.

10. According to the Secretary-General, in 2022, the Tribunal will continue limited judicial activities, which include: completion of the annual report; assistance to Lebanese authorities and responses to requests for information; assistance to the President, Vice-President and judges regarding the completion of their mandate, ensuring that all judicial matters and judicial archives are properly completed before the expiration of their mandate; and assistance in finalizing the judicial texts on the Tribunal's website for legacy purposes, as may be required in the Tribunal's three official languages (Arabic, English and French). The Tribunal will maintain the emergency contact telephone line, the Registry's confidential witness/victim database and the pre-existing relocation agreements it has with States. Both the Registry and the Office of the Prosecutor will continue to maintain their respective databases, to address requests for information from national authorities and/or other third parties and address the protection and support of victims and witnesses. The Registry will maintain the Tribunal's judicial databases to fulfil the abovementioned functions, as well as prepare the archives and records under its custody for handover to the United Nations, upon the closure of the Tribunal. The translation of the trial judgment (2,682 pages) is also scheduled for completion by the end of 2022. Work will continue on the French translations of the trial and appeal judgments, with the translation stage of the judgments due for completion in 2022 (*ibid.*, paras. 19–28).

11. The Secretary-General further explains the drawdown and other legacy activities. In terms of staffing, an additional 41 staff will have departed the Tribunal, leaving 11 staff in 2023. In terms of premises and assets, the Tribunal offered and committed to vacate its current premises, as part of its cost reduction measures, one year prior to its closure. Furthermore, in October 2022, the Tribunal reached an agreement for the temporary physical housing of the Tribunal's information technology infrastructure and digital archive and the digital records and holdings of the Office of the Prosecutor with the International Criminal Court, while they remain under the custody and management of the Registry and the Office of the Prosecutor. The transfer itself is taking place in the remainder of 2022. The physical judicial and non-judicial archive of the Office of the Prosecutor was moved to the National Archives of the Netherlands in July 2022. The Registry collection will follow during the fourth quarter of 2022. Upon closure of the Tribunal, the physical records, information technology infrastructure and digital archive, as well as the digital records and holdings of the Office of the Prosecutor, will be transferred to the United Nations (*ibid.*, paras. 29–33).

12. Upon enquiry, the Advisory Committee was informed that the United Nations and the Government of Lebanon had agreed that the United Nations should be the custodian of the Tribunal's records and archives, in order to ensure access of the public to the judicial records, preserve the security and safety of confidential materials provided to the Tribunal from the Member States and ensure the safety and security of victims and witnesses who cooperated with the Tribunal. It was further observed that: (a) the records and archives of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were held by the International Residual Mechanism for Criminal Tribunals, in The Hague, Netherlands, and Arusha, United Republic of Tanzania, respectively; (b) the records and archives of the Special Court for Sierra Leone were under the custody of the Residual Special Court for Sierra Leone in The Hague; and (c) the United Nations held a copy of the records and archives of the Serious Crimes Unit of the Office of the Prosecutor General of Timor-Leste, which investigated and prosecuted crimes under a hybrid international-East Timorese tribunal created in 2000 to try cases of

“serious criminal offenses”, including genocide, war crimes and crimes against humanity.

13. Upon enquiry, the Advisory Committee was also informed that the Archives and Records Management Service in the Department of Operational Support would be able to receive and store the Special Tribunal’s archives and was in the process of realigning existing resources and assessing and building capacity to mitigate the risks associated with digital preservation. Upon completion of that work, the Department would be in a better position to consider the extent to which the digital preservation programme may need to be supplemented and would make any such proposals to the General Assembly in line with budgetary procedures.

14. Upon enquiry, the Advisory Committee was informed that the main cost associated with remaining in the current building related to the maintenance of 24/7 security to preserve the security and safety of confidential material. This required a minimum of 10 security officers and one supervisor for the entire year. The other significant cost related to the staff required for facilities management and electricity/energy costs. By moving to other locations, the Tribunal benefited from the security arrangements and building infrastructure already in place at those other premises. The Committee was provided with a comparison showing that the cost of moving to temporary locations is \$1.24 million lower than remaining at the Tribunal premises. **The Advisory Committee acknowledges the efforts to implement cost-reduction measures. Given the persistent funding challenges facing the Tribunal, the Committee trusts that efforts will continue to be made to ensure cost efficiency during the residual phase and in implementing its completion plan.**

III. Budget implementation and financial position

15. By its resolution 76/246 A, the General Assembly appropriated an amount of \$6 million under section 8, Legal affairs, of the programme budget for 2022, to supplement the voluntary financial resources of the Tribunal by way of a subvention. The release of the subvention to the Tribunal has been made on an incremental basis, based on the monthly cash position and projected cash disbursements. According to the Secretary-General, at the time of reporting, it is envisaged that the 2022 subvention will be utilized in full by 31 December 2022, supplementing received and anticipated voluntary contributions. The voluntary contributions, together with the subvention, will be sufficient to cover the overall revised requirements for 2022 (*ibid.*, paras. 54–56).

16. The Secretary-General explains the fundraising efforts, which led to a limited broadening of the Tribunal’s donor base, with a voluntary contribution from one new donor State of \$20,000 in 2022. He indicates that, despite the significant fundraising efforts, which will continue during 2023, voluntary contributions for the Tribunal have continued to decline over the years; falling from \$22.7 million in 2019 to \$20.5 million in 2020, to \$8.1 million in 2021 and a projected \$1.0 million in 2022. According to the Secretary-General, at the time of reporting, there were no pledged contributions for 2023, and it is unclear whether the Government of Lebanon will be in a position to make a contribution to the Tribunal in 2023 (*ibid.*, paras. 47–53).

17. Upon enquiry, the Advisory Committee was provided with updated information on the status of contributions in 2020, 2021 and 2022 (see table 1). **The Advisory Committee notes with concern the lack of projected voluntary contributions for 2023 and recommends that the General Assembly encourage all Member States to provide voluntary support for the Tribunal and request the Secretary-General to intensify his efforts to obtain additional voluntary contributions, including by broadening the donor base and encouraging the members of the Management**

**Committee and other interested States to renew their financial efforts (see also
A/76/7/Add.21, para. 20).**

Table 1

Status of contributions (assessed, voluntary and in-kind) for 2020, 2021 and 2022

(Thousands of United States dollars)

| | 2020 | 2021 | 2022 | |
|---|-------------------------|------------------|----------------|-------------------------|
| | <i>Pledged and paid</i> | | <i>Paid</i> | <i>Pledged (unpaid)</i> |
| I. Assessed contributions | | | | |
| Lebanon | 32 792.5 | 594.5 | 900.0 | — |
| Total assessed contributions | 32 792.5 | 594.5 | 900.0 | — |
| II. Voluntary contributions | | | | |
| Australia | 110.6 | 115.3 | — | — |
| Canada | — | 120.4 | — | — |
| Czechia | 13.7 | 16.2 | — | — |
| European Union | 5 969.7 | 3 339.6 | — | — |
| France | 1 820.3 | 1 109.8 | 105.3 | — |
| Germany | 1 213.6 | 713.4 | — | — |
| Ireland | — | — | 40.1 | — |
| Italy | 485.4 | 477.8 | — | — |
| Luxembourg | 30.3 | — | — | — |
| Malta | — | — | 20.0 | — |
| Netherlands | — | 237.8 | — | — |
| United Kingdom of Great Britain and Northern Ireland | — | — | — | — |
| United States of America | 10 728.2 | 2 000.0 | — | — |
| Subtotal, voluntary contributions General Fund | 20 371.8 | 8 130.3 | 165.4 | — |
| European Union | 143.2 | 194.8 | — | — |
| Netherlands | — | — | 301.2 | 334.1 |
| Subtotal, voluntary contribution trust funds^a | 143.2 | 194.8 | 301.2 | 334.1 |
| Netherlands | 2 339.1 | 2 412.0 | 813.9 | — |
| Subtotal, contribution in-kind | 2 339.1 | 2 412.0 | 813.9 | — |
| Total voluntary contributions | 20 854.1 | 10 737.1 | 1 260.5 | 334.1 |
| Total (assessed and voluntary contributions) | 55 646.6 | 11 331.56 | 2 180.5 | 334.1 |

^a Voluntary contributions assigned to special projects that do not cover core activities of the Tribunal.

18. The Advisory Committee was also provided, upon enquiry, with information on the expenditure for 2021 and for 2022 (as at 31 October 2022). The information indicates that, for 2021, the approved budget was fully utilized (see table 2). For 2022, expenditures were at 92 per cent of the approved 2022 budget. **The Advisory Committee trusts that updated financial information, including monthly expenditures, contributions received and budgetary adjustments, if any, will be provided to the General Assembly at the time of its consideration of the present report.**

Table 2
Financial resources by component and funding availability
 (Thousands of United States dollars)

| Component | 2021 | | 2022 | | | Resource changes | | 2023 |
|--|-----------------|-----------------|------------------------------|-----------------------------|--------------------------------------|------------------|---------------|------------------------------|
| | Approved budget | Expenditures | Approved budget ^a | Revised budget ^b | Expenditures (until 31 October 2022) | Amount | Percentage | Proposed budget ^c |
| Expenditure/requirements | | | | | | | | |
| Posts | 21 055.9 | 21 702.5 | 3 923.3 | 4 685.8 | 4 425.6 | (3 274.1) | (69.9) | 1 411.7 |
| Non-staff compensation | 2 048.3 | 1 918.5 | 785.1 | 562.3 | 558.6 | (552.3) | (98.2) | 10.0 |
| Other staff costs | 3 439.1 | 3 572.3 | 844.8 | 302.7 | 265.8 | 284.2 | 93.9 | 586.9 |
| Consultants | 1 004.7 | 1 057.7 | 203.2 | 97.1 | 73.8 | (8.8) | (9.1) | 88.3 |
| Travel | 79.1 | 24.8 | 51.7 | 5.5 | 0.00 | (5.5) | (100.0) | – |
| Contractual services | 1 353.9 | 1 144.5 | 819.3 | 781.1 | 570.1 | (287.4) | (36.8) | 493.7 |
| General operating expenses | 2 370.2 | 2 124.0 | 750.2 | 591.8 | 561.9 | (214.4) | (36.2) | 377.4 |
| Supplies and materials | 214.2 | 130.4 | 9.7 | 9.5 | 5.5 | (9.5) | (100.0) | – |
| Furniture and equipment | 109.3 | – | 4.2 | 29.6 | 24.8 | (29.6) | (100.0) | – |
| Subtotal | 31 674.7 | 31 674.7 | 7 391.5 | 7 065.4 | 6 486.1 | (4 097.4) | (58.0) | 2 968.0 |
| Income | | | | | | | | |
| Fund balance brought forward | 7 446.6 | 7 446.6 | – | – | – | – | – | – |
| Pledges, contributions, and other income | 8 724.7 | 8 724.7 | 1 065.4 | 1 065.4 | 1 065.4 | (1 065.4) | (100.0) | – |
| Amount of subvention authorized | 15 503.4 | 15 503.4 | 6 000.0 | 6 000.0 | 6 000.0 | (3 032.0) | (50.5) | 2 968.0 |
| Total income | 31 674.7 | 31 674.7 | 7 065.4 | 7 065.4 | 7 065.4 | (4 097.4) | (58.0) | 2 968.0 |
| Surplus/(shortfall) | – | – | (326.1) | – | 579.3 | – | – | – |

^a The original approved budget for 2022 for the Special Tribunal for Lebanon amounts to 6,999,798 euros (equivalent to \$7,391,500, using the exchange rate as at 15 May 2022 of 0.947 euro = \$1). The original budget for 2022 was approved by the Management Committee on 23 August 2021.

^b The revised budget for 2022 in the amount of €6,690,900 (equivalent to \$7,065,400 using the exchange rate of 15 May 2022 of 0.947 = \$1) was approved by the Management Committee on 19 May 2022.

^c The 2023 budget for the total amount of €2,959,050 (equivalent to \$2,967,955 using the exchange rate of 15 September 2022 of 0.997 = \$1) was approved by the Management Committee on 8 August 2022.

IV. Funding requirements of the Tribunal for 2023

19. The Secretary-General indicates that the budget for 2023, approved by the Management Committee in August 2022, amounts to \$2,968,000 for the period from 1 January to 31 December 2023, and reflects a reduction of \$4,097,400, compared with the revised budget for 2022 of \$7,065,400. The reduction is due to decreases under Chambers (\$1,050,200), the Office of the Prosecutor (\$460,700), the Registry (\$2,358,400) and the Defence Office (\$228,100), reflecting the impact of the Tribunal's extensive reduction of judicial activities in June 2022, the transition to a limited residual phase in July 2022 and the corresponding continued drawdown of functions. The 2023 budget is reflected in table 3 below ([A/77/548](#), paras. 61–62; and table 1).

Table 3
Requirements by object of expenditure and funding availability

(Thousands of United States dollars)

| Component | 2021 | | 2022 | | Resource changes | | 2023 |
|---|-----------------|-----------------|------------------------------|-----------------------------|------------------|---------------|------------------------------|
| | Approved budget | Expenditures | Approved budget ^a | Revised budget ^b | Amount | Percentage | Proposed budget ^c |
| Expenditure/requirements | | | | | | | |
| A. Chambers | 3 705.9 | 3 650.6 | 1 507.9 | 1 083.9 | (1 050.2) | (96.9) | 33.7 |
| B. Office of the Prosecutor | 6 166.5 | 6 495.0 | 855.6 | 848.4 | (460.7) | (54.3) | 387.7 |
| C. Registry | 19 485.6 | 19 178.2 | 4 749.9 | 4 878.9 | (2 358.4) | (48.3) | 2 520.5 |
| D. Defence Office | 2 316.7 | 2 350.9 | 278.1 | 254.2 | (228.1) | (89.7) | 26.1 |
| Subtotal | 31 674.7 | 31 674.7 | 7 391.5 | 7 065.4 | (4 097.4) | (58.0) | 2 968.0 |
| Income | | | | | | | |
| Fund balance brought forward | 7 446.6 | 7 446.6 | — | — | — | — | — |
| Pledges, contributions and other income | 8 724.7 | 8 724.7 | 1 065.4 | 1 065.4 | (1 065.4) | (100.0) | — |
| Amount of subvention authorized | 15 503.4 | 15 503.4 | 6 000.0 | 6 000.0 | (3 032.0) | (50.5) | 2 968.0 |
| Total income | 31 674.7 | 31 674.7 | 7 065.4 | 7 065.4 | (4 097.4) | (58.0) | 2 968.0 |
| Surplus/(shortfall) | — | — | (326.1) | — | — | — | — |

^a The original approved budget for 2022 for the Special Tribunal for Lebanon amounts to 6,999,798 euros (equivalent to \$7,391,500, using the exchange rate as at 15 May 2022 of 0.947 euro = \$1). The original budget for 2022 was approved by the Management Committee on 23 August 2021.

^b The revised budget for 2022 in the amount of €6,690,900 (equivalent to \$7,065,400 using the exchange rate of 15 May 2022 of 0.947 = \$1) was approved by the Management Committee on 19 May 2022.

^c The 2023 budget for the total amount of €2,959,050 (equivalent to \$2,967,955 using the exchange rate of 15 September 2022 of 0.997 = \$1) was approved by the Management Committee on 8 August 2022.

20. According to the Secretary-General, the resource requirements include the following objects of expenditure: (a) Post resources in the amount of \$1,411,700 to provide for 11 posts (one Registrar (P-5), one Legal Officer (P-3), one Administrative Officer (P-3), four information technology staff (2 P-4, 1 P-3 and 1 P-2), two archiving staff (1 P-3 and 1 P-2), one part-time staff member in the Office of the Prosecutor (P-4) (70 per cent) and one short-term staff member in the Chambers (P-2) (two months)); and (b) Non-post resources in the amount of \$1,556,300, to provide for non-staff compensation (\$10,000), other staff costs (\$586,900), consultants (\$88,300), contractual services (\$493,700) and general operating expenses (\$377,400) (A/77/548, paras. 63 and 64; and A/77/548/Corr.1). Upon enquiry, the Advisory Committee was provided with information on the functional titles, the duties and the duration of the posts required in 2023.

V. Other matters

Staff appeals

21. Upon enquiry, the Advisory Committee was provided with information on the number of cases and the costs related to assistance to the Judge of Staff Appeals in 2021, 2022 and 2023. The Committee was also informed that the separation of staff in 2021 and 2022 had been based on the posts abolished in accordance with the

approved budgets. The length of each staff appointment had been aligned with the timing of the abolition of the post. There had been no termination of appointments, and the affected staff had been officially notified within the notice periods required under the Tribunal's staff rules. Therefore, no termination costs had been incurred in 2021 or 2022. The Tribunal would follow the same procedure in 2023. In 2021, there had been 12 requests for appeal before the Tribunal's Judge for Staff Appeals. All claims had been dismissed, except three where the Judge for Staff Appeals had ordered payment to appellants of moral damages equivalent to \$35,500. The total cost for legal assistance in 2021 had been \$12,500. In 2022, as at 31 October 2022, only one request for appeal had been submitted to the Judge for Staff Appeals and it had been dismissed. The cost for legal assistance in 2022 amounted to \$1,650. Under the Tribunal's staff rules, the possibility remained that one or more staff may file a request for appeal before the end of 2022. As the right of appeals under the Tribunal's staff rules would remain until the end of the Tribunal's mandate, based on the 2021 and 2022 decreasing case number projections, an amount of \$5,000 was budgeted in 2023 to resolve an estimated three potential cases. **The Advisory Committee notes the information on staff separation and acknowledges the efforts made to minimize the number of appeals.**

VI. Actions to be taken by the General Assembly

22. The Secretary-General, in paragraph 69 of his report, requests that the General Assembly:

- (a) Take note of the report and the use of the approved subvention for 2022;
- (b) Take note that the subvention utilized in 2021 in the amount of \$15,503,400, is reflected in the financial performance report on the programme budget for 2021;
- (c) Take note of the resource requirements of the Special Tribunal for Lebanon for the period from 1 January to 31 December 2023, estimated at \$2,968,000 for the Tribunal to complete its residual mandate and close on 31 December 2023;
- (d) Appropriate an amount of \$2,968,000 under section 8, Legal affairs, of the proposed programme budget for 2023 by way of a subvention for the Tribunal, with the understanding that any additional voluntary contributions received would reduce the utilization of the funding provided by the United Nations, which would be reported in the context of the financial performance report on the programme budget for 2023;
- (e) Take note that the transfer of the Tribunal's records and archives to the United Nations may have budgetary implications, in particular under section 29B, Department of Operational Support, of the programme budget, for which resource proposals would be submitted to the General Assembly in line with budgetary procedures.

23. **The Advisory Committee recalls the Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon, annexed to Security Council resolution 1757 (2007), establishing the Special Tribunal for Lebanon and specifying its funding mechanism (see para. 3 above) and that the subvention acts as an exceptional bridging mechanism until voluntary contributions are received.**

24. **Taking into consideration its observations and recommendations above, the Advisory Committee recommends that the General Assembly appropriate an amount of \$2.97 million under section 8, Legal affairs, of the programme budget**

for 2023, by way of a subvention to the Tribunal. The Committee further recommends that the subvention be approved on the basis that:

- (a) The Secretary-General continues to engage in all efforts to increase the level of voluntary contributions;**
 - (b) The subvention would be subsequently reimbursed from the voluntary contributions received by the Tribunal and returned to the Member States;**
 - (c) Appropriate measures for achieving savings and efficiencies during the residual phase will continue to be in place;**
 - (d) The funding and utilization of the subvention will be reported in the context of the financial performance report on the programme budget for 2023.**
-