



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

Date: February 2006

Original: English & French

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# **STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**

**(ADOPTED 25 MAY 1993 BY RESOLUTION 827)  
(AS AMENDED 13 MAY 1998 BY RESOLUTION 1166)  
(AS AMENDED 30 NOVEMBER 2000 BY RESOLUTION 1329)  
(AS AMENDED 17 MAY 2002 BY RESOLUTION 1411)  
(AS AMENDED 14 AUGUST 2002 BY RESOLUTION 1431)  
(AS AMENDED 19 MAY 2003 BY RESOLUTION 1481)  
(AS AMENDED 20 APRIL 2005 BY RESOLUTION 1597)  
(AS AMENDED 28 FEBRUARY 2006 BY RESOLUTION 1660)**

**ICTY RELATED RESOLUTIONS:  
Resolution 1503 of 28 August 2003  
Resolution 1504 of 4 September 2003  
Resolution 1534 of 26 March 2004  
Resolution 1581 of 18 January 2005  
Resolution 1613 of 26 July 2005  
Resolution 1629 of 30 September 2005**



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**UPDATED STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA.....3**

RESOLUTION 808 (1993).....	15
RESOLUTION 827 (1993).....	17
RESOLUTION 1166 (1998).....	19
Annex.....	20
RESOLUTION 1329 (2000).....	21
Annex I.....	23
Annex II.....	26
RESOLUTION 1411 (2002).....	29
Annex I.....	30
Annex II.....	31
RESOLUTION 1431 (2002).....	33
Annex I.....	34
Annex II.....	37
RESOLUTION 1481 (2003).....	39
Annex.....	40
RESOLUTION 1597 (2005).....	41
Annex.....	42
RESOLUTION 1660 (2006).....	43
Annex.....	44

**ICTY RELATED RESOLUTIONS.....43**

*Resolutions with no amendments to the Statute, but relevant to the ICTY.*

RESOLUTION 1503 (2003).....	45
Annex I.....	47
RESOLUTION 1504 (2003).....	49
RESOLUTION 1534 (2004).....	51
RESOLUTION 1581 (2005).....	53
RESOLUTION 1613 (2005).....	54
RESOLUTION 1629 (2005).....	55



**UPDATED STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**TABLE OF CONTENTS**

Article 1 .....	5
Competence of the International Tribunal	
Article 2 .....	5
Grave breaches of the Geneva Conventions of 1949	
Article 3 .....	5
Violations of the laws or customs of war	
Article 4 .....	5
Genocide	
Article 5 .....	6
Crimes against humanity	
Article 6 .....	6
Personal jurisdiction	
Article 7 .....	6
Individual criminal responsibility	
Article 8 .....	6
Territorial and temporal jurisdiction	
Article 9 .....	7
Concurrent jurisdiction	
Article 10 .....	7
<i>Non-bis-in-idem</i>	
Article 11 .....	7
Organization of the International Tribunal	
Article 12 .....	7
Composition of the Chambers	
Article 13 .....	7
Qualifications of judges	
Article 13 <i>bis</i> .....	8
Election of permanent judges	
Article 13 <i>ter</i> .....	8
Election and appointment of <i>ad litem</i> judges	
Article 13 <i>quater</i> .....	9
Status of <i>ad litem</i> judges	
Article 14 .....	9
Officers and members of the Chambers	
Article 15 .....	10
Rules of procedure and evidence	
Article 16 .....	10
The Prosecutor	

Article 17 .....	10
<b>The Registry</b>	
Article 18 .....	10
<b>Investigation and preparation of indictment</b>	
Article 19 .....	11
<b>Review of the indictment</b>	
Article 20 .....	11
<b>Commencement and conduct of trial proceedings</b>	
Article 21 .....	11
<b>Rights of the accused</b>	
Article 22 .....	11
<b>Protection of victims and witnesses</b>	
Article 23 .....	12
<b>Judgement</b>	
Article 24 .....	12
<b>Penalties</b>	
Article 25 .....	12
<b>Appellate proceedings</b>	
Article 26 .....	12
<b>Review proceedings</b>	
Article 27 .....	12
<b>Enforcement of sentences</b>	
Article 28 .....	12
<b>Pardon or commutation of sentences</b>	
Article 29 .....	12
<b>Co-operation and judicial assistance</b>	
Article 30 .....	13
<b>The status, privileges and immunities of the International Tribunal</b>	
Article 31 .....	13
<b>Seat of the International Tribunal</b>	
Article 32 .....	13
<b>Expenses of the International Tribunal</b>	
Article 33 .....	13
<b>Working languages</b>	
Article 34 .....	13
<b>Annual report</b>	

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Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, 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”) shall function in accordance with the provisions of the present Statute.

**Article 1  
Competence of the International Tribunal**

The International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of the present Statute.

**Article 2  
Grave breaches of the Geneva Conventions of 1949**

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (a) wilful killing;
- (b) torture or inhuman treatment, including biological experiments;
- (c) wilfully causing great suffering or serious injury to body or health;
- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- (g) unlawful deportation or transfer or unlawful confinement of a civilian;
- (h) taking civilians as hostages.

**Article 3  
Violations of the laws or customs of war**

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:

- (a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;
- (b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;
- (d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science;
- (e) plunder of public or private property.

**Article 4  
Genocide**

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;

- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) genocide;
- (b) conspiracy to commit genocide;
- (c) direct and public incitement to commit genocide;
- (d) attempt to commit genocide;
- (e) complicity in genocide.

#### **Article 5 Crimes against humanity**

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;
- (i) other inhumane acts.

#### **Article 6 Personal jurisdiction**

The International Tribunal shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

#### **Article 7 Individual criminal responsibility**

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.

#### **Article 8 Territorial and temporal jurisdiction**

The territorial jurisdiction of the International Tribunal shall extend to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters. The temporal jurisdiction of the International Tribunal shall extend to a period beginning on 1 January 1991.



**Article 9**  
**Concurrent jurisdiction**

1. The International Tribunal and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.

2. The International Tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal.

**Article 10**  
***Non-bis-in-idem***

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal only if:

- (a) the act for which he or she was tried was characterized as an ordinary crime; or
- (b) the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

**Article 11**  
**Organization of the International Tribunal**

The International Tribunal shall consist of the following organs:

- (a) the Chambers, comprising three Trial Chambers and an Appeals Chamber;
- (b) the Prosecutor; and
- (c) a Registry, servicing both the Chambers and the Prosecutor.

**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 twelve *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 nine *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, except in the circumstances specified in paragraph 5 below. 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.

4. A person who for the purposes of membership of the Chambers of the International Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.

5. The Secretary-General may, at the request of the President of the International Tribunal appoint, from among the *ad litem* judges elected in accordance with Article 13 *ter*, reserve judges to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge is unable to continue sitting.

6. Without prejudice to paragraph 2 above, in the event that exceptional circumstances require for a

permanent judge in a section of a Trial Chamber to be replaced resulting in a section solely comprised of *ad litem* judges, that section may continue to hear the case, notwithstanding that its composition no longer includes a permanent judge.

### **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 permanent 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 International Tribunal for Rwanda”) in accordance with article 12 *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 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 be eligible for re-election.

2. During any 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;
- (d) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to try.

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.

3. Notwithstanding, paragraphs 1 and 2 above, an *ad litem* judge who is serving as a reserve judge shall, during such time as he or she so serves:

- (a) Benefit from the same terms and conditions of service *mutatis mutandis* as the permanent judges of the International Tribunal;
- (b) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal;
- (c) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to and for that purpose to enjoy subject to paragraph 2 above, the same powers as permanent judges.

4. In the event that a reserve judge replaces a judge who is unable to continue sitting, he or she will, as of that time, benefit from the provisions of paragraph 1 above.

**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 permanent judges of the International Tribunal for Rwanda elected or appointed in accordance with article 12 *bis* of the Statute of that Tribunal 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.

**Article 15**  
**Rules of procedure and evidence**

The judges of the International Tribunal shall adopt rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters.

**Article 16**  
**The Prosecutor**

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.
2. The Prosecutor shall act independently as a separate organ of the International Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.
3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.
4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.
5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

**Article 17**  
**The Registry**

1. The Registry shall be responsible for the administration and servicing of the International Tribunal.
2. The Registry shall consist of a Registrar and such other staff as may be required.
3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

### **Article 18** **Investigation and preparation of indictment**

1. The Prosecutor shall initiate investigations *ex-officio* or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organisations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his own choice, including the right to have legal assistance assigned to him without payment by him in any such case if he does not have sufficient means to pay for it, as well as to necessary translation into and from a language he speaks and understands.

4. Upon a determination that a *prima facie* case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

### **Article 19** **Review of the indictment**

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a *prima facie* case has been established by the Prosecutor, he shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

### **Article 20** **Commencement and conduct of trial proceedings**

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal, be taken into custody, immediately informed of the charges against him and transferred to the International Tribunal.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

### **Article 21** **Rights of the accused**

1. All persons shall be equal before the International Tribunal.

2. In the determination of charges against him, the accused shall be entitled to a fair and public hearing, subject to article 22 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

- (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) to be tried without undue delay;
- (d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) to have the free assistance of an interpreter if he cannot understand or speak the language used in the International Tribunal;
- (g) not to be compelled to testify against himself or to confess guilt.

#### **Article 22**

#### **Protection of victims and witnesses**

The International Tribunal shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

#### **Article 23**

#### **Judgement**

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

#### **Article 24**

#### **Penalties**

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of the former Yugoslavia.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

#### **Article 25**

#### **Appellate proceedings**

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

- (a) an error on a question of law invalidating the decision; or
- (b) an error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

#### **Article 26**

#### **Review proceedings**

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal an application for review of the judgement.

#### **Article 27**

#### **Enforcement of sentences**

Imprisonment shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Security Council their willingness to accept convicted persons. Such

imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal.

#### **Article 28**

##### **Pardon or commutation of sentences**

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal accordingly. The President of the International Tribunal, in consultation with the judges, shall decide the matter on the basis of the interests of justice and the general principles of law.

#### **Article 29**

##### **Co-operation and judicial assistance**

1. States shall co-operate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

- (a) the identification and location of persons;
- (b) the taking of testimony and the production of evidence;
- (c) the service of documents;
- (d) the arrest or detention of persons;
- (e) the surrender or the transfer of the accused to the International Tribunal.

#### **Article 30**

##### **The status, privileges and immunities of the International Tribunal**

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal, the judges, the Prosecutor and his staff, and the Registrar and his staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat of the International Tribunal shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal.

#### **Article 31**

##### **Seat of the International Tribunal**

The International Tribunal shall have its seat at The Hague.

#### **Article 32**

##### **Expenses of the International Tribunal**

The expenses of the International Tribunal shall be borne by the regular budget of the United Nations in accordance with Article 17 of the Charter of the United Nations.

#### **Article 33**

##### **Working languages**

The working languages of the International Tribunal shall be English and French.

#### **Article 34**

##### **Annual report**

The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.





**RESOLUTION 808 (1993)**

Adopted by the Security Council at its 3175th meeting,  
on 22 February 1993

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

Recalling also its resolution 771 (1992) of 13 August 1992, in which, *inter alia*, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,

Recalling further its resolution 780 (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission of Experts may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

Having considered the interim report of the Commission of Experts established by resolution 780 (1992) (S/25274), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuance of the practice of "ethnic cleansing",

Determining that this situation constitutes a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee in the International Conference on the Former Yugoslavia for the establishment of such a tribunal (S/25221),

Noting also with grave concern the "report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia" (S/25240, Annex 1),

Noting further the report of the committee of jurists submitted by France (S/25266), the report of the commission of jurists submitted by Italy (S/25300), and the report transmitted by the Permanent

Representatives of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) (S/25307),

1. Decides that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than 60 days after the adoption of the present resolution, a report on all the aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

3. Decides to remain actively seized of the matter.



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**RESOLUTION 827 (1993)**

Adopted by the Security Council at its 3217th meeting,  
on 25 May 1993

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General (S/25704 and Add.1) pursuant to paragraph 2 of resolution 808 (1993),

Expressing once again its grave alarm at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized and systematic detention and rape of women, and the continuance of the practice of "ethnic cleansing", including for the acquisition and the holding of territory,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal and the prosecution of persons responsible for the above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal (S/25221),

Reaffirming in this regard its decision in resolution 808 (1993) that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991,

Considering that, pending the appointment of the Prosecutor of the International Tribunal, the Commission of Experts established pursuant to resolution 780 (1992) should continue on an urgent basis the collection of information relating to evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law as proposed in its interim report (S/25274),

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

1. Approves the report of the Secretary-General;

2. Decides hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace and to this end to adopt the Statute of the International Tribunal annexed to the above-mentioned report;

3. Requests the Secretary-General to submit to the judges of the International Tribunal, upon their election, any suggestions received from States for the rules of procedure and evidence called for in Article 15 of the Statute of the International Tribunal;

4. Decides that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the Statute;

5. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

6. Decides that the determination of the seat of the International Tribunal is subject to the conclusion of appropriate arrangements between the United Nations and the Netherlands acceptable to the Council, and that the International Tribunal may sit elsewhere when it considers it necessary for the efficient exercise of its functions;

7. Decides also that the work of the International Tribunal shall be carried out without prejudice to the right of the victims to seek, through appropriate means, compensation for damages incurred as a result of violations of international humanitarian law;

8. Requests the Secretary-General to implement urgently the present resolution and in particular to make practical arrangements for the effective functioning of the International Tribunal at the earliest time and to report periodically to the Council;

9. Decides to remain actively seized of the matter.



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**RESOLUTION 1166 (1998)**

Adopted by the Security Council at its 3878th meeting,  
on 13 May 1998

The Security Council,

Reaffirming its resolution 827 (1993) of 25 May 1993,

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,

Having considered the letter from the Secretary-General to the President of the Security Council dated 5 May 1998 (S/1998/376),

Convinced of the need to increase the number of judges and Trial Chambers, in order to enable 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 International Tribunal") to try without delay the large number of accused awaiting trial,

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

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

1. Decides to establish a third Trial Chamber of the International Tribunal, and to this end decides to amend articles 11, 12 and 13 of the Statute of the International Tribunal and to replace those articles with the provisions set out in the annex to this resolution;

2. Decides that three additional judges shall be elected as soon as possible to serve in the additional Trial Chamber, and decides also, without prejudice to article 13.4 of the Statute of the International 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 13.2 (c) of the Statute, establish a list from the nominations received of not less than six and not more than nine candidates;

3. Urges all States to cooperate fully with the International Tribunal and its organs in accordance with their obligations under resolution 827 (1993) and the Statute of the International Tribunal and welcomes the cooperation already extended to the Tribunal in the fulfilment of its mandate;

4. Requests the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above and for enhancing the effective functioning of the International Tribunal, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requests him to keep the Security Council closely informed of progress in this regard;

5. Decides to remain actively seized of the matter.

## ANNEX

### Article 11 Organization of the International Tribunal

The International Tribunal shall consist of the following organs:

- (a) the Chambers, comprising three Trial Chambers and an Appeals Chamber;
- (b) the Prosecutor; and**
- (c) a Registry, servicing both the Chambers and the Prosecutor.**

### Article 12 Composition of the Chambers

The Chambers shall be composed of fourteen 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; and
- (b) five judges shall serve in the Appeals Chamber.**

### Article 13 Qualifications 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. The 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 paragraph 1 above, no two of whom shall be of the same nationality.**
- (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 the fourteen 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.**

**3. In the event of a vacancy in the Chambers, 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 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.

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**RESOLUTION 1329 (2000)**

Adopted by the Security Council at its 4240th meeting,  
on 30 November 2000

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 (S/2000/865) and the annexed letters from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General dated 12 May 2000 and from the President of the International Tribunal for Rwanda dated 14 June 2000,

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 International 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 of 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 Former Yugoslavia and to enlarge the membership of the Appeals Chambers of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, 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 this 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 this resolution;

2. Decides that two additional judges shall be elected as soon as possible as judges of the International Tribunal for Rwanda and decides also, 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 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 is 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 Security 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 Security 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

### 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 International Tribunal for Rwanda") in accordance with article 12 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 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 permanent judges of the International Tribunal for Rwanda elected or appointed in accordance with article 12 bis of the Statute of that Tribunal 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

### 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 establish 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.





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**RESOLUTION 1411 (2002)**

Adopted by the Security Council at its 4535th meeting,  
on 17 May 2002

The Security Council,

Reaffirming its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000,

Recognizing that persons who are nominated for, or who are elected or appointed as, judges of the International Tribunal for the Former Yugoslavia or of the International Tribunal for Rwanda may bear the nationalities of two or more States,

Being aware that at least one such person has already been elected a judge of one of the International Tribunals,

Considering that, for the purposes of membership of the Chambers of the International Tribunals, such persons should be regarded as bearing solely the nationality of the State in which they ordinarily exercise civil and political rights,

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

1. Decides to amend article 12 of the Statute of the International Tribunal for the former Yugoslavia and to replace that article with the provisions set out in annex I to this resolution;

2. Decides also to amend article 11 of the Statute of the International Tribunal for Rwanda and to replace that article with the provisions set out in annex II to this resolution;

3. Decides to remain actively seized of the matter.

## ANNEX I

### 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.

**4. A person who for the purposes of membership of the Chambers of the International Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.**



## ANNEX II

### Article 11 Composition of the Chambers

1. 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.

**2. A person who for the purposes of membership of the Chambers of the International Tribunal for Rwanda could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.**



**RESOLUTION 1431 (2002)**

Adopted by the Security Council at its 4601st meeting,  
on 14 August 2002

The Security Council,

Reaffirming its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000,

*Reaffirming* its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000 and 1411 (2002) of 17 May 2002,

*Having considered* the letter from the Secretary-General to the President of the Security Council dated 14 September 2001 (S/2001/764) and the annexed letter from the President of the International Tribunal for Rwanda addressed to the Secretary-General dated 9 July 2001,

*Having considered also* the letter from the Secretary-General to the President of the Security Council dated 4 March 2002 (S/2002/241) and the annexed letter from the President of the International Tribunal for Rwanda addressed to the Secretary-General dated 6 February 2002,

*Convinced* of the need to establish a pool of *ad litem* judges in the International Tribunal for Rwanda in order to enable the International Tribunal for Rwanda to expedite the conclusion of its work at the earliest possible date and determined to follow closely the progress of the operation of the International Tribunal for Rwanda,

*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 Rwanda, and to this end *decides* 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 I to this resolution and *decides also* to amend articles 13 *bis* 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 II to this resolution;

2. *Requests* the Secretary-General to make practical arrangements for the election as soon as possible of eighteen *ad litem* judges in accordance with Article 12 *ter* of the Statute of the International Tribunal for Rwanda and for the timely provision to the International Tribunal for Rwanda of personnel and facilities, in particular, for the *ad litem* judges and related offices of the Prosecutor, and *further requests* him to keep the Security Council closely informed of progress in this regard;

3. *Urges* all States to cooperate fully with the International Tribunal for Rwanda and its organs in accordance with their obligations under resolution 955 (1994) and the Statute of the International Tribunal for Rwanda;

4. *Decides* to remain actively seized of the matter.

## **International Tribunal for Rwanda**

### **Annex I**

#### **Article 11**

##### **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 four *ad litem* independent judges appointed in accordance with article 12 *ter*, paragraph 2, of the present Statute, no two of whom may be nationals of the same State.
2. Three permanent judges and a maximum at any one time of four *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 present 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.
4. A person who for the purposes of membership of the Chambers of the International Tribunal for Rwanda could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.

#### **Article 12**

##### **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 12 bis**

##### **Election of permanent judges**

1. Eleven of the permanent 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 permanent judges of the International Tribunal for Rwanda 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 12 of the present 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 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 establish 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 permanent 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.

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 12 of the present 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 permanent judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

#### **Article 12 *ter*** **Election and appointment of *ad litem* judges**

1. The *ad litem* 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 *ad litem* judges of the International Tribunal for Rwanda 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 12 of the present 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 thirty-six 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 eighteen *ad litem* 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;
- (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 for Rwanda, 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 for Rwanda shall bear in mind the criteria set out in article 12 of the present 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 12 *quater*** **Status of *ad litem* judges**

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

- (a) Benefit from the same terms and conditions of service *mutatis mutandis* as the permanent judges of the International Tribunal for Rwanda;
- (b) Enjoy, subject to paragraph 2 below, the same powers as the permanent judges of the International Tribunal for Rwanda;
- (c) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal for Rwanda.

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

- (a) Be eligible for election as, or to vote in the election of, the President of the International Tribunal for Rwanda or the Presiding Judge of a Trial Chamber pursuant to article 13 of the present Statute;
- (b) Have power:
  - (i) To adopt rules of procedure and evidence pursuant to article 14 of the present Statute. They shall, however, be consulted before the adoption of those rules;
  - (ii) To review an indictment pursuant to Article 18 of the present Statute;
  - (iii) To consult with the President of the International Tribunal for Rwanda in relation to the assignment of judges pursuant to article 13 of the present Statute or in relation to a pardon or commutation of sentence pursuant to article 27 of the present Statute;
  - (iv) To adjudicate in pre-trial proceedings.

**Article 13**  
**Officers and members of the Chambers**

1. The permanent judges of the International Tribunal for Rwanda shall elect a President from amongst their number.
2. The President of the International Tribunal for Rwanda shall be a member of one of its Trial Chambers.
3. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign two of the permanent judges elected or appointed in accordance with Article 12 *bis* 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.
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. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign such *ad litem* judges as may from time to time be appointed to serve in the International Tribunal for Rwanda 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 that Trial Chamber as a whole.

## **International Tribunal for the Former Yugoslavia**

### **Annex II**

#### **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 permanent 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 International Tribunal for Rwanda”) in accordance with article 12 *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 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 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 permanent judges of the International Tribunal for Rwanda elected or appointed in accordance with article 12 *bis* of the Statute of that Tribunal 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.





Security Council

Distr.  
GENERAL

S/RES/1481 (2003)  
19 May 2003

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**RESOLUTION 1481 (2003)**

**Adopted by the Security Council at its 4759th meeting,  
on 19 May 2003**

*The Security Council,*

*Reaffirming* its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002 and 1431 (2002) of 14 August 2002,

*Having considered* the letter from the Secretary-General to the President of the Security Council dated 18 March 2002 (S/2002/304) and the annexed letter from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General dated 12 March 2002,

*Having considered also* the letter from the Secretary-General to the President of the Security Council dated 7 May 2003 (S/2003/530) and the annexed letter from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council dated 1 May 2003,

*Convinced* of the advisability of enhancing the powers of *ad litem* judges in the International Tribunal for the Former Yugoslavia so that, during the period of their appointment to a trial, they might also adjudicate in pre-trial proceedings in other cases, should the need arise and should they be in a position to do so,

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

1. *Decides* to amend article 13 *quater* of the Statute of the International Tribunal for the Former Yugoslavia and to replace that article with the provisions set out in the annex to this resolution;
2. *Decides* to remain seized of the matter.

## Annex

### 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;
- (d) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to try.**

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.



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**RESOLUTION 1597 (2005)**

**Adopted by the Security Council at its 5165th meeting,  
on 20 April 2005**

*The Security Council,*

*Reaffirming* its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004,

*Having considered* the letter from the Secretary-General to the President of the Security Council dated 24 February 2005 (S/2005/127) transmitting the list of candidates for election as *ad litem* judges of the International Tribunal for the Former Yugoslavia,

*Noting* that the Secretary-General had suggested that the deadline for nominations be extended until 31 March 2005 and the President's reply of 14 March 2005 (S/2005/159) indicating that the Security Council had agreed to the extension of the deadline,

*Having considered also* the letter from the Secretary-General to the President of the Security Council dated 11 April 2005 (S/2005/236) that suggested that the deadline for the nomination of candidates for election as *ad litem* judges be further extended,

*Noting* that the number of candidates continues to fall short of the minimum number required by the Statute of the Tribunal to be elected,

*Considering* that the 27 *ad litem* judges elected by the General Assembly at its 102nd plenary meeting on 12 June 2001 whose term of office expires on 11 June 2005, should be eligible for re-election and wishing to amend the Statute for that purpose,

*Noting* that, should the cumulative period of service of an *ad litem* judge of the International Tribunal for the Former Yugoslavia amount to three years or more, this will not result in any change in their entitlements or benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already exist and which will, in such an eventuality, be extended pro-rata by virtue of the extension of service,

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

1. *Decides* to amend article 13 *ter* of the Statute of the International Tribunal for the Former Yugoslavia and to replace that article with the provision set out in the annex to this resolution;
2. *Decides further* to the Secretary-General's letter of 11 April 2005 (S/2005/236) to extend the deadline for nominations of *ad litem* judges under the amended provision of the Statute for a further 30 days from the date of the adoption of this resolution;
3. *Decides* to remain actively seized of the matter.

## Annex

### 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 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 declared elected for a term of four years. **They shall be eligible for re-election.**

2. During **any 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 paragraph 1 (b) and (c) above and the number of votes the *ad litem* judge received in the General Assembly.



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**RESOLUTION 1660 (2006)**

**Adopted by the Security Council at its 5382nd meeting,  
on 28 February 2006**

*The Security Council,*

*Reaffirming* its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003, 1534 (2004) of 26 March 2004 and of 1597 (2005) of 20 April 2005,

*Having considered* the proposal made by the President of the International Tribunal for the Former Yugoslavia that the Secretary-General at the request of the President appoint reserve judges from among the *ad litem* judges elected in accordance with Article 13 *ter*, to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge is unable to continue sitting,

*Convinced* of the advisability of allowing the Secretary-General to appoint reserve judges to specific trials at the International Tribunal for the Former Yugoslavia when so requested by the President of the Tribunal,

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

1. *Decides* to amend article 12 and article 13 *quater* of the Statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in the annex to this resolution;
2. *Decides* to remain seized of the matter.

## **Annex**

### **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 twelve *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 nine *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, except in the circumstances specified in paragraph 5 below. 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.
4. A person who for the purposes of membership of the Chambers of the International Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.
5. The Secretary-General may, at the request of the President of the International Tribunal appoint, from among the *ad litem* judges elected in accordance with Article 13 *ter*, reserve judges to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge is unable to continue sitting.
6. Without prejudice to paragraph 2 above, in the event that exceptional circumstances require for a permanent judge in a section of a Trial Chamber to be replaced resulting in a section solely comprised of *ad litem* judges, that section may continue to hear the case, notwithstanding that its composition no longer includes a permanent judge.

### **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;
  - (d) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to try.
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.

3. Notwithstanding, paragraphs 1 and 2 above, an *ad litem* judge who is serving as a reserve judge shall, during such time as he or she so serves:

- (a) Benefit from the same terms and conditions of service *mutatis mutandis* as the permanent judges of the International Tribunal;
- (b) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal;
- (c) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to and for that purpose to enjoy subject to paragraph 2 above, the same powers as permanent judges.

4. In the event that a reserve judge replaces a judge who is unable to continue sitting, he or she will, as of that time, benefit from the provisions of paragraph 1 above.





## RELATED RESOLUTIONS

### Resolutions with no amendments to the Statute, but relevant to the ICTY.

<b>Resolution 1503 of 28 August 2003.....</b>	<b>49</b>
<b>Annex I .....</b>	<b>51</b>
<b>Resolution 1504 of 4 September 2003 .....</b>	<b>53</b>
<b>Resolution 1534 of 26 March 2004 .....</b>	<b>55</b>
<b>Resolution 1581 of 18 January 2005.....</b>	<b>57</b>
<b>Resolution 1613 of 26 July 2005 .....</b>	<b>58</b>
<b>Resolution 1629 of 30 September 2005 .....</b>	<b>59</b>



**RESOLUTION 1503 (2003)**

**Adopted by the Security Council at its 4817th meeting,  
on 28 August 2003**

*The Security Council,*

*Recalling* its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 978 (1995) of 27 February 1995, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, and 1481 (2003) of 19 May 2003,

*Noting* the letter from the Secretary-General to the President of the Security Council dated 28 July 2003 (S/2003/766),

*Commending* the important work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in contributing to lasting peace and security in the former Yugoslavia and Rwanda and the progress made since their inception,

*Noting* that an essential prerequisite to achieving the objectives of the ICTY and ICTR Completion Strategies is full cooperation by all States, especially in apprehending all remaining at-large persons indicted by the ICTY and the ICTR,

*Welcoming* steps taken by States in the Balkans and the Great Lakes region of Africa to improve cooperation and apprehend at-large persons indicted by the ICTY and ICTR, but noting with concern that certain States are still not offering full cooperation,

*Urging* Member States to consider imposing measures against individuals and groups or organizations assisting indictees at large to continue to evade justice, including measures designed to restrict the travel and freeze the assets of such individuals, groups, or organizations,

*Recalling and reaffirming* in the strongest terms the statement of 23 July 2002 made by the President of the Security Council (S/PRST/2002/21), which endorsed the ICTY's strategy for completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010 (ICTY Completion Strategy) (S/2002/678), by concentrating on the prosecution and trial of the most senior leaders suspected of being most responsible for crimes within the ICTY's jurisdiction and transferring cases involving those who may not bear this level of responsibility to competent national jurisdictions, as appropriate, as well as the strengthening of the capacity of such jurisdictions,

*Urging* the ICTR to formalize a detailed strategy, modelled on the ICTY Completion Strategy, to transfer cases involving intermediate- and lower-rank accused to competent national jurisdictions, as appropriate, including Rwanda, in order to allow the ICTR to achieve its objective of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010 (ICTR Completion Strategy),

*Noting* that the above-mentioned Completion Strategies in no way alter the obligation of Rwanda and the countries of the former Yugoslavia to investigate those accused whose cases would not be tried by the ICTR or ICTY and take appropriate action with respect to indictment and prosecution, while bearing in mind the primacy of the ICTY and ICTR over national courts,

*Noting* that the strengthening of national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY and ICTR Completion Strategies in particular,

*Noting* that an essential prerequisite to achieving the objectives of the ICTY Completion Strategy is the expeditious establishment under the auspices of the High Representative and early functioning of a special chamber within the State Court of Bosnia and Herzegovina (the “War Crimes Chamber”) and the subsequent referral by the ICTY of cases of lower- or intermediate-rank accused to the Chamber,

*Convinced* that the ICTY and the ICTR can most efficiently and expeditiously meet their respective responsibilities if each has its own Prosecutor,

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

1. *Calls* on the international community to assist national jurisdictions, as part of the completion strategy, in improving their capacity to prosecute cases transferred from the ICTY and the ICTR and encourages the ICTY and ICTR Presidents, Prosecutors, and Registrars to develop and improve their outreach programmes;
2. *Calls* on all States, especially Serbia and Montenegro, Croatia, and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other indictees to the ICTY and calls on these and all other at-large indictees of the ICTY to surrender to the ICTY;
3. *Calls* on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo, and the Republic of the Congo, to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR and calls on this and all other at-large indictees of the ICTR to surrender to the ICTR;
4. *Calls* on all States to cooperate with the International Criminal Police Organization (ICPO-Interpol) in apprehending and transferring persons indicted by the ICTY and the ICTR;
5. *Calls* on the donor community to support the work of the High Representative to Bosnia and Herzegovina in creating a special chamber, within the State Court of Bosnia and Herzegovina, to adjudicate allegations of serious violations of international humanitarian law;
6. *Requests* the Presidents of the ICTY and the ICTR and their Prosecutors, in their annual reports to the Council, to explain their plans to implement the ICTY and ICTR Completion Strategies;
7. *Calls* on the ICTY and the ICTR to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (the Completion Strategies);
8. *Decides* to amend Article 15 of the Statute of the International Tribunal for Rwanda and to replace that Article with the provision set out in Annex I to this resolution, and requests the Secretary-General to nominate a person to be the Prosecutor of the ICTR;
9. *Welcomes* the intention expressed by the Secretary-General in his letter dated 28 July 2003, to submit to the Security Council the name of Mrs. Carla Del Ponte as nominee for Prosecutor for the ICTY;
10. *Decides* to remain actively seized of the matter.

## **Annex I**

### **Article 15 The Prosecutor**

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.
  2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any government or from any other source.
  3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.
  4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.
  5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.
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**RESOLUTION 1504 (2003)**

**Adopted by the Security Council at its 4819th meeting,  
on 4 September 2003**

*The Security Council,*

*Recalling* its resolution 1503 (2003) of 28 August 2003,

*Noting* that by that resolution the Council created a new position of Prosecutor for the International Tribunal for Rwanda,

*Noting* that by its resolution 1503 (2003) the Council welcomed the intention of the Secretary-General to submit to the Council the name of Mrs. Carla Del Ponte as nominee for Prosecutor for the International Tribunal for the Former Yugoslavia,

*Having regard* to Article 16(4) of the Statute of the International Tribunal for the Former Yugoslavia,

*Having considered* the nomination by the Secretary-General of Mrs. Carla Del Ponte as Prosecutor of the International Tribunal for the Former Yugoslavia,

*Appoints* Mrs. Carla Del Ponte as Prosecutor of the International Tribunal for the Former Yugoslavia with effect from 15 September 2003 for a four-year term.

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**RESOLUTION 1534 (2004)**

**Adopted by the Security Council at its 4935th meeting,  
on 26 March 2004**

*The Security Council,*

*Recalling* its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 978 (1995) of 27 February 1995, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, and 1481 (2003) of 19 May 2003,

*Recalling and reaffirming* in the strongest terms the statement of 23 July 2002 made by the President of the Security Council (S/PRST/2002/21) endorsing the ICTY's completion strategy and its resolution 1503 (2003) of 28 August 2003,

*Recalling* that resolution 1503 (2003) called on the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (the Completion Strategies), and requested the Presidents and Prosecutors of the ICTY and ICTR, in their annual reports to the Council, to explain their plans to implement the Completion Strategies,

*Welcoming* the presentations made by the ICTY and ICTR Presidents and Prosecutors to the Security Council on 9 October 2003,

*Commending* the important work of both Tribunals in contributing to lasting peace and security and national reconciliation and the progress made since their inception, commending them on their efforts so far to give effect to the Completion Strategies and calling on them to ensure effective and efficient use of their budgets, with accountability,

*Reiterating* its support for the ICTY and ICTR Prosecutors in their continuing efforts to bring at large indictees before the ICTY and the ICTR,

*Noting with concern* the problems highlighted in the presentations to the Security Council on 9 October 2003 in securing adequate regional cooperation,

*Also noting with concern* indications in the presentations made on 9 October, that it might not be possible to implement the Completion Strategies set out in resolution 1503 (2003),

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

1. *Reaffirms* the necessity of trial of persons indicted by the ICTY and reiterates its call on all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other indictees to the ICTY and calls on all at-large indictees of the ICTY to surrender to the ICTY;
2. *Reaffirms* the necessity of trial of persons indicted by the ICTR and reiterates its call on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo and the Republic of the Congo to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien

Kabuga and all other such indictees to the ICTR and calls on all at-large indictees of the ICTR to surrender to the ICTR;

3. *Emphasizes* the importance of fully implementing the Completion Strategies, as set out in paragraph 7 of resolution 1503 (2003), that calls on the ICTY and ICTR to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010, and urges each Tribunal to plan and act accordingly;
4. *Calls on* the ICTY and ICTR Prosecutors to review the case load of the ICTY and ICTR respectively in particular with a view to determining which cases should be proceeded with and which should be transferred to competent national jurisdictions, as well as the measures which will need to be taken to meet the Completion Strategies referred to in resolution 1503 (2003) and urges them to carry out this review as soon as possible and to include a progress report in the assessments to be provided to the Council under paragraph 6 of this resolution;
5. *Calls on* each Tribunal, in reviewing and confirming any new indictments, to ensure that any such indictments concentrate on the most senior leaders suspected of being most responsible for crimes within the jurisdiction of the relevant Tribunal as set out in resolution 1503 (2003);
6. *Requests* each Tribunal to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions; and expresses the intention of the Council to meet with the President and Prosecutor of each Tribunal to discuss these assessments;
7. *Declares* the Council's determination to review the situation, and in the light of the assessments received under the foregoing paragraph to ensure that the time frames set out in the Completion Strategies and endorsed by resolution 1503 (2003) can be met;
8. *Commends* those States which have concluded agreements for the enforcement of sentences of persons convicted by the ICTY or the ICTR or have otherwise accepted such convicted persons to serve their sentences in their respective territories; encourages other States in a position to do so to act likewise; and invites the ICTY and the ICTR to continue and intensify their efforts to conclude further agreements for the enforcement of sentences or to obtain the cooperation of other States in this regard;
9. *Recalls* that the strengthening of competent national judicial systems is crucially important to the rule of law in general and to the implementation of the ICTY and ICTR Completion Strategies in particular;
10. *Welcomes* in particular the efforts of the Office of the High Representative, ICTY, and the donor community to create a war crimes chamber in Sarajevo; encourages all parties to continue efforts to establish the chamber expeditiously; and encourages the donor community to provide sufficient financial support to ensure the success of domestic prosecutions in Bosnia and Herzegovina and in the region;
11. *Decides* to remain actively seized of the matter.



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**RESOLUTION 1581 (2005)**

**Adopted by the Security Council at its 5112th meeting,  
on 18 January 2005**

*The Security Council,*

*Taking note* of the letter to the President of the Council from the Secretary-General dated 6 January 2005 (S/2005/9),

*Recalling* its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004,

*Bearing in mind* the statement made to the Security Council at its 5086th meeting on 23 November 2004 by the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), in which he expressed the commitment by the International Tribunal to the Completion Strategy,

*Expressing* its expectation that the extension of the terms of office of the *ad litem* judges concerned will enhance the effectiveness of trial proceedings and contribute towards ensuring the implementation of the Completion Strategy,

1. *Decides*, in response to the request by the Secretary-General, that:
  - (a) Judge Rasoazanany and Judge Swart, once replaced as *ad litem* judges of the International Tribunal, finish the *Hadžihasanović* case, which they have begun before expiry of their term of office;
  - (b) Judge Brydensholt and Judge Eser, once replaced as *ad litem* judges of the International Tribunal, finish the *Orić* case, which they have begun before expiry of their term of office;
  - (c) Judge Thelin and Judge Van Den Wyngaert, once replaced as *ad litem* judges of the International Tribunal, finish the *Limaj* case, which they have begun before expiry of their term of office;
  - (d) Judge Canivell, once replaced as an *ad litem* judge of the International Tribunal, finishes the *Krajišnik* case, which he has begun before expiry of his term of office;
  - (e) Judge Szénási, if appointed to serve in the International Tribunal for the trial of the *Halilović* case, proceed, once replaced as an *ad litem* judge of the International Tribunal, to finish that case, which he would have begun before expiry of his term of office;
  - (f) Judge Hanoteau, if appointed to serve in the International Tribunal for the trial of the *Krajišnik* case, proceed, once replaced as an *ad litem* judge of the International Tribunal, to finish that case, which he would have begun before expiry of his term of office;
2. *Takes note* in this regard of the intention of the International Tribunal to finish the *Hadžihasanović* case before the end of September 2005, the *Halilović* before the end of October 2005, the *Orić* and *Limaj* cases before the end of November 2005 and the *Krajišnik* case before the end of April 2006.



**RESOLUTION 1613 (2005)**

**Adopted by the Security Council at its 5236th meeting,  
on 26 July 2005**

*The Security Council,*

*Recalling* its resolution 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003, 1534 (2004) of 26 March 2004 and 1597 (2005) of 20 April 2005,

*Having considered* the nominations for *ad litem* judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General,

*Forwards* the following nominations to the General Assembly in accordance with Article 13 *ter* (1) (d) of the Statute of the International Tribunal:

Mr. Tanvir Bashir Ansari (Pakistan)  
 Mr. Melville Baird (Trinidad and Tobago)  
 Mr. Frans Bauduin (The Netherlands)  
 Mr. Giancarlo Roberto Belleli (Italy)  
 Mr. Ishaq Usman Bello (Nigeria)  
 Mr. Ali Nawaz Chowhan (Pakistan)  
 Mr. Pedro David (Argentina)  
 Mr. Ahmad Farawati (Syrian Arab Republic)  
 Ms. Elizabeth Gwaunza (Zimbabwe)  
 Mr. Burton Hall (The Bahamas)  
 Mr. Frederik Harhoff (Denmark)  
 Mr. Frank Höpfel (Austria)  
 Ms. Tsvetana Kamenova (Bulgaria)  
 Mr. Muhammad Muzammal Khan (Pakistan)  
 Mr. Uldis Kinis (Latvia)  
 Mr. Raimo Lahti (Finland)  
 Ms. Flavia Lattanzi (Italy)  
 Mr. Antoine Mindua (Democratic Republic of the Congo)  
 Mr. Jawdat Naboty (Syrian Arab Republic)  
 Ms. Janet Nosworthy (Jamaica)  
 Ms. Chioma Egongdu Nwosu-Iheme (Nigeria)  
 Ms. Prisca Matimba Nyambe (Zambia)  
 Ms. Michèle Picard (France)  
 Mr. Brynmor Pollard (Guyana)  
 Mr. Árpád Prandler (Hungary)  
 Ms. Kimberly Prost (Canada)  
 Mr. Sheikh Abdul Rashid (Pakistan)  
 Ms. Vonimbolana Rasoazanany (Madagascar)  
 Mr. Ole Bjørn Støle (Norway)  
 Mr. Krister Thelin (Sweden)  
 Mr. Klaus Tolksdorf (Germany)  
 Mr. Stefan Trechsel (Switzerland)  
 Mr. Abubakar Bashir Wali (Nigeria)  
 Mr. Tan Sri Dato Lamin Haji Mohd Yunus (Malaysia)



Security Council

Distr.  
GENERAL

S/RES/1629 (2005)  
30 September 2005

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**RESOLUTION 1629 (2005)**

**Adopted by the Security Council at its 5273rd meeting,  
on 30 September 2005**

*The Security Council,*

*Taking note* of the letter to the President of the Security Council from the Secretary-General dated 14 September 2005 (S/2005/593),

*Decides* that notwithstanding Article 12 of the Statute of the International Tribunal for the Former Yugoslavia and notwithstanding that Judge Christine Van Den Wyngaert's elected term as a permanent judge of the Tribunal will in accordance with Article 13 *bis* of the Tribunal's Statute only begin on 17 November 2005, she be assigned as a permanent judge to the Mrksic et al. case which is due to commence on 3 October 2005.

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