



THE SECRETARY-GENERAL

OLA  
TCTY

9 June 2008

Dear Judge David,

I have the pleasure to inform you that, in accordance with Article 13 *ter*, paragraph 2, of the Statute of the International Tribunal for the former Yugoslavia (the "International Tribunal"), I have decided, upon the request of the President of the International Tribunal, to appoint you, effective 9 June 2008, to serve in the International Tribunal for the trial of *The Prosecutor v. Milan Lukić and Sredoje Lukić* (Case No. IT-98-32). This case is expected to be completed within one year.

I should recall that, in accordance with paragraph 1 (a) of Article 13 *quater* of the Statute of the International Tribunal, *ad litem* judges shall, during any period in which they are appointed to serve in the Tribunal, benefit from the same terms and conditions of service, *mutatis mutandis*, as the permanent judges of the International Tribunal. Pursuant to paragraph 3 of Article 13 *bis* of the Statute of the International Tribunal, the terms and conditions of service of permanent judges are those of the judges of the International Court of Justice.

During such time as they may be appointed to serve in the Trial Chambers of the International Tribunal for specific trials, *ad litem* judges are accordingly required to serve on a full-time basis and may not, during that time, exercise any political or administrative function or engage in any other occupation of a professional nature.

I should also take this opportunity to note that, as an *ad litem* judge of the International Tribunal, you will be entitled only to the benefits stipulated in General Assembly resolution 55/249 of 12 April 2001 and in any subsequent relevant resolutions or decisions of the General Assembly. In accordance with General Assembly resolution 55/249, should the cumulative period of your service as an *ad litem* judge of the International Tribunal amount to three years or more, that will not result in any change

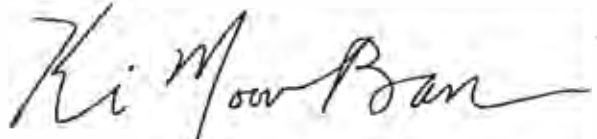
Judge Pedro David  
International Tribunal for the former Yugoslavia  
The Hague

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in your entitlements and 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.

For the avoidance of doubt, I should emphasize that the present appointment is in addition to your appointment to serve in the case of *The Prosecutor v. Jovica Stanišić and Franko Simatović*. Your appointment to serve in this case therefore remains unaffected.

Please accept, Judge David, the assurances of my highest consideration.



BAN Ki-moon

OLA  
ICTY

United Nations  
INTEROFFICE MEMORANDUM



Nations Unies  
MEMORANDUM INTERIEUR



TO: The Secretary-General

DATE: 6 June 2008

A:

THROUGH: Mr. Vijay Nambiar  
S/C DE: Chef de Cabinet

REFERENCE:

ACTION AC  
COPY ✓

FROM: Nicolas Michel  
DE: Under-Secretary-General for Legal Affairs

SUBJECT: **Appointment of an *ad litem* Judge to a trial before the ICTY** ✓  
OBJET:

1. Judge Fausto Pocar, President of the ICTY, has requested, in his letter to you dated 29 May 2008, that you appoint an *ad litem* judge to a trial before the ICTY. Please find the request attached.

2. The *ad litem* judge concerned is Judge Pedro David.

3. Under the Tribunal's Statute, it is for the President of the Tribunal to assess whether there is a need for an *ad litem* judge to be appointed to the Tribunal in order to augment its capacity to conduct trials. If he considers that there is such a need, he then identifies the particular *ad litem* judge from the pool of *ad litem* judges.

5. In making this assessment, the President is required by the Statute to bear in mind:

- the desirability of achieving, both among the judges as a whole and within the particular teams of judges sitting in specific cases, an appropriate balance of expertise in the fields of criminal law, general international law, international humanitarian law and human rights law;
- the desirability of achieving on the bench adequate representation of the principal legal systems of the world;
- the desirability of achieving equitable geographical distribution on the bench;
- the importance of achieving a fair representation of female and male judges;
- the votes the *ad litem* judges obtained during the elections in the General Assembly.

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6. Upon receiving a request from the President for the appointment of a particular *ad litem* judge to a specific trial, it is for the Secretary-General to decide whether or not to accede to the President's request and to appoint the particular *ad litem* judge that he has requested.

7. Having reviewed the present request, it is our view that it complies with Article 13 *ter*, paragraph 2, of the ICTY's Statute and that you may therefore properly proceed to appoint Judge Pedro David to serve in the ICTY for the trial concerned. Although this appointment will take the total number of *ad litem* judges above the maximum of twelve provided for in Article 12, paragraph 1 of the Statute, Security Council resolution 1800 (2008) of 20 February 2008 authorizes such appointment.

8. A letter appointing Judge Pedro David to that trial is attached for your signature.

9. President Pocar has asked that Judge David's appointment be made effective on 9 July 2008.

6 June 2008

Dear Judge David,

I have the pleasure to inform you that, in accordance with Article 13 *ter*, paragraph 2, of the Statute of the International Tribunal for the former Yugoslavia (the "International Tribunal"), I have decided, upon the request of the President of the International Tribunal, to appoint you, effective 9 July 2008, to serve in the International Tribunal for the trial of the *Prosecutor v. Milan Lukić and Sredoje Lukić* (Case No. IT-98-32). This case is expected to be completed within one year.

I should recall that, in accordance with paragraph 1 (a) of Article 13 *quater* of the Statute of the International Tribunal, *ad litem* Judges shall, during any period in which they are appointed to serve in the Tribunal, benefit from the same terms and conditions of service, *mutatis mutandis*, as the permanent Judges of the International Tribunal. Pursuant to paragraph 3 of Article 13 *bis* of the Statute of the International Tribunal, the terms and conditions of service of permanent Judges are those of the Judges of the International Court of Justice.

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Judge Pedro David  
International Criminal Tribunal  
for the former Yugoslavia  
The Hague

For the avoidance of doubt, I should emphasize that the present appointment is in addition to your appointment to serve in the case of *The Prosecutor v. Jovica Stanišić & Franko Simatović*. Your appointment to serve in this case therefore remains unaffected.

Please accept, Judge David, the assurances of my highest consideration.

BAN Ki-moon