



THE SECRETARY-GENERAL

Security Council  
ICTR  
OLA

2 November 2009


Dear Mr. President,

I have the honour to transmit the attached letter dated 15 October 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

In his letter, President Byron requests that the Security Council permits the International Tribunal to exceed the maximum number of *ad litem* judges allowed by Article 11, paragraph 1, of the Statute of the International Tribunal by extending, to 31 December 2010, the authorization granted in Security Council resolution 1855 (2008) adopted on 19 December 2008.

I would be grateful if you could bring the letter from President Byron to the attention of the members of the Security Council.

Please accept, Mr. President, the assurances of my highest consideration.

  
BAN Ki-moon

His Excellency  
Mr. Thomas Mayr-Harting  
President of the Security Council  
New York

29-11063 (29-11062)



THE SECRETARY-GENERAL

2 November 2009

Dear Mr. President,

I have the honour to transmit the attached letter dated 15 October 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

In his letter, President Byron requests that the Security Council permits the International Tribunal to exceed the maximum number of *ad litem* judges allowed by Article 11, paragraph 1, of the Statute of the International Tribunal by extending, to 31 December 2010, the authorization granted in Security Council resolution 1855 (2008) adopted on 19 December 2008.

I would be grateful if you could bring the letter from President Byron to the attention of the members of the General Assembly.

Please accept, Mr. President, the assurances of my highest consideration.

A handwritten signature in black ink that reads "Ki Moon Ban".  
BAN Ki-moon

His Excellency  
Dr. Ali Abdussalam Treki  
President of the General Assembly  
New York

29-11063

ACTION COPY

Note to the Secretary-General

Through Mr. Nambiar



**ICTR REQUEST TO THE SECURITY COUNCIL**

(#29-11062)

1. In the attached letter dated 15 October 2009, Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), requests that the Security Council permit the ICTR to exceed temporarily the maximum number of *ad litem* judges allowed by the Statute of the ICTR.
2. Article 11, paragraph 1, of the Statute prescribes that nine *ad litem* judges shall serve at the ICTR at any one time. By resolution 1855 (2008) adopted on 19 December 2008, the Security Council decided that "the Secretary-General may appoint, within existing resources, additional *ad litem* Judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding that the total number of *ad litem* Judges appointed to the Chambers will from time to time temporarily exceed the maximum of nine provided for in article 11, paragraph 1, of the Statute of the International Tribunal, to a maximum of twelve at any one time, returning to a maximum of nine by 31 December 2009".
3. The ICTR currently has 11 *ad litem* judges, and the cases in which they are involved will not be completed before the middle or the end of 2010. An extension of the authorization granted in resolution 1855 (2008) is therefore necessary. The terms of office of the *ad litem* judges were extended until 31 December 2010 in resolution 1878 (2009) adopted on 7 July 2009.
4. Judge Byron requests that the Secretary-General bring the letter to the attention of the Security Council. I would also recommend that the letter be forwarded to the General Assembly, as the body that approves the budget of the ICTR.
5. Accordingly, the draft letters to the President of the Security Council and the President of the General Assembly are attached for the approval and signature of the Secretary-General.

Patricia O'Brien  
20 October 2009

Mr. Nambiar  
(through Mr. Kim)

- for approval
- to authorize Oscar (2 letters)

Thank you  
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27/10/09

### Current Assignments of Ad Litem Judges and Expected Judgement Delivery

JUDGE	CASES	EXPECTED JUDGEMENT DELIVERY
Solomy Balungi Bossa (Uganda)	Nyiramasuhuko et al. (Butare) (6 accused)	Fourth quarter 2010
	Ngirabatware	End 2010
	Nzabonimana (presiding) (from November 2009)	End 2010
Lee Gacuiga Muthoga (Kenya)	Bizimungu et al. (4 accused)	Fourth quarter 2010
	Ntawukuliyayo	Third quarter 2010
	Gatete (from October 2009)	End 2010
Florence Rita Arrey (Cameroon)	Nsengimana	Fourth quarter 2009
	Setako	Fourth quarter 2009
	Munyakazi (presiding)	Mid 2010
Emile Francis Short (Ghana) (part-time since August 2009)	Bizimungu et al. (4 accused)	September 2010
Taghrid Hikmet (Jordan)	Ndindilyimana et al. (Military II) (4 accused)	Fourth quarter 2010
	Hategekimana	Mid 2010
	Kanyarukiga (presiding)	Third quarter 2010
Seon Ki Park (Republic of Korea)	Ndindilyimana et al. (Military II) (4 accused)	Fourth quarter 2010
	Kanyarugika	Third quarter 2010
Gberdao Gustave Kam (Burkina Faso)	Karempera et al. (3 accused)	First half 2011
	Muvunyi (re-trial)	Fourth quarter 2009
	Bagaragaza (guilty plea)	November 2009
Vagn Joensen (Denmark)	Karempera et al. (3 accused)	First half 2011
	Muvunyi (re-trial)	Fourth quarter 2009
	Bagaragaza (guilty plea) (presiding)	November 2009
Joseph E. Chiondo Masanche (Tanzania)	Hategekimana	Mid 2010
	Kanyarugika	Third quarter 2010
Richard Mparany M. Rajohnson (Madagascar)	Munyakazi	Mid 2010
	Ngirabatware (from September 2009)	End 2010

Aydin Sefa Akay (Turkey)	Munyakazi	Mid 2010
	Ntawukulilyayo	Third quarter 2010
	Gatete (from October 2009)	End 2010

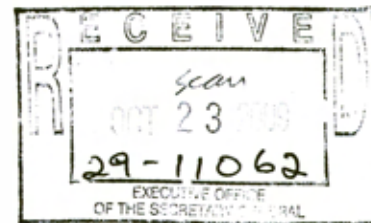


**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre  
P.O. Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzania

UNITED NATIONS  
NATIONS UNIES

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**ACTION  
COPY**

Ms. O'Brien  
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Office of the President  
Cabinet du Président

15 October 2009  
ICTR/PRES/097/09

Dear Mr. Secretary-General,

In Resolution 1855 (2008), the Security Council authorized the appointment of additional *ad litem* judges to the International Criminal Tribunal for Rwanda, "notwithstanding that the total number of *ad litem* Judges appointed to the Chambers will from time to time temporarily exceed the maximum number of nine provided for in article 11, paragraph 1, of the Statute of the International Tribunal, to a maximum at twelve at any one time, returning to a maximum of nine by 31 December 2009".

Currently, eleven *ad litem* judges are serving at the Tribunal. All of them are serving on several on-going cases which will not be completed before mid-to-end 2010 (see Annex).

Therefore, it is necessary that the Security Council extend the authorization granted in Resolution 1855 (2008) for a maximum of *ad litem* judges exceeding the statutory maximum number of nine until 31 December 2010, in line with the extension of the mandate of all judges until that date.

I would be grateful if you could bring this matter to the attention of the Security Council for appropriate action.

Please be assured, Mr. Secretary-General, of my highest consideration.

Yours sincerely,

Judge Dennis Byron  
President

H.E. Mr Ban Ki-Moon  
Secretary-General  
United Nations  
New York

cc: Ms Patricia O'Brien, Under-Secretary-General, The Legal Counsel