



THE SECRETARY-GENERAL

ICTR

OLA

13 June 2008

Dear Mr. President,

I attach for your attention a letter dated 6 June 2008 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda. President Byron seeks authorization for an extension of the terms of office of nine permanent judges and eight *ad litem* judges, whose terms expire on 31 December 2008. He seeks an extension to 31 December 2009 for each of these judges, or until the completion of the cases to which they are assigned if sooner. As a contingency against the unexpected, he also seeks an extension to 31 December 2009 of the terms of the remaining nine *ad litem* judges who are not yet appointed to serve at the Tribunal.

The Statute of the International Tribunal does not provide for extending the terms of office of the permanent or *ad litem* judges. In the absence of such a provision, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed.

I would be grateful if you could bring President Byron's letter and its annex 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. Zalmay Khalilzad
President of the Security Council
New York

28-06773



THE SECRETARY-GENERAL

13 June 2008

Dear Mr. President,

I attach for your attention a letter dated 6 June 2008 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). President Byron seeks authorization for an extension of the terms of office of nine permanent judges and eight *ad litem* judges, whose terms expire on 31 December 2008. He seeks an extension to 31 December 2009 for each of these judges, or until the completion of the cases to which they are assigned if sooner. As a contingency against the unexpected, he also seeks an extension to 31 December 2009 of the terms of the remaining nine *ad litem* judges who are not yet appointed to serve at the Tribunal.

The Statute of the International Tribunal does not provide for extending the terms of office of the permanent or *ad litem* judges. In the absence of such a provision, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed.

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly.

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

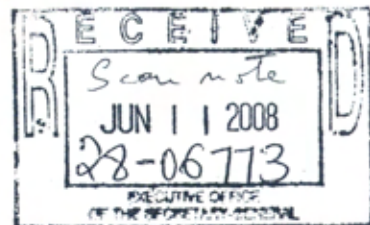

BAN Ki-moon

His Excellency
Mr. Srgjan Kerim
President of the General Assembly
New York

28-06173

ACTION AC
COPY CYN

LOLA
ICTY
ICTR



Note to the Secretary-General

Through Mr. Nambiar

1. I refer to the attached letter of 5 June 2008 from Judge Fausto Pocar, President of the International Tribunal for the former Yugoslavia (ICTY), and letter of 6 June 2008 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), in which they seek authorization for an extension of the terms of office of judges in order that they may pursue the Tribunals' completion strategies by completing trial work at the earliest dates possible.
2. President Pocar requests that the terms of all *ad litem* judges whose terms end on 23 August 2009, be extended for a period of 12 months from the date of the expiration of their terms. That is, all *ad litem* judges including those not yet appointed to serve at the Tribunal. President Byron requests that the terms of office of nine permanent judges and those *ad litem* judges appointed to the serve at the ICTR, whose terms end on 31 December 2008, be extended to 31 December 2009 or until the completion of the cases to which they are assigned, if sooner. President Byron also requests that, as a contingency against the unexpected, the terms of the remaining *ad litem* judges not assigned to serve at the ICTR be extended to 31 December 2009.
3. There is precedent for such extension of the terms of office of judges in Security Council resolutions 1684 (2006) of 13 June 2006, 1717 (2006) of 13 October 2006 and 1581 (2005) of 18 January 2005.
4. I would be grateful if you could forward President Pocar's and President Byron's letters to the Presidents of the Security Council and the General Assembly under cover of the attached letters for circulation to the members of the Security Council and the General Assembly.
5. Please find attached four draft letters for your consideration.

N. Michel

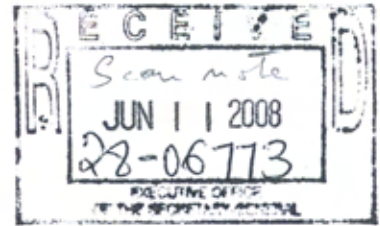
Nicolas Michel
10 June 2008

Follow up
on

JA/JS

Sir,
Action taken.
Asim

JUN 19 2008



Note to the Secretary-General

Through Mr. Nambiar

1. I refer to the attached letter of 5 June 2008 from Judge Fausto Pocar, President of the International Tribunal for the former Yugoslavia (ICTY), and letter of 6 June 2008 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), in which they seek authorization for an extension of the terms of office of judges in order that they may pursue the Tribunals' completion strategies by completing trial work at the earliest dates possible.
2. President Pocar requests that the terms of all *ad litem* judges whose terms end on 23 August 2009, be extended for a period of 12 months from the date of the expiration of their terms. That is, all *ad litem* judges including those not yet appointed to serve at the Tribunal. President Byron requests that the terms of office of nine permanent judges and those *ad litem* judges appointed to the serve at the ICTR, whose terms end on 31 December 2008, be extended to 31 December 2009 or until the completion of the cases to which they are assigned, if sooner. President Byron also requests that, as a contingency against the unexpected, the terms of the remaining *ad litem* judges not assigned to serve at the ICTR be extended to 31 December 2009.
3. There is precedent for such extension of the terms of office of judges in Security Council resolutions 1684 (2006) of 13 June 2006, 1717 (2006) of 13 October 2006 and 1581 (2005) of 18 January 2005.
4. I would be grateful if you could forward President Pocar's and President Byron's letters to the Presidents of the Security Council and the General Assembly under cover of the attached letters for circulation to the members of the Security Council and the General Assembly.
5. Please find attached four draft letters for your consideration.

Mr. Nambiar,
please authorize Oscar

- 2 letters to the President of SC
- 2 letters to the President of GA

Thank you
Amanah
11 June 08

N. Michel

Nicolas Michel
10 June 2008

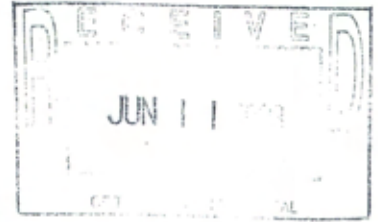
28-0674



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

UNITED NATIONS
NATIONS UNIES

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzania
Tel: 255 27 2504207-11 2504367-72 or 1 212 963 2850 Fax: 255 27 2504000/2504373 or 1 212 963 2848/49



***The President
Le Président***

6 June 2008

ICTR/PRES/0064/08

Dear Mr. Secretary-General,

I respectfully request that you transmit the present letter to the Presidents of the Security Council and the General Assembly for their consideration and necessary action. The purpose of this letter is to request an extension of the terms of office of some judges to allow the completion of trial work at the earliest date possible.

Rationale

In accordance with Security Council Resolutions 1684 (2006) of 13 June 2006 and 1717 (2006) of 13 October 2006, the terms of office of the eleven permanent judges currently serving at the Tribunal and of the eighteen *ad litem* judges who had been elected on 25 June 2003, will expire on 31 December 2008.

Since 2003 when the Security Council called upon the Tribunal take all possible measures to complete all trial activities at first instance by the end of 2008 (Resolution 1503 (2003)), the Tribunal has substantially discharged its mandate and complied with its Completion Strategy, while upholding trial fairness and the rights of the accused.

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

Cc: Mr. Nicolas Michel, Under-Secretary-General, The Legal Counsel

As a result, the evidence phase of all the trials of which the Tribunal had been seized in 2003, with the exception of the *Karemera et al.* trial and the four cases earmarked for transfer to a domestic jurisdiction under Rule 11 *bis*, will be completed by the end of 2008, although there will be some spill over of the judgement writing phase of some of them.

However, there have been new developments beyond the Tribunal's control since Resolution 1503 (2003). Two accused were arrested at the end of 2007 and one early in 2008. As stated in each Completion Strategy report since 2004, such events have an impact on the date by which trials can be completed. Because the three newly arrested are considered high-level accused, their trials should take place at the Tribunal. Due to the occupancy rate of courtrooms and Trial Chambers' availability, those three new cases are projected to commence in the second half of 2008. However, the scheduling of these trials cannot avoid a spill over of the evidence phase into 2009, with judgement delivery in the second half of 2009.

The attached judicial calendar and two grids related to the necessary judicial assignments demonstrate that seven permanent and eight *ad litem* judges can progressively complete all the remaining cases, including the three new ones, by 20 November 2009. However, it is advisable to make provision until the end of 2009 in case of unforeseen circumstances, with the understanding that the judges will leave as soon as they complete their cases. Naturally, the two permanent judges assigned to the Appeals Chamber will be fully engaged at the appellate level during 2009 and 2010.

Two permanent judges and one *ad litem* judge will complete their assigned cases and resign by November 2008. No arrangements for their replacement are considered necessary due to the current and anticipated workload.

Requested action

Under Articles 12 *bis* and *ter* of the Tribunal's Statute, the judges are elected for a term of four years. It will be recalled that in 2006, the Security Council decided to extend the terms of office of the permanent judges currently serving at the Tribunal and of the *ad litem* judges who had been elected on 25 June 2003, until 31 December 2008 in order to allow the completion of the trial work (Resolutions 1684 (2006) and 1717 (2006)). The reasons which motivated that extension remain applicable and justify the extension now requested.

Where appropriate, special permission for the *ad litem* judges to serve in the Tribunal beyond the cumulative period of three years service provided for under *Article 12 ter* (2) of the Tribunal's Statute would need to be granted accordingly.

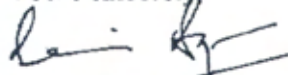
It is further requested that, as a contingency against the unexpected, the terms of the remaining *ad litem* judges who were elected by the General Assembly in 2003, but not yet appointed to serve at the Tribunal, be extended to 31 December 2009.

Financial implications

While the approved biennium budget 2008-2009 contains financial provision for nine judges (5 permanent and 4 *ad litem*), including the two permanent judges appointed to the Appeals Chamber, the financial implications of the extension of the terms of office of eight additional judges (4 permanent and 4 *ad litem*) until end of 2009 (with the understanding that they would leave as soon as their cases are completed) will result in additional resource requirements for these judges of approximately \$1.5 million for 2009.

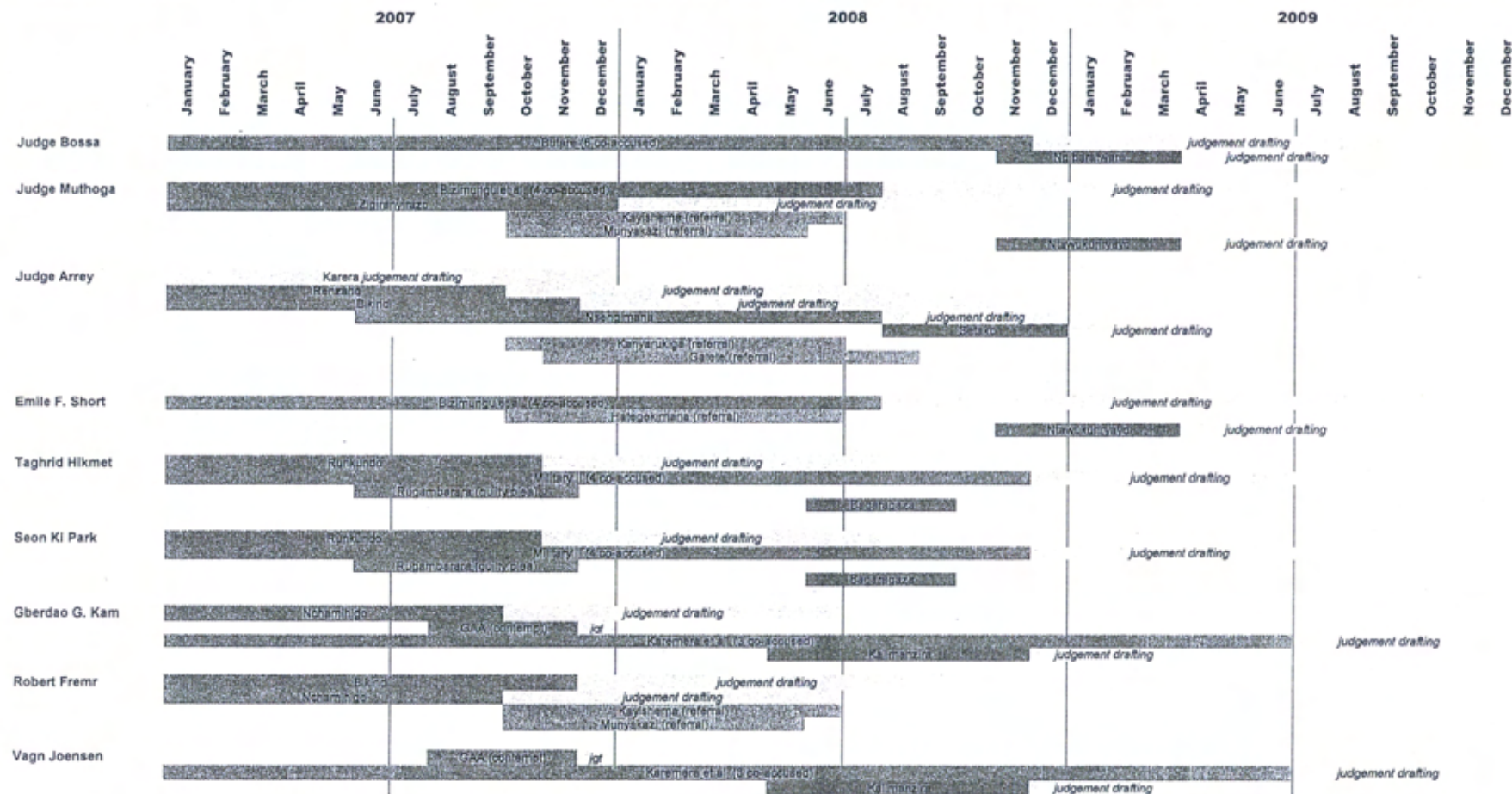
The financial implications related to the judicial support for the three additional single-accused cases (such as courtroom management, Defence management, and witness management) will be addressed in the context of revised estimates that will be considered by the ACABQ and the 5th Committee, at the appropriate stage.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Dennis Byron', with a stylized flourish at the end.

Judge Dennis Byron
President

CONFIDENTIAL - CURRENT AND PROJECTED ASSIGNMENTS OF AD LITEM JUDGES (including judgement drafting phase) (as of 1st June 2008)



Note: one new case yet to be assigned to a Trial Chamber (Nzabonimana)

Legend:



ongoing cases



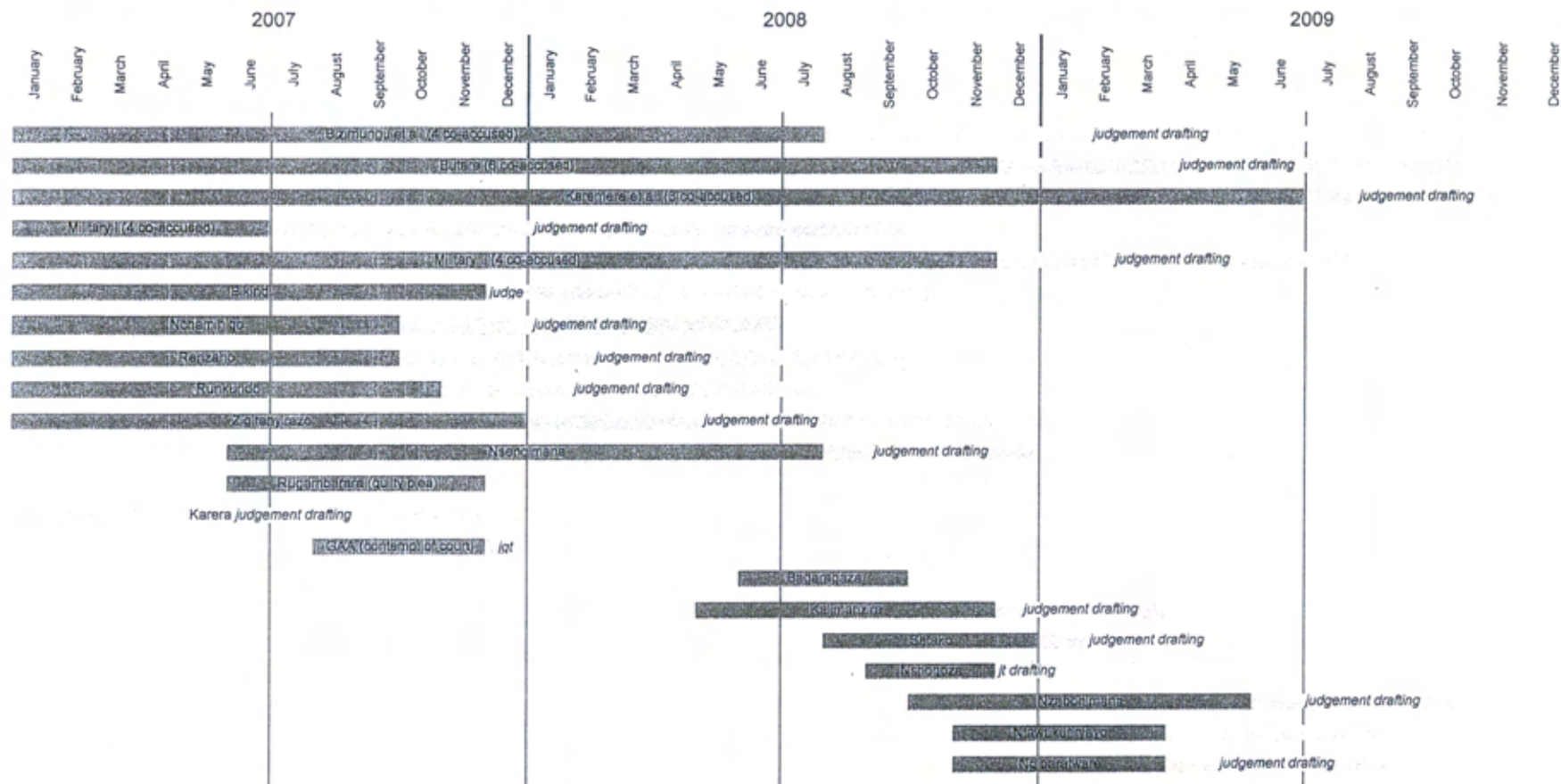
cases commencing in 2008



referral cases



CONFIDENTIAL - PROJECTED SCHEDULE FOR ONGOING AND FUTURE TRIALS (including projections as of judgement drafting) (as of 1st June 2008)



Seven single-accused cases commencing in 2008: Bagaragaza, Kalimanzira, Setako, Nshogoza (contempt of court), Nzabonimana, Nitawukuriyayo and Ngibaratware