



THE SECRETARY-GENERAL

ICTR
ICTY
Security Council
IGA/65^a

23 November 2010

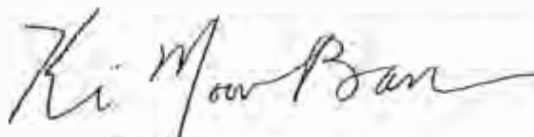
Dear Mr. President,

I have the honour to transmit to you the attached letter dated 12 November 2010 that I have received from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

In his letter, President Byron requests that Judge Joseph Masanche be authorized to complete the *Hategekimana* case notwithstanding that his term of office will expire on 31 December 2010. The case was expected to finish by the end of this year, but it might spill over into 2011 because the delivery of the judgment has been delayed.

It falls to the Security Council and the General Assembly to consider and decide on this request. Accordingly, I would be grateful if you would 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
Sir Mark Lyall Grant
President of the Security Council
New York

10-10689 / 10-10763 / 10-10764



THE SECRETARY-GENERAL

23 November 2010


Dear Mr. President,

I have the honour to transmit to you the attached letter dated 12 November 2010 that I have received from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

In his letter, President Byron requests that Judge Joseph Masanche be authorized to complete the *Hategekimana* case notwithstanding that his term of office will expire on 31 December 2010. The case was expected to finish by the end of this year, but it might spill over into 2011 because the delivery of ~~the~~ judgment has been delayed.

It falls to the General Assembly and the Security Council to consider and decide on this request. Accordingly, I would be grateful if you would have the present letter and the attachment circulated as a document of the General Assembly.

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


BAN/Ki-moon

His Excellency
Mr. Joseph Deiss
President of the General Assembly
New York

ICTR

Mr. Kim,

Attached please find 2 letters from OLA for your Oscar approval addressed to the presidents of the General Assembly and the Security Council in regards to ICTY's request for the extension of the term of Judge Kinis and Judge Parker.

Thank you.



Adnan T. Issa
19 November 2010

RUSH

10-10689

JK ✓
VN

Note to the Secretary-General

Through Mr. Nambiar



Ref (10-10635)

ICTY requests to the Security Council and the General Assembly ✓

1. Judge Patrick Robinson, President of the International Tribunal for the former Yugoslavia (ICTY), requests that the Secretary-General bring the attached letter dated 9 November 2010 to the attention of the Security Council. The letter should also be brought to the attention of the General Assembly, as the body that elects the judges of the ICTY.
2. In the letter, Judge Robinson requests that the terms of office of Judge Uldis Kinis and Judge Kevin Parker should be extended beyond 31 December 2010 so that they may complete the *Gotovina et al.* trial and the *Dorđević* trial, respectively. President Robinson further requests that Judge Kinis should be permitted to serve at the ICTY beyond the cumulative period of three years stipulated under article 13 *ter*, paragraph 2, of the Statute of the ICTY.
3. The terms of office of the two judges were not extended previously because the cases to which they are assigned were expected to finish by the end of this year. Judge Robinson explains that the *Gotovina et al.* trial has been delayed by extensive litigation regarding Prosecution requests for production of documents by Croatia, the arrest and searches of members of the defence team in Croatia, and the simultaneous participation of two judges and legal support staff in another ICTY trial since the beginning of 2009. According to Judge Robinson, the delay in the *Dorđević* trial is attributable to staffing problems and the involvement of two of the judges in other ICTY trials.
4. The Security Council and the General Assembly have granted similar authorizations before, most recently in resolution 1900 (2009) adopted on 16 December 2009 and decision 64/416, respectively. Accordingly, I have attached draft letters to the Presidents of the Security Council and the General Assembly, for the approval and signature of the Secretary-General.

Patricia O'Brien
9 November 2010

SECRET

ACTION
COPY

JK
VN
KSS

W/Am (L)



Note to the Secretary-General

Through Mr. Nambiar

ICTR request to the Security Council ✓

1. Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), requests that the Secretary-General bring the attached letter dated 12 November 2010 to the attention of the Security Council for appropriate action. log # 10-10763.
2. In the letter, President Byron requests that ad litem Judge Joseph Masanche should be authorized to continue to work at the ICTR beyond the expiry of his term of office on 31 December 2010 in order to complete the Hategekimana case. The reason for this request is that although the case is scheduled to finish by the end of this year, it might spill over into 2011 because the judgment delivery has been delayed.
3. It falls to the Security Council, as the parent organ of the ICTR, and the General Assembly, as the body that elects the judges of the ICTR, to consider and decide on this request. Similar requests have been acceded to before, most recently in Security Council resolution 1901 (2009) adopted on 16 December 2009 and General Assembly decision 64/415. President Byron suggests that the present request should be addressed together with the request he submitted on 20 September 2010 (A/65/259-S/2010/513), which is currently under consideration in the Security Council. 10-09344
10-04346
4. Accordingly, I have attached draft letters to the Presidents of the Security Council and the General Assembly for the approval and signature of the Secretary-General.

Stephen Mathias
15 November 2010



ICTR Request to the Security Council

Aminata Sy to: Vijay Nambiar

15/11/2010 03:12 PM

Janice Willington, SGCentral, Huw Llewellyn, Brigitte

Cc: Benoit-Landale, Tiyanjana Mphepo, Eric Husketh, Aminata
Sy, John Kamea, Coumba Santana, Adnan Issa

Sir,

Please find attached a copy of Mr. Mathias's note to the Secretary-General, through you, on the "ICTR Request to the Security Council", together with the word version of the draft letters from the Secretary-General. The original is being sent by special messenger.

Many thanks,

Aminata Sy



15 November 2010 note to SG re ICTR request to SC.pdf 101115 SG letter to PGA re ICTR request.doc



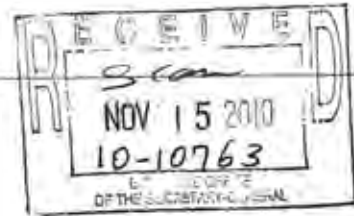
101115 SG letter to PSC re ICTR request.doc



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

Tel: 255 27 2564207-11 2564367-72 or 1 212 963 2850 Fax: 255 27 2564000/2564373 or 1 212 963 2848/49



Office of the President
Cabinet du Président

12 November 2010
ICTR/PRES/048/10

Dear Mr. Secretary-General,


I am writing to you concerning the need for an additional exceptional authorization by the Security Council to allow a judge of the Tribunal to complete his last assignment after the end of his term of office.

I had submitted on 20 September 2010 a request for permanent Judge Joseph Asoka De Silva, and *ad litem* Judge Tagrid Hikmet for such an exception because their term of office is currently ending on 31 December 2010.

The situation is the same for *ad litem* Judge Joseph Masanche. Judge Masanche's last assignment is the Hutegekimana trial where the judgement delivery is slightly delayed. While it is still possible that the judgement will be delivered before the end of 2010, a spill-over into early 2011 cannot be excluded.

In order to avoid a last minute urgency request, I, therefore, request that the Security Council include his name in its Resolution in order to provide the exceptional authorization for him, as well as for Judges De Silva and Hikmet to complete their remaining assignments.

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



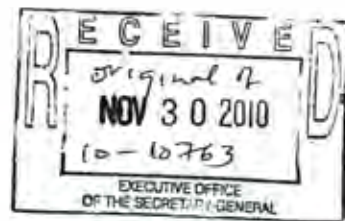


UNITED NATIONS
NATIONS UNIES

**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, Tanzanie

Tel: 255 27 2564207-11 2564367-72 or 1 212 963 2850 Fax: 255 27 2564000/2564373 or 1 212 963 2848/49



*Office of the President
Cabinet du Président*

12 November 2010
ICTR/PRES/048/10

Dear Mr. Secretary-General,

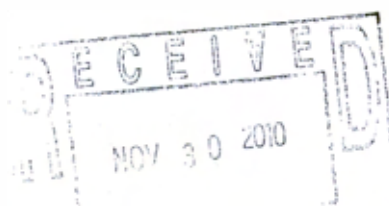
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The situation is the same for *ad litem* Judge Joseph Masanche. Judge Masanche's last assignment is the *Hategekimana* trial where the judgement delivery is slightly delayed. While it is still possible that the judgement will be delivered before the end of 2010, a spill-over into early 2011 cannot be excluded.

In order to avoid a last minute urgency request, I, therefore, request that the Security Council include his name in its Resolution in order to provide the exceptional authorization for him, as well as for Judges De Silva and Hikmet to complete their remaining assignments.

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



As I set out in my previous letter, similar situations have been addressed by the Security Council in Resolutions 1241 (1999), 1482 (2003) and, most recently, 1901 (2009).

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

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

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Dennis Byron', is written over a light blue rectangular stamp.

Judge Dennis Byron
President

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



Note from Ms. Patricia O'Brien, USG/OLA, The Legal Counsel, on ICTY requests to SecCo and the GA

Mae Arkoncel to: Vijay Nambiar

11/11/2010 09:54 AM

Janice Willingston, SGCentral, Huw Llewellyn, Brigitte
Cc: Benoit-Landale, Tiyanjana Mphepo, Eric Husketh, Aminata Sy,
Adnan Issa, John Kamea, Coumba Santana

Sir,

Please find attached a copy of Ms. O'Brien's note to the Secretary-General, through you, on "ICTY requests to the Security Council and the General Assembly" together with its attachments. The original is being sent to you by special messenger.

Many thanks,

Mae



9 November 2010 note to the SG re ICTY requests.pdf 10-11-09 Lr to SG re ext J Parker and ALJ Kinis.pdf



101109 SG letter to PSC re ICTY requests.doc 101109 SG letter to PGA re ICTY requests.doc