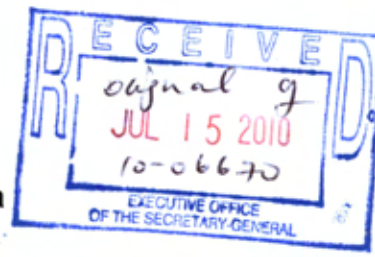




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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre
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Office of the President
Cabinet du Président

6 July 2010
ICTR/PRES/028/10

Dear Mr. Secretary-General,

I am writing to you to request the appointment of three *ad litem* judges in accordance with Article 12^{ter} (2) and (3) of the ICTR Statute to the case of *Idelphonse Nizeyimana* (ICTR-2000-55) with immediate effect. The case is expected to start around October 2010, and the bench should comprise Judge Muthoga (presiding), Judge Park and former ICTR *ad litem* Judge Fremr. The judgement is anticipated to be delivered in November 2011.

Judge Lee Gacuiga Muthoga (Kenya) is currently also member of the bench in three other trials, *Bizimungu et al.*, *Gatete* and *Ntawukulilyayo*. However, in two of these trials, *Ntawukulilyayo* and *Gatete*, judgement will be delivered in August and December 2010, respectively. In *Bizimungu et al.*, judgement delivery is expected for May 2011. During the ongoing judgement drafting in this multi-accused trial, Judge Muthoga can accommodate additional trial work.

Judge Seon Ki Park (Republic of Korea) is currently assigned to two trials. In the *Kanyarukiga* case, judgement delivery is expected in September 2010, in the multi-accused trial *Ndindiliyimana et al.* by the end of the year. Even if in the latter case due to staffing constraints, some additional delay in the judgement delivery cannot be excluded, Judge Park will be in a position to focus almost exclusively on the *Nizeyimana* trial in 2011.

Finally, I request the appointment of former ICTR *ad litem* Judge Robert Fremr (Czech Republic) in accordance with Article 12^{ter} (3) of the Statute, as amended by Security Council Resolution 1932 (2010).

The Tribunal currently has no longer a roster of non-serving judges. In 2009, all the judges that remained on the *ad litem* judges roster expressed that they were no longer available, and one judge had passed away. Therefore, the Tribunal refrained from asking for extension of their terms of office as non-serving judges.

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

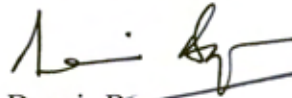


There is no currently serving *ad litem* judge who could sit on the bench. Most other judges are contaminated due to their work on other cases with factual links to the *Nizeyimana* trial. The two non-contaminated judges should not be given another assignment due to their workload and their specific situation. Their assignment to the *Nizeyimana* trial would risk further delays on the cases they are already working on.

Judge Fremr was a judge at the ICTR from September 2006 until December 2008. Having served on several cases, he has the necessary experience to work effectively together with the other judges from the beginning. He has expressed his willingness to return to Arusha. In the best interest of the Completion Strategy, I therefore request that he be appointed to join the bench.

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

Yours sincerely,

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

Dennis Byron
President

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