



THE SECRETARY-GENERAL

ICTR

2 June 2010

Dear Mr. President,

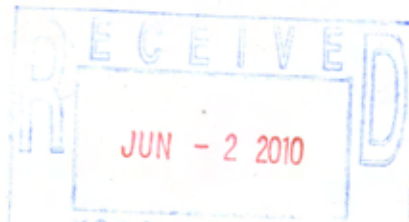
I have the honour to transmit the attached letter dated 25 May 2010 that I received from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), submitting several requests concerning the completion of the work of the Tribunal.

In his letter, President Byron seeks the extension of the term of office of seven permanent judges and nine *ad litem* judges. The term of office of the judges expires on 31 December 2010. As you are aware, in resolution 1901 (2009) adopted on 16 December 2009, the Security Council underlined its intention to extend, by 30 June 2010, (a) the terms of office of all ICTR trial judges based on the projected trial schedules, and (b) the terms of office of all ICTR appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner.

President Byron also wishes to redeploy judges from the Trial Chambers to the Appeals Chamber upon the completion of the evidence phase of the trials to which they are assigned. President Byron is drawing attention to this issue because article 13, paragraph 3 of the Statute of the Tribunal, as amended by Security Council resolution 1878 (2009) adopted on 7 July 2009, provides that redeployments will be made upon the completion of the case.

When some judges are redeployed to the Appeals Chamber, and others resign on the completion of their cases, there will be one permanent judge left at the ICTR. This means that the ICTR will not have enough judges to fill the positions of President and Presiding Judge since, according to the Statute, *ad litem* judges are not eligible for election to these positions. President Byron proposes two ways in which the ICTR may fill these essential positions without having to appoint new permanent judges: (a) converting *ad litem* judges to be permanent judges; or (b) amending the Statute to permit *ad litem* judges to take part in the election of and to be elected as President and Presiding Judge.

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



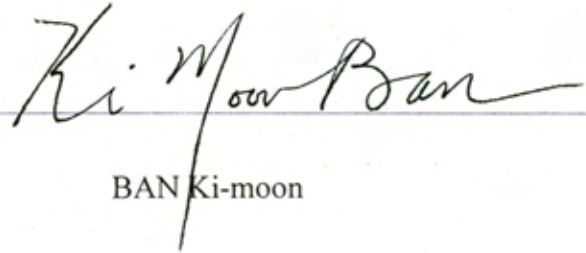
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Finally, the ICTR no longer has a roster of *ad litem* judges. This is because the *ad litem* judges who were on the roster were not available to serve, and so the ICTR did not obtain the extension of their term of office last year. As a contingency plan, President Byron suggests that the Statute of the ICTR should be amended to allow the Secretary-General to appoint, at the request of the President, any former judge of the ICTR or International Tribunal for the former Yugoslavia to serve as an *ad litem* judge of the ICTR.

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

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

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BAN Ki-moon



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2 June 2010

Dear Mr. President,

I have the honour to transmit the attached letter dated 25 May 2010 that I received from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), submitting several requests concerning the completion of the work of the Tribunal.

In his letter, President Byron seeks the extension of the term of office of seven permanent judges and nine *ad litem* judges. The term of office of the judges expires on 31 December 2010. As you are aware, in resolution 1901 (2009) adopted on 16 December 2009, the Security Council underlined its intention to extend, by 30 June 2010, (a) the terms of office of all ICTR trial judges based on the projected trial schedules, and (b) the terms of office of all ICTR appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner.

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His Excellency  
Mr. Claude Heller  
President of the Security Council  
New York

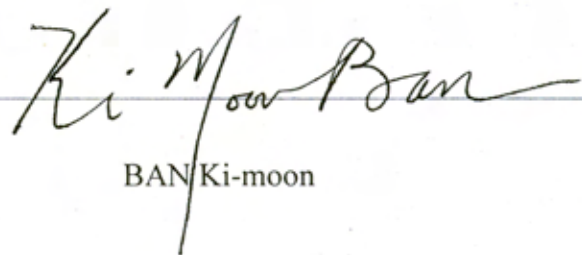


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It falls to the Security Council and the General Assembly to consider and decide on these requests. Accordingly, I would be grateful if you would bring the letter from President Byron to the attention of the members of the Security Council.

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

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A handwritten signature in black ink, reading "Ban Ki-moon". The signature is written in a cursive, flowing style. The first name "Ban" is written with a large, stylized 'B'. The last name "Ki-moon" is written in a more fluid, connected script. The signature is positioned above a horizontal line.

BAN Ki-moon

United Nations



Nations Unies

Executive Office of the Secretary-General  
Cabinet du Secrétaire général

To: Mr. Nambiar,

Please find attached for your approval and SG's signature two letters addressed to Presidents of the Security Council and GA, transmitting a letter dated 25 May addressed to the SG from Judge Dennis Byron, President of the ICTR, requesting that the SG brings the letter to the attention of the members of the Security Council and GA.

The letter addresses four issues concerning the completion of the work of the ICTR.

The Political Unit supports the proposals, which have Legal Counsels endorsement.

A handwritten signature in blue ink, appearing to read 'Nicholas Haysom'.

Nicholas Haysom  
1 June 2010

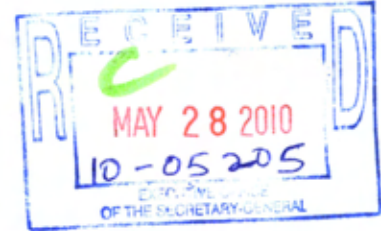
Cc: KWS

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ACTION  
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NH  
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**Note to the Secretary-General**

**Through Mr. Nambiar**

**ICTR requests to the Security Council and the General Assembly**

1. Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR) requests that the Secretary-General bring the attached letter dated 25 May 2010 to the attention of the Security Council and the General Assembly. The letter addresses four issues concerning the completion of the work of the ICTR.
2. First, the current term of office of all the judges expires on 31 December 2010. In resolution 1901 (2009) adopted on 16 December 2009, the Security Council underlined its intention to extend, by 30 June 2010, (a) the terms of office of all ICTR trial judges based on the projected trial schedules, and (b) the terms of office of all ICTR appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner. Pursuant to this resolution, Judge Byron requests that the term of office of judges of the ICTR should be extended in accordance with the submitted trial schedules.
3. Second, in resolution 1878 (2009) adopted on 7 July 2009, the Security Council amended the Statute of the ICTR to allow the redeployment of up to four judges from the Trial Chambers to the Appeals Chamber upon the completion of the cases to which they are assigned. Judge Byron now wishes to redeploy the judges to the Appeals Chamber upon completion of the evidence phase of the trials, before the delivery of judgments in the cases. According to Judge Byron, the proposed timing of the redeployment corresponds to the practice followed in previous redeployment of judges and will help prevent delays in the appeals.
4. Third, following the redeployments and the resignation of some judges when they complete their cases, the ICTR will be left with one permanent judge eligible for election as President or Presiding Judge. Under the Statute of the ICTR, *ad litem* judges cannot participate in the elections of and are not eligible for election to these positions. In order that the ICTR may fill these essential positions without having to appoint new permanent judges, Judge Byron proposes that either (a) three *ad litem* judges should be converted to be permanent judges, or (b) the Statute should be amended to permit *ad litem* judges to take part in elections of and to be elected as President and Presiding Judge.
5. Fourth, the ICTR no longer has a roster of *ad litem* judges. This is because the *ad litem* judges who were on the roster were unwilling or unavailable to serve, and so the ICTR did not obtain the extension of their term of office last year. As a contingency plan, Judge Byron suggests that the Statute of the ICTR should be amended to allow the Secretary-General to appoint any former judge of the ICTR or International Tribunal for the former Yugoslavia to serve as an *ad litem* judge of the ICTR.

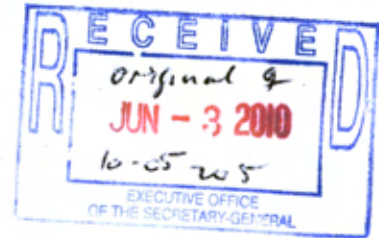


ICTR

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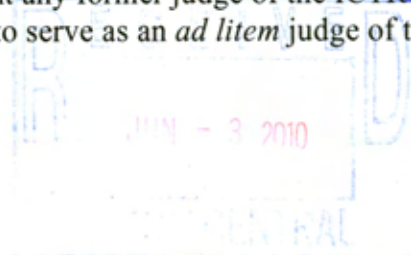
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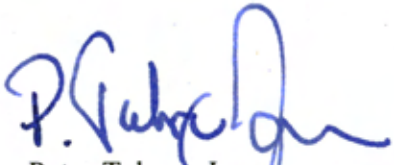


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6. It falls to the Security Council, as the parent organ of the ICTR, and the General Assembly, as the body that elects the judges of the ICTR, to consider and decide on these requests. Accordingly, I have attached draft letters to the Presidents of the Security Council and the General Assembly for the approval and signature of the Secretary-General.



Peter Taksøe-Jensen  
27 May 2010