



THE SECRETARY-GENERAL

OLA  
ICTR

28 February 2008

Dear Judge Hikmet,

I have the pleasure to inform you that, in accordance with Article 12 *ter*, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (the "International Tribunal"), I have decided, upon the request of the President of the International Tribunal, to appoint you, with immediate effect, to serve in the International Tribunal for the trial of the *Prosecutor v. Michel Bagaragaza* (Case No. ICTR-05-86) which is scheduled to commence in March 2008 and expected to be completed by end of September 2008.

I should recall that, in accordance with paragraph 1 (a) of Article 12 *quater* of the Statute of the International Tribunal, *ad litem* judges shall, during any period in which they are appointed to serve in the Tribunal, benefit from the same terms and conditions of service, *mutatis mutandis*, as the permanent judges of the International Tribunal. Pursuant to paragraph 3 of Article 12 *bis* of the Statute of the International Tribunal, the terms and conditions of service of permanent judges are those of the judges of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Pursuant to paragraph 3 of Article 13 *bis* of the Statute of the ICTY, the terms and conditions of service of permanent judges of the ICTY are those of the International Court of Justice.

During such time as they may be appointed to serve in the Trial Chambers of the International Tribunal for specific trials, *ad litem* judges are accordingly required to serve on a full-time basis and may not, during that time, exercise any political or administrative function or engage in any other occupation of a professional nature.

Judge Taghrid Hikmet  
International Criminal Tribunal  
for Rwanda  
Arusha

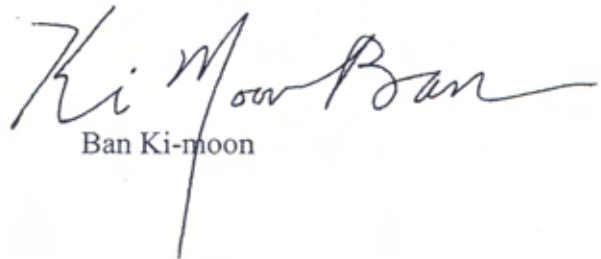
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I should also take this opportunity to note that, as an *ad litem* judge of the International Tribunal, you will be entitled only to the benefits stipulated in General Assembly resolution 55/249 of 12 April 2001 and in any subsequent relevant resolutions or decisions of the General Assembly. In accordance with General Assembly resolution 55/249, should the cumulative period of your service as an *ad litem* judge of the International Tribunal amount to three years or more, that will not result in any change in your entitlements and benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already exist and which will, in such an eventuality, be extended pro-rata by virtue of the extension of service.

For the avoidance of doubt, I should emphasize that the present appointment is additional to your appointment to serve in the case of the *Prosecutor v. Ndindiliyimana et al* and in the case of the *Prosecutor v. Rukundo*. Your appointment to serve in those cases therefore remains unaffected.

Please accept, Judge Hikmet, the assurances of my highest consideration.



Ban Ki-moon



THE SECRETARY-GENERAL

28 February 2008

Dear Judge Ki Park,

I have the pleasure to inform you that, in accordance with Article 12 *ter*, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (the "International Tribunal"), I have decided, upon the request of the President of the International Tribunal, to appoint you, with immediate effect, to serve in the International Tribunal for the trial of the *Prosecutor v. Michel Bagaragaza* (Case No. ICTR-05-86) which is scheduled to commence in March 2008 and expected to be completed by end of September 2008.

I should recall that, in accordance with paragraph 1 (a) of Article 12 *quater* of the Statute of the International Tribunal, *ad litem* judges shall, during any period in which they are appointed to serve in the Tribunal, benefit from the same terms and conditions of service, *mutatis mutandis*, as the permanent judges of the International Tribunal. Pursuant to paragraph 3 of Article 12 *bis* of the Statute of the International Tribunal, the terms and conditions of service of permanent judges are those of the judges of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Pursuant to paragraph 3 of Article 13 *bis* of the Statute of the ICTY, the terms and conditions of service of permanent judges of the ICTY are those of the judges of the International Court of Justice.


During such time as they may be appointed to serve in the Trial Chambers of the International Tribunal for specific trials, *ad litem* judges are accordingly required to serve on a full-time basis and may not, during that time, exercise any political or administrative function or engage in any other occupation of a professional nature.

Judge Seon Ki Park  
International Criminal Tribunal  
for Rwanda  
Arusha

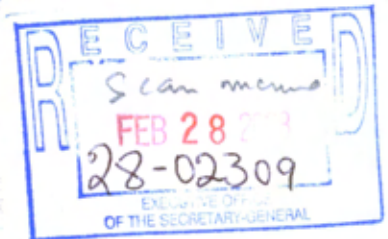
I should also take this opportunity to note that, as an *ad litem* judge of the International Tribunal, you will be entitled only to the benefits stipulated in General Assembly resolution 55/249 of 12 April 2001 and in any subsequent relevant resolutions or decisions of the General Assembly. In accordance with General Assembly resolution 55/249, should the cumulative period of your service as an *ad litem* judge of the International Tribunal amount to three years or more, that will not result in any change in your entitlements and benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already exist and which will, in such an eventuality, be extended pro-rata by virtue of the extension of service.

For the avoidance of doubt, I should emphasize that the present appointment is additional to your appointment to serve in the case of the *Prosecutor v. Ndindiliyimana et al* and in the case of the *Prosecutor v. Rukundo*. Your appointment to serve in those cases therefore remains unaffected.

Please accept, Judge Ki Park, the assurances of my highest consideration.

  
Ban Ki-moon





TO: The Secretary-General

DATE: 28 February 2008

A:

REFERENCE:

THROUGH: Vijay Nambiar  
S/C DE: Chef de Cabinet

ACTION COPY LK (w/ a/c) VN

FROM: Mr. Nicolas Michel   
DE: Under Secretary-General for Legal Affairs

SUBJECT: Appointment of two ad litem judge to a trial before the ICTR  
OBJET:

1. Judge Dennis Byron, President of the ICTR, has requested, in his letter to you dated 18 February 2008, that you appoint two *ad litem* judges to a trial before the ICTR. Please find the request attached. *not seen in Central*

2. The *ad litem* judges concerned are Judge Taghrid Hikmet (Jordan) and Judge Seon Ki Park (Republic of Korea).

3. Under the Tribunal's Statute, it is for the President of the Tribunal to assess whether there is a need for an *ad litem* judge to be appointed to the Tribunal in order to augment its capacity to conduct trials. If he considers that there is such a need, he then identifies the particular *ad litem* judge from the pool of *ad litem* judges.

5. In making this assessment, the President is required by the Statute to bear in mind:

- the desirability of achieving, both among the judges as a whole and within the particular teams of judges sitting in specific cases, an appropriate balance of expertise in the fields of criminal law, general international law, international humanitarian law and human rights law;
- the desirability of achieving on the bench adequate representation of the principal legal systems of the world;
- the desirability of achieving equitable geographical distribution on the bench;
- the importance of achieving a fair representation of female and male judges;
- the votes the *ad litem* judges obtained during the elections in the General Assembly.

6. Upon receiving a request from the President for the appointment of a particular *ad litem* judge to a specific trial, it is for the Secretary-General to decide

*Mr. Nambiar*  
*please authorize Oscar*  
*Thank you Alexandre*  
*28 Feb 08*

whether or not to accede to the President's request and to appoint the particular *ad litem* judge that he has requested.

7. Having reviewed the present request, it is our view that it complies with Article 12 *ter*, paragraph 2, of the ICTR's Statute and that you may therefore properly proceed to appoint Judge Taghrid Hikmet and Judge Seon Ki Park to serve in the ICTR for the trial concerned.

8. A letter appointing Judge Taghrid Hikmet and a letter appointing Judge Seon Ki Park to that trial are attached for your signature.

9. President Byron has asked that the Judges' appointments be made with immediate effect. The present request is, therefore, a matter of urgency.



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ICTR FAXCEN TANZ

+ USG LEGAL COUNSEL 001

HL/WM  
23 Feb 08

A. J. Hussein

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**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 57 504207-11 504367-72 or 1 212 963 2850 Fax: 1 212 963 7365

UNICTR  
FAX CENTRE  
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Office of the President  
Bureau de la Présidente

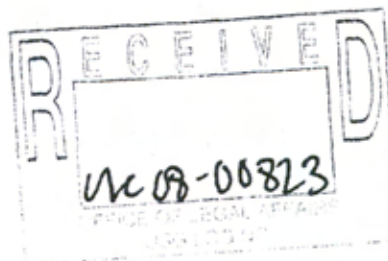
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|-----------------|--|--------------|--|
| <b>Date:</b>    | <b>18 February 2008</b>  | <b>Ref:</b>  | <b>ICTR/PRES/08</b>  |
| <b>To:</b>      | <b>Mr. Nicolas Michel<br/>Under-Secretary-General<br/>The Legal Counsel<br/>United Nations</b> | <b>From:</b> | <b>Office of the President<br/>UNICTR, Arusha<br/>Tanzania</b> |
| <b>Fax No.:</b> | <b>3-6430</b>  | <b>Reply</b> | <b>255-27-256-5137</b>   |
|                 |  | <b>Fax:</b>  | <b>1-212-963-7365</b>  |
| <b>Subject:</b> | <b>Appointment of <i>Ad litem</i> Judges</b>   |              |  |

Letter attached.

Best regards.

Halima Mohamed  
Office of the President



|  |                    |
|--|--------------------|
| <b>Drafted by:</b>                                       | <b>Cleared by:</b> |
| <b>No. of transmitted pages including cover sheet: 2</b> |                    |



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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, 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***18 February 2008  
ICTR/PRES/013

Dear Mr. Secretary-General,

I hereby apply, in accordance with Article 12 *ter* (2) of the Tribunal's Statute, for the appointment of two *ad litem* Judges, Judges Taghrid HIKMET from Jordan and Seon Ki PARK from the Republic of Korea, to the trial in the case of Michel BAGARAGAZA (Case No. ICTR-05-86), with immediate effect. Judges Hikmet and Park are sitting in the *Ndindilyimana et al.* trial and in the *Rukundo* case, which is now in judgement drafting process. The new assignment can be undertaken simultaneously with their existing workload.

Michel BAGARAGAZA, whose referral to The Netherlands had to be canceled in 2007, is awaiting trial. In view of the particular circumstances of his case, it is anticipated that his trial will commence in March and will be completed by end of September 2008.

Considering the current workload before other sections of the Tribunal's Trial Chambers, it is necessary to assign a bench that includes the two *ad litem* Judges. The Trial Chamber will be presided by Judge Asoka De Silva.

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

Yours sincerely,

  
Judge Dennis Byron  
PresidentH.E. Mr. Ban Ki-Moon  
Secretary-General  
United Nations  
New York

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