



SECURITY COUNCIL REPORT UPDATE REPORT



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INTERNATIONAL CRIMINAL TRIBUNALS

Expected Council Action

The Council will receive briefings from the International Criminal Tribunal for the Former Yugoslavia (ICTY) and for Rwanda (ICTR) on 15 December. The Council recently received the progress reports on the respective completion strategies of the ICTY and ICTR, due every six months. Substantive action seems unlikely given the pressure of other business in the Council in December.

Key Recent Developments

In June 2006, the Council received a briefing from the presidents and prosecutors of both tribunals on the tribunals' respective completion strategy reports submitted in May. Prosecutor of the ICTY Carla Del Ponte said that speeding up the proceedings at the tribunal was a top priority and pointed out that impunity for Karadžić and Mladić would represent a great blow to the future of international justice. ICTY President Fausto Pocar reiterated that trials were estimated to finish in 2009, provided that, amongst others, the remaining high-level fugitives were brought before the tribunal soon.

Hassan Bubacar Jallow, prosecutor of the ICTR, addressed the challenges regarding the referral of cases to national jurisdictions. The main obstacle was inadequate judicial capacity. Jallow said support should be provided to countries with resource constraints, notably Rwanda. On the tribunal's completion strategy ICTR President Erik Møse said it was preferable if the judges' mandates were extended for 19 months instead of holding new elections in 2007.

The annual reports of the ICTY and ICTR were submitted to the Council and General Assembly in August 2006.

Options

The Council is not expected to address the future options for the tribunals at this point. However, it is likely that within the next twelve months certain issues, including the number of judges for the appeals process, the funding in particular of the ICTY beyond the end of 2008 and the outstanding arrest warrants will have to be addressed in more detail. In respect to the latter, Council members will have noted the firm recommendations by Secretary-General Kofi Annan in his Human Rights Day speech on 8 December about the need to avoid impunity and his specific mention of indictees such as Karadžić and Mladić.

Underlying Problems

Resolutions 1503 and 1534 called on the ICTY and ICTR to complete all investigations by the end of 2004, all trials in first instance by the end of 2008, and all work by 2010. However, the ICTY has indicated that it will probably not complete the trials at first instance before late 2009. Considering the number of arrest warrants that are still outstanding, even this may be difficult to achieve. The ICTY's prosecutor continues to express concerns that key suspects could escape justice if the international community does not continue to support the tribunal. Human rights organisations have urged the Council to extend the tribunals' mandates if necessary and to reinforce its determination to ensure that the remaining accused are apprehended. With respect to the

ICTR, concern has also been expressed about the transfer of cases to Rwanda in order to comply with the 2010 deadline, as the availability of resources is in question.

Experts note that the 2010 deadline for completion of all work will be difficult to meet for both tribunals due to the great number of appeals.

UN Documents

Selected Security Council Resolutions

- S/RES/1534 (26 March 2004) called on the ICTY and ICTR to review their respective case loads and requested both tribunals to provide the Council with a progress assessment of their completion strategies every six months.
- S/RES/1503 (28 August 2003) called on the ICTY and ICTR to complete all trial activities in the first instance by the end of 2008 and to complete all work in 2010.
- S/RES/955 (8 November 1994) established the ICTR and contained its statute in the Annex.
- S/RES/827 (25 May 1993) established the ICTY and approved the statute as proposed by the Secretary-General in his report S/25704.

Selected Reports of the Secretary-General

- S/25704 (3 May 1993) contained the statute of the ICTY, as requested by resolution 808.

Selected Letters

- S/2006/951 (30 November 2006) was the letter from the president of the ICTR to the president of the Security Council containing the latest progress report on the implementation of the completion strategy.
- S/2006/898 (15 November 2006) was the letter from the president of the ICTY to the president of the Security Council containing the latest progress report on the implementation of the completion strategy.
- S/2006/358 (29 May 2006) was the letter from the president of the ICTR to the president of the Security Council containing a revised version and assessment of the ICTR completion strategy.
- S/2006/353 (29 May 2006) was the letter from the president of the ICTY to the president of the Security Council containing the assessment of and report on the ICTY completion strategy.

Other Relevant Documents

- S/2006/666 (21 August 2006) was the last annual report of the ICTY.
- S/2006/658 (16 August 2006) was the last annual report of the ICTR.
- S/PV.5453 (7 June 2006) was the transcript of the last Security Council briefing by the presidents and prosecutors of the ICTY and ICTR.

Other Relevant Facts

ICTY

- Six accused at large, including former Bosnian Serb President Radovan Karadžić and his military commander Ratko Mladić
- Fifteen accused at the pre-trial stage; 11 referred to a national jurisdiction; 23 on trial; 29 at the appeal stage

ICTR

- Eighteen accused at large, including Félicien Kabuga, a businessman accused of inciting and facilitating the Rwandan massacres
- Eleven accused awaiting trial; 25 on trial; six at the appeal stage