



# General Assembly Security Council

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Agenda item 125

**International Criminal Tribunal for the Prosecution of  
Persons Responsible for Genocide and Other Serious  
Violations of International Humanitarian Law  
Committed in the Territory of Rwanda and Rwandan  
Citizens Responsible for Genocide and Other Such  
Violations Committed in the Territory of Neighbouring  
States between 1 January and 31 December 1994**

**Security Council  
Sixty-ninth year**

## **Identical letters dated 31 October 2014 from the Secretary-General to the President of the General Assembly and the President of the Security Council**

I have the honour to transmit to you the attached letter dated 1 October 2014 from Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (see annex).

In his letter, Judge Joensen requests the extension of the term of office of six permanent judges of the Appeals Chamber and one ad litem judge of the Trial Chamber until the dates set out therein or until the completion of the cases to which they are or will be assigned, if sooner.

Pursuant to Security Council resolution 2080 (2012) of 12 December 2012 and General Assembly decisions 66/418B of 23 July 2012 and 67/416 of 24 December 2012, in conjunction with article 12 bis, paragraph 2, and article 13, paragraph 3, of the Statute of the Tribunal, the current term of office of the judges of the Appeals Chamber and of the Trial Chamber is set to expire on 31 December 2014. However, it is evident from the updated trial and appeals schedules attached to the letter of Judge Joensen that the cases to which these judges are or will be assigned will not be completed by the end of this year. Therefore, it is necessary to extend their term of office beyond 31 December 2014.

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

(Signed) **BAN** Ki-moon



## Annex

### **Letter dated 1 October 2014 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General**

I am writing to request the extension of the terms of office of the permanent judges of the International Criminal Tribunal for Rwanda who are members of the Appeals Chamber as well as the extension of my own term of office as ad litem judge so that I may continue to perform my functions as a Trial Chamber judge and President of the Tribunal.

I have the honour to refer to Security Council resolution 2080 (2012), pursuant to which the terms of office of Judges Mehmet Güney (Turkey), Khalida Rachid Khan (Pakistan), Arlette Ramaroson (Madagascar), Bakhtiyar Tuzmukhamedov (Russian Federation) and Andrézia Vaz (Senegal) permanent judges of the Tribunal and members of the Appeals Chamber, expire on 31 December 2014.

In line with article 13 (3) of the Statute of the Tribunal, as amended by Security Council resolution 1878 (2009), the terms of office of the judges redeployed from the Trial Chambers of the Tribunal to the Appeals Chamber automatically become the same as the term of the judges serving in the Appeals Chamber. Therefore, the term of office of Judge William H. Sekule (United Republic of Tanzania), who was redeployed to the Appeals Chamber on 10 March 2013, also expires on 31 December 2014.

I have the honour to refer also to your letter dated 11 September 2013 ([S/2013/550](#)), in which Mr. Mandiaye Niang (Senegal) was appointed as a permanent judge of the Tribunal, in accordance with article 12 bis, paragraph 2, of the Statute of the Tribunal, to serve the remainder of the term of office of Judge Andrézia Vaz (Senegal) following the resignation of Judge Vaz. Immediately upon taking office, Judge Niang was assigned to the Appeals Chamber, where he has filled the seat vacated by Judge Vaz.

As of 29 September 2014, the International Criminal Tribunal for Rwanda has completed all cases except the appeal in the *Nyiramasuhuko et al. (Butare)* case, to which, from the Tribunal, Judges Khan and Tuzmukhamedov are assigned. For reasons enumerated in the Tribunal's three most recent completion strategy reports to the Security Council, despite its best efforts to ensure completion by the end of 2014, the Tribunal has been unable to advance the completion of the *Butare* appeal. The most recent projection from the presiding judge of the *Butare* case, as explained in the annual report of the Tribunal for the period 1 July 2013 to 30 June 2014 ([A/69/206-S/2014/546](#)), is therefore that the appeal judgement in that case will not be delivered before August 2015.

Considering the projection for delivery of the appeal judgement in the *Butare* case, and noting also their involvement in cases before the International Tribunal for the Former Yugoslavia, as set out in the table attached to the present letter (see enclosure), the extension of the terms of office until 31 December 2015 or until completion of the cases to which they are or will be assigned, if sooner, is sought for the following permanent judges:

Judge Arlette Ramaroson (Madagascar)  
Judge Khalida Rachid Khan (Pakistan)  
Judge Bakhtiyar Tuzmukhamedov (Russian Federation)  
Judge Mandiaye Niang (Senegal)

Considering their involvement in cases of the International Tribunal for the Former Yugoslavia, as shown in the table attached to this letter, the extension of the terms of office until 31 July 2015, or until completion of the cases to which they are or will be assigned, if sooner, is sought for the following permanent judges:

Judge William H. Sekule (United Republic of Tanzania)  
Judge Mehmet Güney (Turkey)

Pursuant to Security Council resolution 2054 (2012), the term of office of Judge Vagn Joensen (Denmark) as ad litem judge of the Tribunal expires on 31 December 2014. Resolution 2054 (2012) extended his term of office in order that he might continue to perform the functions required of him as trial judge and President until 31 December 2014, to complete the work of the Tribunal. The extension was based upon the fact that the *Butare* appeal was then projected to be completed by 31 December 2014.

Considering that the Tribunal now expects to close after completion of the *Butare* appeal in 2015, in order that Judge Joensen may continue to perform the functions required of him as a Trial Chamber judge and President of the Tribunal, the extension of his term of office until 31 December 2015, or until the closure of the Tribunal, if sooner, is sought

The above-mentioned extensions are of crucial importance to ensure that the Tribunals can meet the goals of their respective completion strategies. Therefore, I would be grateful if you could bring this letter and its attachment to the attention of the Security Council and the General Assembly for consideration and necessary action.

(Signed) Judge Vagn **Joensen**  
President

## Enclosure

### International Criminal Tribunal for Rwanda: assignment of judges to cases continuing into 2015 (as of 1 October 2014)

Case	Judges					
	Judge Sekule	Judge Güney	Judge Ramaroso	Judge Khan	Judge Tuzmukhamedov	Judge Niang
Case name (Projected judgement delivery date)	<i>Tolimir</i> (March 2015)	<i>Tolimir</i> (March 2015)				
Case name (Projected judgement delivery date)			<i>M. Stanišić and Zupljanin</i> (November 2015)	<i>M. Stanišić and Zupljanin</i> (November 2015)		
Case name (Projected judgement delivery date)				<i>Nyiramasuhuko et al. (Butare)</i> (August 2015)	<i>Nyiramasuhuko et al. (Butare)</i> (August 2015)	
Case name (Projected commencement of deliberations)						<i>Šešelj</i> (deliberations from mid-2015) <sup>a</sup>

*Note:* This is not an exhaustive list of judges' assignments. The table includes only cases continuing into 2015 and only the judges of the International Criminal Tribunal for Rwanda whose extension is sought.

<sup>a</sup> After replacing Judge Harhoff, Judge Niang is conducting a review of the case record which he expects will be completed in June 2015. Following this review, the panel will be conducting relevant deliberations and drafting. Presiding Judge Antonetti has indicated that he will do his best to shorten the period required for delivery of the trial judgement, after Judge Niang has completed his review of the case record.