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EXECUTIVE OFFICE  
OF THE SECRETARY-GENERAL

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Note to the Secretary-General

1. General Assembly resolutions 53/212 and 53/213 requested that the Secretary-General constitute an Expert Group to review the effective functioning of the ICTR and ICTY. Mr. Connor and I have now agreed on the composition of the Group (it was exceptionally difficult and time-consuming to find qualified candidates), its terms of reference and a Secretariat. Before I speak to the proposed members of the Group seeking their consent, I would be grateful if I could have your approval on the composition of the Group, its conditions of service and the Terms of Reference.

2. We would propose that the membership of the Group be as follows:

Mr. Jerome Ackerman, former partner Covington & Burlington, Washington, former President of the United Nations Administrative Tribunal (USA)

Mr. Justice Pedro David, Juez de la Cámara Nacional Casación Penal de la República Argentina (Argentina)

Mr. Justice H.B. Jallow, Justice of the Supreme Court of The Gambia, former Minister of Justice (The Gambia)

Mr. Justice K. Jayachandra Reddy, former Public Prosecutor; former Judge of the Supreme Court of India (India)

Mr. Patricio Ruedas, former Under-Secretary-General for Administration and Management of the United Nations (Spain)

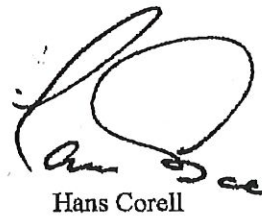
This membership would ensure a broad geographic representation from the principal legal systems of the world. It would also provide an appropriate balance of experience and expertise.

3. We would propose that Mr. Ackerman be the Chairman of the Group. In view of the high-level of the Group, it seems to me that they must be retained (on SSAs), when actually employed, at the USG level.

4. We would propose that Mr. Sinha Basnayake, a former Director of the General Legal Division of OLA (retired in 1995 at D-2), be Secretary of the Group and that Mr. Hermann Gilli, a former Executive Officer of OLA (retired in 1989 at P-5), who has had administrative experience in both Tribunals, be the Administrative Officer.

5. OLA will provide legal backstopping and Department of Management will hire Mr. Basnayake and Mr. Gilli and arrange for the financing and accommodation of the Expert Group, which will operate from The Hague.

6. Draft terms of reference are attached.

  
Hans Corell

For approval  
(Mandate at p. 3)

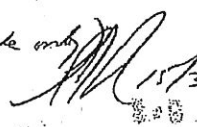
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Mr. Corell

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Approved  
  
15/3

## **Terms of reference**

### **Constitution and composition**

Pursuant to General Assembly resolutions 53/212 and 53/213, an Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda is constituted (hereafter the "Expert Group").

The Expert Group shall be composed of 5 experts as follows:

Mr. Jerome Ackerman, former partner Covington & Burlington, Washington, former President of the United Nations Administrative Tribunal (USA)

Mr. Justice Pedro David, Juez de la Cámara Nacional Casación Penal de la República Argentina (Argentina)

Mr. Justice H.B. Jallow, Justice of the Supreme Court of The Gambia, former Minister of Justice (The Gambia)

Mr. Justice K. Jayachandra Reddy, former Public Prosecutor; former Judge of the Supreme Court of India (India).

Mr. Patricio Ruedas, former Under-Secretary-General for Administration and Management of the United Nations (Spain)

### **Secretariat**

The Expert Group shall be assisted by a Secretary and such other staff as may be necessary.

### **Financing**

The costs of the Expert Group are to be borne in equal shares by the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

### **Location**

The Expert Group will be based in and work from The Hague.

### **Mandate**

The Expert Group shall prepare an evaluation of the functioning and operation of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda with the objective of enhancing the efficient use of the resources allocated to the Tribunals.

In conducting its review, the Expert Group shall be guided by the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) which are contained in paragraphs 65 to 67 of its report on the revised budget estimates for 1998 and proposed requirements for 1999 of the International Tribunal for the Former Yugoslavia (document A/53/651) and in paragraphs 84 to 86 of its report on the revised budget estimates for 1998 and proposed requirements for 1999 of the International Tribunal for Rwanda (document A/53/659) and by the statement of the Chairman of the ACABQ made before the Fifth Committee of the General Assembly at its 37th meeting (A/C.5/53/SR.37, paragraph 43). Copies of the relevant portions of these documents are attached to, and form part of, these Terms of Reference.

The review of the Expert Group shall be conducted in full cooperation with the Presidents of both Tribunals and without prejudice to the Statutes of the Tribunals and their independent character as judicial bodies.

### **Report**

The Expert Group is to report to the Secretary-General by 31 August 1999.

[date]

Kofi A. Annan

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