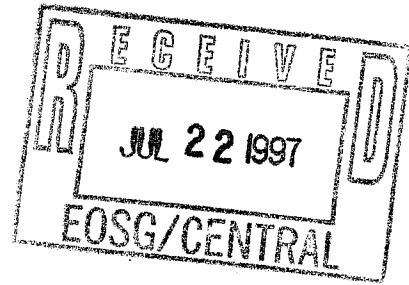




THE SECRETARY-GENERAL

HR/former Yugoslavia
HR/Rwanda
GA

1 July 1997



Excellency,

I have the honour to refer to your letter of 6 June 1997, regarding the conditions of service of the judges of the International Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR).

In December 1993, my predecessor submitted to the General Assembly proposals on the terms and conditions of service of ICTY and ICTR judges, some of which the Advisory Committee on Administrative and Budgetary Questions endorsed and in regard to others requested further clarifications. I am requested to report on the matter no later than 30 November 1997, for consideration by the General Assembly.

Please find attached a note in more detail on the background to the matter.

Please accept, Excellency, the assurances of my highest consideration.

- Kofi A. Annan

His Excellency
Mr. Razali Ismail
President of the General Assembly
New York

CONDITIONS OF SERVICE OF ICTY AND ICTR JUDGES:
CONSIDERATION BY THE GENERAL ASSEMBLY

Article 13, paragraph 4, of the Statute of ICTY specifies that the terms and conditions of service of its judges shall be those of the judges of the International Court of Justice (ICJ), whereas Article 12, paragraph 5, of the ICTR Statute specifies that the terms and conditions of service of its judges shall be those of ICTY. Since it is the General Assembly which under Article 17 of the Charter of the United Nations has the exclusive authority in financial matters (see also article 32 of the Statute of ICJ), the above provisions of the International Tribunals' Statutes represent a point of reference in determining the terms and conditions of service of their judges by the General Assembly.

In view of this, the Secretary-General recommended in his report (A/C.5/48/36) to the General Assembly that conditions of service of the members of the ICTY should replicate those of ICJ with appropriate modifications reflecting the shorter term of appointments of ICTY members. Having considered that report, the Advisory Committee on Administrative and Budgetary Questions deferred action on the conditions of service of the Tribunal's judges pending further experience with regard to the precise nature of the requirements of the ICTY and the work of the judges (A/48/915, paras. 4-9 and 12). The General Assembly, in its resolution 48/251 of 14 April 1994, requested the Secretary-General to submit a further report on the conditions of the service of the judges.

The Secretary-General submitted his report to the forty-ninth session of the General Assembly (A/C.5/49/11), in regard to which the Advisory Committee made recommendations concerning specific entitlements (A/49/7/Add.12, paragraphs 3-11) and requested the Secretary-General to provide additional information on various related issues for its further scrutiny. By its resolution 49/242 B of 20 July 1995, the General Assembly endorsed the observations and recommendations of the ACABQ.

As the result of its subsequent reviews of the Secretary-General's reports on the financing of the International Tribunals to the fiftieth and fifty-first sessions of the General Assembly, the Advisory Committee requested the Secretary-General to provide for its scrutiny additional information concerning the travel and subsistence benefits of the judges, pension entitlements and survivors' benefits, administration of the education grant and other relevant issues. The Advisory Committee recommended, inter alia, that the conditions of service and allowances which would be approved by the General Assembly for the judges of the

International Tribunal for the former Yugoslavia be extended to the judges of the International Tribunal for Rwanda. By its resolutions 51/214 B and 51/215 B of 13 June 1997, the General Assembly requested the Secretary-General to submit reports on the conditions of service of the judges of each Tribunal at its fifty-second session, no later than 30 November 1997, and decided to defer its consideration of the pension entitlements for members of the Tribunals pending receipts of such reports and consider these questions in the context of the 1998 budget proposals of the Tribunals.

In line with the recommendations of the Advisory Committee and pending a final comprehensive decision of the General Assembly on the matter, the terms and conditions of service of judges of ICJ currently apply to judges of ICTY and ICTR mutatis mutandis and with necessary modifications based on relevant criteria, including the relative length of their respective terms of service.