



S-0042-0001-056-00046

Expanded Number **S-0042-0001-056-00046**

External ID

Title

Item-in-KAA: OLA Office of Legal Affairs (Jan. - June) 2001

<i>Date Created</i>	<i>Date Registered</i>	<i>Date Closed</i>
17/11/2006 at 10:51 AM	17/11/2006	

Primary Contact

Home Location **S-0042-0001-056 (In Container)**
Assignee **In Container 'S-0042-0001-056 (Marvin Cordova)' since 17/11/2006 at 12:17 F**

Priority

Local-container

Owner Location **Archives and Records Management Section**

Record Type **Archival Item**

Date Published

Document Details

Container **S-0042-0001: OLA - General (incl. Trust Fund for ICJ disputes)**

Notes

Record has no document attached.

Print Name of Person Submit Image

Signature of Person Submit

[Empty box for Print Name of Person Submit Image]

[Empty box for Signature of Person Submit]



THE SECRETARY-GENERAL

ICTR
LOLA

22 March 2001

Dear Mr. President,

I have the honour to refer to resolution 955 (1994) of 8 November 1994, by which the Security Council established the 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 1994 and 31 December 1994 (the "International Tribunal for Rwanda").

I also have the honour to refer to Security Council resolutions 1165 (1998) of 30 April 1998 and 1329 (2000) of 30 November 2000, by which the Council amended the Statute of the International Tribunal, as adopted in its resolution 955 (1994).

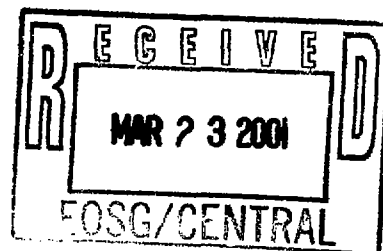
Article 12 of the Statute of the International Tribunal for Rwanda, as so amended, provides, in relevant part, as follows:

"Article 12

"Qualification and election of judges

"1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

His Excellency
Mr. Volodymyr Yu. Yelchenko
President of the Security Council
New York



“2. Eleven of the judges of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

“(a) The Secretary-General shall invite nominations for judges from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

“(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (hereinafter referred to as “the International Tribunal for the Former Yugoslavia”) in accordance with article 13 *bis* of the Statute of that Tribunal;

“(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-two and not more than thirty-three candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

“(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect eleven judges of the International Tribunal for Rwanda. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

“2. In the event of a vacancy in the Chambers amongst the judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

...

“4. The judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.”

In paragraph 2 of its resolution 1329 (2000) of 30 November 2000, the Security Council decided that two additional judges should be elected as soon as possible as judges of the International Tribunal for Rwanda and that the terms of office of the additional judges so elected should expire, together with those of the judges who are currently serving on the Tribunal, on 24 May 2003.

Pursuant to what is now paragraph 2 (a) of Article 12 of the Statute of the International Tribunal for Rwanda, following the amendments that were introduced by Security Council resolution 1329 (2000) of 30 November 2000, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters were invited, by means of a letter dated 15 January 2001, to submit nominations for two additional judges of the International Tribunal for Rwanda and were informed that, within sixty days of the date of that letter, they might nominate up to two candidates meeting the qualifications set out in paragraph 1 of Article 12 of the Tribunal’s Statute, as so amended.

They were also informed that, should they decide to nominate two candidates, then, in accordance with paragraph 1 (b) of Article 12 of the Tribunal’s Statute, as amended, those candidates might not be of the same nationality as each other.

They were further advised that, in accordance with Article 11 of the Statute of the International Tribunal for Rwanda, as amended, no two judges of the Tribunal may be nationals of the same State. They were informed that, in consequence, they might not nominate a candidate bearing the same nationality as any of the judges who are currently serving on the International

Tribunal for Rwanda and that, accordingly, they might not nominate candidates bearing any of the following nationalities: Colombia, France, Guyana, Italy, Jamaica, Malaysia, Norway, Russian Federation, Saint Kitts and Nevis, Senegal, Slovenia, South Africa, Sri Lanka, Turkey and United Republic of Tanzania.

Pursuant to paragraph 1 (c) of Article 12 of the Statute of the International Tribunal for Rwanda, as amended by Security Council resolution 1329 (2000) of 30 November 2000, I have the honour herewith to forward to the Security Council the four nominations which I have received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the sixty-day period specified in paragraph 2 (b) of Article 12 of the Statute, as so amended. The list of candidates, in alphabetical order, is annexed to this letter, together with the *curricula vitae* which have been provided to me in connection with their nominations.

In this connection, I would draw the attention of the Security Council to paragraph 1 (c) of Article 12 of the Statute of the International Tribunal for Rwanda, as amended by Security Council resolution 1329 (2000) of 30 November 2000, which, as applied to the current election by paragraph 2 of that resolution, provides, in relevant part, as follows:

“... From the nominations received the Security Council shall establish a list of not less than [four] and not more than [six] candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world”.

I would take this opportunity to note that, pursuant to paragraph 4 of Article 12 of the Statute of the International Tribunal, as amended, the judges of the International Tribunal for Rwanda elected in accordance with that article are to serve on a full-time basis and so may not engage in any other occupation of a professional nature during their term of office.

Once elected to the International Tribunal for Rwanda, they are expected to take up residence at its seat in Arusha. Should, however, it occur, pursuant to Article 13, paragraph 3, of the Statute of the International Tribunal for Rwanda, as amended by Security Council resolution 1329 (2000) of 30 November 2000, and Article 14, paragraph 4, of the Statute of the International Tribunal for the Former Yugoslavia, as amended by that same resolution, that they are assigned by the President of the International Tribunal for Rwanda to be members of the Appeals Chambers of the International Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda, then they will be expected to take up residence at the seat of the International Tribunal for the Former Yugoslavia, in The Hague.

Please accept, Mr. President, the assurances of my highest consideration.

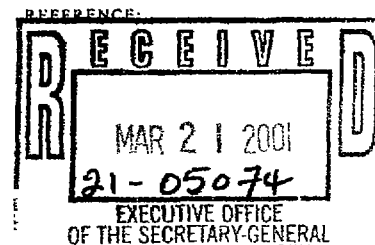
A handwritten signature in black ink, appearing to read 'K. Annan', with a stylized 'K' and a long horizontal stroke.

Kofi A. Annan

United Nations  Nations Unies
INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: The Secretary-General
A:
THROUGH: Mr. Iqbal Riza
S/C DE: Chef de Cabinet
FROM: Hans Corell
DE: Under-Secretary-General for Legal Affairs
The Legal Counsel
SUBJECT: Nominations of candidates for election as additional judges of the ICTR
OBJET:

DATE: 21 March 2001



1. Please find attached, for the approval and signature of the Secretary-General, a letter to the President of the Security Council transmitting to the Council the nominations which have been received of candidates for election as additional judges of the ICTR.
2. The annex to the attached letter lists, in alphabetical order, the names of the four candidates whose nominations were received by the deadline of 16 March 2001.
3. Two judges are to be elected to the ICTR in the current elections.
4. You may wish to note that all of the candidates are from African States. One of the four candidates is female.