

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6603 26 August 2011	Peacekeeping: taking stock and preparing for the future Letter dated 5 August 2011 from the Permanent Representative of India to the United Nations addressed to the Secretary- General (S/2011/496)		Argentina, Australia, Azerbaijan, Bangladesh, Canada, Croatia, Ethiopia, Fiji, Guatemala, Hungary, Indonesia, Japan, Kyrgyzstan, Malaysia, Morocco, Nepal, Norway, Pakistan, Peru, Philippines, Senegal, Serbia, Slovenia, Sri Lanka, Tunisia, Uganda, Ukraine, Uruguay, Venezuela (Bolivarian Republic of)	Deputy Head of Delegation and Chargé d'affaires a.i. of the Delegation of the European Union to the United Nations, Permanent Observer of the African Union to the United Nations	Secretary- General, all Council members and all invitees	S/PRST/2011/17

30. Items relating to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda⁶⁹²

Overview

From 2010 to 2011, the Security Council held 16 meetings and adopted 12 resolutions⁶⁹³ related to the work 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 and 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 1994.⁶⁹⁴ During the period under review, the Council received semi-annual briefings by senior officials of the Tribunals and considered the Tribunals' completion

⁶⁹² This study covers the following items: (a) 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; and (b) 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.

⁶⁹³ All resolutions except resolutions [2006 \(2011\)](#) and [2007 \(2011\)](#) were adopted under Chapter VII of the Charter.

⁶⁹⁴ For more information on the mandate of both Tribunals, see part IX, sects. IV.A and IV.B.

strategies.⁶⁹⁵ In 2010, the Council established the International Residual Mechanism for Criminal Tribunals to carry out certain functions of the Tribunals after the completion of their mandates.⁶⁹⁶

The Council also authorized judges of both Tribunals to serve beyond the expiry of their terms of office,⁶⁹⁷ decided that ad litem judges might be eligible for election as President of the International Criminal Tribunal for Rwanda,⁶⁹⁸ decided that the number of ad litem judges of both Tribunals might temporarily exceed the statutory limits,⁶⁹⁹ authorized one judge of the International Criminal Tribunal for Rwanda to work part-time⁷⁰⁰ and reappointed the Prosecutors of both Tribunals.⁷⁰¹

18 June to 6 December 2010: implementation of the completion strategies

In the semi-annual briefings to the Security Council held on 18 June and 6 December 2010, the Presidents and the Prosecutors of the Tribunals provided the Council with their assessments of the implementation of the completion strategies, including the status of trial and appeal proceedings and issues related to staff retention, and underlined the need for State cooperation with the Tribunals in arresting the remaining fugitives.⁷⁰² During the meetings, speakers urged the Tribunals to take all possible measures to

complete their work expeditiously. Many speakers called upon Member States to fully cooperate with the Tribunals regarding the arrest of the remaining fugitives and expressed support for referring cases to national jurisdictions. Representatives of Member States whose cooperation with the Tribunals was under discussion presented accounts of their efforts. Speakers also acknowledged the progress made towards the establishment of a residual mechanism to carry out certain functions of the Tribunals in the post-completion phase, which was under consideration by the Informal Working Group on International Tribunals. Expressing concern regarding delays in a number of cases before the Tribunals, which prolonged the Tribunals' existence, the representative of the Russian Federation called upon the Tribunals to concentrate on the operational work and stressed the need to establish explicit and realistic deadlines for moving the work of the Tribunals to completion.⁷⁰³

22 December 2010: establishment of the International Residual Mechanism for Criminal Tribunals

On 22 December 2010, by resolution [1966 \(2010\)](#), the Council, acting under Chapter VII of the Charter, established the International Residual Mechanism for Criminal Tribunals with two branches, which would commence functioning on 1 July 2012 (branch for the International Criminal Tribunal for Rwanda) and on 1 July 2013 (branch for the International Tribunal for the Former Yugoslavia). The Council requested the Tribunals to take all possible measures to expeditiously complete their remaining work no later than 31 December 2014, to prepare their closure and to ensure a smooth transition to the Mechanism.

At that meeting, most speakers welcomed the adoption of the resolution and encouraged the Tribunals to ensure completion without further delay and a smooth transition to the Mechanism. Explaining his Government's abstention from the vote, the representative of the Russian Federation regretted that the Tribunals had not taken up every opportunity to complete their work by the deadlines established by resolutions [1503 \(2003\)](#) and [1534 \(2004\)](#) within the framework of the completion strategy. He expressed the firm belief that the resolution was the last on the issue of the duration of the activities of the Tribunals.⁷⁰⁴

⁶⁹⁵ The completion strategies of the Tribunals were originally set out in resolution [1503 \(2003\)](#), in which the Council called upon the Tribunals to take all possible measures to complete trial activities at first instance by the end of 2008 and to complete all work in 2010.

⁶⁹⁶ Resolution [1966 \(2010\)](#).

⁶⁹⁷ Resolutions [1931 \(2010\)](#), [1932 \(2010\)](#), [1954 \(2010\)](#), [1955 \(2010\)](#), [1993 \(2011\)](#) and [2029 \(2011\)](#). For more information on the procedure of authorization, see part IV, sects. I.D.3 and I.D.4, with regard to the judges of the Tribunals and the Residual Mechanism.

⁶⁹⁸ Resolution [1995 \(2011\)](#).

⁶⁹⁹ Resolutions [1915 \(2010\)](#) and [1955 \(2010\)](#).

⁷⁰⁰ Resolution [2013 \(2011\)](#).

⁷⁰¹ Resolutions [2006 \(2011\)](#) and [2007 \(2011\)](#).

⁷⁰² [S/PV.6342](#), pp. 3-6 (President of the International Tribunal for the Former Yugoslavia); pp. 6-8 (President of the International Criminal Tribunal for Rwanda); pp. 8-10 (Prosecutor of the International Tribunal for the Former Yugoslavia); pp. 10-12 (Prosecutor of the International Criminal Tribunal for Rwanda); [S/PV.6434](#), pp. 3-6 (President of the International Tribunal for the Former Yugoslavia); pp. 6-8 (President of the International Criminal Tribunal for Rwanda); pp. 8-10 (Prosecutor of the International Tribunal for the Former Yugoslavia); pp. 10-12 (Prosecutor of the International Criminal Tribunal for Rwanda).

⁷⁰³ [S/PV.6342](#), p. 25; [S/PV.6434](#), pp. 22-23.

⁷⁰⁴ [S/PV.6463](#), p. 3.

6 June to 7 December 2011: updates on the implementation of the completion strategies

On 6 June and 7 December 2011, the Presidents and the Prosecutors of the Tribunals updated the Council on the implementation of the completion strategies by the Tribunals and the efficiency measures employed to expedite the trial and appeal proceedings.⁷⁰⁵ During those meetings, most speakers

welcomed the progress made by the Tribunals on the implementation of the completion strategies and urged them to complete their work expeditiously without compromising fair trials and to ensure a smooth transition to the Mechanism. Speakers also welcomed the recent arrest of several fugitives, including Ratko Mladić and Goran Hadžić, and called for increased cooperation by Member States with respect to the referral of cases to national jurisdictions and the resettlement of persons acquitted by the Tribunals.

⁷⁰⁵ [S/PV.6545](#), pp. 3-7 (President of the International Tribunal for the Former Yugoslavia); pp. 7-9 (President of the International Criminal Tribunal for Rwanda); pp. 9-10 (Prosecutor of the International Tribunal for the Former Yugoslavia); and pp. 10-12 (Prosecutor of the International Criminal Tribunal for Rwanda); [S/PV.6678](#), pp. 3-6 (President of the International Tribunal for the Former Yugoslavia); pp. 6-8 (President of the International Criminal Tribunal for Rwanda); pp. 8-10 (Prosecutor of the International Tribunal for the Former Yugoslavia); and pp. 10-11 (Prosecutor of the International Criminal Tribunal for Rwanda).

Meetings: items relating to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

<i>Meeting and date</i>	<i>Item</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6286 18 March 2010	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	Letter dated 15 March 2010 from the Secretary-General addressed to the President of the Security Council (S/2010/133)	Draft resolution submitted by Austria (S/2010/138)				Resolution 1915 (2010) 15-0-0

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6342 18 June 2010	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	Letter dated 31 May 2010 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2010/270)		Croatia, Kenya, Rwanda, Serbia	Presidents and Prosecutors of the Tribunals	All Council members ^a and all invitees	
	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	Letter dated 28 May 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2010/259)					
6348 29 June 2010	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	Identical letters dated 18 June 2010 from the Secretary- General addressed to the President of the General Assembly and the President of the Security Council (S/2010/330)	Draft resolution submitted by Austria (S/2010/347)				Resolution 1931 (2010) 15-0-0

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6349 29 June 2010	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	Identical letters dated 2 June 2010 from the Secretary-General addressed to the President of the Assembly and the President of the Security Council (S/2010/289)	Draft resolution submitted by Austria (S/2010/333)				Resolution 1932 (2010) 15-0-0
6434 6 December 2010	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 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	Letter dated 1 November 2010 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2010/588) Letter dated 5 November 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2010/574)	Seventeenth annual report of the International Tribunal for the Former Yugoslavia (S/2010/413) Fifteenth annual report of the International Criminal Tribunal for Rwanda (S/2010/408)	Croatia, Rwanda, Serbia	Presidents and Prosecutors of the Tribunals	All Council members ^a and all invitees	

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	Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994						
6446 14 December 2010	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	Identical letters dated 23 November 2010 from the Secretary- General addressed to the President of the General Assembly and the President of the Security Council (S/2010/599)	Draft resolution submitted by Austria (S/2010/629)				Resolution 1954 (2010) 15-0-0
6447 14 December 2010	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	Identical letters dated 13 October 2010 from the Secretary- General addressed to the President of the General Assembly and the President of the Security Council (S/2010/513)	Draft resolution submitted by Austria (S/2010/628)				Resolution 1955 (2010) 15-0-0
		Identical letters dated 23 November 2010 from the Secretary- General addressed to the President of the General Assembly and the President of the Security Council (S/2010/598)					

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6463 22 December 2010	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	Letter dated 1 November 2010 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2010/588)	Draft resolution submitted by Austria (S/2010/651)			5 Council members (Austria, Japan, Russian Federation, United Kingdom and United States)	Resolution 1966 (2010) 14-0-1 ^b
	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	Letter dated 5 November 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2010/574)					
6545 6 June 2011	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	Letter dated 12 May 2011 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2011/316)		Croatia, Rwanda, Serbia	Presidents and Prosecutors of the Tribunals	All Council members and all invitees	

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	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	Letter dated 12 May 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2011/317)					
6571 29 June 2011	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	Letter dated 27 June 2011 from the Secretary- General addressed to the President of the Security Council (S/2011/392)	Draft resolution submitted by Portugal (S/2011/395)				Resolution 1993 (2011) 15-0-0
6573 6 July 2011	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	Identical letters dated 20 May 2011 from the Secretary- General addressed to the President of the General Assembly and the President of the Security Council (S/2011/329)	Draft resolution submitted by Portugal (S/2011/410)				Resolution 1995 (2011) 15-0-0

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	Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994						
6612 14 September 2011	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	Letter dated 7 September 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/561)	Draft resolution submitted by Portugal (S/2011/567)				Resolution 2006 (2011) 15-0-0
6613 14 September 2011	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	Letter dated 13 September 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/566)	Draft resolution submitted by Portugal (S/2011/569)				Resolution 2007 (2011) 15-0-0

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6632 14 October 2011	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	Letter dated 30 September 2011 from the Secretary- General addressed to the President of the Security Council (S/2011/609)	Draft resolution submitted by Portugal (S/2011/636)				Resolution 2013 (2011) 15-0-0
6678 7 December 2011	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 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	Letter dated 15 November 2011 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2011/716) Letter dated 16 November 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2011/731)	Eighteenth annual report of the International Tribunal for the Former Yugoslavia (S/2011/473) Sixteenth annual report of the International Criminal Tribunal for Rwanda (S/2011/472)	Croatia, Rwanda, Serbia	Presidents and Prosecutors of the Tribunals	All Council members ^c and all invitees	

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	Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994						
6694 21 December 2011	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	Letter dated 16 November 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2011/731)	Draft resolution submitted by Portugal (S/2011/787)	Rwanda			Resolution 2029 (2011) 15-0-0
			Letter from the President of the International Criminal Tribunal for Rwanda requesting the extension of the terms of office of permanent and ad litem judges (S/2011/780, annex)				
			Letter from the President of the Tribunal requesting the extension of the terms of office of one ad litem judge (S/2011/781, annex)				

^a The representative of Austria made a statement, in part, in his capacity as Chair of the Informal Working Group on International Tribunals.

^b *For*: Austria, Bosnia and Herzegovina, Brazil, China, France, Gabon, Japan, Lebanon, Mexico, Nigeria, Turkey, Uganda, United Kingdom, United States; *abstaining*: Russian Federation.

^c South Africa was represented by its Deputy Minister of Justice and Constitutional Development.