



Repertoire of the Practice of the Security Council

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Department of Political Affairs - Security Council Affairs Division
Security Council Practices and Charter Research Branch

Items relating to International Tribunals for the former Yugoslavia and Rwanda¹

Overview

From 2010 to 2011, the Security Council held 16 meetings and adopted 12 resolutions² 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 (ICTY) 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 (ICTR).³ Throughout the period under review, the Council received semi-annual briefings by senior officials of ICTY and ICTR and considered the Tribunals' completion strategies.⁴ In 2010, the Council established the International

¹ This study covers the following three agenda items: (i) 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 (ICTY); (ii) 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 (ICTR) and (iii) ICTY; ICTR.

² All resolutions except [resolutions 2006 \(2011\)](#) and [2007 \(2011\)](#) were adopted under Chapter VII of the Charter.

³ For more information on the mandate of ICTY and ICTR, see part IX, sect. IV. A and B.

⁴ The completion strategies of the Tribunals were originally set by [resolution 1503 \(2003\)](#), in which the Council called on ICTY and ICTR to take all possible measures to complete trial activities at first instance by the end of 2008 and to complete all work in 2010.

Residual Mechanism for Criminal Tribunals (Mechanism) to carry out certain functions of the Tribunals after the completion of their mandates.⁵

The Council also authorized judges of both Tribunals to serve beyond the expiry of their terms of office,⁶ decided that ad litem judges might be eligible for election as President of ICTR,⁷ authorized the number of ad litem judges of both Tribunals to temporarily exceed their statutory limits,⁸ authorized one judge of ICTR to work part-time⁹ and reappointed the prosecutors of both Tribunals.¹⁰

A table lists the meetings held in consideration of this agenda item, as well as related information, including invitees, speakers and the decision adopted.

June to December 2010: briefings on the implementation of the completion strategies

In the semi-annual briefings to the Security Council held in June and December of 2010, the Presidents and Prosecutors of ICTY and ICTR 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.¹¹ During the meetings, speakers urged the Tribunals to take all possible measures to complete their work expeditiously. Many speakers also called on 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 the Member States whose cooperation with the Tribunals was under discussion presented accounts of their

⁵ [Resolution 1966 \(2010\)](#).

⁶ [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 4 with regard to election of judges of the Tribunals and the International Residual Mechanism.

⁷ [Resolution 1995 \(2011\)](#).

⁸ [Resolutions 1915 \(2010\)](#) and [1955 \(2010\)](#).

⁹ [Resolution 2013 \(2011\)](#).

¹⁰ [Resolutions 2006 \(2011\)](#) and [2007 \(2011\)](#).

¹¹ [S/PV.6342](#), pp. 3-6 (President of ICTY); pp. 6-8 (President of ICTR); pp. 8-10 (Prosecutor of ICTY); pp. 10-12 (Prosecutor of ICTR); [S/PV.6434](#), pp. 3-6 (President of ICTY); pp. 6-8 (President of ICTR); pp. 8-10 (Prosecutor of ICTY); pp. 10-12 (Prosecutor of ICTR).

cooperation 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 on the Tribunals to concentrate on the operational work and stressed the need to establish explicit and realistic deadlines for moving the work of Tribunals to completion.¹²

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 should commence functioning on 1 July 2012 (branch for ICTR) and on 1 July 2013 (branch for ICTY). The Council requested ICTY and ICTR to take all possible measures to expeditiously complete their remaining work no later than 31 December 2014, to prepare for 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 this resolution was the last on the issue of the duration of the activities of the Tribunals.¹³

¹² [S/PV.6342](#), p. 25 and [S/PV.6434](#), pp. 22-23.

¹³ [S/PV.6463](#), p. 3.

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

In June and December of 2011, the Presidents and Prosecutors of ICTY and ICTR 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.¹⁴ During those meetings, most speakers welcomed the progress made by ICTY and ICTR on the implementation of the completion strategies and urged the Tribunals 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, such as 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.

¹⁴ [S/PV.6545](#), pp. 3-7 (President of ICTY); pp. 7-9 (President of ICTR); pp. 9-10 (Prosecutor of ICTY); and pp. 10-12 (Prosecutor of ICTR); [S/PV.6678](#), pp. 3-6 (President of ICTY); pp. 6-8 (President of ICTR); pp. 8-10 (Prosecutor of ICTY); and pp. 10-11 (Prosecutor of ICTR).

Meetings: items relating to International Tribunals for the former Yugoslavia and Rwanda

| <i>Meeting and date</i> | <i>Agenda 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 |
| 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 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 31 May 2010 from the President of ICTY addressed to the President of the Security Council (S/2010/270) Letter dated 28 May 2010 from the President of ICTR addressed to the President of the Security Council (S/2010/259) | | Croatia, Kenya, Rwanda, Serbia | Presidents and Prosecutors of ICTY and ICTR | All Council members ^a and all invitees | |

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|-------------------------|---|--|--|----------------------------|---|---|---|
| 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 |
| 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 General 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 | Letter dated 1 November 2010 from the President of ICTY addressed to the President of the Security Council (S/2010/588) Letter dated 5 November 2010 from the President of ICTR addressed to the President of the Security Council (S/2010/574) | Annual report of ICTY (S/2010/413) Annual report of ICTR (S/2010/408) | Croatia, Rwanda, Serbia | Presidents and Prosecutors of ICTY and ICTR | All Council members ^b and all invitees | |

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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 | | | | | | |
| 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 |
| 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 | Letter dated 1 November 2010 from the President of ICTY addressed to the President of the Security Council (S/2010/588) | Draft resolution submitted by Austria (S/2010/651) | | | 5 Council members ^c | Resolution 1966 (2010) 14-0-1 ^d |

Part I – Overview of Security Council Activities in the Maintenance of International Peace and Security

Repertoire website: <http://www.un.org/en/sc/repertoire>

| <i>Meeting and date</i> | <i>Agenda 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> |
|-------------------------|---|--|------------------------|----------------------------|---|--------------------------------------|---|
| | Yugoslavia since 1991 | Letter dated 5 November 2010 from the President of ICTR | | | | | |
| | 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 | 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 ICTY addressed to the President of the Security Council (S/2011/316) | | Croatia, Rwanda, Serbia | Presidents and Prosecutors of ICTY and ICTR | All Council members 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 12 May 2011 from the President of ICTR addressed to the President of the Security Council (S/2011/317) | | | | | |

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|-------------------------|---|--|---|----------------------------|--------------------------------------|-----------------|---|
| 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 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 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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|---------------------------|---|---|---|----------------------------|--------------------------------------|-----------------|---|
| 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 |
| 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 | International Tribunal for the | Letter dated 15 November 2011 | Report of ICTY | Croatia, Rwanda, | Presidents and | All Council | |

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|--------------------------|---|---|--|----------------------------|--------------------------------------|---------------------------------------|---|
| 7 December 2011 | Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 | from the President of ICTY addressed to the President of the Security Council (S/2011/716) | (S/2011/473) Report of ICTR (S/2011/472) | Serbia | Prosecutors of ICTY and ICTR | members ^e 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 16 November 2011 from the President of ICTR addressed to the President of the Security Council (S/2011/731) | | | | | |
| 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 ICTR 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 ICTR requesting the extension of the terms of office of permanent and ad litem judges (S/2011/780) | | | | |
| | | | Letter from the President of ICTR requesting the extension of the terms of office of one ad litem judge | | | | |

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|-------------------------|--------------------|-----------------|------------------------------|--------------------------------|--|-----------------|--|
| | | | (S/2011/781) | | | | |

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

^b Ibid.

^c Austria, Japan, Russian Federation, United Kingdom and United States.

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

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