

**General Assembly
Security Council**Distr.: General
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**General Assembly
Sixty-eighth session**
Agenda item 129**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****Security Council
Sixty-eighth year****Identical letters dated 21 November 2013 from the
Secretary-General addressed to the President of the
General Assembly and the President of the Security Council**

I have the honour to transmit the attached letters dated 30 October (annex I) and 19 November 2013 (annex II) from Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia.

In his letters, Judge Meron requests the extension of the term of office of 14 permanent judges of the Trial and Appeals Chambers and three ad litem judges of the Trial Chamber of the Tribunal until the dates set out therein or until the completion of the cases to which they are or will be assigned, if sooner.

I recall that, pursuant to Security Council resolution [2081 \(2012\)](#) and General Assembly decision [67/417](#), the current term of office of the judges of the Appeals Chamber and of the Trial Chamber is set to expire on 31 December 2013. However, it is evident from the updated trial and appeals schedules attached to Judge Meron's letters that the cases to which these judges are or will be assigned will not be completed by the end of 2013. Therefore, it is necessary to extend the term of office of these judges beyond 31 December 2013.

It falls to the General Assembly and the Security Council to consider and decide on these requests. Accordingly, I would be grateful if you would bring the letters from Judge Meron to the attention of the members of the General Assembly and of the Security Council.

(Signed) BAN Ki-moon



Annex I

Letter dated 30 October 2013 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I have the honour of referring to Security Council resolution [2081 \(2012\)](#) of 17 December 2012, in which the Security Council, inter alia: (a) extended the terms of office of the permanent judges of the International Tribunal for the Former Yugoslavia who are members of the Appeals Chamber until 31 December 2013 or until the completion of the cases to which they are assigned, if sooner; (b) extended the terms of office of the permanent Judges of the Trial Chambers of the Tribunal until 31 December 2013 or until the completion of the cases to which they are assigned, if sooner; and (c) extended the terms of office of certain ad litem judges of the Tribunal's Trial Chambers until 31 December 2013 or until the completion of the cases to which they are assigned, if sooner.

By this present letter, I wish to bring to your attention the necessity of extending the terms of office of the Tribunal's permanent and ad litem judges. The extensions set out below are sought on the basis of and by reference to the attached trial and appeal schedules, which contain projections for the completion of the Tribunal's remaining trials and appeals (see enclosures I and II).^a These extensions last beyond the 31 December 2014 target included in Security Council resolution [1966 \(2010\)](#). As set out in previous completion strategy reports to the Security Council, the late arrests of certain accused and other challenges mean that, despite the Tribunal's continuing efforts, the Tribunal will not be in a position to complete all of its work by 31 December 2014.^b

Permanent judges

An extension until 31 July 2015 or until the completion of the cases to which he is or will be assigned, if sooner, is sought for the following judge:

Judge Antonetti (France)

An extension until 31 December 2015 or until the completion of the cases to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Kwon (Republic of Korea)

Judge Hall (Bahamas)

Judge Morrison (United Kingdom of Great Britain and Northern Ireland)

Judge Delvoie (Belgium)

An extension until 31 July 2016 or until the completion of the cases to which they are or will be assigned, if sooner, is sought for the following judges:

^a If the judgement in the last case to which a judge is expected to or will be assigned is forecast for delivery between January and July of a certain year, an extension until July of that year is requested. If the judgement in the last case to which a judge is expected to or will be assigned is anticipated between August and December of a certain year, an extension until December of that year is requested.

^b See, for example, S/2013/308, annex I, paras. 31, 51; S/2012/847, annex I, paras. 30, 44; S/2012/354, annex I, paras. 29, 45; and S/2011/716, annex I, para. 41.

Judge Flügge (Germany)
Judge Orié (Netherlands)
Judge Moloto (South Africa)

An extension until 31 July 2017 or until the completion of the cases to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Meron (United States of America)
Judge Agius (Malta)
Judge Robinson (Jamaica)
Judge Pocar (Italy)
Judge Liu (China)

Ad Litem judges

An extension until 31 December 2015 or until the completion of the cases to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Mindua (Democratic Republic of the Congo)
Judge Lattanzi (Italy)
Judge Baird (Trinidad and Tobago)

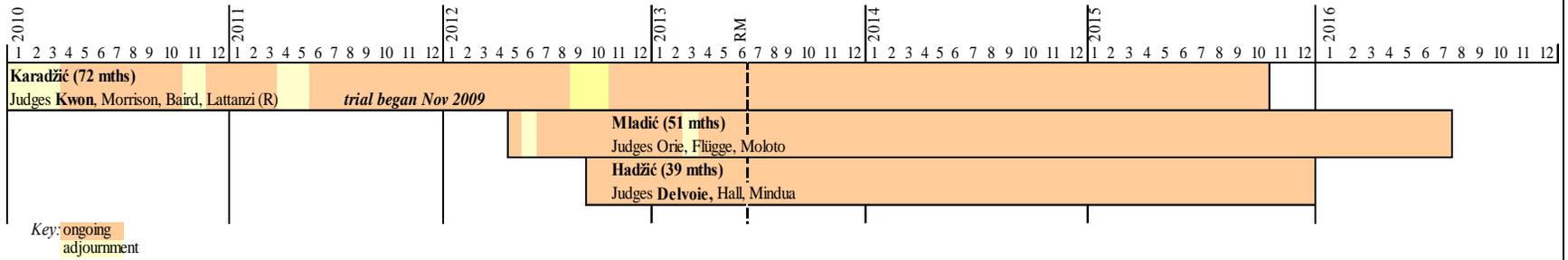
I would be grateful if you would bring this letter and its attachments to the attention of the Security Council for its consideration.^c

(Signed) Theodor **Merón**
President

^c I note that this request is based on the Tribunal's most recent projections for the completion of ongoing trials and appeals. These projections do not, however, take into account the recent disqualification of Judge Frederik Harhoff, which may cause additional delays in both the case to which he was assigned and, potentially, other cases. Any impact of the disqualification on the projected completion dates of trials and appeals will be reported in due course. In addition, this request does not include the additional judge who will be elected by the General Assembly in November. Depending on the terms of this election, a supplementary letter seeking an extension of the term of office for that judge may be submitted.

Enclosure I

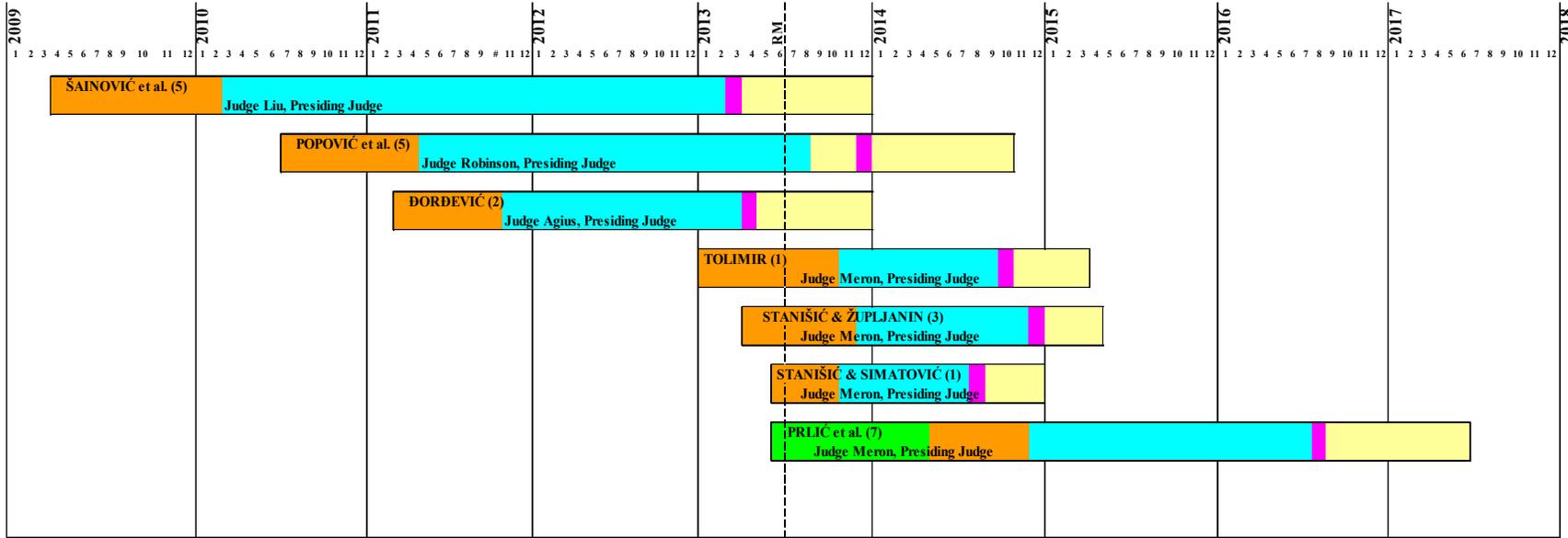
**Trial schedule of the International Tribunal for the Former Yugoslavia
(as at 8 October 2013)**



Note: A forecast for the Šešelj trial judgement's delivery is not currently available owing to recent changes in the composition of the bench.

Enclosure II

**Appeal schedule of the International Tribunal for the Former Yugoslavia
(as at 30 October 2013)**



Key:

- Briefing (including time for filing notice of appeal)
- Preparatory Document
- Hearing
- Judgement Drafting
- Translation

Extension due to Trial Chamber judgement translation (only for the self-represented accused who do not speak English and for French benches)

Prlić: Trial Chamber judgement into English, 10 months - solutions being implemented to reduce the total post-judgement translation period to a minimum.

Šešelj: Trial Chamber judgement into BCS and English, five months.

Note: The figures in parentheses indicate the number of appellants.

Annex II

Letter dated 19 November 2013 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I have the honour of referring to the election on 18 November 2013 of Judge Koffi Kumelio A. Afande (Togo) as a permanent judge of the International Tribunal for the Former Yugoslavia.

In accordance with your memorandum (A/68/539), Judge Afande's term of office runs until 31 December 2013 and may be extended. Given the limited time until the expiration of Judge Afande's term of office, I am submitting a request for extension even before he is formally sworn in as a judge of the Tribunal.

In my letter of 30 October 2013, in which I requested an extension of the Tribunal judges' terms of office, I explained that my requests were based on the Tribunal's forecast judgement delivery dates.^a On this same basis, and by reference to the attached trial and appeal schedules (see enclosures I and II), I would ask that the Security Council extend Judge Afande's term until 31 July 2015, or until the completion of the cases to which he will be assigned, if sooner.

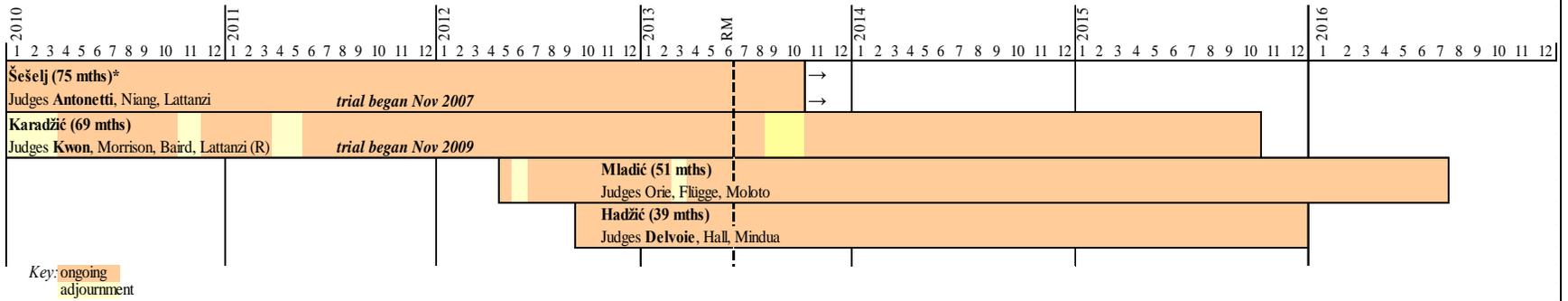
I would be grateful if you would bring this letter and its attachments to the attention of the Security Council for its consideration.

(Signed) Theodor **Merón**
President

^a I recall that in my letter of 30 October 2013, I set out the following formula as guiding my requests for the extension of judges' terms of office: if the judgement in the last case to which a judge was expected to be or was assigned was forecast for delivery between January and July of a certain year, an extension until July of that year was requested. If the judgement in the last case to which a judge was expected to be or was assigned was anticipated between August and December of a certain year, an extension until December of that year was requested.

Enclosure I

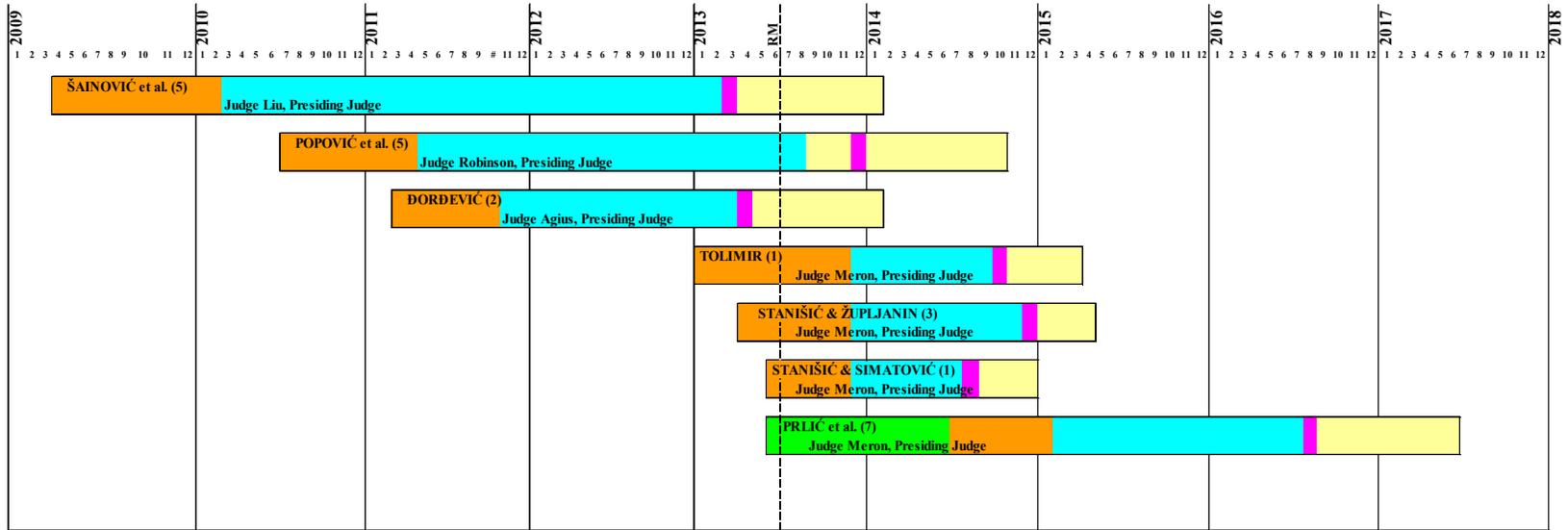
**Trial schedule of the International Tribunal for the Former Yugoslavia
(as at 12 November 2013)**



* Following the designation of Judge Niang to replace Judge Harhoff, the forecast delivery date of the Šešelj Trial judgement is still uncertain.

Enclosure II

Appeal schedule of the International Tribunal for the Former Yugoslavia
(as at 12 November 2013)



Key:

- Brifing (including time for filing notice of appeal)
- Preparatory document
- Hearing
- Judgement drafting
- Translation Extension due to Trial Chamber judgement translation (only for the self-represented accused who do not speak English and for French benches)

Note: The figures in parentheses indicate the number of appellants.