



Security Council

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Letter dated 28 December 2020 from the Chair of the Informal Working Group on International Tribunals addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Informal Working Group on International Tribunals on the Working Group's activities in 2020.

I would be grateful if the present letter and the report could be brought to the attention of the members of the Security Council and issued as a document of the Security Council.

(Signed) **Dang Dinh Quy**
Chair

Informal Working Group on International Tribunals



Report of the Informal Working Group on International Tribunals for 2020

I. Introduction

1. The present report is submitted to inform the Security Council of the work of the Informal Working Group on International Tribunals in 2020.

II. Organizational matters

2. The Working Group was established on an informal basis in 2000 to consider matters relating to the United Nations and United Nations-assisted tribunals, in particular the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and, in recent years, the International Residual Mechanism for Criminal Tribunals. The Working Group consists of the legal advisers of the permanent missions of the members of the Security Council and is assisted by the Office of the Legal Counsel of the Office of Legal Affairs and the Security Council Affairs Division of the Department of Political and Peacebuilding Affairs.

3. Until 2007, the chairing of the Working Group followed the monthly rotation of the presidency of the Security Council and it met only on an ad hoc basis. At the end of 2007, given the intensive work relating to residual issues and the completion strategies of the Tribunals pursuant to resolutions [1503 \(2003\)](#) and [1534 \(2004\)](#), the Working Group decided to appoint a single Chair and began meeting regularly. Subsequently, the Working Group was chaired by Belgium (2008), Austria (2009 and 2010), Portugal (2011), Guatemala (2012 and 2013), Chile (2014 and 2015), Uruguay (2016 and 2017) and Peru (2018 and 2019). Viet Nam has been the Chair of the Working Group for 2020.

4. In 2020, the Working Group held two videoconferences with the President and the Prosecutor of the Mechanism. The Registrar of the Mechanism was invited to attend one of the videoconferences. The Working Group also held informal meetings in March, May and June to consider relevant issues.

III. Briefings to the Security Council

5. Following previous practice and in accordance with the working methods and modalities adopted in response to the coronavirus disease (COVID-19) pandemic, the Chair of the Working Group gave a briefing to the Security Council on the activities of the Working Group, as well as his personal reflections, via videoconference on 8 June and 14 December.

IV. Exchange of views with the President and the Prosecutor of the Residual Mechanism

6. At its videoconference on 3 June, the Working Group held an exchange of views with the President and the Prosecutor of the Mechanism, in preparation for their briefings to the Security Council on the work and activities of the Mechanism on 8 June.

7. At its videoconference on 11 December, the Working Group held an exchange of views with the President and the Prosecutor of the Mechanism, in preparation for their briefings to the Security Council on the work and activities of the Mechanism

on 14 December. The Working Group also received a briefing from the President and the Registrar of the Mechanism on conditions of work and detention.

V. Review report on the progress of the work of the Residual Mechanism

8. At its 8737th meeting, on 28 February 2020, the Security Council adopted a statement by the President ([S/PRST/2020/4](#)), in which, inter alia, it requested the Mechanism to present by 15 April 2020 its report on the progress of its work since the previous review of the Mechanism in June 2018. In the same statement, the Council also requested the Working Group to carry out, by 15 May 2020, a thorough examination of the Mechanism's report, as well as the report on the evaluation of the methods and work of the Mechanism by the Office of Internal Oversight Services, and to present its views and any findings or recommendations for the Council's consideration in its review of the work of the Mechanism, including in completing its functions with efficiency and effective management.

9. On 26 March 2020, the Office of Internal Oversight Services issued its report pursuant to Security Council resolution [2256 \(2015\)](#) on the evaluation of the methods and work of the Mechanism, covering the period from 1 January 2018 to 31 December 2019 ([S/2020/236](#)).

10. By a letter dated 15 April 2020 addressed to the President of the Security Council ([S/2020/309](#)), the President of the Mechanism transmitted the review report pursuant to the statement by the President dated 28 February 2020.

11. By its resolution [2529 \(2020\)](#) of 25 June 2020, the Security Council, inter alia, noted the conclusion of its review of the progress of the work of the Mechanism.

VI. Appointments of the President, Prosecutor and Judges of the Mechanism

12. By a letter dated 6 February 2020 addressed to the President of the Security Council ([S/2020/108](#)), the Secretary-General referred to the letter dated 27 December 2019 from the President of the Security Council ([S/2019/1000](#)), in which the Council members took note of the intention of the Secretary-General to appoint Iain Bonomy (United Kingdom of Great Britain and Northern Ireland) as a judge of the Mechanism to fill the vacancy created by the resignation of Judge Ben Emmerson. In his letter, the Secretary-General informed Council members that, following a corresponding letter from the President of the General Assembly, he was appointing Mr. Bonomy with immediate effect for a term of office ending on 30 June 2020.

13. By a letter dated 19 June 2020 addressed to the President of the Security Council ([S/2020/580](#)), the Secretary-General, inter alia, conveyed his intention to reappoint the 25 judges of the Mechanism for a term of two years, from 1 July 2020 to 30 June 2022. By the same letter, the Secretary-General conveyed his intention to reappoint Judge Carmel Agius as President of the Mechanism for a new term of office, from 1 July 2020 to 30 June 2022, and nominated Serge Brammertz as Prosecutor of the Mechanism for a new two-year term, from 1 July 2020 to 30 June 2022.

14. By a letter dated 25 June 2020 addressed to the Secretary-General ([S/2020/581](#)), the President of the Security Council stated that the members of the Council had taken note of the intentions and nomination as expressed in the letter of the Secretary-General.

15. By its resolution [2529 \(2020\)](#), the Security Council decided to appoint Mr. Brammertz as Prosecutor of the Mechanism with effect from 1 July 2020 until 30 June 2022.

16. By a letter dated 26 June 2020 addressed to the President of the Security Council ([S/2020/616](#)), the Secretary-General referred to the letter dated 25 June 2020 from the President of the Security Council ([S/2020/581](#)) and stated that he had received a corresponding letter from the President of the General Assembly and that he would proceed with the reappointment of the 25 judges of the Mechanism, as well as the reappointment of Judge Agius as President of the Mechanism from 1 July 2020 to 30 June 2022.

VII. Conclusion

17. Viet Nam has had the honour of chairing the Informal Working Group on International Tribunals, which allows it to reaffirm its commitment to multilateralism and international law. The Chair emphasizes his commitment to supporting the work of the Mechanism, which inherited a number of essential functions from the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and to giving priority to dialogue with the Mechanism, as well as with States concerned and the Secretariat, for the most expeditious completion of the Mechanism's mandate.

18. The Chair recognizes the important role of the Working Group and thanks each of its members for their commitment, cooperation and constructive participation throughout 2020 and for their efforts in supporting and reviewing the work of the Mechanism.

19. The Chair would like this constructive approach to continue in 2021 in order to proceed with the consideration of any additional issue that may arise.

20. To conclude, the Chair extends his sincere appreciation to the Office of Legal Affairs and the Security Council Affairs Division for their invaluable support during 2020. The Chair would also like to thank the President, Carmel Agius, and the Prosecutor for their commitment to working closely together in furtherance of the mandates established by the Council. The Chair congratulates the Principals and judges of the Mechanism on their appointment in 2020. The Chair values the excellent relationship built with the Mechanism during 2020.
