

persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia: report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993) (S/25704 and Add.1)".¹⁷

Resolution 827 (1993)
of 25 May 1993

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 3 and 17 May 1993 pursuant to paragraph 2 of resolution 808 (1993),¹¹⁰

Expressing once again its grave alarm at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized and systematic detention and rape of women and the continuance of the practice of "ethnic cleansing", including for the acquisition and the holding of territory,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal and the prosecution of persons responsible for the above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal,¹⁰⁵

Reaffirming in this regard its decision in resolution 808 (1993) of 22 February 1993 that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991,

Considering that, pending the appointment of the prosecutor of the international tribunal, the Commission of Experts established pursuant to resolution 780 (1992) should continue on an urgent basis the collection of information relating to evidence of grave breaches of the Geneva Conventions¹⁰ and other violations of international humanitarian law as proposed in its interim report,¹⁰⁴

Acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General;¹¹⁰

¹¹⁰ Ibid., *Supplement for April, May and June 1993*, document S/25704 and Add.1.

2. *Decides* hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace and to this end to adopt the statute of the International Tribunal annexed to the report of the Secretary-General;

3. *Requests* the Secretary-General to submit to the judges of the International Tribunal, upon their election, any suggestions received from States for the rules of procedure and evidence called for in article 15 of the statute of the Tribunal;

4. *Decides* that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by a trial chamber under article 29 of the statute;

5. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

6. *Decides* that the determination of the seat of the International Tribunal is subject to the conclusion of appropriate arrangements between the United Nations and the Netherlands acceptable to the Council, and that the Tribunal may sit elsewhere when it considers it necessary for the efficient exercise of its functions;

7. *Decides also* that the work of the International Tribunal shall be carried out without prejudice to the right of the victims to seek, through appropriate means, compensation for damages incurred as a result of violations of international humanitarian law;

8. *Requests* the Secretary-General to implement urgently the present resolution and in particular to make practical arrangements for the effective functioning of the International Tribunal at the earliest time and to report periodically to the Council;

9. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 3217th meeting.

Decision

At its 3265th meeting, on 20 August 1993, the Council discussed the item entitled "Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia: establishment of the list of candidates for Judges".

Resolution 857 (1993)
of 20 August 1993

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having decided to consider the nominations for Judges of the International Tribunal received by the Secretary-General before 16 August 1993,

Establishes the following list of candidates in accordance with article 13 of the statute of the International Tribunal:

Mr. Georges Michel ABI-SAAB (Egypt)
Mr. Julio A. BARBERIS (Argentina)
Mr. Raphaël BARRAS (Switzerland)
Mr. Sikhe CAMARA (Guinea)
Mr. Antonio CASSESE (Italy)
Mr. Hans Axel Valdemar CORELL (Sweden)
Mr. Alfonso DE LOS HEROS (Peru)
Mr. Jules DESCHENES (Canada)
Mr. Jerzy JASINSKI (Poland)
Mr. Heike JUNG (Germany)
Mr. Adolphus Godwin KARIBI-WHYTE (Nigeria)
Mr. Valentin G. KISILEV (Russian Federation)
Mr. Germain LE FOYER DE COSTIL (France)
Mr. Li Haopei (China)
Ms. Gabrielle Kirk McDONALD (United States of America)
Mr. Amadou NDIAYE (Mali)
Mr. Daniel David Ntanda NSEREKO (Uganda)
Ms. Elizabeth ODIO BENITO (Costa Rica)
Mr. Hüseyin PAZARCI (Turkey)
Mr. Moragodge Christopher Walter PINTO (Sri Lanka)
Mr. Rustam S. SIDHWA (Pakistan)
Sir Ninian STEPHEN (Australia)
Mr. Lal Chan VOHRAH (Malaysia)

Adopted unanimously at the 3265th meeting.

Decision

At its 3296th meeting, on 21 October 1993, the Council discussed the item entitled "Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia: appointment of the Prosecutor".

Resolution 877 (1993) of 21 October 1993

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having regard to article 16, paragraph 4, of the statute 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 1991,¹¹¹

Having considered the nomination by the Secretary-General of Mr. Ramón Escovar-Salom for the position of Prosecutor of the International Tribunal,

Appoints Mr. Ramón Escovar-Salom as Prosecutor of the International Tribunal.

Adopted without a vote at the 3296th meeting.

Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council

Decision

At its 3204th meeting, on 28 April 1993, the Council discussed the item entitled "Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council".

Resolution 821 (1993) of 28 April 1993

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Considering that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

Recalling its resolution 757 (1992) of 30 May 1992, in which it noted that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted",

Recalling also its resolution 777 (1992) of 19 September 1992, in which it recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

Recalling further that the General Assembly in its resolution 47/1 of 22 September 1992, having received the recommendation of the Security Council of 19 September 1992, considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

Recalling that in its resolution 777 (1992) it decided to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly, and that in December 1992 the members of the Council agreed to keep the subject-matter of resolution 777 (1992) under continuous review and to consider it again at a later date,¹¹²

1. *Reaffirms* that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore recommends to the General Assembly that, further to the decisions taken in Assembly resolution 47/1, it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council;

¹¹¹ Ibid., document S/25704.

¹¹² S/24924; see *Official Records of the Security Council, Forty-seventh Year, Resolutions and Decisions of the Security Council, 1992*, p. 34.