



## Security Council

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### Guatemala: draft resolution

*The Security Council,*

*Taking note* of the letter to the President of the Council from the Secretary-General dated 27 November 2012 (S/2012/893) attaching a letter from the President of the International Criminal Tribunal for Rwanda (“the International Tribunal”) dated 31 October 2012,

*Recalling* its resolution 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and its previous resolutions concerning the International Tribunal,

*Recalling also* its resolution 1966 (2010) of 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals (“the Mechanism”) and requesting the International Tribunal to take all possible measures to expeditiously complete all its remaining work no later than 31 December 2014, prepare its closure and ensure a smooth transition to the Mechanism,

*Welcoming* the successful commencement of the functioning of the branch of the Mechanism for the International Criminal Tribunal for Rwanda on 1 July 2012 and *taking note* of the assessment of the International Residual Mechanism for Criminal Tribunals (S/2012/849),

*Taking note* of the assessments by the International Tribunal in its Completion Strategy Report (S/2012/836), and the updated trial and appeals schedule,

*Noting* the successful referral of cases to Rwanda for prosecution, and emphasizing the importance of ensuring appropriate monitoring of the referred cases and respecting at all times the rights of accused persons transferred from the International Tribunal to Rwanda,

*Noting further* that the sole remaining trial at the International Tribunal will be completed by 31 December 2012, and that the remaining appeal of the International Tribunal will be completed by 31 December 2014, commending the International Tribunal in this regard,

*Noting with concern* that the International Tribunal continues to face problems in the relocation of acquitted persons and convicted persons who have completed serving their sentences, and emphasizing the importance of the successful relocation of such persons,



*Noting also* the concerns expressed by the President of the International Tribunal about staffing, and reaffirming that staff retention is essential for the timely completion of the International Tribunal's work,

*Urging* the International Tribunal to take all possible measures to complete its work expeditiously as requested in resolution 1966 (2010),

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

1. *Decides* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Appeals Chamber, until 31 December 2014 or until the completion of the cases to which they are assigned, if sooner:

- Mehmet Güney (Turkey)
- Khalida Rachid Khan (Pakistan)
- Arlette Ramaroson (Madagascar)
- Bakhtiyar Tuzmukhamedov (Russian Federation)
- Andrézia Vaz (Senegal)

2. *Requests* the International Tribunal to report to the Security Council, as a part of its pending report to the Security Council on the Completion Strategy pursuant to resolution 1534 (2004) of 26 March 2004, on the projected schedule of the coordinated transition of functions of the International Tribunal to the Mechanism pursuant to articles 5 and 6 of the Transitional Arrangements annexed to resolution 1966 (2010) with concrete estimated dates, with a view to completing all remaining work in the International Tribunal and its closure as early as possible and no later than 31 December 2014;

3. *Urges* all States, especially States where fugitives are suspected to be at large, to intensify further their cooperation with and render all necessary assistance to the International Tribunal, in particular to achieve the arrest and surrender of all remaining fugitives as soon as possible;

4. *Commends* States that have accepted the relocation of acquitted persons or convicted persons who have completed serving their sentences to their territories, and *reiterates* its call upon all States in a position to do so to cooperate with and render all necessary assistance to the International Tribunal for its increased efforts towards the relocation of acquitted persons and convicted persons who have completed serving their sentences;

5. *Decides* to remain seized of the matter.