

**Security Council**

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Letter dated 31 December 2015 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 containing an account of the Group's activities from 1 January to 31 December 2015 (see annex).

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

(Signed) **Cristián Barros Melet**
Chair
Informal Working Group on International Tribunals



Annex

Report of the Informal Working Group on International Tribunals for 2015

I. Introduction

1. The present report is to inform the Security Council of the work of the Informal Working Group on International Tribunals from 1 January to 31 December 2015.

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. The Working Group consists of the legal advisers of the 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 Affairs.

3. Until 2007, the Working Group's chairmanship 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 started meeting on a regular basis. Subsequently, the Chair was held by Belgium (2008), Austria (2009 and 2010), Portugal (2011) and Guatemala (2012 and 2013). Chile had the honour of chairing the Working Group in 2014 and 2015.

4. During the reporting period, the Working Group held three meetings, including with the Presidents and the Prosecutors of the two Tribunals and the principals of the International Residual Mechanism for Criminal Tribunals.

III. Briefings to the Security Council

5. Following previous practice, the Permanent Representative of Chile, in his capacity as Chair, briefed the Security Council on the activities of the Working Group on 3 June (7455th meeting) and 9 December 2015 (7574th meeting).

IV. Exchange of views with the Presidents and the Prosecutors of the Tribunals and the Mechanism

6. On 1 June 2015, the Working Group held an exchange of views with the Presidents and the Prosecutors of the two Tribunals and the Mechanism, in preparation for their briefings to the Security Council on the work and activities of the Tribunals and the Mechanism on 3 June 2015.

7. On 7 December 2015, the Working Group held an exchange of views with the Presidents and the Prosecutors of the two Tribunals and the Mechanism, in

preparation for their briefings to the Security Council on the work and activities of the Tribunals and the Mechanism on 9 December 2015.

8. Following the exchange of views with the Presidents and the Prosecutors of the Tribunals and the Mechanism, the Security Council, in its resolution 2256 (2015), reaffirmed its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia being brought to justice.

9. In the same resolution, the Security Council welcomed the completion of the judicial work of the International Criminal Tribunal for Rwanda following the delivery of its final judgement on 14 December 2015, and acknowledged the Tribunal's substantial contribution to the process of national reconciliation and the restoration and maintenance of peace, and to the fight against impunity and the development of international criminal justice, especially in relation to the crime of genocide. The Council also reiterated its request to the International Tribunal for the Former Yugoslavia to complete its work and facilitate the closure of the Tribunal as expeditiously as possible with the aim of completing the transition to the Mechanism, and expressed its continued concern over repeated delays in the conclusion of the Tribunal's work, in the light of resolution 1966 (2010), in which it had requested the Tribunal to complete its trial and appeals proceedings by 31 December 2014.

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

10. At its 7559th meeting, on 16 November 2015, the Security Council adopted a statement by the President ([S/PRST/2015/21](#)) in which, inter alia, the Council requested the Mechanism to present by 20 November 2015 its report on the progress of its work in the initial period. The Council also requested the Working Group to carry out, by 21 December 2015, a thorough examination of the Mechanism's report 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.

11. By a letter dated 20 November 2015 addressed to the President of the Security Council ([S/2015/896](#)), the President of the Mechanism transmitted the review report pursuant to the statement by the President of 16 November 2015.

12. On 3 December 2015, the Working Group held an exchange of views on the review report of the Mechanism. On 7 December 2015, members held an exchange of views on the review report with the President and the Prosecutor of the Mechanism.

13. In its resolution 2256 (2015), the Security Council, inter alia, welcomed the review report by the Mechanism and took note of its work to date, in particular its development of a legal and regulatory framework, procedures and working practices, drawing on lessons learned from and best practices of the Tribunals. The Council also requested that the Mechanism take into account the views and recommendations made with regard to its work by the Working Group, and requested the Mechanism to implement the recommendations. In addition, the Council requested the Mechanism to include in its six-monthly reports information on progress achieved in the implementation of the resolution.

VI. Terms of office of judges and the Prosecutor of the International Tribunal for the Former Yugoslavia

14. In identical letters dated 28 October 2015 addressed to the President of the General Assembly and the President of the Security Council ([A/70/547-S/2015/825](#)), the Secretary-General transmitted a letter from the President of the International Tribunal for the Former Yugoslavia requesting the extension of the terms of office of 14 permanent judges and three ad litem judges.

15. The Working Group met on 7 December 2015 to consider the request for the extension of the terms of office of the judges of the International Tribunal for the Former Yugoslavia. Following the meeting, members of the Working Group exchanged views regarding the request. Following negotiations and agreement reached among its members, and taking into account the projected time frames for the completion of the Tribunal's work, the Working Group made recommendations to the Security Council regarding the request.

16. In a letter dated 14 December 2015 addressed to the President of the Security Council ([S/2015/969](#)), the Secretary-General requested the reappointment of the Prosecutor of the International Tribunal for the Former Yugoslavia.

17. By its resolution 2256 (2015), the Security Council decided to extend the terms of office of the following permanent and ad litem judges at the International Tribunal for the Former Yugoslavia until 31 March 2016 or until the completion of the cases to which they were or would be assigned, if sooner: Jean-Claude Antonetti (France), Melville Baird (Trinidad and Tobago), O-Gon Kwon (Republic of Korea), Flavia Lattanzi (Italy), Howard Morrison (United Kingdom of Great Britain and Northern Ireland) and Mandiaye Niang (Senegal). The Council also decided to extend the term of office of Koffi Kumelio A. Afande (Togo), a permanent judge at the Tribunal, until 30 June 2016 or until the completion of the cases to which he was or would be assigned, if sooner. In addition, the Council decided to extend the terms of office of the following permanent and ad litem judges at the Tribunal until 31 October 2016 or until the completion of the cases to which they were or would be assigned, if sooner: Burton Hall (Bahamas), Guy Delvoie (Belgium) and Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo). The Council further decided to extend the terms of office of the following permanent judges at the Tribunal until 31 December 2016 or until the completion of the cases to which they were or would be assigned, if sooner: Carmel Agius (Malta), Liu Daqun (China), Christoph Flügge (Germany), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa), Alphons Orie (Netherlands) and Fausto Pocar (Italy). The Council also decided to reappoint Serge Brammertz as Prosecutor of the Tribunal for a term with effect from 1 January to 31 December 2016, subject to earlier termination by the Council upon the completion of the work of the Tribunal.

VII. Closure of the International Criminal Tribunal for Rwanda

18. On 31 December 2015, the Security Council issued a press statement in which the members of the Council marked the closure on 31 December 2015 of the International Criminal Tribunal for Rwanda, established by its resolution 955 (1994). The members of the Council acknowledged the substantial contribution of the Tribunal to the process of national reconciliation and the restoration of peace and security, and to the fight against impunity and the development of international criminal justice, especially in relation to the crime of genocide.

VIII. Conclusion

19. The Chilean chairmanship of the Working Group coincided with a turning point in the strategy for the closure of the ad hoc tribunals, carrying out the first review process with respect to the initial period of the Residual Mechanism in 2015, in accordance with resolution 1966 (2010).

20. During the period, we welcomed the closure of the International Criminal Tribunal for Rwanda, noting the progress and the challenges attendant on its substantial contribution to reducing impunity, as well as that of the International Tribunal for the Former Yugoslavia and of the Mechanism itself, headquartered in The Hague and Arusha.

21. The activities of the Working Group, all in all, were reflected in the resolutions and the presidential and press statements of the Security Council, as well as in various reports — all documents showing the desire of the Working Group to move forward on topics of great interest to the international community. In view of the various attitudes with respect to the fulfilment of the mandates of the Tribunals, we favoured an ongoing dialogue with all stakeholders, with appropriate flexibility, in order to find points of convergence and to provide the best responses to the various situations confronting us.

22. As Chair, it was particularly enriching to act as a conduit for each of the debates concerning the main issues addressed by the Working Group. In that inspiring task, our recommendation is none other than to continue or even expand this dialogue at this critical time, particularly with the Tribunal authorities and the Mechanism, with a view to the successful culmination of their functions and due accountability. Chile is convinced that cooperation with the closure strategy is one of the most direct ways of contributing to international justice in situations of crimes against humanity, war crimes and genocide, which is why our commitment remains intact.

23. Finally, Chile again expresses its appreciation to the Office of Legal Affairs and the Security Council Affairs Division for their unwavering support during the past two years. We also thank the Presidents and the Prosecutors for their commitment to working closely with the Working Group in furtherance of the mandates and timelines established by the Council.