
STATUTORY INSTRUMENTS

1998 No. 1755

UNITED NATIONS

**The United Nations (International Tribunals) (Former
Yugoslavia and Rwanda) (Amendment) Order 1998**

<i>Made</i>	- - - -	<i>21st July 1998</i>
<i>Laid before Parliament</i>		<i>22nd July 1998</i>
<i>Coming into force</i>	- -	<i>23rd July 1998</i>

At the Court at Buckingham Palace, the 22st day of July 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by resolutions adopted on 25th May 1993 and 13th May 1998, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to certain decisions of that Council in relation to the former Yugoslavia:

And whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by resolutions adopted on 8th November 1994 and 30th April 1998, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to certain decisions of that Council in relation to Rwanda:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and extent

1.—(1) This Order may be cited as the United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Amendment) Order 1998 and shall come into force on 23rd July 1998.

(2) This Order extends to the United Kingdom.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. The Schedule to the United Nations (International Tribunal) (Former Yugoslavia) Order 1996(2) is amended by deleting Articles 11, 12 and 13 of the Statute of the International Tribunal and substituting therefor the provisions set out in Schedule 1 to this Order.

3. The Schedule to the United Nations (International Tribunal) (Rwanda) Order 1996(3) is amended by deleting Articles 10, 11 and 12 of the Statute of the International Tribunal and substituting therefor the provisions set out in Schedule 2 to this Order.

N. H. Nicholls
Clerk of the Privy Council

(2) S.I.1996/716, amended by S.I. 1997/1752.
(3) S.I. 1996/1296, amended by S.I. 1997/1751.

SCHEDULE 1

Article 2

Article 11

Organization of the International Tribunal

The International Tribunal shall consist of the following organs:

- (a) The Chambers, comprising three Trial Chambers and an Appeals Chamber,
- (b) The Prosecutor, and
- (c) A Registry, servicing both the Chambers and the Prosecutor.

Article 12

Composition of the Chambers

The Chambers shall be composed of fourteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers;
- (b) Five judges shall serve in the Appeals Chamber.

Article 13

Qualifications and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

- (a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;
- (b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality;
- (c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-eight and not more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;
- (d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the fourteen judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

3. In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

4. The judges shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

SCHEDULE 2

Article 3

Article 10

Organization of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall consist of the following organs—

- (a) The Chambers, comprising three Trial Chambers and an Appeals Chamber;
- (b) The Prosecutor;
- (c) A Registry.

Article 11

Composition of the Chambers

The Chambers shall be composed of fourteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers;
- (b) Five judges shall serve in the Appeals Chamber.

Article 12

Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as “the International Tribunal for the Former Yugoslavia”) shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

- (a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;
- (b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

- (c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than eighteen and not more than twenty-seven candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;
- (d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the nine judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, makes provision to implement resolutions of the Security Council of the United Nations which added to the number of judges of the International Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda.

The Order further amends the United Nations (International Tribunal) (Former Yugoslavia) Order 1996 to reflect the decision of the Security Council of the United Nations in Resolution 1166 (1998) to amend 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 established by Resolution 827 (1993) of the Security Council of the United Nations.

The Order also further amends the United Nations (International Tribunal) (Rwanda) (Order) 1996 to reflect the decision of the Security Council of the United Nations in Resolution 1165 (1998) to amend the Statute of the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring states, between 1st January 1994 and 31st December 1994, established by Resolution 955 (1994) of the Security Council of the United Nations.