

2012 No. 2559

UNITED NATIONS

**The United Nations (International Tribunals) (Former
Yugoslavia and Rwanda) (Amendment) Order 2012**

<i>Made</i> - - - -	<i>17th October 2012</i>
<i>Laid before Parliament</i>	<i>18th October 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>18th October 2012</i>
<i>Coming into force</i> - -	<i>8th November 2012</i>

At the Court at Buckingham Palace, the 17th day of October 2012

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 on 8th November 1994, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to the former Yugoslavia and Rwanda respectively:

And whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by resolutions adopted on 18th July 2008, 29th September 2008, 19th December 2008, 7th July 2009 and 29th June 2010, 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 Rwanda:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order 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 2012 and shall come into force on 8th November 2012.

(a) 1946 c. 45; section 1(4) was amended by paragraph 6 of Schedule 8 to the Scotland Act 1998 (c.48).

(2) This Order extends to the United Kingdom.

(3) Articles 1 and 4 of this Order also extend to the territories listed in the Schedule to the United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Dependent Territories) Order 1997(a).

Amendment of 1996 Orders

2. The Schedule to the United Nations (International Tribunal) (Former Yugoslavia) Order 1996(b) is amended by deleting Article 12, paragraphs 1 and 2 and Article 14, paragraphs 3 and 4 of the Statute of the International Tribunal and substituting for them the provisions set out in Schedule 1 to this Order.

3. The Schedule to the United Nations (International Tribunal) (Rwanda) Order 1996(c) is amended by deleting Article 11, paragraphs 1 and 2, and Article 13, paragraph 3 of the Statute of the International Tribunal and inserting the provisions set out in Schedule 2 to this Order in the appropriate places.

Amendment of 1997 Order

4.—(1) Article 2 of the United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Dependent Territories) Order 1997(d) is amended as follows.

(2) For the definition of “the 1996 Orders” substitute ““the 1996 Orders” means the United Nations (International Tribunal) (Former Yugoslavia) Order 1996 as amended by S.I. 1997/1752, 1998/1755, 2000/1342, 2000/3243, 2001/412, 2001/2563, 2005/617, 2005/3389, 2006/1923, 2012/2559 and section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32) and the United Nations (International Tribunal) (Rwanda) Order 1996, as amended by S.I. 1997/1751, 1998/1755, 2000/1342, 2000/3243, 2001/412, 2001/3920, 2005/617, 2005/3389, 2006/1923 (as amended by S.I. 2006/3326), 2009/2054, 2012/2559 and section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32)”.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 2

Article 12

Composition of the Chambers

1. The Chambers shall be composed of a maximum of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of twelve *ad litem* independent judges appointed in accordance with article 13 *ter*, paragraph 2, of the Statute, no two of whom may be nationals of the same State.

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- (a) S.I. 1997/1753. The territories listed in that Schedule are British Overseas Territories. See section 1(2) of the British Overseas Territories Act 2002 (c. 8).
- (b) S.I. 1996/716, amended by S.I. 1997/1752, 1998/1755, 2000/1342, 2000/3243, 2001/412, 2001/2563, 2005/617, 2005/3389, 2006/1923 (to which there are amendments not relevant to S.I. 1996/716) and section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32).
- (c) S.I. 1996/1296, amended by S.I. 1997/1751, 1998/1755, 2000/1342, 2000/3243, 2001/412, 2001/3920, 2005/617, 2005/3389, 2006/1923 (as amended by S.I. 2006/3326), 2009/2054 and section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32).
- (d) S.I. 1997/1753.

2. A maximum at any one time of three permanent judges and nine *ad litem* judges shall be members of each Trial Chamber. Each Trial Chamber to which *ad litem* judges are assigned may be divided into sections of three judges each, composed of both permanent and *ad litem* judges, except in the circumstances specified in paragraph 5 below. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the Statute and shall render judgement in accordance with the same rules.

Article 14

Officers and members of the Chambers

3. After consultation with the permanent judges of the International Tribunal, the President shall assign four of the permanent judges elected or appointed in accordance with article 13 *bis* of the Statute to the Appeals Chamber and nine to the Trial Chambers. Notwithstanding the provisions of article 12, paragraph 1, and article 12, paragraph 3, the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber.

4. Two of the permanent judges of the International Tribunal for Rwanda elected or appointed in accordance with article 12 *bis* of the Statute of that Tribunal shall be assigned by the President of that Tribunal, in consultation with the President of the International Tribunal, to be members of the Appeals Chamber and permanent judges of the International Tribunal. Notwithstanding the provisions of article 12, paragraph 1, and article 12, paragraph 3, up to four additional permanent judges serving in the Trial Chambers of the International Criminal Tribunal for Rwanda may be assigned to the Appeals Chamber by the President of that Tribunal, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber.

SCHEDULE 2

Article 3

Article 11

Composition of the Chambers

1. The Chambers shall be composed of a maximum of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of nine *ad litem* independent judges appointed in accordance with article 12 *ter*, paragraph 2, of the present Statute, no two of whom may be nationals of the same State.

2. Each Trial Chamber may be divided into sections of three judges each. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present Statute and shall render judgment in accordance with the same rules.

Article 12 *ter*

Election and Appointment of ad litem Judges

3. If there are no *ad litem* judges remaining on the roster or if no *ad litem* judge on the roster is available for appointment, and if it is not possible to assign a judge currently serving at the International Tribunal, and all practical alternatives having been explored, the Secretary General may, at the request of the President of the International Tribunal, appoint a former permanent or *ad litem* judge of the International Tribunal or the International Tribunal for the former Yugoslavia, to serve as an *ad litem* judge in the Trial Chambers for one or more trials.

Article 13

Officers and members of the Chambers

3. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign two of the permanent judges elected or appointed in accordance with article 12 *bis* of the present Statute to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda. Notwithstanding the provisions of article 11, paragraph 1 and article 11, paragraph 3, the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office as the judges serving in the Appeals Chamber.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Schedule to the United Nations (International Tribunal) (Former Yugoslavia) Order 1996 to reflect the decisions of the Security Council of the United Nations in resolutions 1837 (2008) and 1877 (2009). These resolutions amend the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY) established by United Nations Security Council resolution 827 (1993).

This Order also further amends the Schedule to the United Nations (International Tribunal) (Rwanda) Order 1996 to reflect the decisions of the Security Council of the United Nations in Resolutions 1824 (2008), 1855 (2008), 1878 (2009) and 1932 (2010). These resolutions amend the Statute of the International Criminal Tribunal for Rwanda (ICTR), established by United Nations Security Council resolution 955 (1994).

The amendments modify the composition of the Trial and Appeals Chambers of the two Tribunals and provide an alternative procedure for the appointment of *ad litem* judges to the Rwanda Tribunal. The purpose of the amendments is to make provision for a reduction in the number of judges as the Tribunals move towards the completion of their work.

This Order also amends the definition of “the 1996 Orders” in the United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Dependent Territories) Order 1997 to reflect the subsequent amendments made to those Orders.

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