

STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Following the consideration by the Security Council of an item entitled “The situation in Rwanda”, on 30 April 1994, the President of the Council issued a statement in which he, on behalf of the Council, condemned all breaches of international humanitarian law in Rwanda, and recalled that persons who instigate or participate in such acts are individually responsible (S/PRST/1994/21).

By resolution 918 (1994) of 17 May 1994, the Security Council determined that the situation in Rwanda constituted a threat to international peace and security and, *inter alia*, requested the Secretary-General to report on the situation, including on the humanitarian situation, in Rwanda, within five weeks. The Secretary-General submitted his report to the Council on 31 May 1994 (S/1994/640), in which he observed that massacres and killings continued in a systematic manner throughout Rwanda and that only a proper investigation could determine the facts in order to enable the determination of responsibility. Having considered the report, the Security Council, in resolution 935 (1994) of 1 July of the same year, requested the Secretary-General to establish as a matter of urgency an impartial Commission of Experts to collate information obtained from States and through its own investigations or the efforts of other persons or bodies, and to provide the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law, including the evidence of possible acts of genocide, in the territory of Rwanda. States and international humanitarian organizations were called upon to collate and make available substantiated information in their possession relating to grave violations of international humanitarian law. In a report submitted on 26 July 1994 (S/1994/879), the Secretary-General informed the Security Council of the establishment of the Commission and its mandate. Considering the parallel initiative taken by the Commission on Human Rights, which in resolution S-3/1 of 25 May 1994 had appointed a Special Rapporteur for Rwanda, the Secretary-General established the Commission of Experts with view to avoid unnecessary overlapping and to ensure maximum cooperation between the two bodies. In a letter dated 29 July of the same year (S/1994/906), the Secretary-General informed the Security Council of the appointment of the three members of the Commission.

The Commission of Experts began its work on 15 August 1994 in Geneva. On 19 August, it held consultations with the Special Rapporteur of the Commission on Human Rights. From 29 August to 17 September 1994, the Commission of Experts conducted a field mission to Rwanda and its three neighbouring countries Burundi, Tanzania and Zaire. By a letter dated 1 October 1994, the Secretary-General forwarded to the Security Council the interim report of the Commission (S/1994/1125), which recommended that the Council amend the Statute of the International Criminal Tribunal for the former Yugoslavia as to include within its jurisdiction the crimes under international humanitarian law committed during the armed conflict in Rwanda.

On 8 November 1994, the Security Council considered the interim report of the Commission of Experts, as well as the reports of the Special Rapporteur for Rwanda of the Commission on Human Rights (reproduced in annexes I and II of a note by the Secretary-General, A/49/508-S/1994/1157). On the same day, the Council adopted resolution 955 (1994) by which, acting under Chapter VII of the Charter, it decided to establish an international criminal tribunal for the prosecution of crimes under international humanitarian law committed from 1 January to 31 December 1994 in the territory of Rwanda. The Statute of the Tribunal was annexed thereto. On 22 February 1995, by resolution 977 (1995), the Security Council further decided that the Tribunal was to have its seat in Arusha, Tanzania.

On the basis of a list of candidates established by the Security Council in resolution 989 (1995) of 24 April 1995, six judges were appointed to the Tribunal by the General Assembly on 25 May 1995 (decision 49/324). The first indictment was submitted by the Prosecutor on 22 November 1995.

Since its adoption, the Statute of the International Criminal Tribunal for Rwanda has been subject to a number of amendments. A third trial chamber was established, and the number of judges increased from eleven to fourteen, by resolution 1165 (1998) of 30 April 1998, amending articles 10, 11 and 12 of the Statute. On 30 November 2000, the Security Council decided that two additional judges be elected, increasing the number of permanent judges to sixteen (resolution 1329 (2000)). On 17 May 2002, amendments were made to articles 11 and 12 with regard to the determination of the nationality of the judges (resolution 1411 (2002)). A pool consisting of eighteen *ad litem* judges was established by resolution 1431 (2002) on 14 August 2002, thus amending articles 11, 12 and 13 of the Statute. An Office of the Prosecutor separate from that of the International Tribunal for the former Yugoslavia was established on 28 August 2003, by an amendment to article 15 (resolution 1503 (2003)). By an amendment to articles 11 and 12 the powers of the *ad litem* judges were enhanced, so as to allow them to adjudicate in pre-trial proceedings in other cases during the time of their appointment, and the maximum number of *ad litem* judges to be appointed to each Trial Chamber was increased to six (resolution 1512 (2003) of 27 October 2003). The terms of office of eleven of the permanent judges and the *ad litem* judges were extended until 31 December 2008 (resolutions 1684 (2006) of 13 June 2006, and 1717 (2006) of 13 October 2006, respectively).