

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

2006

Part Three. Judicial decisions on questions relating the United Nations and related
intergovernmental organizations

Chapter VII. Decisions of international tribunals



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Chapter VII

DECISIONS AND ADVISORY OPINIONS OF INTERNATIONAL TRIBUNALS

A. INTERNATIONAL COURT OF JUSTICE¹

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established in June 1945 by the Charter of the United Nations and began work in April 1946. On 4 December 2006, the United Nations General Assembly adopted resolution 61/37, entitled “Commemoration of the sixtieth anniversary of the International Court of Justice”, at its 64th plenary meeting. The resolution was proposed by the Sixth Committee.

1. Judgments

Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda), 3 February 2006 (judgment on the merits).

2. Advisory Opinions

No advisory opinions were delivered by the International Court of Justice in 2006.

3. Orders

Pulp Mills on the River Uruguay (Argentina v. Uruguay), Request for the Indication of Provisional Measures, Order of 13 July 2006.

4. Pending cases as at 31 December 2006

- (i) *Certain questions of Mutual Assistance in Criminal Matters (Djibouti v. France)* (2006-)
- (ii) *Pulp Mills on the River Uruguay (Argentina v. Uruguay)* (2006-)

¹ The texts of the judgments, advisory opinions and orders are published in the *I.C.J. Reports*. Summaries of the judgments, advisory opinions and orders of the Court are provided in English and French on its website at <http://www.icj-cij.org>. In addition, extracts of these summaries are contained in *Summaries, Advisory Opinions and Orders of the International Court of Justice* (United Nations Publication, ST/LEG/SER.F/1 and Add.1 and 2), which is published in the six official languages of the United Nations. The summaries of the decisions listed above will appear in the third addendum to this publication covering the period from 2003 to 2007.

- iii) *Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)* (2005-).
- (iv) *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* (2005-)
- (v) *Sovereignty over Pedra Branca/ Palau Batu Puteh, Middle Rocks and South Ledge (Malaysia v. Singapore)* (2003-)
- (vi) *Certain Criminal Proceedings in France (Republic of the Congo v. France)* (2003-)
- (vii) *Territorial and Maritime dispute (Nicaragua v. Colombia)* (2001-).
- (viii) *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)* (1999-)
- (ix) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia and Montenegro)* (1999-).
- (x) *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* (1999-).
- (xi) *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)* (1998-).
- (xii) *Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)* (1993-).

B. INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA²

The International Tribunal for the Law of the Sea is an independent permanent tribunal established by the United Nations Convention on the Law of the Sea, 1982.³ The Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea, signed by the Secretary-General of the United Nations and the President of the Tribunal on 18 December 1997, establishes a mechanism for cooperation between the two institutions.⁴

1. Judgments

No judgments were delivered by the International Tribunal for the Law of the Sea in 2006.

2. Pending cases as at 31 December 2006

Case No. 7—Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community) (2000-).

² The texts of the 2006 judgments and orders are published in the *Reports of Judgments, Advisory Opinions and Orders/Recueil des arrêts, avis consultatifs et ordonnances, Volume 10 (2006)*, Martinus Nijhoff Publishers, 2007, and are also provided in English and French on the Tribunal's website at <http://www.itlos.org>. For more information about the Tribunal's activities, see the Annual report of the International Tribunal for the Law of the Sea for 2006 (SPLOS/152).

³ United Nations, *Treaty Series*, vol. 1833, p. 3.

⁴ United Nations, *Treaty Series*, vol. 2000, p. 468.

C. INTERNATIONAL CRIMINAL COURT⁵

The International Criminal Court (ICC) is an independent permanent court established by the Rome Statute of the International Criminal Court, 1998.⁶ The Prosecutor continued to investigate the situations in the Democratic Republic of the Congo, Uganda and Darfur, the Sudan, and judicial proceedings took place in each of these situations. The Relationship Agreement between the United Nations and the International Criminal Court, signed by the Secretary-General of the United Nations and the President of the Court on 4 October 2004, establishes a mechanism for cooperation between the two institutions.⁷

Prosecutor v. Thomas Lubanga Dyilo Case, ICC-01/04-01/06

Subsequent to the opening of the first investigation concerning the situation in the Democratic Republic of the Congo in 2004,⁸ the Court issued a warrant of arrest for Thomas Lubanga Dyilo in February 2006.⁹ A first public hearing in the case was held in March 2006.

D. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA¹⁰

The International Criminal Tribunal for the former Yugoslavia is a subsidiary body of the United Nations Security Council. The Tribunal was established by Security Council resolution 827 (1993), adopted on 25 May 1993.¹¹

1. Judgements delivered by the Appeals Chamber

- (i) *Prosecutor v. Stanislav Galić*, Case No. IT-98-29, Judgement, 30 November 2006.
- (ii) *Prosecutor v. Blagoje Simić*, Case No. IT-95-9-A, Judgement, 28 November 2006.
- (iii) *Prosecutor v. Naletilić and Martinović*, Case No. IT-98-34, Appeals Judgement, 3 May 2006.

⁵ For more information about the Court's activities, see the reports of the International Criminal Court contained in documents A/61/217 and A/62/314, and the Court's website at <http://www.icc-cpi.int/>.

⁶ United Nations, *Treaty Series*, vol. 2187, p. 3.

⁷ United Nations, *Treaty Series*, vol. 2283, p. 195.

⁸ Situation in the Democratic Republic of the Congo, ICC-01/04.

⁹ ICC-01/04-01/06-2.

¹⁰ The texts of the indictments, decisions and judgements are published in the *Judicial Reports / Recueils judicaires* of the International Criminal Tribunal for the former Yugoslavia for each given year. The texts are also available in English and French on the Tribunal's website at <http://www.un.org/icty/index.html>. For more information about the Tribunal's activities, see Report 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 (A/61/271-S/2006/666 and A/62/172-S/2007/469).

¹¹ The Statute of the Tribunal is annexed to the report of the Secretary-General pursuant to Security Council resolution 808 (1993) (S/25704 and Add.1).

- (iv) *Prosecutor v. Milomir Stakić*, Case No. IT-97-24, Appeals Judgement, 22 March 2006.¹²
- (v) *Prosecutor v. Momir Nikolić*, Case No. IT-02-60/1, Judgement on Sentencing Appeal, 8 March 2006.

2. Judgements delivered by the Trial Chambers

- (i) *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1, Judgement, 12 December 2006.
- (ii) *Prosecutor v. Fatmir Limaj et al.*, Case No. IT-03-66, Corrigendum to Trial Judgement and Decision on Prosecution Motion to Admit an Agreed Fact and Supplement the Trial Record, 29 November 2006.
- (iii) *Prosecutor v. Fatmir Limaj et al.*, Case No. IT-03-66, Prosecution's Motion to Admit an Agreed Fact and Supplement the Trial Record, 5 November 2006.
- (iv) *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39 & 40, Judgement, 27 September 2006.
- (v) *Prosecutor v. Naser Orić*, Case No. IT-03-68, Judgement, 30 June 2006.
- (vi) *Prosecutor v. Ivica Rajić*, Case No. IT-95-12, Sentencing Judgement, 8 May 2006.
- (vii) *The Prosecutor v. Tihomir Blaskić*, Case No. IT-95-14, *The Prosecutor v. Ivica Marijačić and Markica Rebić*, Case No. IT-95-14-R77.2, Judgement in contempt, 10 March 2006.
- (viii) *Prosecutor v. Josip Jović*, Case No. IT-95-14 and 14/2-R77, Judgement, 30 August 2006.
- (ix) *Prosecutor v. Enver Hadžihasanović and Amir Kubura*, Case No. IT-01-47, Judgement, 15 March 2006.

E. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA¹³

The International Criminal Tribunal for Rwanda is a subsidiary body of the United Nations Security Council. The Tribunal was established by Security Council resolution 955 (1994), adopted on 8 November 1994.¹⁴

¹² See also *Prosecutor v. Stakić*, Case No. IT-97-24, *Corrigendum to Judgements of 31 July 2003 and 22 March 2006*, 16 November 2006.

¹³ The texts of the orders, decisions and judgements are published in the *Recueil des ordonnances, décisions et arrêts/Reports of Orders, Decisions and Judgements* of the International Criminal Tribunal for Rwanda. The texts are also available in English and French in the Tribunal's Judicial Records Database at <http://www.ictj.org>. For more information about the Tribunal's activities, see the annual report to the General Assembly and the Security Council: Report of the International Criminal 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 1 January and 31 December 1994 (A/61/265-S/2006/658 and A/62/284-S/2007/502).

¹⁴ The Statute of the Tribunal is contained in the annex to the resolution.

1. Judgements delivered by the Appeals Chamber

- (i) *Prosecutor v. André Ntagerura Emmanuel Bagambiki and Samuel Imanishimwe*, Case No. 1999-46-A, Judgement, 7 July 2006.
- (ii) *Prosecutor v. Sylvestre Gacumbitsi*, Case No. ICTR 2002-64-1, Judgement, 7 July 2006.

2. Judgements delivered by the Trial Chambers

- (i) *Prosecutor v. Paul Bisengimana*, Case No. ICTR 00-60-T, Judgement and Sentence, 13 April 2006.
- (ii) *Prosecutor v. Joseph Serugendo*, Case No. ICTR 2005-84-I, Judgement and Sentence, 12 June 2006.
- (iii) *Prosecutor v. Jean Mpambara*, Case No. ICTR 01-65-T, Judgement, 11 September 2006.
- (iv) *Prosecutor v. Tharcisse Muvunyi*, Case No. 2000-55A-T, Judgement and Sentence, 12 September 2006.
- (v) *Prosecutor v. André Rwamakuba*, Case No. ICTR-98-44C-T, Judgement, 20 September 2006.
- (vi) *Prosecutor v. Athanase Seromba*, Case No. 2001-66-1, Judgement, 13 December 2006.

F. SPECIAL COURT FOR SIERRA LEONE¹⁵

The Special Court for Sierra Leone is an independent court established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.¹⁶

1. Judgements

No judgements were delivered by the Trial Chambers or the Appeals Chamber in 2006.

2. Decisions of the Appeals Chamber

There were no decisions of the Appeals Chamber pertaining to jurisdictional and other matters relating to the competence of the Court in 2006.

¹⁵ The texts of the judgments and decisions are available on the Court's website at <http://www.sc-sl.org>. For more information on the Court's activities, see the Fourth Annual Report of the President of the Special Court, covering the period from January 2006 to January 2007.

¹⁶ For the text of the Agreement and the Statute of the Special Court, see United Nations, *Treaty Series*, vol. 2178, p. 137.

3. Selected Decisions of the Trial Chamber¹⁷

The Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (SCSL-04-16-T-469), Decision on Defence Motions for Judgement of Acquittal pursuant to Rule 98, 31 March 2006.

G. EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA¹⁸

The Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the period of Democratic Kampuchea, signed in Phnom Penh on 6 June 2003,¹⁹ entered into force the 29 April 2005 and established the Extraordinary Chambers in the Courts of Cambodia to prosecute the crimes committed during the period of Democratic Kampuchea.

There were no judgments or decisions issued by the Trial Chamber or Supreme Court Chamber in 2006.

¹⁷ Only decisions of the Trial Chambers made pursuant to rule 98 of the Rules of Procedure and Evidence of the Special Court (Motions of judgment of acquittal) are covered in this section.

¹⁸ For further information on the activities of the extraordinary chambers, see the annual reports available at <http://www.eccc.gov.kh>.

¹⁹ United Nations, *Treaty Series*, vol. 2328.