

## (b) Constitutional and Institutional Developments

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### 1. ICTY PRESIDENT PRESENTS A REPORT TO THE SECURITY COUNCIL ON POSSIBLE MEASURES DESIGNED TO IMPROVE THE ICTY OPERATIONS

On 12 May 2000, Judge Claude Jorda, President of the International Criminal Tribunal for the former Yugoslavia (ICTY), on behalf of the Judges of the ICTY, filed with the Secretary-General a 'Report on the Operation of the International Criminal Tribunal for the former Yugoslavia.'<sup>1</sup>

The purpose of the report was to set out medium- and long-term measures designed to improve the operations of the ICTY. In particular, the purpose was to shorten the length of the trials and the time the accused spend in detention.<sup>2</sup>

After having considered a range of possible solutions, the report concludes that the implementation of certain measures would enable the ICTY to confront its current workload. The Judges of the ICTY unanimously supported a flexible, pragmatic solution which combines procedural, practical and organizational internal reforms.<sup>3</sup> The first of the two major changes proposed in the report relates to partially delegated pre-trial management. The senior legal officers of the Trial Chambers would be vested with some of the pre-trial judges' functions to take judicial administrative decisions. This would expedite the pre-trial preparation of the case and the trials would be reduced to the actual factual and legal points of the cases.<sup>4</sup> The second proposed change concerns the creation of a pool of Judges who could be called when the pre-trial preparation has been completed if no Trial Chamber is available to hear the case. As these *ad litem* Judges would only be called to The Hague if the caseload of the ICTY so requires, this measure offers a very flexible mechanism which would increase the productivity of the Court. The report also notes that this measure would require a change to the Statute of the ICTY.<sup>5</sup>

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1. Speech by President Jorda to the Security Council on 20 June 2000, ICTY Press release 512, 20 June 2000. Report on the Operation of the International Criminal Tribunal for the former Yugoslavia, presented by H.E. Judge Claude Jorda, President, on behalf of the Judges of the Tribunal, May 2000.
2. Report on the Operation of the International Criminal Tribunal for the former Yugoslavia, *supra* note 1.
3. Speech by President Jorda to the Security Council on 20 June 2000, ICTY Press release 512, 20 June 2000.
4. Report on the Operation of the International Criminal Tribunal for the former Yugoslavia, *supra* note 1.
5. *Id.*