

(b) Constitutional and Institutional Developments

*Compiled by Åsa Rydberg**

1. AGREEMENTS ON ENFORCEMENT OF SENTENCES CONCLUDED

Two additional agreements have been concluded on the enforcement of sentences of the International Criminal Tribunal for the former Yugoslavia (ICTY). On 25 February 2000, an agreement was concluded between the Government of the French Republic and the United Nations on the enforcement of sentences of the ICTY. Thus, France thereby became the first permanent member of the Security Council to conclude such an agreement.¹ A month later, on 28 March 2000, another agreement was concluded between the Kingdom of Spain and the United Nations.² Both these agreements will enter into force upon notification to the United Nations by the respective states that the necessary national legal requirements have been met.³ Previously, agreements have been concluded with the following states: Italy, Finland, Norway, Sweden and Austria.

2. CROATIAN COOPERATION

In a press statement made in Zagreb on 5 April 2000, ICTY Prosecutor Carla Del Ponte stated that she was looking forward to the full and unconditional cooperation with the Croatian Government.⁴ The Prosecutor noted that this willingness to cooperate had already been demonstrated by Croatia's transfer of Mr. Mladen Naletilić (also known as 'Tuta') to the International Tribunal, which had previously been the subject of a report from the President of the ICTY to the Security Council on Croatia's non-compliance with Article 29 of the ICTY Statute.⁵ Moreover, the United

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1. ICTY Press Release 472, 25 February 2000. *Accord entre l'organisation des Nations Unies et le Gouvernement de la République française concernant l'exécution des peines prononcées par le Tribunal pénal international pour l'ex-Yougoslavie*, 25 February 2000, UNTS Registration pending ('French Agreement').
2. ICTY Press Release 482, 28 March 2000. *Agreement between the United Nations and the Kingdom of Spain on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia*, 28 March 2000, UNTS Registration pending ('Spanish Agreement').
3. Art. 12 of the French Agreement and Art. 12 of the Spanish Agreement.
4. ICTY Press Release 488, 6 April 2000.
5. *Id.*, and, ICTY Press Release 480, 21 March 2000. See further, Å. Rydberg, *Constitutional and Institutional Developments*, 12 LJIL 248 *et seq.* (1999), Å. Rydberg, *Constitutional and Institutional Develop-*

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Nations and the Government of the Republic of Croatia have now concluded an agreement which provides for the formal and full establishment of the ICTY's Liaison Office in Zagreb.⁶

3. NEW JUDGE APPOINTED

Following the resignation of Judge Wang Tieya of China, Judge Liu Daqun was appointed a Judge of the ICTY by the Secretary-General of the United Nations.⁷ Judge Liu Daqun, who also is a Chinese national, was sworn in as a Judge of the ICTY on 3 April 2000. Judge Liu Daqun will serve the remainder of Judge Wang Tieya's term of office, until 16 November 2001.⁸

4. EXPERT GROUP REQUEST

Upon a request from the General Assembly, at the end of 1998 the Secretary-General appointed an Expert Group to review the effective operation and functioning of the ICTY and the International Criminal Tribunal for Rwanda (ICTR).⁹ After having evaluated the work of the three main organs of the ICTY (Chambers, Office of the Prosecutor and Registry), the Expert Group presented a report with recommendations on how to enhance the efficient use of the resources allocated to the Tribunals, focusing on trial practices and other judicial and administrative matters.¹⁰ The ICTY has submitted comments on the recommendations made in the report.¹¹

5. ICTY JUDGES SUBMIT CONTRIBUTION TO ICC PREPARATORY COMMISSION

On 20 March 2000 Judge Richard May, on behalf of the ICTY, gave a speech and presented a paper to the members of the Preparatory Commission for the International Criminal Court (ICC)¹² on its provisional rules of procedure and evidence.¹³

ments, 12 LJIL 451 *et seq.* (1999), Å. Rydberg, *Constitutional and Institutional Developments*, 12 LJIL 932 *et seq.* (1999) and Å. Rydberg, *Constitutional and Institutional Developments*, 13 LJIL 103 (2000).

6. ICTY Press Release 488, 6 April 2000.

7. UN Doc. S/2000/195, 8 March 2000.

8. ICTY Press Release 486, 3 April 2000.

9. General Assembly Resolutions of 18 December 1998, UN Doc. A/53/651 (1998) and UN Doc. A/53/659 (1998).

10. UN Doc. A/54/634 (1999).

11. UN Doc. A/54/850 (2000), Annex 1.

12. ICTY Press Release 479, 20 March 2000. The speech and the paper were presented during the ICC's fourth Preparatory Commission, held in New York between 13-31 March 2000.

This contribution followed a previous report submitted in July 1999.¹⁴ The purpose of the paper was to share the ICTY's experience and practice in the following areas: evidence in cases of sexual violence; the Victims and Witnesses Unit; defence counsel; and the enforcement of sentences of the Court.¹⁵

13. Preparatory Commission for the International Criminal Court, Annex II, Rules of Procedure and Evidence, PCNICC/1999/L.5/Rev.1/Add.1, 22 December 1999.

14. The first report was presented by Judge Gabrielle Kirk McDonald, then President of the ICTY, to the Preparatory Commission on 30 July 1999. The report focused, *inter alia*, on the role of Judges in the rule-making process, trial management issues, and evidentiary rules.

15. ICTY Press Release 479, 20 March 2000.