



United Nations

Report of the Security Council

16 June 2001-31 July 2002

General Assembly
Official Records
Fifty-seventh Session
Supplement No. 2 (A/57/2)

PART VI

Part VI

Work of the subsidiary bodies of the Security Council

The following subsidiary bodies of the Security Council were active during the period under review:

Chapter 1

Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

The Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait is mandated by the Security Council to ensure the effective implementation of the provisions of relevant resolutions concerning sanctions against Iraq, in particular resolutions 661 (1990), 665 (1990), 666 (1990), 669 (1990), 670 (1990), 687 (1991), 692 (1991), 700 (1991), 706 (1991), 707 (1991), 712 (1991), 715 (1991), 773 (1992), 778 (1992), 806 (1993), 833 (1993), 899 (1994), 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1158 (1998), 1175 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999), 1284 (1999), 1293 (2000), 1302 (2000), 1330 (2000), 1352 (2001), 1360 (2001), 1382 (2001) and 1409 (2002).

The bureau of the Committee consisted of Ole Peter Kolby (Norway) as Chairman, the delegation of Mauritius providing one of the two Vice-Chairmen. The other Vice-Chairman was provided in 2001 by Ukraine and in 2002 by Bulgaria.

During the period under review, the Committee worked in close cooperation with the Office of the Iraq Programme to ensure the effective implementation of all relevant arrangements under the oil-for-food programme established by Security Council resolution 986 (1995). The oil-for-food programme has been continuously renewed, most recently by resolution 1409 (2002), by which the programme was significantly revised in the light of the new goods review list, easing the supply of humanitarian goods to Iraq while strengthening control over military-related and dual-use items. During the same period, the Committee submitted two reports (S/2001/842 and S/2001/1341) to the Security Council on its work

relating to the implementation of phases IX and X of the oil-for-food programme.

During the period under consideration, the Committee held 16 formal meetings and a good number of informal consultations at the expert level to discuss various issues relating to the sanctions regime, in particular those relating to the implementation of the oil-for-food arrangements established by resolution 986 (1995). No reviews of sanctions have been conducted since the adoption of resolution 1194 (1998).

In accordance with paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of resolution 687 (1991), the Committee submitted five reports to the Security Council at 90-day intervals during the reporting period (S/2001/721, S/2001/1003, S/2002/84, S/2002/476 and S/2002/802) on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Security Council.

The Committee's annual report on its major activities for the period from 21 November 1999 to 30 November 2000 (S/2001/738) was adopted on 25 July 2001 and its report for the period from 1 December 2000 to 31 December 2001 (S/2002/647) was adopted on 4 June 2002.

Chapter 2

Governing Council of the United Nations Compensation Commission

The mandate of the United Nations Compensation Commission is to process claims and pay compensation for losses and damage suffered as a direct result of Iraq's unlawful invasion and occupation of Kuwait. During the period under review, the Governing Council of the United Nations Compensation Commission held five regular sessions (fortieth to forty-fourth) and one special session (tenth), at which it considered various issues related to the activity of the Commission.

The Governing Council took the following decisions on different claim categories:

Category D

The Governing Council approved parts one and two of the eighth instalment, parts one and two of the ninth instalment, the tenth and eleventh instalments, part one of the twelfth instalment and the thirteenth instalment of category D claims (individual claims for damages above US\$ 100,000).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
3,023	US\$ 838,705,071.09

Category E

In respect of category E claims, (claims filed by corporations, other private legal entities and public-sector enterprises), the Governing Council took the following action:

The Governing Council approved the sixth instalment and parts one and two of the seventh instalment of E1 claims (oil sector claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
18	US\$ 1,969,418,160

The Governing Council approved the seventh, eighth, ninth and tenth instalments of E2 claims (claims filed on behalf of corporations and other business entities not incorporated in Kuwait, excluding oil sector, construction/engineering and export guarantee and insurance claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
614	US\$ 118,864,858

The Governing Council approved the thirteenth, sixteenth, nineteenth, twentieth, twenty-first and twenty-third instalments of category E3 claims (non-Kuwaiti construction and engineering claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
88	US\$ 68,855,074

The Governing Council approved the ninth, eleventh, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth and twentieth instalments of E4 claims (Kuwaiti private sector corporate claims, excluding oil sector claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
605	US\$ 1,161,388,044

Category F

In respect of category F claims (claims filed by Governments and international organizations), the Governing Council took the following action:

The Governing Council approved the fifth and sixth instalments of F1 claims (claims filed by Governments or international organizations, with the exception of environmental claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
32	US\$ 111,252,282

The Governing Council approved the third instalment of F2 claims (Jordanian Government claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
18	US\$ 158,706,818

The Governing Council approved parts one and two of the third instalment of F3 claims (Kuwaiti Government claims, with the exception of Kuwaiti environmental claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
19	US\$ 3,044,038,827

The Governing Council approved the first instalment of F4 claims (environmental claims).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
105	US\$ 243,234,967

Category E/F

The Governing Council approved the second instalment of category E/F claims (export credit guarantee claims submitted under category F and insurance claims submitted under category E).

<i>Number of claims resolved</i>	<i>Amount recommended</i>
33	US\$ 271,950,477

During the period under review, the Commission, acting pursuant to Governing Council decision 100 (S/AC.26/Dec.100 (2000)/Rev.1), made available a total amount of approximately \$2.7 billion to Governments and international organizations for distribution to 2,874 successful claimants in categories D, and F. Pursuant to Governing Council decision 100, successful claimants in those categories receive an initial amount of \$5 million (or the unpaid balance) and subsequent payments of \$10 million (or the unpaid balance), in the order in which the claims have been approved. Newly approved claims are given priority in initial payment over subsequent payments to previously approved claims. The first phase of payments involved an initial payment of \$2,500 to each successful individual claimant in categories A (claims of individuals for departures from Kuwait or Iraq) and C (claims of individuals for damages up to \$100,000), as well as payment of the full amounts of approved compensation to all successful claimants in category B (claims for death or serious personal injury). In the second phase, amounts of up to \$100,000 were made available to approved claims in all categories. With the completion of the first and second phases of payment in July 1999 and September 2000, respectively, the Commission has made available to Governments and international organizations full payment of approved compensation in categories A, B and C for disbursement to individual claimants.

The funding for the payments comes from a share of the revenue (up to 30 per cent) derived from the sale of Iraqi petroleum under the oil-for-food mechanism established by Security Council resolution 986 (1995) and the memorandum of understanding of 20 May 1996 between the Republic of Iraq and the United Nations. These arrangements were extended and modified by subsequent Security Council resolutions. At present the Compensation Fund receives 25 per cent of the proceeds under the oil-for-food mechanism in

accordance with Council resolution 1409 (2002). The Commission has made available a total of approximately \$14.8 billion for payment to 1,507,125 successful claimants (figures updated at 31 May 2002).

Chapter 3 United Nations Monitoring, Verification and Inspection Commission established pursuant to paragraph 1 of resolution 1284 (1999)

During the period under review, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) has continued its preparations for the full range of activities envisaged for it by the Security Council.

The Executive Chairman has submitted four reports on UNMOVIC activities to the Security Council during the period (S/2001/833, S/2001/1126, S/2002/195 and S/2002/606).

The Executive Chairman gave oral briefings to the Security Council on his quarterly reports, during informal consultations of the members. The Chairman also provided monthly briefings to successive Presidents of the Security Council and has kept the Secretary-General informed on the work of UNMOVIC. In addition to contacts with permanent missions at Headquarters, he has travelled to a number of capitals of Member States, for consultations with senior officials of the Governments concerned. In New York, the Chairman has provided briefings to visiting ministers, parliamentarians and government officials as well as representatives of the international media. The Executive Chairman also participated in the dialogue between the Minister for Foreign Affairs of Iraq and the Secretary-General in March, May and July 2002, including chairing technical level talks on 2 May and 4 and 5 July. He has held several meetings with the Director General of the International Atomic Energy Agency (IAEA).

The UNMOVIC College of Commissioners met four times during the period (in New York on 28 and 29 August and on 26 and 27 November 2001; at Geneva on 18 and 22 February 2002; and at Vienna on 29 May 2002). In accordance with their mandate, the members of the College have reviewed the work of

UNMOVIC in the implementation of resolution 1284 (1999), provided professional guidance and advice to the Executive Chairman and have been consulted on the contents of the Chairman's quarterly reports to the Security Council. The Executive Chairman values the work of the College, which has been actively involved in shaping the work of the Commission's staff.

During the period under review, Robert Einhorn (United States of America) and Cong Guang (China) resigned from the College of Commissioners. The Secretary-General proposed and the Council agreed to appoint John S. Wolf (United States of America) and Li Junhua (China) to the College.

As at the end of June 2002, the UNMOVIC core staff, in the Professional grades at headquarters, is 58 persons (including 4 on short-term contracts) of 24 nationalities, 8 of whom are women. In addition, there are 230 experts of 44 nationalities on the roster of trained experts to be available to serve the Commission in Iraq. UNMOVIC has continued to engage the services of short-term consultants when particular expertise is not required.

As mandated by the Security Council in paragraph 2 of its resolution 1284 (1999), UNMOVIC continues to plan for the establishment of a system of reinforced ongoing monitoring and verification which will implement the plan approved by resolution 715 (1991) and address unresolved disarmament issues. With respect to the latter, UNMOVIC continues to review and refine its assessment of unresolved disarmament issues and to define possible remedies. The Commission's experts have continued its work to "cluster" unresolved disarmament issues, which is a second stage in the preparation of the list of vital remaining tasks to be included in the future work programme. A first draft of a list of cluster issues has been completed.

UNMOVIC experts have also been evaluating new sensor technologies and equipment that could be utilized in the field in Iraq. Lists of other logistics needs, including equipment needed for inspections, have also been drawn up.

The Commission's experts continue to work on the delineation and classification of sites in Iraq that have been subject to inspections in the past and may be in the future. The new revised formats for the declarations of the holdings and disposition of dual-use

items and materials required of Iraq under resolution 715 (1991) are being finalized.

Much work has been devoted during the period under review to making the Commission's database and archive into better and more readily available sources for information about, and analysis of, Iraq's programmes of weapons of mass destruction. Work continues on the electronic scanning, classifying and archiving of material from the former Special Commission, including Iraqi documents, aerial pictures and other media.

A draft handbook, systematically describing the policies and technical procedures for inspectors, has been drawn up and an administrative manual providing guidelines for the day-to-day work of the largely new staff at Headquarters has been prepared. The manual will also form the basis of ground rules for administrative issues for the Commission's Ongoing Monitoring, Verification and Inspection Centre at Baghdad.

The Commission has continued to receive briefings from Member States on imagery and other information from their own assets. In addition, late in 2001, the Commission began receiving imagery from a commercial provider. It has been analysing this new material with a view to keeping itself up to date on developments on the ground in Iraq at sites that may have relevance to its disarmament and monitoring tasks. It is also able to compare new images with some 15,000 already in its database, principally for infrastructure changes. They have also been useful in inspection planning, for example in the creation of line diagrams of potential inspection sites in Iraq.

The Senior Officer for Outside Information has continued to undertake liaison visits to a number of capitals as well as with permanent missions of Member States on the provision of information relevant to the UNMOVIC mandate.

The Commission has concluded a contract with a French research institute for a review of open source information published since the end of inspections in Iraq in 1998. There will be a particular emphasis on French, European and Middle Eastern sources. The Commission's contract with the Monterey Institute has been extended to provide more open source material on an ongoing basis. In view of the increase in material available to UNMOVIC, the Commission is recruiting an open source information manager.

The revised lists of dual-use items and materials to which the export/import monitoring mechanism applies (S/2001/560) entered into force on 13 July 2001. Under the provisions of Security Council resolution 1051 (1996), the UNMOVIC/IAEA joint unit continues to receive notifications from Member States of supplies to Iraq of dual-use items. Iraq has not, however, provided its corresponding declarations or those required of it under the terms of resolution 715 (1991). The joint unit has also continued to review all contracts concluded with the Government of Iraq under the provisions of resolution 986 (1995) and to provide technical assistance to the Office of the Iraq Programme and to Member States.

Since the Security Council, by resolution 1409 (2002), adopted the revised goods review list (S/2002/515), and revised procedures for its application, the role of UNMOVIC has been widened. In accordance with the procedures, UNMOVIC and IAEA must now evaluate applications to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995), to determine whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the goods review list. Given the wider scope of the list beyond dual-use items and materials related to weapons of mass destruction, UNMOVIC is in the process of recruiting a number of additional analysts to carry out this work.

A new wide area link and associated secure communications infrastructure between New York and Vienna to support the work envisaged for UNMOVIC and IAEA under the new goods review list and associated procedures have been established and tested. This system will also be used to exchange information (imagery, inspection reports etc.) on sites subject to monitoring in Iraq.

UNMOVIC has continued to conduct both month-long general training courses for potential inspectors and more specialized, shorter-term courses focusing on specific disciplines. The courses aim at establishing a roster of trained and qualified individuals upon which the Commission can draw for its work in Iraq. The fifth course in the former category was held at Geneva from

18 February to 22 March. As with previous general courses, it included general lectures on the mandate of UNMOVIC, its rights and obligations, the proscribed weapons programmes of Iraq and discipline-specific training. In addition, in conformity with paragraph 6 of Security Council resolution 1284 (1999), participants in the courses were provided with training regarding the history, religion and culture of Iraq.

A number of advanced courses for persons on the roster of trained experts have been held. They have included advanced training on biological weapons, missiles, chemical weapons, chemical laboratory equipment and sensor monitoring. Specific training for potential Chief Inspectors is also an ongoing activity. Persons on the roster are kept informed of developments in respect of UNMOVIC through a newsletter and material on the Commission's web site.

Chapter 4

Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

In 2001, the bureau of the Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya consisted of Valery P. Kuchinsky (Ukraine) as Chairman, the delegations of Bangladesh and Jamaica providing the two Vice-Chairmen. In 2002, the bureau consisted of François Lonsény Fall (Guinea) as Chairman, the delegations of Bulgaria and Ireland providing the two Vice-Chairmen.

The Security Council, on 9 July 1999, in a presidential statement (S/PRST/1999/22), welcomed the positive developments identified in the Secretary-General's report of 30 June 1999, as well as the commitment of the Libyan Arab Jamahiriya to further implement resolutions 748 (1992) and 883 (1993) by continuing cooperation to meet all their requirements. It also reaffirmed its intention to lift as soon as possible the measures it had imposed in 1992 and 1993.

The Committee did not submit an annual report for the year 2001 to the Security Council.

Chapter 5

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

The Committee established pursuant to resolution 751 (1992) concerning Somalia is mandated by the Security Council to ensure the effective implementation of the arms embargo imposed by resolution 733 (1992). The bureau of the Committee in 2001 consisted of Nouredine Mejdoub (Tunisia) as Chairman, the delegations of Jamaica and Norway providing the two Vice-Chairmen. During 2002, the bureau consisted of Stefan Tafrov (Bulgaria) as Chairman, Mexico and Norway providing the two Vice-Chairmen.

The Committee held three formal and three informal meetings during the reporting period. At its 17th meeting, on 17 July 2001, the Committee considered a proposed amendment to its guidelines, as well as a request for an exemption to the arms embargo related to a humanitarian demining programme. In a press release of 3 August 2001, the Committee noted that it had approved two technical amendments to the new consolidated guidelines for the conduct of its work. Also on 3 August 2001, the Chairman of the Committee addressed a note verbale relating to its humanitarian exemption procedure to all Member States.

At its 18th meeting, on 21 December 2001, the Committee adopted its annual report. At its 19th meeting, on 28 May 2002, the Committee considered a letter from a Member State alleging a breach of the arms embargo. The Committee also decided, pursuant to the adoption by the Security Council of resolution 1407 (2002), to address a note verbale to all Member States reminding them of their obligations with respect to resolution 733 (1992) and requesting them to increase their vigilance with regard to actual or potential sanctions violations. The Committee also decided to address letters to the Organization of African Unity and the Intergovernmental Authority on Development seeking their cooperation.

At an informal meeting on 10 June 2002, the Committee met with the two-member team of experts, which on 1 June 2002 commenced its 30-day mandate to prepare an action plan regarding the setting up of a panel of experts to generate independent information

on violations of the arms embargo on Somalia. At a subsequent informal meeting, on 28 June 2002, the Committee heard a briefing from the team of experts and considered its report (S/2002/722).

The Committee adopted its annual report for 2001 on 21 December 2001 (S/2001/1259).

Chapter 6

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

During the reporting period, the ability of the International Tribunal to duly perform and complete its mandate to prosecute and try persons responsible for serious violations of international humanitarian law, while contributing to the maintenance of peace in the former Yugoslavia, by 2008 has continued to increase significantly. This development is due to both extensive internal reform plans and to an increased number of surrenders of persons indicted by the Tribunal.

The Registry of the Tribunal continued to exercise court management functions, provide administrative services to the Chambers and the Office of the Prosecutor and serve as the Tribunal's channel of communication under the supervision of the Registrar, Hans Holthuis. Under his supervision the Registry continued its core activities, including providing information to the media and the public, administering the legal aid system under which it assigns defence counsel to indigent accused, and supervising the Detention Unit, which has received detainees of an increasingly higher profile. Operating under the supervision of the Registrar, the Deputy Registrar and the Chief of Administration, the Registry continued to adopt innovative approaches to its diverse and increased tasks. In addition, the Registrar has maintained the negotiation of agreements for cooperation with the Tribunal, in addition to promoting the Tribunal's need for voluntary contributions to support its extrabudgetary activities. In September 2001 the Registrar travelled to the seat of the International Tribunal for Rwanda at Arusha to discuss

matters of mutual interest and cooperation, which resulted in a joint statement by the two Registrars of their intention to strive for inter-Tribunal cooperation in a variety of areas.

The Tribunal's activity during the reporting period has been marked by the implementation of the structural and operational reforms initiated in January 2000, which resulted in the addition of nine ad litem judges, doubling the trial capacity of the Chambers to a current total of six concurrently conducted trials. Such reform is one of the cornerstones of the newly coined "completion strategy" of the Tribunal, established by the Coordination Council during spring 2002, which proposes, first, to focus prosecution primarily on those crimes most prejudicial to international peace and security and, secondly, to refer cases involving intermediary level accused, under certain conditions, to national courts, in particular to the courts of Bosnia and Herzegovina.

Emphasizing the need to ensure that those courts have the necessary resources for taking on such cases and, in particular, that they operate fairly and with respect for the principles of international humanitarian law and the protection of human rights, the President, the Prosecutor and the Registrar set up a working group in January 2002 whose mission was to reflect on the problems that might arise in the process of referring certain cases. This action encompasses the Tribunal and involves the Secretary-General as well as the Office of the High Representative for Bosnia and Herzegovina, the primary agency responsible for reforming the judicial system of Bosnia and Herzegovina. Those initiatives resulted in the drafting of a report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts. The report, which sets out the main lines of implementation of the process of referring cases, as well as the necessary reforms of both the Tribunal and the national jurisdictions concerned, was submitted to the Secretary-General and to the members of the Security Council in June 2002 (S/2002/678). The President and the Prosecutor visited Bosnia and Herzegovina with the Deputy Registrar from 17 to 21 June 2002 to examine concretely to what extent, under what conditions and within what time frames cases can be referred to the authorities of Bosnia and Herzegovina.

Most of the solutions advocated as part of the above-mentioned reforms have come into effect,

bringing with them a large number of new provisions in the Rules of Procedure and Evidence to expedite proceedings, in particular provisions regarding the power of the judges at the pre-trial and trial stages. The Coordination Council and the Management Committee, instituted during the previous reporting period to ensure better cooperation between the Office of the Prosecutor, the Chambers and the Registry, has continued to work towards a more effective management of the Tribunal's resources.

A number of reforms to improve the operation of the joint Appeals Chambers of the Tribunal for the Former Yugoslavia and the Tribunal for Rwanda have also been launched. In general, the purpose of the reforms is to equip the Appeals Chambers with all the necessary tools to deal with their ever-increasing workload and to ensure greater uniformity in the case law of the two Tribunals.

The Registry Legal Advisory Section continued to provide legal advice to the Registrar, the Chief of Administration and other senior officials on the interpretation and application of legal instruments regarding the status, privileges and immunities of the Tribunal, international agreements with the host country and other States, administrative legal issues and commercial contracts. Extensive discussions were conducted with the host country regarding the scope and application of the Headquarters Agreement. In this respect, the Legal Advisory Section was instrumental in the conclusion of agreements by the Registry with the host country regarding the legal status of persons performing services for the Tribunal. In addition, senior officials of the Section attended meetings of the Preparatory Commission for the International Criminal Court and other relevant forums where they advised on the practical steps necessary for the establishment of the Court.

Cooperation with the States in the former Yugoslavia continued to increase successfully during the reporting period, resulting in several arrests and voluntary surrenders. Nevertheless, the Tribunal remains dependent on the improved cooperation of Member States, both in the region and elsewhere, in particular as there are several so-called high-profile accused still at large.

At the beginning of the reporting period, the United Nations Detention Unit held 42 detainees. Since that time, 12 accused have been transferred to the Unit.

Former President Slobodan Milošević, arrested by the Federal Republic of Yugoslavia, was transferred to the Detention Unit on 29 June 2001, to be judged for crimes against humanity and violations of the laws or customs of war in Kosovo, grave breaches of the Geneva Conventions, violations of the laws or customs of war and crimes against humanity in Croatia.

Vidoje Blagojević was arrested by NATO forces on 10 August 2001 in Banja Luka, Republika Srpska, and was immediately transferred to the Detention Unit. He is accused of genocide, complicity in genocide, crimes against humanity and violations of the laws or customs of war for the crimes committed in Srebrenica in July 1995.

On 8 November 2001, Nenad and Predrag Banović were arrested in Serbia and the next day were transferred to the Detention Unit. They are accused for the crimes committed in the Keraterm camp with Dušan Fuštar, who voluntarily surrendered on 31 January 2002.

Momir Nikolić was arrested on 1 April 2002 by SFOR in Repovac, Bosnia and Herzegovina, and was transferred to the Detention Unit on 2 April. He is accused of genocide, crimes against humanity and violations of the laws or customs of war for the crimes committed in Srebrenica.

On 25 April 2002, Dragoljub Ojdanić was transferred to the Unit from Serbia. His indictment refers to the campaign of terror and violence directed at Kosovo Albanian civilians by forces of the Federal Republic of Yugoslavia and Serbia between 1 January and 20 June 1999. At that time, Ojdanić was Chief of General Staff of the Yugoslav Army.

Nikola Šainović and Momčilo Gruban were transferred on 2 May 2002 from the Federal Republic of Yugoslavia to the Detention Unit. Šainović was allegedly involved in the above-mentioned campaign of terror and violence, while holding the post of Deputy Prime Minister of the Federal Republic of Yugoslavia. The indictment of Gruban alleges that he was a commander supervising one of the three shifts of guards that operated the Omarska camp.

On 15 May 2002, Milan Martić and Mile Mrkšić were transferred from the Federal Republic of Yugoslavia to the Detention Unit. Martić is accused of ordering the military forces of the self-proclaimed "Republic of Serb Krajina", as its "President", to attack

the central part of Zagreb on 2 and 3 May 1995. Mrkšić is accused for the atrocities in relation to the attack on Vukovar Hospital.

Duško Knežević, charged for crimes allegedly committed in the Omarska and Keraterm camps, was transferred to the Detention Unit on 18 May 2002.

On 13 June 2002, SFOR forces detained Darko Mrda in Prijedor, Bosnia and Herzegovina; he was then transferred to the Detention Unit. He is accused of being involved in the killing of over 200 non-Serb men.

Currently, there are nine persons on provisional release.

The total number of cases pending in the Trial and Appeals Chambers is now 32 (6 trials, 16 pre-trial proceedings and 10 appeals). Five trials and sentencing proceedings and 32 appeals (3 from judgement, 27 interlocutory and 2 reviews) were completed within the reporting period.

Over the reporting period, Trial Chamber I has issued two judgements, initiated two trials and conducted a number of pre-trial matters in several cases before it.

On 2 August 2001, Trial Chamber I issued its judgement in the case *The Prosecutor v. Radislav Krstić*, which, for the first time in the history of this Tribunal, entered a conviction for genocide, in relation with the events surrounding the attack on and the fall of Srebrenica. General Krstić was sentenced to 46 years' imprisonment.

Simultaneously to the *Krstić* case, Trial Chamber I conducted the trial of the case *The Prosecutor v. Miroslav Kvočka et al.*, in total five accused. The judgement was rendered on 2 November 2001. Miroslav Kvočka was sentenced to seven years' imprisonment, Dragoljub Prčač to five years and Milošica Kos to six years. Mlado Radić, who alone had been specifically charged with rape, was sentenced to 20 years and Zoran Zigić to 25 years' imprisonment.

In July 2001, depositions were taken of 16 witnesses in the case *The Prosecutor v. Mladen Naletilić and Vinko Martinović*. The trial itself started on 10 September 2001 before the Chamber composed of Judge Liu, presiding, and, for the first time, two ad litem judges, Judge Clark and Judge Diarra. The prosecution case closed on 4 February 2002 after

having heard 74 witnesses in total. The Trial Chamber dismissed a motion for acquittal. It is currently hearing the defence for Mr. Naletilić and expects to have heard the defence for Mr. Martinović by the end of September.

The case *The Prosecutor v. Stanislav Galić* opened on 3 December 2001 with Judge Orić, presiding, Judge El Mahdi and, as ad litem judge, Judge Nieto Navia. The Trial Chamber is still hearing the prosecution case, which should be completed by late July.

Currently, Trial Chamber I is further seized of the following cases: *The Prosecutor v. Pavle Strugar et al.*, *The Prosecutor v. Rahim Ademi* and *The Prosecutor v. Paško Ljubičić*, to which Judge Orić, Judge Liu and Judge El Mahdi have respectively been assigned as pre-trial judges. On 15 May 2002, the President of the Tribunal assigned the case *The Prosecutor v. Milan Martić* to Trial Chamber I. The case *The Prosecutor v. Ranko Česić* was assigned to Trial Chamber I on 14 June 2002. General Ademi, General Strugar and Admiral Jokić have been provisionally released. The Chamber is faced with a number of preliminary and other motions in these cases and was able to initiate active pre-trial only in the *Ademi* case.

At present, in Trial Chamber II, four trials and five pre-trials are pending. The five pre-trial cases relate to the following accused:

Dragan Nikolić has been in pre-trial detention since 22 April 2000. He entered a plea of not guilty during his initial appearance. The original indictment contained 80 counts charged against him, consisting of grave breaches of the Geneva Conventions, violations of the laws or customs of war and crimes against humanity. A new indictment was prepared by the prosecution and accepted by the Chamber, bringing the counts to eight, to which Mr. Nikolić entered a new plea of not guilty on 18 March 2002. On 17 May 2001, the defence filed a motion for relief based upon, inter alia, the illegality of his arrest before his transfer to the Detention Unit. Following consultations between the Prosecutor and the defence, an agreement between the parties was reached aimed at limiting the scope of the issues in dispute. The motion is still pending.

General Enver Hadžihasanović, General Mehmed Alagić and Colonel Amir Kubura came into the custody of the Tribunal on 4 August 2001. They pleaded not guilty at their initial appearance on 9

August in relation to charges of command responsibility for grave breaches of the Geneva Conventions and violations of the laws or customs of war. Upon their request, the Trial Chamber granted provisional release to all three accused on 13 December 2001. The defence filed a motion challenging the form of the indictment and challenging the jurisdiction of the Tribunal on 8 October 2001. Some of the challenges relating to the form of the indictment were upheld, the challenges relating to the jurisdiction were deferred for determination until trial. The Prosecutor filed an amended indictment on 11 January 2002, which, inter alia, led to the withdrawal of all charges under grave breaches of the Geneva Conventions. The challenges to the jurisdiction relate to the question whether under customary international law there already existed command responsibility in relation to internal armed conflicts at the time, relevant to the indictment. This issue is still pending.

Dragan Obrenović was arrested by SFOR and transferred to the Detention Unit on 15 April 2001. On 18 April 2001, he entered a plea of not guilty at his initial appearance. Vidoje Blagojević entered a plea of not guilty at his initial appearance on 16 August 2002. Dragan Jokić surrendered to the jurisdiction of the Tribunal on 15 August 2001. He made his initial appearance on 21 August. On 15 January 2002, Trial Chamber II decided to join the three cases, as all three accused are allegedly involved in the events in and around Srebrenica in the summer and autumn of 1995. The first two accused are charged with complicity in genocide, extermination, murder and persecution; Blagojević is in addition charged with other inhumane acts (forcible transfer). Jokić is charged with extermination, murder and persecution. Momir Nikolić made his initial appearance on 3 April 2002. He has also allegedly been involved in the events in and around Srebrenica during the same period. He pleaded not guilty to the six counts against him, relating to genocide, extermination, murder, persecution and other inhumane acts (forcible transfer). A motion for the joinder of this case with the other three accused was granted on 17 May 2002 by Trial Chamber II.

On 16 May 2002, Mile Mrkšić, during his initial appearance, pleaded not guilty on all counts. He is charged with grave breaches of the Geneva Conventions, violations of the laws or customs of war and crimes against humanity (cruel/inhumane treatment and murder). He was allegedly involved in the mass

killing of some 200 persons who were taken from the hospital in Vukovar in November 1991.

Finally, on 17 June 2002, Darko Mrda had his initial appearance. He pleaded not guilty on all counts. He is alleged to have been involved in the transport and killing of over 200 male non-Serbs on a road over Vlasic Mountain in August 1992 and is charged with extermination and inhumane acts as a crime against humanity and murder as a violation of the laws or customs of war.

On 15 March 2002, Trial Chamber II handed down a judgement in the Krnojelac case. Krnojelac was charged with 18 counts of crimes against humanity, violations of the laws or customs of war and grave breaches of the Geneva Conventions for his role as warden of the KP Dom camp in Foča between April 1992 and August 1993. All charges of grave breaches of the Geneva Conventions were withdrawn at the start of the trial. The trial commenced on 30 October 2000 and lasted for 76 court days, finishing on 20 July 2001. Forty-five witnesses for the prosecution were heard and 30 witnesses for the defence. He was acquitted on eight counts and sentenced to a single sentence of imprisonment for seven and a half years.

Mitar Vasiljević was detained by SFOR on 25 January 2000 and transferred to the Detention Unit the same day. The relevant indictment was confirmed on 26 August 1998 but remained under seal until his arrest. According to the indictment, in the spring of 1992 a group of local men in Višegrad formed a paramilitary unit, of which, Vasiljević is alleged to have been a member. Between May 1992 and at least October 1994, the accused and other members of the group allegedly killed a significant number of Bosnian Muslim civilians. The accused is charged with violations of the laws or customs of war and crimes against humanity. At his initial appearance on 28 January 2000, he pleaded not guilty to all counts. On 22 September 2000, Vasiljević entered a special defence of alibi. The trial started on 10 September 2001. The prosecution case lasted until 9 October; the defence case started on 23 October and finished on 10 January 2002. The prosecution's case was reopened for the hearing of a new witness. In addition, the accused was allowed to present new evidence in relation to that witness. The case finished on 15 February. During the case, 36 prosecution witnesses were heard and 28 defence witnesses. No date for the judgment has yet been set.

In Trial Chamber II, trial proceedings are ongoing in the Simić, the Brđanin/Talić and the Stakić cases. The Simić trial commenced on 10 September 2001. The case relates to four accused who are charged with crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws or customs of war, and more particular persecution, deportation and transfer and inhumane treatment/torture, in relation to non-Serb inhabitants of Bosanski Samac, in particular. The prosecution's case is still under way. The case against Brđanin/Talić started on 23 January 2002. General Talić and Mr. Brđanin are accused of having participated in a joint criminal enterprise relating to the "ethnic cleansing" of non-Serbs from the Autonomous Region of Krajina. In the pre-trial phase, various motions challenging the form of the indictment, in particular the concept of joint criminal enterprise, were submitted. At the moment, the prosecution's case is still in progress. It is expected that the trial will last into 2003. The third case, against Stakić, started on 16 April 2002. The case is closely related to that of Brđanin and Talić and relates to the alleged role of Mr. Stakić in the "ethnic cleansing" of non-Serbs from the Prijedor Municipality. This trial is expected to last until the end of 2002.

The trial against the accused Duško Sikirica, Damir Došen and Dragan Kolundžija commenced in Trial Chamber III on 19 March 2001 and was completed on 1 June 2001. At the close of the prosecution case, all three accused filed motions for acquittal under rule 98 bis of the Rules of Procedure and Evidence. On 27 June, the Trial Chamber rendered an oral decision, granting the motion filed by the accused Sikirica insofar as it related to the charges of genocide and complicity to commit genocide and dismissed counts 1 and 2 of the second amended indictment. With regard to the accused Došen, the Trial Chamber dismissed counts 12 to 15, that is, torture, cruel treatment and inhumane acts. The remainder of the motion was dismissed. On 3 September 2001, the written judgement was issued. From 27 June to 5 July 2001, the defence for the accused Sikirica presented its case. The defence for the accused Došen presented its case from 16 to 30 July. On 4 September, prior to presenting a defence, the accused Kolundžija entered a plea of guilty to count 3 of the second amended indictment (persecution). On 19 September, the Trial Chamber accepted similar pleas from the accused Sikirica and Došen and entered findings of guilt. The agreements entered into between the prosecution and

the defence contained provisions limiting the right of appeal if the sentence pronounced by the Trial Chamber were to fall within an agreed range. Following the entry of guilty pleas by Sikirica, Došen and Kolundžija in this case in September 2001, the Trial Chamber received written submissions on sentencing and held a sentencing hearing on 8 and 9 October 2001. On 13 November 2001, the sentencing judgement was issued. The accused Sikirica was sentenced to 15 years' imprisonment, the accused Došen was sentenced to five years, and the accused Kolundžija was sentenced to three years. As the sentences were all within the ranges accepted in advance by the parties under the terms of the plea agreements, no appeals arise from these proceedings.

In April 2001, the President of the Tribunal remitted the Čelebići case to the Trial Chamber for review of the sentences passed on Hazim Delić, Zdravko Mucić and Esad Landžo, following the acceptance by the Appeals Chamber of appeals against conviction and sentence on some of the counts. Sentencing briefs were filed in June 2001 and oral argument was heard on 21 September 2001. On 9 October 2001, the Trial Chamber rendered the following sentencing judgements: Zdravko Mucić was sentenced to a single sentence of nine years' imprisonment, revised from three terms of seven years to run concurrently, Hazim Delić to 18 years' imprisonment, revised from 20 years, and Esad Landžo's sentence of 15 years' imprisonment was left unchanged.

Slobodan Milošević, former President of Serbia and of the Federal Republic of Yugoslavia, made his initial appearance in relation to charges arising out of the events in Kosovo in 1999 on 3 July 2001. His initial appearances on the subsequent indictments for crimes allegedly committed in Croatia and Bosnia and Herzegovina occurred on 29 October and 11 December 2001, respectively. Following his refusal to plead to the charges in the indictment, the Trial Chamber entered pleas of "not guilty" in respect of all charges against him. A challenge to the jurisdiction and legality of the Tribunal was rejected in November 2001. In December 2001 the Trial Chamber refused an application to join the three cases and ordered that the trial on the Kosovo indictment proceed separately. On 1 February 2002, the Appeals Chamber overturned that decision and ruled that the evidence concerning the crimes alleged to have been committed in all three indictments would be heard

in one trial. The trial commenced on 12 February 2002, and the accused has chosen to represent himself in these proceedings. This fact, coupled with the size and complexity of the case against him, led the Trial Chamber to order the appointment of three amici curiae to assist the court in ensuring that the accused receives a fair trial. The Trial Chamber ordered the prosecution to lead its entire case on the Kosovo, Croatia and Bosnia charges and the prosecution will be required to complete its case in April 2003. The prosecution is to present its evidence for the Kosovo part of the trial by early September 2002. The expanded pre-trial brief (300 pages) for the Croatia and Bosnia parts of the case was filed by the prosecution on 31 May 2002 and the prosecution case with respect to these charges will commence in the autumn after completion of the Kosovo part of the case. The Trial Chamber has sat for 74 days and heard 80 witnesses for the prosecution. In addition to the cross-examination in person by the unrepresented accused, the amici curiae are also participating in the examination of the witnesses by cross-examining on legal issues and inconsistencies with prior statements and raising relevant procedural issues.

In pre-trial matters, on 5 September 2001, Trial Chamber III ordered the provisional release of Biljana Plavšić. Applications by Momčilo Krajišnik for both long-term and temporary provisional release were refused. Various applications for assistance from States have been filed and determined by the Trial Chamber during the reporting period. An application by the Krajišnik defence to permit the taking of evidence by way of deposition was granted in November 2001 but was subsequently withdrawn. In March 2002 the Trial Chamber accepted an amended indictment reducing the scope of the case. Five interlocutory appeals have been filed in connection with decisions of the Trial Chamber on this and other evidentiary matters. The prosecution filed its expanded (200 pages) pre-trial brief and related materials on 2 May 2002.

On 27 September 2001, the accused Sefer Halilović made his initial appearance and pleaded not guilty to one count of murder. On 13 December 2001 the Trial Chamber granted a request for provisional release of the accused.

Nenad and Predrag Banović both made their initial appearances on 16 November 2001 in relation to allegations arising in connection with the Keraterm camp in Bosnia and Herzegovina. Both pleaded not

guilty to all counts in the indictment. On 6 February 2002, the accused Dušan Fuštar pleaded not guilty to seven counts charged under the same indictment. A motion to withdraw the indictment against Nenad Banović was granted on 10 April 2002, when the Trial Chamber ordered his immediate release. Duško Knežević, who is charged both on this indictment and on the indictment relating to events at the Omarska camp, made his initial appearance on 24 May 2002 and pleaded not guilty to all charges.

Momčilo Gruban made his initial appearance on 10 May 2002 and pleaded not guilty to 11 counts arising from the Omarska camp indictment. As noted above, Duško Knežević is charged on both this indictment and on the indictment relating to the Keraterm camp and made his initial appearance on 24 May 2002, entering a plea of not guilty to all charges. On 5 June 2002 the prosecution was given one month in which to file an application for joinder of this matter with that of Banović, Fuštar and Knežević.

The accused Dragoljub Ojdanić and Nikola Šainović are charged jointly with Slobodan Milošević in relation to the events in Kosovo in the first half of 1999 and made their initial appearances on 26 April and 3 May 2002, respectively.

During the reporting period, the Appeals Chamber disposed of 27 interlocutory appeals, rendered three judgements in appeals from trial judgements, and rejected two applications for review. Currently, the Appeals Chamber is seized of two interlocutory appeals, six appeals from Trial Chambers' final judgements, and two reviews.

In the *Jelišić* appeal judgement of 5 July 2001, the Appeals Chamber affirmed the sentence of 40 years of imprisonment imposed on the cross-appellant Goran Jelišić by the Trial Chamber, despite the fact that he had been erroneously found guilty for one murder which had not been covered by his guilty plea. The prosecution's appeal in this case also succeeded in part, notably on the issue of the interpretation of rule 98 bis of the Rules of Procedure and Evidence regarding the test for the entering of acquittal judgements after the close of the prosecution's case.

In the *Kupreškić* appeal judgement of 23 October 2001, the Appeals Chamber reversed the convictions of the appellants Zoran, Mirjan and Vlatko Kupreškić, who were released immediately after the delivery of the judgement. On the basis of the partial success in

their appeals, the Appeals Chamber also reduced the sentences for the other two appellants, Drago Josipović and Vladimir Šantić, from 15 to 12 years' imprisonment and from 25 to 18 years' imprisonment, respectively. The prosecution's appeal succeeded in having the acquittals of Drago Josipović and Vladimir Šantić on three counts reversed.

In the *Kunarac et al.* judgement of 12 June 2002, the Appeals Chamber dismissed appeals against convictions of the appellants Dragoljub Kunarac, Radomir Kovač and Zoran Vuković and affirmed the sentences imposed on the appellants by the Trial Chamber. The Appeals Chamber, however, corrected the formal disposition of the trial judgement to reflect an oral statement made by the Trial Chamber at the close of the delivery of the trial judgement to the effect that credit should be given for time served in custody of the Tribunal by the appellants (the then convicted persons).

In the two decisions, issued on 25 April and 2 May 2002 respectively, rejecting the applications for review submitted by the applicants Hazim Delić and Goran Jelišić, the Appeals Chamber clarified the meaning of "a new fact" as contained in article 26 of the statute of the Tribunal. In the decision on Delić's application for review, the Appeals Chamber also compared the notion of additional evidence contained in rule 115 of the Rules of Procedure and Evidence and the notion of a new fact as found in rule 119.

The fact that six trials have been under way simultaneously during the reporting period has given rise to a significant increase in appeals proceedings. The Appeals Chamber has been strengthened, to some extent, by two additional judges from the International Tribunal for Rwanda who serve on the Appeals Chambers of both the Tribunals.

To provide increased support to each trial section, the Chambers Legal Support Section has been reorganized so that the day-to-day support for each ongoing trial is now provided by a P-3 Legal Officer assisted by a team consisting of the three P-2 associate legal officers assigned to the judges in that trial, plus one associate legal officer assigned to the Chamber as a whole, under the overall supervision of the P-5 senior legal officer. The support structure for the Appeals Chamber has also been revised to provide a response to the increased number of appeals.

In addition to the pre-trial management responsibilities described in the next paragraph, the senior legal officer is responsible for providing legal guidance to the staff working within Chambers, to ensure as far as possible consistency in the functioning among and within the Chambers, and undertakes many administrative and management responsibilities. The legal officer is responsible for the daily management of a trial and coordinates with the judges, the senior legal officer and the associate legal officers on legal issues, disposition of motions, management of evidence and the preparation and writing of judgements.

The reporting period has also seen the active implementation of the substantial additional responsibilities assigned to the senior legal officers of the Section in respect of pre-trial management. Under the authority and direction of the pre-trial judge, the senior legal officers now oversee the practical implementation of and compliance with the rules governing pre-trial management. In particular this entails convening and chairing meetings with the parties, on an approximately monthly basis, to discuss and facilitate matters such as performance of disclosure obligations, preparation of translations and resolution of other practical issues. Each senior legal officer in the Trial Chambers is responsible for up to five cases at the pre-trial phase and the senior legal officer assigned to the Appeals Chamber is responsible for nine cases, plus all interlocutory appeals. A substantial degree of preparation and time is required for each one of these.

The Section continues to coordinate the work of the Chambers and to provide assistance with legal research, drafting and preparation of documents in both working languages and with internal administration. It assists the judges in plenary session and the Bureau whenever there are questions concerning Chambers as a whole and provides secretariat support to a number of committees established by the judges, such as the Rules Committee.

The Tribunal has continued to approach States to seek assistance in the provision of relocation and other protection services for witnesses whose safety is at risk and in the provision of prison facilities to ensure that the Tribunal's sentences are duly executed. An agreement regarding the enforcement of sentences was concluded with the Government of Denmark on 19 June 2002.

During the period covered, three detainees were transferred to Spain to serve their respective imprisonment sentences there. Stevan Todorović was transferred on 11 December 2001. A first inspection of his conditions of imprisonment by members of the Parity Commission, set up under the terms of the Enforcement Agreement dated 28 March 2000, will be carried out in the coming months. Drago Josipović and Vladimir Šantić were transferred to a Spanish prison on 9 and 11 April 2002, respectively. On 10 May 2002, Duško Sikirica and Damir Došen were transferred to Austria to serve their sentence as handed down by the Tribunal on 13 November 2001.

During the reporting period, approximately 550 witnesses and accompanying persons travelled to The Hague, predominately from the region of the former Yugoslavia. The majority were victim witnesses, which required an increase in the provision of additional specialized support services. To address these needs, the Victims and Witnesses Section continued to expand its collaboration with Member States and national and international humanitarian services. The requirement for protection services has increased because both prosecution and defence counsels have sought enhanced protection measures for witnesses before, during and after testimony. This has prompted the Tribunal to continue its negotiations with States regarding agreements on the relocation of witnesses.

While the Victims and Witnesses Section is funded through the regular budget of the Tribunal, it is also supported in its work by generous donations from Member States and the European Commission. During the reporting period the European Commission contributed to the development of the protection services. In January 2002 the Victims and Witnesses Section opened a field office in Sarajevo supported by specific donations from Canada and the United Kingdom. That office has a staff of three and their role in the region is to expand and enhance the services provided to witnesses, particularly those who are especially vulnerable or sensitive. It will be proposed that the Sarajevo field office be included in the main Tribunal budget for the period 2004-2005.

During the reporting period, the Prosecutor has spent considerable time encouraging and urging Governments to make arrests and to respond to the many requests for assistance put forward by the Office of the Prosecutor. In order to ensure compliance she has maintained direct contact with the relevant

Governments and international officials of the States in the region. Bosnia and Herzegovina, Croatia, the former Yugoslavia Republic of Macedonia and the Federal Republic of Yugoslavia including Kosovo have been visited more than once and officials from those countries have visited the Office of the Prosecutor. The Prosecutor has consulted regularly with Governments outside the region (including visits to Athens, Berlin, Brussels, London, Madrid, Paris, Rome, Stockholm, Strasbourg and Washington, D.C.). She addressed the Security Council in November 2001.

While cooperation with Croatia and the Federation in Bosnia and Herzegovina is satisfactory, lack of cooperation on the part of the Republika Srpska and the Federal Republic of Yugoslavia remains a source of major concern and a serious obstacle to the implementation of the Prosecutor's mandate. On 10 April 2002, the Yugoslav Parliament adopted a law on cooperation with the Tribunal, thus filling the internal legal void that had been invoked by the Yugoslav authorities as the reason for their lack of compliance. The law limits its application to Yugoslav citizens indicted after its entry into force. However, as the Security Council reminded Yugoslavia in its resolution 1207 (1998), compliance with the Tribunal's requests and orders cannot be limited by internal legislation. Following the adoption of the law, in mid-April, the Government of Yugoslavia published a list of 23 war crimes suspects indicted by the Tribunal, 10 of whom are Yugoslav citizens, and indicated that the suspects had three days to surrender voluntarily. The deadline was subsequently extended and by the end of the reporting period six indicted accused had surrendered to the Tribunal, and three had been apprehended by the authorities of the Federal Republic of Yugoslavia and transferred to The Hague. The Prosecutor is disappointed that there has not been an increased level of cooperation with the Yugoslav authorities, despite assurances to the contrary.

At the end of the reporting period, 23 indicted accused have either been detained or arrested or have surrendered to the Tribunal. More than half of these persons surrendered voluntarily, six from the Federal Republic of Yugoslavia, three from the Republika Srpska and one each from Croatia, Montenegro and Bosnia and Herzegovina. By far the most important sign of cooperation was the transfer by Serbian authorities of Slobodan Milošević to The Hague at the end of June 2001. On 25 July 2001, Rahim Ademi

voluntarily surrendered to the Tribunal and was transferred by Croatian authorities and, on 2 August 2001, authorities in Bosnia and Herzegovina arrested and handed over to the Tribunal three indicted accused, namely, Generals Enver Hadžihasanović and Mehmed Alagić and Colonel Amir Kubura. In respect of 16 of these 23 accused, the Prosecution is faced with 11 new trials as a result of the arrests and surrenders; one indictment has been withdrawn against one accused and the other six accused were joined with cases still in the pre-trial phase. The new cases include alleged crimes committed in Kosovo in 1999 and Vukovar in 1991; alleged crimes committed by Bosnian Muslim perpetrators; alleged crimes occurring in the Medak Pocket and the Omarska and Keraterm camps in Prijedor in central Bosnia; and alleged crimes associated with breaking the siege of Mostar and the shelling of Dubrovnik. Others arrested or surrendering were: Vidoje Blagojević, Dragan Jokić, Sefer Halilović, Pavle Strugar, Nenad and Predrag Banović, Miodrag Jokić, Paško Ljubičić, Momir Nikolić, Dragoljub Ojdanić, Nikola Šainović, Momčilo Gruban, Mile Mrkšić, Milan Martić, Duško Knežević, Darko Mrda and Ranko Cesić.

During the reporting period, the Prosecutor signed six indictments, two relating to Slobodan Milošević (for his alleged responsibility for crimes in Croatia and Bosnia and Herzegovina); two relating to alleged crimes by Bosniacs; one relating to the Srebrenica genocide; and one concerning a massacre committed on Vlasic Mountain in Bosnia and Herzegovina. In addition, the Prosecutor filed a motion to withdraw the indictment against Nenad Banović, citing insufficient evidence to proceed to trial. The court granted the motion.

Investigation work continues apace, in the expectation that all investigations will be brought to the indictment stage by the end of 2004. The Prosecutor reviewed all remaining investigations in November 2001; at that stage there were 26 investigations to be completed. Ten investigations had to be suspended temporarily, following that review, because of insufficient resources. It is expected that the 26 remaining investigations will result in approximately 34 new indictments, involving approximately 100 accused. If judicial reforms in Bosnia and Herzegovina are achieved, the Prosecutor also expects that approximately half of those indictments/accused could be referred to national

courts in Bosnia and Herzegovina to be prosecuted at the local level.

The Office of the Prosecutor engaged in the prosecution of 10 trials (Kolundžija et al., Krnojelac, Kvočka et al., Vasiljević, Simić et al., Naletilić/Martinović, Galić, Brđanin/Talić, Milošević and Stakić) and the preparation of 15 others (Krajišnik/Plavšić, Dragan Nikolić, Obrenovic et al., Ademi, Hadžihasanović et al., Halilović, Strugar/Jokić, Banović et al., Gruban/Knežević, Ljubičić, Ojdanić/Šainović, Martić, Mrkšić, Mrda and Cestic).

Appeals work was undertaken on final judgements in six cases (Blaskic, Kunarac, Kordic/Cerkez, Krstić, Kvočka et al. and Krnojelac).

For the Public Information Services, the period covered by this report has been dominated by the case *The Prosecutor v. Slobodan Milošević*. From the transfer of the accused, on 29 June 2001, and his subsequent initial appearance on 3 July, and the opening day of his trial, on 12 February 2002, to closing of the Kosovo case by the Prosecutor, in the summer of 2002, this high-profile case has prompted an extraordinary increase of public interest in the Tribunal at large, and its legal work in particular. The number of groups visiting the Tribunal and attending part of a trial session has increased to 143, with a total of 3,539 visitors.

The Public Information Services, comprising 12 staff members divided into four work units (Press, Legal information, Publications and documentation, and Internet), have therefore undertaken to make sure that justice is seen being done, more than ever.

The Press Unit faced unprecedented media pressure: the monthly average of press contacts went from 3,100 to 13,100. The public exposure of the Tribunal was further enhanced by the availability of its senior officials to grant media interviews: a monthly average of 60 interviews were arranged for the President, the judges, the Prosecutor and her closest aides, the Registrar and other Registry officials. Every day, two news organizations throughout the world published an article on the Tribunal. According to estimates obtained from the European Broadcasting Union, the opening session of the trial of Slobodan Milošević was followed worldwide by 1 billion viewers.

The Legal Information Unit has continued to produce legal information materials (such as a weekly Status of Cases, regularly updated Fact Sheets on the Tribunal, and Cases or Trials Information Sheets, as well as a weekly Update) with the view to enabling observers to keep abreast of all legal developments in the Tribunal's courtrooms. Crucial in this regard was the continuing publication by the Unit of a monthly review of Tribunal case law, the *Judicial Supplements*. A quality survey of this publication was carried out during the reporting period and returned a high satisfaction rate (80 per cent). The *Judicial Supplement* has established itself as a major tool for fostering interest in, and knowledge of, Tribunal case law among legal professions.

The Publications and Documentation Unit has accommodated 5,158 requests for back copies of legal filings (mainly judgements). During the reporting period, the Unit was also able to resume the publication, in association with Kluwer Law International, of the *Judicial Reports*, the only official compilation of the Chambers' documents. The two 1996 volumes were at long last published while the 1997 volumes were being prepared at the time of writing of this report. It has been decided to discontinue the publication of the Tribunal's *Yearbooks* and *Basic Legal Documents*, owing to the use of the budgetary provision to fund the installation of an international press centre on the occasion of the opening of the Milošević trial. Those publications will, however, continue in a reshaped and financially more sound form on the Tribunal's Internet site.

More than ever, the Internet technology has proved to be a crucial information tool, making it possible to meet a number of information requests overwhelming any human resources potential. The Internet site of the Tribunal received a monthly average of 534,600 visits, as opposed to 90,000 during the previous reporting period. The audiovisual possibilities offered by the Web technology have also been better used: the Internet Unit, in conjunction with a non-governmental organization in the Netherlands and the Tribunal's Outreach Programme, has helped to arrange for the webcast of the hearings held at The Hague, in four languages (Albanian, English, French and Serbo-Croatian).

Recognizing that it is critically important to the success of the Tribunal for populations in the region of the former Yugoslavia to be informed about and understand the organization's work and significance, the Outreach Programme expanded its activities in the reporting period. The Programme maintains Outreach offices in Sarajevo, Zagreb, Pristina and Belgrade, which act as the Tribunal's main point of contact with the public in the territories of the former Yugoslavia. A small Outreach staff at The Hague coordinates their activities. Outreach strives to ensure that the Tribunal's activities are transparent, accessible and intelligible to different communities in the former Yugoslavia. Failure to provide such basic information not only permits groups hostile to the Tribunal to project negative and inaccurate information but militates against the Tribunal's achieving one of its key missions, contributing to the restoration and maintenance of peace in the region.

In the reporting period, the Outreach Programme produced and widely distributed a significant number of key and basic Tribunal documents in Bosnian/Croatian/Serbian and Albanian. These included all public indictments, judgements, rules of procedure, press releases and leaflets. Such materials have been made available in print form, on both CD-ROM and video, as well as being placed on an extensive Bosnian/Croatian/Serbian section of the Tribunal's web site managed by Outreach. Further assisting the availability of timely and accurate information on the Tribunal in languages of the region, the Outreach Programme has, with the technical assistance of the Public Information Services, established and maintained the live Internet broadcast of all public court sessions. Audiences are able to follow trials in English, French, Bosnian/Croatian/Serbian or, in cases relevant to Kosovo, Albanian.

The Outreach Programme has overseen several major symposiums in the region and ensured the participation of Tribunal representatives in numerous round tables, workshops and the like across the region. Separately, Outreach has arranged for groups of Tribunal judges to travel to the region of the former Yugoslavia to meet and discuss issues with fellow legal professionals. Importantly, Outreach has also brought persons and groups from the region of the former Yugoslavia to the seat of the Tribunal at The Hague to let them meet Tribunal officials and view court proceedings at first hand.

As the public profile of Outreach offices in the region has risen, the number of media enquiries has significantly increased. Outreach representatives provide extensive support to the regional media, participating in numerous print, radio and television interviews as well as providing the media with other extensive assistance. A comprehensive monitoring system of regional media has been established. The programme also plays an important role in tracking developments and reforms in domestic criminal justice systems, especially war crimes cases conducted by national authorities in the region. Outreach highlights the work of the Tribunal as an agency of reconciliation in south-eastern Europe, playing its part in securing the rule of law for the benefit of all citizens of the region.

Since its inception in September 1999, the Outreach Programme has been funded exclusively through voluntary contributions. In the period under review, support has been generously provided by the European Union, Norway and the Canadian International Development Agency. During the period, the capacity of the Tribunal to carry out its mandate was enhanced through voluntary contributions of \$4.1 million and donations in kind valued at \$10,600. Such contributions notably made possible the continuation of the Rules of the Road project and the Outreach Programme, both of which are funded entirely through voluntary contributions from Member States and organizations. Contributions received were also earmarked for the Victims and Witnesses Section to enable it to set up and maintain a liaison office in Sarajevo, and to enhance and expand the provision of protection services.

Contributions also supported specific projects and activities in the Office of the Prosecutor. Notably, support was provided during the period for an evidence unit backlog project, a negative scanning backlog project and a translation project; trial support for the Kosovo team; continuation of the demography project; a political officer to provide additional support to the Prosecutor in her efforts to persuade Governments to arrest persons indicted for war crimes; a military analyst to provide additional support to the Prosecutor in the analysis of military documents and specialized input into the forthcoming trials. During the period, the International Criminal Justice Resource Center donated five mobile communicators for the Victims and Witnesses Section valued at \$3,600. In 2002, The Scottish Court donated 12 television monitors valued at

\$7,000, which will supplement those currently used by the Tribunal to broadcast court activities to the general public, staff and accredited representatives of the press.

The reporting period has been a time of continuous development for the Tribunal, highlighted by the implementation of the ad litem reform. That reform, and the completion strategy, have demonstrated the Tribunal's conscious transition from an investigation-oriented organization to a more trial-based judicial institution. This positive development shows the increasing maturity of the Tribunal as an organization aiming to successfully complete its mandate in 2008 (first instance) and 2010 (second instance).

Chapter 7

Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

The bureau of the Committee consisted of Richard Ryan (Ireland) as Chairman and the delegations of Colombia and Singapore as Vice-Chairmen. During the period under review, the Committee held seven formal meetings and a number of informal meetings. In addition, a number of informal joint meetings were held with the Security Council Committees established pursuant to resolution 1132 (1997) concerning Sierra Leone and resolution 1343 (2001) concerning Liberia. Those meetings were held pursuant to resolutions 1306 (2000) and 1343 (2001).

On 28 June 2001, at the 35th meeting of the Committee, the Chairman reported on his visits to Bulgaria, Romania, the Russian Federation, Ukraine and the United Kingdom of Great Britain and Northern Ireland during the period from 4 to 15 June. He reported on discussions with representatives of those countries, in particular on trafficking in arms and diamonds. Subsequently, at informal consultations on 5 July 2001, he reported orally about those visits to the members of the Security Council.

On 28 September 2001, the Committee approved an updated list of senior UNITA officials and adult members of their immediate families, which was issued on 2 October 2001 as a press release. The list was forwarded to all 189 Member States and relevant

international organizations, together with a note by the Chairman of the Committee dated 11 October 2001, requesting them to inform the Committee of the action they had taken with respect to the list in the light of the relevant provisions of resolutions 1127 (1997) and 1173 (1998), which imposed representation, travel and financial sanctions. On 4 December 2001, the Chairman wrote to Member States again requesting them to report to the Committee, by 14 January 2002, on the specific action taken with respect to the list of UNITA senior officials and adult members of their immediate families. At its 38th meeting, on 20 November 2001, the Committee agreed that the responses received would be studied by the Monitoring Mechanism.

On 12 October 2001, at its 36th meeting, the Committee began its consideration of the supplementary report of the Monitoring Mechanism on Sanctions against UNITA (S/2001/966). A draft resolution of the Security Council to extend the mandate of the Mechanism was circulated at the meeting.

On 19 October 2001, the Committee issued a press release stating that the Government of Angola, in accordance with paragraph 19 of resolution 864 (1993), for the purposes of the implementation of the sanctions against UNITA, had identified two additional points of entry into Angolan territory, namely, the town of Soyo, Zaire Province, and the port of Cabinda, Cabinda Province.

On 4 December 2001, the Committee sent letters to the European Union and the Economic Community of West African States (ECOWAS), reiterating its concern at possible abuse by UNITA officials of the Schengen Agreement and ECOWAS travel documents and requesting again their observations on the issues raised in the letters sent to them on 20 February 2001.

On 11 December 2001, at its 39th meeting, the Committee completed its consideration of the recommendations contained in the Mechanism's last three reports, in accordance with paragraph 4 of resolution 1374 (2001). The Committee also stressed the importance of efforts made outside the framework of the United Nations for the implementation of the sanctions against UNITA. In this regard, the Committee expressed its interest in a report on progress made in the Kimberley Process which was to be submitted to the General Assembly at its fifty-sixth

session pursuant to Assembly resolution 55/56. On behalf of the Chairman of the Committee, a representative of the Permanent Mission of Ireland attended several meetings held within the Kimberley Process, in Brussels in April 2001; Moscow in July 2001; London in September 2001; Gaborone in November 2001; and in Ottawa in March 2002. Copies of the final communiqués of those meetings were forwarded to members of the Committee for their information. At the same meeting, the Committee considered the Mechanism's draft action plan, requested by the Council in resolution 1374 (2001). The Committee agreed that the Chairman would brief members of the Security Council regarding the implementation of paragraphs 4 and 5 of resolution 1374 (2001).

On 15 April 2002, at its 40th meeting, the Committee considered, on a preliminary basis, the report of the Monitoring Mechanism on Sanctions against UNITA submitted pursuant to paragraph 6 of resolution 1374 (2001) (S/2002/486). The Committee welcomed the report and agreed that sanctions should be kept in place until the peace process was irreversible. Regarding the Committee's list, the Chairman informed members that his delegation had been in contact with the Angolan delegation to produce a shorter and more detailed list. The Committee also decided to forward a number of letters received from Member States, requesting additional information related to the Committee's list, to the Permanent Mission of Angola for its consideration. The Committee continued its consideration of the Monitoring Mechanism's report at its 41st meeting, on 8 May 2002, and, at the conclusion of the debate, decided to formally present the report to the President of the Security Council. At the same time, the Monitoring Mechanism's action plan for its future work was distributed among members in accordance with resolution 1404 (2002).

On 20 May 2002 the Committee issued a press release on the suspension of the travel ban imposed in paragraphs 4 (a) and (b) of resolution 1127 (1997) on UNITA senior officials and adult members of their immediate families, as designated by the Committee, for a period of 90 days commencing on 17 May 2002. States were in that connection reminded that all other measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998) remained in force.

The Committee adopted its annual report for 2001 to the Security Council on 1 March 2002 (S/2002/243).

Chapter 8 Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

The bureau of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda consisted, for 2001, of Moctar Ouane (Mali) as Chairman, the delegations of Ireland and Tunisia providing the two Vice-Chairmen. For 2002, the members of the Council elected Mikhail Wehbe (Syrian Arab Republic) as Chairman, the delegations of Guinea and Ireland providing the Vice-Chairmen.

The Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda adopted its annual report for 2001 to the Security Council on 10 January 2002 (S/2002/49).

Chapter 9 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

As at 31 July 2002 the International Tribunal for Rwanda had 22 accused persons on trial in nine cases before its three Trial Chambers. A total of 29 persons are awaiting trial. Trials of nine persons had been completed, eight of them being convicted and one acquitted. Of the 80 accused persons indicted by the Tribunal, 51 (excluding the eight convicts) are in custody, while 20 are at large and strenuous efforts to locate and apprehend them are continuing.

Several judicial policy issues with far-reaching implications for the Tribunal have been addressed in the period under review. The large numbers of persons awaiting trial have raised concern about the need to bring those detainees to trial as soon as possible and complete the work of the Tribunal in the near future. The Tribunal has mapped out a clear “completion strategy” that depends largely on the availability of additional judicial personnel, as the present three Trial Chambers are carrying a heavy caseload, and several cases that are ready to go to trial cannot begin without additional manpower.

The President of the Tribunal therefore submitted a proposal on 9 July 2001 to the Security Council for the creation of a pool of 18 *ad litem* judges for the Tribunal, similar to the solution adopted for the judicial backlog at the International Tribunal for the Former Yugoslavia. The Tribunal believes that, should the Security Council grant this request and if nine *ad litem* judges are deployed to serve at the Tribunal and hear cases, it should be able to complete trials at first instance by 2008. A decision by the Security Council on the Tribunal’s request is still pending.

The Tribunal’s projection for the completion of its trials also depends to a large extent on the number of investigations pursued, and indictments issued by the Prosecutor. Following a rigorous review of her investigative priorities, the Prosecutor has indicated that she will now conduct new investigations against 14 individuals, in addition to 10 ongoing investigations as at 31 July 2002. This brings to 24 the total number of expected new indictments to be submitted by the Prosecutor for confirmation by the judges of the Tribunal by the end of 2004 (the projected end of her investigative activity).

At its twelfth plenary session, on 5 and 6 July 2002, the Tribunal adopted a new rule in its Rules of Procedure and Evidence, rule 11 bis, to facilitate the transfer of cases where indictments have been confirmed by the Tribunal to national jurisdictions for trial. The aim of this new rule is to facilitate the exercise of the concurrent jurisdiction of national courts recognized in article 8 of the Tribunal’s statute, and thus permit the Tribunal to focus its attention on the most important cases before it in order to complete its work by 2008.

Serious difficulties developed in June 2002 in the work of the Tribunal following a withdrawal of

cooperation by the Government of Rwanda, in particular an apparent unwillingness to facilitate the travel of several prosecution witnesses from Rwanda to Arusha to testify at the trials. The unavailability of witnesses in two cases, the Butare trial of six accused persons and the Niyitegeka case, resulted in the postponement of both trials for several months. The two Trial Chambers hearing the cases issued oral decisions reiterating Rwanda’s legal obligations to cooperate with the Tribunal in accordance with the statute of the Tribunal. Furthermore, the President of the Tribunal, in a letter to the President of the Security Council dated 26 July 2002 (S/2002/847), brought the difficulties faced by the Tribunal as a result of the non-cooperation of Rwanda to the attention of the Council.

Developments in recent months have highlighted the potential contribution of the work of the Tribunal to peace in the Great Lakes region of Africa, including the Democratic Republic of the Congo. In February 2002, the Registrar of the Tribunal undertook a mission to the Democratic Republic of the Congo and the Republic of the Congo. He met with the heads of State of both countries and requested their cooperation in apprehending and handing over to the Tribunal persons it had indicted and who were believed to be taking refuge in those countries. Several of the indicted persons, in particular senior military officers, are believed to have been actively involved in the conflicts in those two countries in recent years. Both leaders undertook to cooperate with the Tribunal in this regard. No visible, concrete measures to apprehend the accused persons had been taken by those countries as at 31 July 2002, however.

Subsequent to the Registrar’s mission to the Democratic Republic of the Congo, the Congolese authorities, in a letter to the Registrar of the Tribunal dated 10 May 2002, formally invited the Tribunal to open an “antenna office” in that country. The request is under review by the Tribunal.

In a significant gesture of support for the work of the Tribunal, the Government of the United States of America has also actively relaunched its “Rewards for Justice” programme. The programme has offered rewards of up to \$5 million for information leading to the arrest of several persons indicted by the Tribunal and believed to be taking refuge in countries in East and Central Africa.

Chapter 10

Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

On 19 December 2001, by resolution 1385 (2001), the Security Council extended for a period of 11 months, from 5 January 2002, the measures imposed by paragraph 1 of resolution 1306 (2000), whereby the Council had decided that all States should take the necessary measures to prohibit the direct or indirect import of all rough diamonds from Sierra Leone to their territory, except that, pursuant to paragraph 5 of resolution 1306 (2000), rough diamonds controlled by the Government of Sierra Leone under the certificate of origin regime would continue to be exempt from those measures.

In 2001, the bureau of the Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone consisted of Anwarul Karim Chowdhury (Bangladesh) as Chairman, from 1 January to 5 September 2001, the delegations of Mali and Singapore serving as Vice-Chairmen. Iftekhar Ahmed Chowdhury (Bangladesh) served as Chairman of the Committee from 29 November to 31 December 2001. For the period of 2002 covered by this report, Jorge Eduardo Navarrete (Mexico) (1 to 27 January) and Adolfo Aguilar Zinser (Mexico) (from 28 January) served as Chairmen, the delegations of Cameroon and Singapore serving as Vice-Chairmen.

In a letter dated 13 August 2001 to the President of the Security Council, the Chairman noted that the Committee, on 31 July 2001, had considered the second 90-day review of the certificate of origin regime for trade in Sierra Leone diamonds (S/2001/794).

At the request of the Committee the Chairman addressed a letter, dated 13 August 2001, to the Permanent Representative of Belgium to the United Nations, expressing the interest of the Committee in receiving from his Government any statistics it might be able to provide regarding diamonds exported from countries of the West African region, for use by the Committee in its monitoring of efforts to curtail the role of conflict diamonds in fuelling conflict in the region. In a letter dated 13 March 2002, the Permanent Representative of Belgium enclosed a dossier listing a

number of problems encountered in the implementation of the certificate of origin system for Sierra Leone rough diamonds and the steps taken by the Belgian authorities.

The Chairman attached to his letter dated 27 August 2001 to the President of the Security Council the text of a press statement issued on 21 August 2001 by the Government of Sierra Leone, relating to an incident and police investigation of suspected transactions in illicit diamonds in the Freetown area (see S/2001/827).

On 15 November 2001, the Committee approved a request from the Government of Sierra Leone for an exemption to paragraph 5 of resolution 1171 (1998), to allow Pallo Bangura to travel to Nigeria for the purpose of undergoing training to assist in transforming the Revolutionary United Front into a political party.

On 7 December 2001, the Committee considered a letter dated 4 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, bringing to the attention of the Chairman alleged violations described in the report of the Panel of Experts on Liberia (S/2001/1015), pertaining to the measures imposed by resolutions 1171 (1998) and 1306 (2000). On 14 December 2001, the Chairman addressed letters to the Permanent Representatives of the countries concerned requesting any information that could shed light on alleged breaches of paragraph 5 of resolution 1171 (1998), reported by the Panel of Experts on Liberia.

On 26 March 2002 the Committee considered a note verbale dated 5 March 2002 from the Permanent Mission of Belgium detailing the actions taken by the Government of Belgium with regard to Victor Bout, who had been the subject of allegations contained in the reports of the Panels of Experts on Liberia and Sierra Leone, as well as in the report of the Monitoring Mechanism on Sanctions against UNITA.

At the same meeting, the Committee discussed a proposal for a joint meeting of the Angola, Liberia and Sierra Leone sanctions committees to explore areas of common concern and possible collaboration. The Committee also adopted the revised consolidated guidelines for the conduct of its work, which had been prepared to take account of the adoption of Security Council resolution 1306 (2000). The Deputy Permanent Representative of Mexico briefed members on the

results of the meeting of the Kimberly Process, held in Ottawa from 18 to 20 March 2002.

On 11 July 2002, the Chairman of the Committee briefed the members on his fact-finding mission to the countries of the Mano River Union, which had also included meetings in Brussels (Task Force on Diamonds), Vienna (Wassenaar Arrangement Secretariat) and Lyon (Interpol). The Chairman stated that he had undertaken his mission to hear the views of principal actors on possible modification of the sanctions relating to Sierra Leone to better support the newly installed Government, and to reflect the actions taken by some of the players in supporting the peace process.

On 22 July 2002, the Committee examined the fourth 90-day review of the certificate of origin regime for trade in Sierra Leone diamonds, prepared by the Government of Sierra Leone and submitted in compliance with paragraph 2 of resolution 1306 (2000), and the Chairman addressed a letter to the President of the Security Council transmitting the report (S/2002/826).

To date, the Committee has received a total of 23 replies from States on the implementation of paragraph 17, and 43 replies on the implementation of paragraph 8, of resolution 1306 (2000).

During the reporting period, the Committee held six meetings.

The Committee adopted its annual report to the Security Council for 2001 on 11 January 2002 (S/2002/50).

Chapter 11

Security Council Committee established pursuant to resolution 1267 (1999)*

The Committee established pursuant to resolution 1267 (1999) was active in discharging the responsibilities set out in resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Following the terrorist attacks in the United States of America on 11 September 2001, the Committee concentrated its

efforts on the approval of the new guidelines for the conduct its work and the improvement of the lists of individuals and entities associated with the Taliban and al-Qa'idah.

In 2001, the bureau of the Committee consisted of Alfonso Valdivieso (Colombia) as Chairman, and the delegations of Mali and Ukraine as Vice-Chairmen. For the period of 2002 covered by this report Alfonso Valdivieso continued to serve as Chairman, the delegations of Guinea and Singapore as Vice-Chairmen.

In paragraph 3 of its resolution 1363 (2001) the Security Council requested the Secretary-General to establish, in consultation with the Committee, within 30 days of the date of the adoption of that resolution, and for a period running concurrently with the application of the measures imposed by resolution 1333 (2000), a Monitoring Group in New York. The Group submitted its report to the Committee on 14 January 2002 (S/2002/65).

On 16 January 2002, by resolution 1390 (2002), the Security Council decided that all States should take a series of measures with respect to Osama bin Laden, members of al-Qa'idah and the Taliban and others associated with them, including freezing without delay their economic resources, preventing their entry into or the transit through their territories, and preventing the supply, sale and transfer of arms and related materiel to them. The Council also requested the Committee to regularly update the list of members of al-Qa'idah and the Taliban and other individuals, groups, undertakings and entities associated with them and to seek information from all States regarding the action taken by them to effectively implement the measures set out in resolution 1390 (2002). The Council further requested the Secretary-General to assign the Monitoring Group established pursuant to resolution 1363 (2001) to monitor, for a period of 12 months, the implementation of the aforementioned measures.

During discussions in the Committee in January 2002, it was noted that resolution 1390 (2002) did not make reference to any specific territory. In that connection it was decided to consider renaming the Committee excluding the reference to Afghanistan. The Committee also decided to send a letter to the International Air Transport Association (IATA) requesting the release of approximately \$25 million to the Interim Administration of Afghanistan. The funds

* Formerly Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan.

derived from fees collected by IATA for overflights over Afghanistan were held in escrow by IATA.

In February 2002, the Committee considered a request for the removal of three individuals and one entity from the Committee's list. The Committee was not able to reach a consensus on the request and therefore the aforementioned individuals and one entity remained on the list.

In May 2002, the Monitoring Group briefed members of the Committee on the substantive issues contained in the report it had submitted pursuant to paragraph 10 of resolution 1390 (2002) (S/2002/541). The Chairman of the Monitoring Group suggested that the Committee issue a statement clarifying the mandate of the Group vis-à-vis the Counter-Terrorism Committee, as there continued to be some confusion among Member States regarding their respective roles.

By paragraph 20 of resolution 1333 (2000), all States were requested to report to the Committee, within 30 days of the coming into force of the resolution, on the steps they had taken to enforce the measures imposed by its paragraphs 5, 8, 10 and 11. On 4 April 2001, the Chairman issued a report (S/2001/326) listing the replies from 46 Member States. An addendum to the report, listing 20 additional replies, was issued on 21 November 2001 (S/2001/326/Add.1).

In paragraph 6 of resolution 1390 (2002) the Security Council requested all States to report to the Committee, no later than 90 days from the date of adoption of the resolution, on the steps taken to freeze the economic resources of Osama bin Laden, members of al-Qa'idah and the Taliban and others associated with them, to prevent their entry into or transit through their territories and to prevent the supply, sale and transfer of arms and related materiel to them. As at 30 June 2002 replies from 67 States had been received (S/2002/736).

During the reporting period the Committee held seven formal meetings and nine informal consultations at the expert level.

The Committee adopted its annual report to the Security Council for 2001 on 17 January 2002 (S/2002/101).

Chapter 12 Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia

On 16 January 2002, the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia adopted its annual report to the Security Council (S/2002/83).

The bureau of the Committee consisted, for 2001, of Kishore Mahbubani (Singapore) as Chairman, the delegations of Ireland and Mauritius providing the Vice-Chairmen. For the period of 2002 covered by this report, Kishore Mahbubani (Singapore) continued to serve as Chairman, the delegations of Mauritius and the Syrian Arab Republic serving as Vice-Chairmen.

During the period under review, the Committee held 11 formal meetings and several informal consultations to discuss various issues related to the sanctions regime.

During the reporting period, the Committee received 28 notifications of travel under paragraph 7 (a) of resolution 1343 (2001) and considered 71 requests for travel ban waivers under paragraph 7 (b) of the resolution, of which 42 were granted. The Committee also received 28 requests for deletion from the list of persons affected by the travel ban and has yet to receive any request for exemption of non-lethal military equipment under paragraph 5 (c).

At its 4th, 5th and 9th meetings, held on 20 July, 7 August and 12 December 2001, respectively, the Committee decided to retain the names of seven persons who had requested that their names be removed from the list of persons affected by the travel ban. On 18 December 2001, pursuant to the decision taken at its 5th meeting to conduct quarterly reviews of the travel ban list, the Committee decided, under the no-objection procedure, to delete the names of five persons. The travel ban list was reissued as a press release on 26 December 2001.

The Committee has had detailed discussions but has not yet been able to adopt guidelines for the conduct of its work as mandated under paragraph 14 (c) of resolution 1343 (2001). Pursuant to paragraph

18 of that resolution, by which States are requested to report to the Committee within 30 days of the promulgation of the travel ban list on the actions they have taken to implement the measures imposed by paragraphs 5 to 7, to date 44 replies have been received from States in response to the Committee's note verbale of 7 June 2001 and its follow-up notes of 27 August 2001 and 30 May 2002.

The report of the Panel of Experts pursuant to paragraph 19 (e) of resolution 1343 (2001) (S/2001/1015) was considered by the Committee on 22 and 25 October, in informal consultations of the Security Council on 2 November and in a public debate of the Security Council on 5 November 2001 (4405th meeting). The alleged violations described in the report, and the Panel's recommendations, were subsequently considered by the Committee on 16 and 28 November and 12 December 2001 and on 17 January and 11 March 2002. At its 10th and 11th meetings, on 17 January and 11 March 2002, the Committee agreed to address letters to seek information from States alleged to have violated paragraph 7 of resolution 1343 (2001).

The Security Council, on 7 November 2001, held its second review as provided for in paragraph 23 of resolution 1343 (2001) and considered an oral report by the Chairman, the report of the Panel of Experts (S/2001/1015) and the reports of the Secretary-General (S/2001/939, S/2001/965 and S/2001/1025) on Liberia's compliance with the sanctions regime.

At the quarterly review of the travel ban list conducted at its 11th meeting on 11 March 2002, the Committee decided to delete the names of two individuals from the list and to retain the names of two others for whom requests to be removed from the list had been received. At the same meeting, the Committee decided against the addition of five names that had been proposed for inclusion in the travel ban list.

At its 10th and 11th meetings, the Committee discussed a proposal to convene a joint meeting of the Angola, Liberia and Sierra Leone sanctions committees to discuss issues of common interest, and to share experiences and lessons learned.

On 19 April 2002, at its 12th meeting, the Committee considered the report of the Panel of Experts on Liberia submitted pursuant to paragraph 4 of resolution 1395 (2002) and decided to forward the report to the President of the Security Council for issuance as a document of the Council (S/2002/470).

At the quarterly review of the travel ban list conducted at its 13th meeting, on 9 July 2002, the Committee decided to delete the names of three persons and to retain the names of eight persons who had requested that their names be removed from the list. The Committee also decided to defer a decision regarding two persons who had requested that their names be deleted from the list. In addition, the Committee decided to retain the names of five persons proposed by a member for removal, and to defer a decision on the names of a further six individuals proposed by a member for deletion from the list. The list was subsequently reissued as a press release. Pursuant to paragraph 14 of resolution 1408 (2002) the Committee agreed to send letters to the States alleged to have violated the measures imposed by paragraph 8 of resolution 788 (1992).

Chapter 13

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter- terrorism

By its resolution 1373 (2001) of 28 September 2001, the Security Council, acting under Chapter VII of the Charter of the United Nations, reaffirmed its unequivocal condemnation of the terrorist attacks in New York, Washington, D.C., and Pennsylvania of 11 September 2001, and set out a comprehensive agenda for targeting terrorists and those who harbour, aid and support them. The resolution requires all States to cooperate in a wide range of areas, from suppressing the financing of terrorism to providing early warning, as well as cooperating in criminal investigations, and exchanging information on possible terrorist acts, and to report on the steps they have taken to implement the resolution.

By that resolution the Security Council established a Counter-Terrorism Committee to monitor implementation of the resolution, with the assistance of appropriate expertise. It directed the Committee to consider the support it would require, in consultation with the Secretary-General.

Further, the Security Council, in the declaration annexed to resolution 1377 (2001), of 12 November 2001, invited the Committee to explore ways in which States could be assisted, and in particular to explore with international, regional and subregional organizations the promotion of best practice in the areas covered by resolution 1373 (2001) and the availability of existing technical, financial, regulatory, legislative or other assistance programmes.

The bureau of the Committee is composed of Sir Jeremy Greenstock (United Kingdom of Great Britain and Northern Ireland) as Chairman, with the delegations of Colombia, Mauritius and the Russian Federation serving as Vice-Chairmen.

The Committee is assisted by a number of expert advisers appointed by the Secretariat with the approval of the Committee, taking account of relevant expertise and the principle of equitable geographical representation. In response to the Secretariat's note verbale of 23 October, in which the Chairman had expressed the hope that Member States would be prepared to offer qualified candidates in relation to the provision of expert advice to the Committee, 131 names of experts from the following 49 States have been submitted: Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, Colombia, Cuba, Denmark, Egypt, Finland, France, Georgia, Germany, Greece, Guatemala, India, Israel, Italy, Jamaica, Japan, Liechtenstein, Madagascar, Mali, Morocco, Norway, Netherlands, Panama, Peru, Portugal, Qatar, Romania, the Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Sudan, Switzerland, Tunisia, Venezuela, United Kingdom and United States.

The experts currently appointed are from Australia, Austria, the Bahamas, India, Jamaica, the Netherlands and Tunisia.

As at 31 July, the Committee has received 166 initial reports from Member States and four others pursuant to paragraph 6 of resolution 1373 (2001), which are available on the Committee's web site (<http://www.un.org/Docs/sc/committees/1373/>). To

facilitate the preparation of the reports, the Chairman issued guidance for their submission on 26 October 2001. The Committee has also adopted replies from the Chairman in respect of 132 reports, having requested a follow-up report from every State. Fifty-seven supplementary reports have been received as at 31 July.

As set forth in its second programme of work (S/2002/67), the Committee has established three Subcommittees, each composed of five of its members and chaired by one of the Vice-Chairmen, to hold an initial discussion of each report, in which members of the Subcommittee and the experts participate. The Subcommittees have also invited the States concerned to attend part of their discussion of the report.

In response to the Secretariat's note verbale of 23 October, by which all Member States, including the permanent and non-permanent members of the Security Council, were requested to supply a list of designated contact points, one in the permanent mission and one in the Government's ministry or agency, 177 States have submitted replies. A total of 28 United Nations agencies and Secretariat departments and 35 international or regional organizations have also replied.

In response to notes verbales addressed to Member States and international or regional organizations in a position to offer assistance in the area of legislative and administrative practice covered by resolution 1373 (2001), 19 responses have been received from 10 States (Bahamas, Canada, China, Cuba, France, Japan, Norway, Spain, United Kingdom and United States) and the following nine organizations: Commonwealth Secretariat, European Commission, International Monetary Fund, Inter-American Committee against Terrorism, International Atomic Energy Agency, International Civil Aviation Organization, Organization for Security and Cooperation in Europe, International Maritime Organization, International Labour Organization. These have been incorporated in the directory of assistance, and can be found on the Committee's web site, together with other relevant information.

During the period under review the Committee held 37 formal meetings of the whole, and 69 Subcommittee meetings (36 meetings with experts and 33 with Member States). The Chairman also held 17 meetings with interested Member States. The Security Council held a ministerial meeting relating to the work

Work of the subsidiary bodies of the Security Council

of the Committee on 12 November 2001, informal consultations on 2 April, and three open debates, on 18 January, 15 April and 27 June, respectively.

Pursuant to its second open debate, on 15 April, the Security Council, by presidential statement S/PRST/2002/10, confirmed the continuation of the

current chairmanship and bureau arrangements for a further six months. The Security Council also invited the Committee to report on its activities at regular intervals and declared its intention to review the structures and activities of the Committee no later than 4 October 2002.