1. INTRODUCTION

In 2010 both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) made progress towards the completion strategy. In this respect, the Presidents of both tribunals drew the Security Council’s attention to the alarming rate of staff attrition which contributes to delays in the completion strategy. To finalize the work of the two criminal tribunals, the UN Security Council decided to establish, with Resolution 1966 (2010) of 22 December 2010, an ad hoc mechanism, the so-called “International Residual Mechanism for Criminal Tribunals”. The Mechanism, according to its own Statute, is scheduled to start its mandate on 1 July 2012 for the ICTR and on 1 July 2013 for the ICTY. Both the ICTY and ICTR have been requested to take all possible measures to expeditiously complete all their remaining work by 31 December 2014. Upon the closure of the ICTY and the ICTR, the Mechanism will continue the material, territorial, temporal and personal jurisdiction of the ICTY and the ICTR. It will perform its functions from two separate branches, the ICTY branch located in The Hague and the ICTR branch located in Arusha. It will consist of two separate Trial Chambers and of a common Appeals Chamber, prosecutor, and registry. Under Article 5 of its Statute, the Mechanism will have “primacy over national courts”.

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2 Following requests by the Presidents of the ICTY and ICTR, the UN Security Council, with Resolution 1931 (2010) and Resolution 1032 (2010) adopted on 29 June 2010, extended the terms of office of seven permanent appeals judges until December 2012. The terms of eight permanent trial judges and ten ad litem judges at the ICTY and of five permanent judges and nine ad litem judges at the ICTR were also extended until December 2011 (cf. respectively UN Doc. S/RES/1931 (2010) and UN Doc. S/RES/1932 (2010)).

3 The Resolution was adopted under Chapter VII of the UN Charter, by a vote of 14 to none, with only the abstention Russian Federation. The representative of the Russian Federation justified his abstention stating that the ad hoc Tribunals had had every opportunity to complete their work by the dates already agreed.


5 The Statute of the International Residual Mechanism, annexed to Resolution 1966 (2010), sets out the rules relating to the competence, functions, structure, organization and jurisdiction of
As for the International Criminal Court (ICC), worthy of mention are the issue of the second arrest warrant against the serving President of Sudan Al-Bashir, the stay of proceedings in the case against Lubanga Dyilo in respect of the situation in the Democratic Republic of the Congo (DRC), the decisions on the admissibility of the case against Bemba Gombo concerning the situation in the Central African Republic (CAR), and the authorization of an investigation into the situation in the Republic of Kenya in relation to the post-election violence of 2007-2008, the first case in which the ICC exercises its jurisdiction *proprio motu*.

“Hybrid” criminal tribunals – namely, the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Special Court for Sierra Leone (SCSL) and the Special Tribunal for Lebanon (STL) – continued their activity with some remarkable judicial events, among which worthy of mention is an analysis of the right of access to courts as grounded in international customary law (probably also in international *jus cogens*) made by the STL President.

2. The ICTY’s Case Law

In 2010 the ICTY handed down six judgments, including two contempt cases, four by the Appeals Chamber in: *Boškoski and Tarčulovski; Šešelj; Haradinaj et al.*; and **Slim vančanin**, the remaining by the Trial Chamber in: *Tabaković*; and *Popović et al.* A trial proceeding commenced on 26 February 2010 concerning Zdravko Tolimir. In a number of decisions handed down in 2010, ICTY President Judge P. Robinson granted early release of Mitar Vasiljević\(^7\) and Duško Sikirica,\(^8\) while he denied pardon or commutation of sentence to Dragan Zelenović\(^9\) and Zoran

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\(^8\) *Prosecutor v. Duško Sikirica*, Case No. IT-95-8-ES, Decision of President on early release of Duško Sikirica of 21 June 2010.