



Security Council

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Letter dated 13 December 2021 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution [1966 \(2010\)](#), adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals, and, in particular, to article 10, paragraph 2, of the statute of the Mechanism (annex 1 to the resolution), on the appointment of a person to fill a vacancy in the roster of judges of the Mechanism.

Article 8, paragraph 1, of the statute provides that the Mechanism shall have a roster of 25 independent judges.

One of the judges of the Mechanism, Mr. Theodor Meron (United States of America), resigned from the roster with effect from 17 November 2021, leaving a vacancy.

In that regard, article 10, paragraph 2, of the statute provides that, in the event of a vacancy in the roster, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 9, paragraph 1, of the statute, for the remainder of the term of office concerned.

Furthermore, article 9, paragraph 1, of the statute specifies that the judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. Particular account shall be taken of experience as judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda.

However, the procedure for identifying a candidate for consideration for appointment under article 10, paragraph 2, which is applicable when a vacancy arises owing to the death or resignation of a judge during his or her term of service, is not prescribed in the statute.

In accordance with the established practice regarding the appointment of a judge to fill a vacancy at the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, which has been systematically followed for the purposes of filling a vacancy in the roster of judges of the Mechanism since 2016, the State of the nationality of the judge to be replaced is invited to nominate another candidate.

I am pleased to inform you that the United States of America has nominated Ms. Margaret Anne McAuliffe deGuzman to replace Judge Meron for the remainder of the term of office, which ends on 30 June 2022.



It is my view that Ms. deGuzman meets the qualifications that are prescribed in article 9, paragraph 1, of the statute of the Mechanism.

On that basis and in accordance with article 10, paragraph 2, of the statute, I look forward to receiving your views on the appointment of Ms. deGuzman as a judge of the Mechanism.

(Signed) António **Guterres**
