



General Assembly

Seventy-fourth session

19th plenary meeting
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Official Records

President: Mr. Muhammad-Bande (Nigeria)

In the absence of the President, Mr. García Moritán (Argentina), Vice-President, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

Note by the Secretary-General (A/74/294)

The Acting President (*spoke in Spanish*): In the note by the Secretary-General contained in document A/74/294, he informs the Assembly of the resignation of Mr. Hitoshi Kozaki (Japan) from the United Nations Staff Pension Committee, effective 15 October 2019. The General Assembly will therefore be required at its current session to appoint a person to fill the remainder of the term of office of Mr. Kozaki, which expires on 31 December 2020.

As the agenda of the current session does not include a sub-item on the appointment of members and alternate members of the United Nations Staff Pension Committee, the Secretary-General has deemed it necessary to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the seventy-fourth session of the General Assembly of an additional sub-item entitled “Appointment of members and alternate members of the United Nations Staff Pension Committee”, under agenda item 115, “Appointments to fill vacancies in subsidiary organs and other appointments”.

Owing to the nature of the sub-item, unless there is an objection, may I take it that the General Assembly agrees to waive the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this additional sub-item on the agenda?

It was so decided.

The Acting President (*spoke in Spanish*): May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional sub-item, entitled “Appointment of members and alternate members of the United Nations Staff Pension Committee”, as a sub-item of agenda item 115, “Appointments to fill vacancies in subsidiary organs and other appointments”, under heading I (Organizational, administrative and other matters)?

It was so decided (decision 74/503).

The Acting President (*spoke in Spanish*): Owing to the nature of the sub-item, the Secretary-General also requests that it be allocated to the Fifth Committee.

May I take it that it is the wish of the Assembly to allocate this sub-item to the Fifth Committee?

It was so decided.

The Acting President (*spoke in Spanish*): I should like to inform members that this additional sub-item becomes sub-item (j) of agenda item 115 of the current session.

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Agenda item 127**International Residual Mechanism for Criminal Tribunals****Note by the Secretary-General (A/74/267)**

The Acting President (*spoke in Spanish*): I now call on Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals.

Judge Agius (International Residual Mechanism for Criminal Tribunals): It is my deep honour to address the General Assembly for the first time in my capacity as President of the International Residual Mechanism for Criminal Tribunals as the Assembly meets to consider the seventh annual report of the Mechanism (see A/74/267), which covers the period 1 July 2018 to 30 June 2019.

I am particularly pleased to do so today under the presidency of His Excellency Mr. Tijjani Muhammad-Bande of Nigeria. I warmly congratulate him on his election as President of the General Assembly at its seventy-fourth session and wish him every success in that office. Before turning to the substance of my remarks, I wish to express my sincere gratitude for the unwavering support of the Secretary-General for the Mechanism's work, as well as the continued assistance provided by the Legal Counsel and the Office of Legal Affairs.

I will begin by recalling that the Mechanism's predecessor institutions — the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY) — were born of a shared commitment to peace, justice and the rule of law. For almost a quarter of a century, they played a truly ground-breaking role in the global fight against impunity. The Mechanism was born equally of that commitment and of a recognition of the fundamental need to close the impunity gap by concluding the work of the two ad hoc tribunals, including by ensuring that the remaining fugitives who were indicted by the ICTR can and will still be tried.

I would like to thank all States Members of the United Nations and the international community as a whole for their enduring support and assistance to the ICTR, the ICTY and the International Residual Mechanism, which has enabled those pioneering institutions to succeed beyond all expectations so far. At the same time, I must emphasize how crucial it is that the international community, and the General Assembly

in particular, continue to support the Mechanism in its vital mission.

As the annual report notes, more than half of the reporting period fell under the very capable and dedicated leadership of my predecessor, Judge Theodor Meron. On behalf of the Mechanism, I wish to once again express my sincere thanks to him. I am very pleased to note that throughout the reporting period, the Mechanism made solid progress in relation to its mandated functions. However, let me assure the Assembly that we are not complacent. There are still a number of challenges ahead, and as always I am committed to doing my utmost to address them diligently and responsibly.

With regard to our current caseload, I wish to apprise the Assembly of two main developments since the annual report was submitted in August. At the Mechanism's Arusha branch, the review hearing in the case of *Prosecutor v. Augustin Ngirabatware* was successfully conducted from 16 to 24 September, and the Appeals Chamber rendered its review judgment on 27 September, months ahead of the anticipated schedule for the conclusion of the case. The Appeals Chamber found that Ngirabatware had not proved that witnesses had truthfully recanted their trial testimonies, and it consequently decided that the appeal judgment remains in force in his case.

Although that was the first review hearing before the Mechanism, it was not the first request for a review of an appeal judgment, and it will not be the last. For that reason, the Mechanism will have to be adequately resourced in order to adjudicate such requests as they arise. At the same time, I draw the Assembly's attention to the high threshold elaborated in the *Ngirabatware* review judgment, in which the Appeals Chamber stated that

“it will not lightly disturb on review a trial chamber's credibility assessment, which was subjected to appellate review, based on a witness's subsequent conduct occurring years after their original testimony”

and that

“an applicant bears a heavy burden in showing that the conduct of a witness, occurring significantly post trial testimony, taints their original testimony”.

The second recent development at the Arusha branch also relates to Ngirabatware. I am referring

here to the confirmation on 10 October — just a few days ago — of an indictment against Ngirabatware for contempt and incitement to commit contempt of both the ICTR and the Mechanism. The Prosecution alleges that Ngirabatware has interfered with or bribed witnesses or has incited others to do so in order secure an overturning of his convictions and that he has also violated witness protection orders. Ngirabatware's initial appearance took place on 17 October, during which he pleaded not guilty, and the Prosecution indicated that it would request the joinder of that new case with the ongoing contempt proceedings against Maximilien Turinabo and others. The request for joinder was filed publicly a day later, on 18 October. Turinabo and his four co-accused are also alleged to have interfered with witnesses in order to secure Ngirabatware's acquittal. The *Prosecutor v. Maximilien Turinabo et al.* case is in a very active pre-trial phase, and while the start date of the trial is yet to be defined — owing largely to the pending request for joinder — it is currently envisaged that the hearings will commence in the first half of next year and that the trial will conclude before the end of 2020.

Turning to the judicial activities at the Mechanism's branch in The Hague, I am pleased to report that everything remains on track. In the case of *Prosecutor v. Radovan Karadžić*, the Appeals Chamber delivered its judgment on 20 March, marking another important step towards the fulfilment of the Mechanism's mandate. In its judgment, the Appeals Chamber reversed in part convictions related to certain incidents and affirmed the remainder of Karadžić's convictions for genocide, crimes against humanity and war crimes. By majority, the Appeals Chamber set aside the Trial Chamber's sentence of 40 years' imprisonment and instead imposed on Karadžić a sentence of life imprisonment.

In the re-trial of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the presentation of the Prosecution's case has concluded, and the defence case started on 18 June with the opening statement by the defence team for Jovica Stanišić. The defence case for Franko Simatović will commence on 5 November 2019, and it is expected that the trial will be concluded and judgment delivered by the end of 2020.

In *Prosecutor v. Ratko Mladić*, the briefing of the appeals brought by both parties was concluded in November 2018, and the appeals are currently being prepared for a hearing. I am pleased to report that, even though several Judges on the bench were replaced in

September 2018, the appeal judgment is still on track to be delivered by the end of 2020.

Finally, in the contempt case against Petar Jojić and Vjerica Radeta, which the Mechanism inherited from the ICTY, the single Judge issued a decision on 13 May revoking the earlier referral of the case to Serbia, and in June Serbia sought to appeal that decision. The matter is currently pending before the Appeals Chamber, over which I myself am presiding.

Before moving on to other matters, I wish to thank the Mechanism's dedicated Judges and Chambers staff for their outstanding efforts during the reporting period in relation to the aforementioned cases. I also wish to express my heartfelt gratitude to all other Mechanism staff, as well as the Mechanism's Prosecutor and Registrar, for their continued excellent and hard work and their commitment in carrying out the Mechanism's numerous mandated functions on a daily basis.

While we are making progress in relation to the current caseload, it is important to bear in mind that the Security Council has tasked the Mechanism with a range of other residual functions that will continue once the core judicial work is concluded. For instance, as long as any of our victims or witnesses remain in need of protection, the Mechanism will have a role to play. The same applies to our responsibilities in relation to supervising the enforcement of sentences of persons convicted by the ICTR, the ICTY or the Mechanism, providing assistance to national jurisdictions, monitoring cases referred to national jurisdictions and preserving and managing the archives of the Mechanism and its predecessor Tribunals.

The enforcement of sentences, which includes matters such as applications for pardon, commutation of sentence or early release of convicted persons, is a complex and dynamic area to which I dedicate a significant proportion of my time and energy. I recall that, while the day-to-day enforcement of sentences is primarily undertaken pursuant to the national law of the relevant enforcing States, subject to the overall supervision of the Mechanism, requests for early release are decided by myself as President, in accordance with the Mechanism's legal framework and jurisprudence. It is worth noting in that regard that I am currently refining my approach to such requests, not in terms of the existing legal criteria, which of course remain the same, but in terms of the processes involved and the information that I will be collecting and relying upon.

My intention is to ensure a more transparent and open process, which involves meaningful consultations with other Judges as well as other stakeholders, and the collection of comprehensive information on the basis of which I can then make a fully informed determination, including in relation to the rehabilitation of the convicted person, being one of the factors to be taken into account pursuant to the Mechanism's rules of procedure and evidence. In that context, I consider it important to continue and increase dialogue with victims' groups and members of civil society, as well as the national authorities of Rwanda and the former Yugoslavia, where appropriate.

Let me now turn to the important topic of Member States' cooperation. First of all, I wish to acknowledge and sincerely thank all Member States that have over the years provided invaluable cooperation in enforcing the sentences of individuals convicted by the ICTR, ICTY or the Mechanism. The number of convicted persons currently serving sentences within enforcement States stands at 50. Member States' unstinting support in that regard is very much appreciated.

I am pleased to inform the Assembly that, since the submission of my written report, the Mechanism has been able to transfer another two convicted persons to Member States to serve their sentences. Currently, two persons remain in the United Nations Detention Unit in The Hague awaiting their transfer to an enforcement State, and one person remains in the United Nations Detention Facility in Arusha pending his trial.

Another area in which the Mechanism continues to require the cooperation of Member States in order to be able to fulfil a crucial part of its mandate is the tracking and arrest of the remaining fugitives indicted by the ICTR. Prosecutor Serge Brammertz and his team are undertaking intensive efforts to locate the fugitives, and the Mechanism stands ready to try them. However, these individuals will be brought to justice only if Member States provide the necessary cooperation and take measures to secure their apprehension and arrest.

The Prosecutor has reported that a fugitive has been located in South Africa, but unfortunately the South African authorities have not yet executed the Mechanism's arrest warrant. I urge every Member State to adhere to its international legal obligations and provide full cooperation with the Prosecutor in that regard.

As members will have undoubtedly read in the annual report, their support is also needed to resolve the untenable situation of the nine individuals in Arusha who were either acquitted or who have already served their sentence imposed by the ICTR but are unable or afraid to return to their country of citizenship. While one individual was successfully relocated during the reporting period, the Mechanism relies greatly on the cooperation and assistance of Member States, as indeed called for by the Security Council, and we do that in order to find a sustainable solution for the remaining nine. The rights of those persons are gravely affected by the status quo, and it is vital to the credibility of the Mechanism, as well as that of the United Nations as a whole, that these individuals be appropriately relocated and able to rebuild their future.

In the spirit of enhancing cooperation and optimizing efficiency, I can report that the Mechanism has been focusing on the harmonization of practices and procedures between Arusha and The Hague, and I am pleased to report that we have made tremendous headway since the submission of the Mechanism's written report in August. A major milestone is the implementation of a unified judicial database through which the same system for judicial filings is now applied at both branches, thereby allowing for greater synergies. By the end of the year the transition is expected to be finalized, and the full record of ICTR, ICTY and Mechanism jurisprudence will be available through one database, not only to Mechanism staff but also to the general public.

In addition, a specialized Judicial Records and Court Operations Unit has been established within the Registry Legal Section of the Arusha branch. The Unit, like its existing counterpart in The Hague, is responsible for court operations and the processing, management and distribution of judicial filings. In that context, the Registry is working to establish cross-branch guidelines and standard operating procedures for court management and filing processes that are based on best practices at both branches. I note also that in the *Ngirabatware* case last month, Registry staff worked hand in hand at the two branches to ensure the smooth conduct of the review hearing, which included the sharing and cross-training of staff to ensure the most efficient use of knowledge and skills.

Even with such excellent new initiatives, our push for efficiency will continue unabated. In that context, I draw the Assembly's attention to our budget

submission for 2020, which is particularly restrained in view of the amount of work yet to be done. I can tell all present that next year will be an extremely busy year for the Mechanism, with at least two major judgments expected to be issued and a large proportion of the existing judicial workload set to conclude. In order to achieve that goal and avoid any delays, the Mechanism will require the necessary resources and all the support that Member States can provide. This year's budget submission is therefore crucial and, if approved, will position the Mechanism for a lean post-2020 scenario.

Looking back at the achievements of the ad hoc tribunals, and more recently of the Mechanism, I feel a responsibility to say how much I care for the journey that we all started back in 1993, in which I have had the enormous privilege of taking part. However, I can understand the doubts that arise from time to time, when members of the international community question whether the results of international criminal justice are worth the efforts expended and the money invested. I know that, particularly now, a sense of fatigue has set in among certain Member States as regards international criminal justice, if not also an attitude of pessimism and cynicism. I can understand such views, even if I do not share them.

But I dare to say that international criminal justice is worth the investment of our time and resources and will continue to be worth it. Further, I believe that the principles, processes and frameworks established by the ICTR, the ICTY, the Mechanism, the International Criminal Court and the many other courts and tribunals that have followed are resilient. In fact, I believe they will outlast all of us. I see that as an extraordinary success for the United Nations as a whole, as those institutions have contributed to the realization of some of the Organization's most fundamental goals, including the fight against impunity for serious crimes.

That does not mean there is no room for improvement. On the contrary, I am sure that efficiency can be increased within any international organization, but to interrupt the journey of international criminal justice at this stage would be a betrayal of the victims, an encouragement to the perpetrators and a turning back from the international community's stated commitments to the rule of law and accountability. For all of these reasons, I urge Member States to continue to support the Mechanism, as well as other international courts and tribunals, to the fullest extent possible, both now and into the future, so that we may together continue

to uphold the values that led to the establishment of the United Nations 74 years ago tomorrow.

In closing, allow me to express, on behalf of the entire Mechanism, our deep gratitude to the Governments of States Members of the United Nations for all their support so far, and our hope that they will allow us the additional resources we need to keep carrying out our mandate as efficiently and effectively as possible.

Mr. Scott-Kemmis (Australia): I thank President Agius for his briefing. I have the honour to speak today on behalf of Canada, New Zealand and my own country, Australia (CANZ).

CANZ continues to strongly support the important work of the International Residual Mechanism for Criminal Tribunals. The Mechanism safeguards and continues the legacy of the ad hoc tribunals — the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Part of that legacy is the critical impact those tribunals have had on the development of international criminal law. The tribunals paved the way for the contemporary international criminal justice architecture under which we now hold perpetrators of serious international crimes to account. That architecture is a key component of the international community's collective response in the face of mass atrocities.

CANZ remains steadfast in our commitment to accountability for serious international crimes. We recognize the role of accountability in sustaining peace. We are active supporters of international criminal justice mechanisms and believe that the Mechanism and other international courts are cornerstones of the rules-based international order.

CANZ would like to take this opportunity to welcome Judge Carmel Agius, who assumed office in January, as the new President of the Mechanism. We also wish to thank the outgoing President, Judge Theodor Meron, for his service in that role since 2012. We pay tribute to the significant contribution he made as the inaugural President.

International criminal courts and tribunals rely on sustained international support to fulfil their mandates, which continue long past the point at which the crimes themselves no longer occupy our headlines. As the work of the tribunals themselves and of the Mechanism illustrate, the closing stages of a case are as important

as the opening stages in ensuring justice is done. We have witnessed that most recently in the cases of *Prosecutor v. Augustin Ngirabatware* and *Prosecutor v. Radovan Karadžić*.

We commend the Mechanism's commitment to concluding its remaining judicial work and fulfilling its mandate as efficiently and effectively as possible, while ensuring that fundamental procedural safeguards are met. We are also particularly pleased to see proactive steps being taken on gender issues within the Mechanism, including efforts to combat sexual harassment and discrimination and address the significant gender imbalance.

The Mechanism relies on the support and cooperation of Member States. CANZ urges States to enhance their cooperation to secure the arrest and surrender of the eight fugitives indicted by the ICTR who are still at large. We remain hopeful that those individuals will be held to account.

The Mechanism undertakes critical work in support of national jurisdictions. CANZ notes the almost tenfold increase in documents provided to such jurisdictions in the past year. We acknowledge that staff and resources are required to respond to assistance requests.

The Acting President (*spoke in Spanish*): I now give the floor to the observer of the European Union.

Mr. Chaboureau (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries Turkey, the Republic of North Macedonia, Montenegro and Albania; the European Free Trade Association country Liechtenstein, member of the European Economic Area; as well as Ukraine, the Republic of Moldova and Georgia align themselves with this statement.

We thank President Carmel Agius for the seventh annual report of the International Residual Mechanism for Criminal Tribunals (see A/74/267), submitted pursuant to article 32 (1) of its statute and covering the period from 1 July 2018 to 30 June 2019. We again express our gratitude to Judge Theodor Meron for presiding over the Mechanism during the first half of the period covered by the report and to President Agius for presiding over the Mechanism since 19 January.

Concerning the activities of the Mechanism, we welcome the amendments to the Rules of Procedure and Evidence and the adoption of the Rules Governing the Detention of Persons awaiting Trial or Appeal before

the Mechanism or Otherwise Detained, as well as the issuing of detention-related regulations by the Registrar.

On the activities of the President and the Chambers, the EU and its member States note with satisfaction President Agius's announcement in January of the main priorities of his presidency. In The Hague branch of the Mechanism, we welcome the rendering of the appeal judgment in the case *Prosecutor v. Radovan Karadžić*, which sends a powerful message, as well as the progress made in the appeal proceedings in *Prosecutor v. Ratko Mladić* and in the retrial proceedings in *Prosecutor v. Jovica Stanišić and Franko Simatović*. We are following with interest the developments at the branch in Arusha, in particular the ongoing contempt proceedings in the *Prosecutor v. Maximilien Turinabo et al.* case and welcome the recent decisions issued by the Appeals Chamber in relation to the review proceedings in the *Prosecutor v. Augustin Ngirabatware* case.

On the activities of the Office of the Prosecutor, we note, as we have in previous years, that eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR) remain at large. We welcome the efforts of the Office of the Prosecutor to locate and arrest three fugitives whose cases would be tried by the Mechanism, as well as to seek information on the whereabouts of five fugitives who were expected to be brought to trial in Rwanda after their arrest. Bearing in mind that all Member States have an international legal obligation to provide cooperation to the Office of the Prosecutor in its efforts to locate and apprehend remaining fugitives, we deeply regret the lack of cooperation on the part of some States. We welcome the establishment by the Office of the Prosecutor and the Zimbabwean authorities of a joint task force to coordinate further investigative activities.

We encourage, as proposed by the Office of the Prosecutor, a further strengthening of partnerships through the development of an East African network of fugitive active search teams, as well as discussions with participants in the European Task Force and the European Network of Fugitive Active Search Teams regarding mechanisms that, it is hoped, will expedite cooperation.

The EU and its member States consider that national prosecutions are essential to achieving justice for the victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda. In that regard, we would like to praise

the Prosecutor's work to efficiently answer requests submitted by authorities in Rwanda and States of the former Yugoslavia. We also commend the Prosecutor's continued efforts, within existing resources, to build capacity in national judiciaries prosecuting war crimes.

Concerning the activities of the Registry, we note with concern the impact of budgetary constraints and we are aware that 2020 will be a significant year for the Mechanism, with the conclusion of important cases, in particular the appeal proceedings in the case of *Prosecutor v. Radovan Karadžić* and the trial in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*. We note that the Mechanism acknowledges that there is room for improvement with regard to the gender parity of staff. We fully subscribe to the remark made in the report to the effect that "more needs to be done by the nominating States to improve gender parity at the highest levels" (A/74/267, para. 11). We commend the Registrar for the support provided for judicial activities and other mandated activities, notably concerning the completion of the transfer of the records of the International Tribunal for the Former Yugoslavia (ICTY) and the updating of the public interfaces to access and search judicial records of the ICTY, the ICTR and the Mechanism.

With regard to the enforcement of sentences, we would like to thank the Member States that have accepted the transfer of persons to serve their sentences on their territory, thereby reducing the number of persons in Arusha and The Hague awaiting transfer to enforcement States. We call upon all States to find long-term solutions for the resettlement of acquitted and released persons.

The EU and its member States will continue to be strong supporters of international criminal justice, whose mission is the promotion of the rule of law, the fight against impunity and the maintenance of international peace and security. We call on all States to cooperate with the Mechanism, in full compliance with their obligations under the relevant Security Council resolutions.

Mr. Kayinamura (Rwanda): I thank you, Sir, for giving us the opportunity to speak. I also join others in thanking Judge Agius for the statement that he has made today.

Allow me to thank the principals and staff of the International Residual Mechanism for Criminal Tribunals for their continued efforts in pursuit of

justice for the victims of the genocide that was committed in 1994 against the Tutsi. We are grateful for the continued cooperation between the Mechanism, under the able leadership of Judge Agius, and the Government of Rwanda. We are particularly encouraged by his constructive engagement and dialogue with all stakeholders, including my Government and the survivors.

The delivery of justice in Rwanda has played a central role in bringing communities back together to rebuild the social fabric that was destroyed years back. Rwanda will continue to count on the Mechanism to support Rwanda in the reconciliation processes in our societies by fighting the culture of impunity. The ability of the Mechanism to leave a positive legacy will be tested mostly on two fronts.

First, we must step up efforts and cooperation among States to apprehend fugitives that remain at large. Secondly, we must combat genocide ideology in all its manifestations, including genocide denial. That job cannot be done by the Mechanism alone. Member States must support the Mechanism in stepping up its efforts to monitor and address incidents of those convicted of genocide propagating genocide ideology, including genocide denial. Any person or group of persons propagating genocide ideology, genocide denial or hate speech must be sanctioned and held accountable. The emergence of genocide denial and hate speech reminds us that we must remain vigilant. Even 25 years after the genocide against the Tutsi, there remain elements and networks with the intention of promoting genocide ideology and hate speech around the world. We must never let that happen.

With regard to judicial activities relating to cases of contempt of court and incitement to commit contempt of court, the Government of Rwanda is satisfied and pleased that the Appeals Chamber rejected Mr. Ngirabatware's attempt to secure a reversal of his conviction. We are encouraged by the Court's unwavering commitment to maintaining the integrity of proceedings conducted by the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism and the facts established therein. Rwanda strongly supports the Mechanism's prosecution of alleged contempt of court in the *Prosecutor v. Maximilien Turinabo et al.* case. The prosecution of such alleged crimes is essential to protecting witnesses and standing against genocide denial. Rwanda strongly urges States Members of the

United Nations to fulfil and provide all the necessary financial support to the Mechanism so that it is able to conduct these vital contempt proceedings.

Allow me to touch on the issue of genocide fugitives still at large. The Office of the Prosecutor has noted in several reports that progress in locating, tracking and arresting the remaining eight indicted fugitives has been hampered by the failure of some Member States and other relevant authorities to cooperate with requests. We echo the call made by the Prosecutor and the Court on all Member States to adhere to their international obligations to provide the assistance needed to locate and apprehend the fugitives. We urge all Member States, in particular members of the Security Council, to walk the talk of commitment to international law and justice by either prosecuting the individuals indicted or living on their territory, or by transferring them to Rwanda or the Mechanism.

The nine convicts who have been released or acquitted by the Court are still living very comfortably in Arusha at the expense of Member States, including Rwanda, as their costs of living and accommodation are paid by our own assessed contributions. My delegation insists that they should return home. This would not be the first time that former convicts returned to Rwanda. For example, Major Bernard Ntuyahaga and others who did not complete their sentences in Rwanda have returned to Rwanda and live side by side with our Rwandan communities. In today's Rwanda, genocide survivors and perpetrators live side by side on the same hills and in the same communities in peaceful coexistence. It is regrettable that some Member States find it difficult to help and cooperate with the Office of the Prosecutor in bringing fugitives to book, and yet find it normal that their taxpayers' money is used to offer generous living allowances and expenses to those released convicts. Rwanda stresses that these expenses are unjustified and should simply stop.

Allow me to speak on the issue of early releases. We take note of recent developments signalling that the Court is willing to consider instituting conditions for early release, although this has only been applied to one convict seeking early release. We urge that, instead of pursuing an ad hoc approach to conditional release, it would be more effective for the Mechanism to put in place a comprehensive, standard and rigorous provision for conditional release, based on stringent eligibility requirements. We once again wish to point to the best practice of the Residual Special Court for Sierra Leone.

It is in the interest of justice that such a mechanism strengthen international criminal law and uphold the esteem of international justice mechanisms.

To conclude, allow me to speak about the issue of the archives. Rwanda's right to host these archives, which constitute an integral part of Rwanda's history, remains unrecognized. For some reason, Rwandans continue to be denied the right to own their own history. It should be recalled that quantities of these archives are original documents taken from Rwanda. The United Nations can demonstrate no evidence whatsoever as to why it should accord itself any right to hang onto this Rwandan property. Rwanda will pursue this issue, which will not go away anytime soon and will no doubt persist until we reach a satisfactory conclusion.

Ms. Pejic (Serbia): I thank you, Sir, for the opportunity to address the General Assembly today on behalf of the Republic of Serbia.

Allow me to present some of the key moments in Serbia's cooperation with the International Residual Mechanism for Criminal Tribunals, as well as the progress made at the national and regional levels.

My country has demonstrated a strong commitment to fulfilling its international obligations. Its cooperation with the Mechanism has been successful and widely recognized. Serbia has granted the Mechanism free access to all evidence, documents, archives and witnesses. We have responded positively to all requests by the Mechanism, none of which has been denied, and our Government is currently working on responding to the latest requests.

Dating back from the times of the International Tribunal for the former Yugoslavia (ICTY) to the present day, my country's cooperation has yielded positive results. Persons transferred to the Tribunal included the President of the Federal Republic of Yugoslavia, the President of the Republic of Serbia, the Vice-President of the Federal Government, the Vice-President of the Government of the Republic of Serbia, three former Chiefs of the General Staff of the Army of Yugoslavia, a former Head of the State security service and many military and police generals. Throughout the years of cooperation with the ICTY, its own hard work and remarkable results, Serbia has changed and improved its own judicial system. The overall situation in my country, including in the area of the rule of law, has changed drastically since the wars in the former Yugoslavia.

At the national level, we have adopted a prosecutorial strategy for the investigation and prosecution of war crimes for the period 2018-2023. The Government has provided the resources to improve the capacities of the Office of the War Crimes Prosecutor of the Republic of Serbia. The Mechanism Prosecutor's Office has also lent its support to improving the work of the Office of the War Crimes Prosecutor in Serbia.

The countries of the region need to work together on mutual understanding, cooperation and reconciliation for the sake of our future, our regional stability and our economic development. We believe that regional judicial cooperation in war-crimes matters is continuously improving. Serbia's cooperation with Bosnia and Herzegovina is at a high level. Our cooperation with Croatia, we hope, will also improve. Recent meetings at the ministerial level and the work of the bilateral joint commission are important steps forward in that regard. Earlier this year in May, our capital, Belgrade, hosted a regional conference of prosecutors, convened under the theme "Cooperation, criteria and standards in prosecuting perpetrators of war crimes". Among the participants were high-level delegations from Bosnia and Herzegovina, Croatia and Montenegro, as well as the Mechanism's Prosecutor, Mr. Serge Brammertz.

Finally, let me point out that Serbia's cooperation with the Mechanism is evolving successfully, without any outstanding issues. I would like to underline once again that my country remains fully committed to meeting its international obligations.

Mr. Giordano (United States of America): I thank President Carmel Agius for his briefing on the International Residual Mechanism for Criminal Tribunal. We applaud and support his undying efforts towards justice. We commend President Agius's continued focus on the core functions of the Mechanism: concluding residual judicial proceedings, tracking remaining fugitives, monitoring cases referred to national jurisdictions, protecting victims and witnesses, supervising the enforcement of sentences, assisting national jurisdictions and preserving and managing the archives. These pillars have produced a sustainable, efficient and effective Mechanism to combat the horrendous atrocities committed in Rwanda and the former Yugoslavia.

We also applied the diligent work of the judicial chambers. Currently, the Pre-Trial Chamber is handling its first major multi-accused contempt proceeding

in the case *Prosecutor v. Maximilien Turinabo et al.* We commend the Prosecutor's pursuit of this case, demonstrating that defiance of the International Criminal Tribunal for Rwanda (ICTR) and the Mechanism and disrespect for the rule of law will not be tolerated. The Trial Chamber continues to proceed with the *Prosecutor v. Jovica Stanišić and Franko Simatović* trial, and the Appeals Chamber is handling the cases of *Prosecutor v. Ratko Mladić* and *Prosecutor v. Augustin Ngirabatware*. The Appeals Chamber's March decision, upholding the conviction of Radovan Karadžić and imposing a life sentence, affirms the Chamber's commitment to ensuring justice for the greatest crimes.

The Chamber's work demonstrates the Mechanism's success at improving efficient functioning while also preserving due process for defendants. Streamlined inter-branch coordination and a high-performance work environment ensure that each organ performs its role and helps to improve gender equality and prevent harassment and abuse of authority in the workplace.

We would also again like to recognize the Mechanism's tireless search for the eight Rwandan fugitives involved in the 1994 genocide, including its reaching out to national authorities to establish working relationships for ongoing investigations. We continue to urge all countries to cooperate fully with the Mechanism. In particular, we note that South Africa's failure to cooperate fully with the Mechanism remains disappointing, especially given that it is serving as President of the Security Council this month. We urge South Africa to take on its responsibilities as a leader in the Security Council and in standing against impunity for the worst crimes cooperate fully with the Mechanism.

Importantly, we appreciate the Mechanism's devotion to outreach. We note the visits of President Agius to Rwanda, Croatia and Bosnia and Herzegovina and his intention to visit other regions of the former Yugoslavia. His visit to Rwanda in April was particularly significant as it was the twenty-fifth commemoration of the 1994 genocide in Rwanda. Through these missions, the Mechanism reaffirms its goal of healing victims by engaging with their communities and recognizing the past. While the past cannot be changed, it must be memorialized and acknowledged to prevent such atrocities in the future. We commend the Mechanism's role in fostering and supporting sustainable transitional justice initiatives within the territories of Rwanda and

the former Yugoslavia, including support for capacity-building. For example, training in fugitive tracking and in the investigation and prosecution of sexual and gender-based violence helps prepare the authorities of those countries where the crimes were committed to assume and fully fulfil responsibility to pursue justice and accountability.

We also welcome the Mechanism's support for national prosecutions. Such prosecutions, including three pending cases in Rwanda and two in France, were referred to and are being monitored by the Mechanism. The Mechanism offers its support by responding to requests for assistance in relation to these crimes. Within the last reporting period, the prosecution received and processed one request for assistance from Rwanda and 271 requests from other Member States and international organizations. Although the Mechanism's role in coordinating and deciding its own cases remains a long-standing force for justice, we commend its efforts to build systems of justice beyond its courtroom walls.

We applaud the Mechanism's release of an online exhibition in June, which showcased the witness's sketches from their testimonies before the Trial Chambers of the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia. These images are truly worth a thousand words, helping victims to better explain their

experiences and bringing stories to life. One witness, for example, sketched the Nyange Parish church in the Kivumu commune of Rwanda, where at least 2,000 Tutsis seeking refuge were surrounded, attacked and killed in 1994. By sharing this painful memory with the ICTR Trial Chamber and now with the world, this witness no longer carries the story, this burden, alone.

The United States maintains its commitment to holding perpetrators accountable and to achieving justice for victims. We will never forget the victims of Rwanda and in the former Yugoslavia. We will continue to support the Mechanism's efforts towards justice.

The Acting President (*spoke in Spanish*): We have heard the last speaker on this agenda item.

May I take it that it is the wish of the Assembly to take note of the seventh annual report of the International Residual Mechanism for Criminal Tribunals, contained in document A/74/267?

It was so decided.

The Acting President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 127?

It was so decided.

The meeting rose at 4.05 p.m.