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Official Records

President: Mr. Kőrösi (Hungary)

The meeting was called to order at 10 a.m.

Agenda item 129

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General (A/77/242)

The President: I congratulate Judge Graciela Gatti Santana on her recent appointment as President of the International Residual Mechanism for Criminal Tribunals (IRMCT) and pledge my full support for the important work of the Mechanism. In these turbulent times, it is crucial international courts and tribunals like the IRMCT that work to further the rule of law and hold accountable the perpetrators of the most serious and heinous crimes. Institutions like the IRMCT send a clear message that the international community will not sit back passively and allow impunity when the gravest of crimes have been committed. I encourage all Member States to continue to cooperate with and support the Mechanism, in line with their obligations under international law.

I now call on Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals.

Judge Gatti Santana (International Residual Mechanism for Criminal Tribunals) (*spoke in Spanish*): It is a great privilege to address the General Assembly today for the first time as President of the International Residual Mechanism for Criminal Tribunals. Allow me to offer a special greeting in Spanish to the

Spanish-speaking delegations before continuing with the presentation of my report (see A/77/242) in the two working languages of the Mechanism, which are English and French.

(*spoke in English*)

At the outset, I would like to congratulate Your Excellency Mr. Csaba Kőrösi of Hungary on your election as President of the General Assembly at its seventy-seventh session. I wish you every success in your extraordinary endeavour to find solutions for the complex and interlinked crises the world is facing, through solidarity, sustainability and science.

I also seize the opportunity to acknowledge the tremendous contribution of my predecessor, Judge Carmel Agius, to the Mechanism and to international criminal justice more generally. On behalf of the Mechanism, its Judges and staff, I wish to thank him sincerely for his wise and efficient stewardship. Looking ahead, my vision is to build on the Mechanism's solid achievements and take it forward successfully into the next phase.

Members of the Assembly have before them the Mechanism's tenth annual report. The submission of this particular report represents a significant milestone for the Mechanism. On 1 July, the same day I assumed my new role as President, the Arusha branch marked 10 years of operations since taking over responsibilities derived from the International Criminal Tribunal for Rwanda (ICTR). I commenced my presidency in Arusha, and being there on that special date made me

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acutely aware of how far we have come together since July 2012.

Today I am pleased to inform the Assembly that, with the exception of one appeal, all cases of the International Criminal Tribunal for the Former Yugoslavia (ICTY) related to core crimes have been finalized. Similarly, with the exception of one trial, we have disposed of all ICTR proceedings earmarked to be heard before the Mechanism. Allow me to commend Prosecutor Brammertz and his team for their outstanding efforts in accounting for the remaining fugitives indicted by the Rwanda Tribunal. Following the Prosecution's confirmation of the deaths of two high-profile fugitives who were charged with playing key roles during the 1994 genocide against the Tutsi, only four remain at large. The Prosecutor is working closely with the Republic of Rwanda and several other key partner States to ensure that those individuals are effectively tracked down and brought to justice in Rwanda.

The coming years will therefore see the transition of the Mechanism from a fully operational court to a truly residual institution. It is evident that the associated necessary downsizing will create challenges and that the transition will not be an easy one. Regardless of how much we are able to shrink as an institution, our unique and important mandate involves a number of long-term tasks and requires that we continue to perform at the highest international standards. We also intend to do so with full commitment to gender equality, in line with the United Nations system-wide strategy on gender parity. I say this as the first-ever female President of the Mechanism.

The Mechanism recently underwent the fourth review of its progress of work by the Security Council. The process culminated in the adoption of resolution 2637 (2022), which contains clear guidance on what the international community expects from us. Against this backdrop, I have established the following priorities for my presidency: first, to ensure the efficient, effective and fair conclusion of the remaining trial and appeal proceedings; secondly, to lead efforts in developing a comprehensive strategy to guide the Mechanism's continuing transition from an operational court to a truly residual institution; and thirdly, to consolidate the achievements of the ad hoc Tribunals and the Mechanism and to safeguard their invaluable legacy, while further enhancing inter-organ and inter-branch coordination and collaboration.

In relation to my first priority, due to the excellent work of our dedicated Judges and staff, I can report decisive progress with respect to our ongoing trials and appeals.

In the case against Félicien Kabuga, the opening statements of the parties were heard last month, on 29 and 30 September. Subsequently, the Prosecution commenced the presentation of its evidence two weeks ago, on 5 October. For the moment, as a result of Mr. Kabuga's health condition, the Trial Chamber holds court sessions three days per week for two hours per day. In line with the Chamber's decision of 13 June, the trial is being held in The Hague; however, both the Arusha branch and the Mechanism's Kigali Field Office are also supporting these proceedings. Thanks to our state-of-the-art courtroom technology, which provides for remote participation, and with a view to optimizing costs and facilitating logistics, it is expected that a number of witnesses will testify from those locations. The preparation and conduct of the trial are a great example of the Mechanism's commitment to enhancing inter-branch coordination and the efficient use of its limited resources.

As the last ICTR case commences, the last ICTY case is in its final stages. I refer to the appeals proceedings involving Mr. Jovica Stanišić and Mr. Franko Simatović. I now have the honour to preside over that case in my new capacity as Presiding Judge of the Appeals Chamber, and I am pleased to confirm that we are still on track to render a judgment by June next year.

Turning to my second priority, it is important to emphasize that not all Mechanism functions will cease with the end of in-court proceedings — far from it. Our residual functions will remain ongoing in areas such as protecting witnesses, monitoring cases referred to national jurisdictions, preserving the archives and assisting national jurisdictions. Furthermore, we have a continuing responsibility towards the persons convicted by the Mechanism or its predecessor Tribunals. Currently, 46 persons are serving their sentences across 13 enforcement States. Those diverse matters routinely call for decisions by the independent Judges on the Mechanism's roster. The enforcement of sentences, in particular, requires full attention from myself as President, as I am entrusted to make determinations on all requests for pardon, commutation of sentences or early release. My undertaking is to exercise that

discretion in a transparent and fair manner and in accordance with the established legal framework.

Back in 2010, the international community assumed responsibility for establishing a residual mechanism to follow the international criminal tribunals for both Rwanda and the former Yugoslavia. The international community therefore also retains responsibility for the Mechanism's ultimate closure, but that must be done in a way that safeguards the precious contributions of those institutions and protects their legacy. In my capacity as President, I will be leading efforts to develop an internal strategy and to explore options regarding the transfer of certain Mechanism activities to other bodies, with due regard for judicial independence and the rights of persons under the Mechanism's care.

This is closely linked to my third priority — to protect the legacy of the Tribunals and the Mechanism. The establishment of international courts and tribunals has clearly been an important step towards promoting a multilateral system of ending impunity for the most serious crimes, yet the current state of world affairs demonstrates once again that their existence alone is insufficient to secure peace and advance the rule of law. The international community's trust in a credible international criminal justice system may be jeopardized without long-term strategies and support. In that context, the Mechanism — like other international courts and tribunals — will continue to need all States to provide sustainable support in two main areas: cooperation and resources.

(spoke in French)

Cooperation is essential to the enforcement of sentences and will remain crucial for years to come, until all the sentences handed down by the ad hoc Tribunals and the Mechanism have been served. I would like to express my deep appreciation to the 13 enforcement States that have taken on additional responsibilities in that regard. We greatly depend on that cooperation and urgently appeal to other States to agree to a distribution of the burden and to consider participating in the execution of the sentences of our convicts. Indeed, unless other States come forward, the Mechanism will not be able to perform the function entrusted to it in that important area, either with existing resources or in accordance with its legal framework current.

With respect to matters of contempt, the cooperation of States is also of crucial importance. It is imperative that the Mechanism be able to preserve the integrity

of judicial proceedings and uphold the rule of law through the proper administration of justice. According to our statute, the Mechanism contemplates referring contempt cases to national jurisdictions, as the interests of justice and expediency dictate. However, removal is not always possible, as we have seen with a particular case concerning the Republic of Serbia, where the required conditions were not met. Unfortunately, Serbia's continued refusal to arrest and transfer Petar Jojić and Vjerica Radeta to the Mechanism violates its obligations under the Charter of the United Nations and undermines that very integrity.

Another regrettable example in which a State failed to respect its international obligations concerns the situation of the eight persons who were resettled in the Republic of the Niger in December 2021, in accordance with an agreement between the United Nations and the Niger. If those eight people are still there, they are still threatened with expulsion. They are free people who have been acquitted or have served their sentence, and yet their movements are subject to restrictions, and they have been stripped of their identity papers and live under de facto house arrest. The Mechanism has taken numerous judicial and diplomatic measures and requested the support of the Security Council to resolve the situation — unfortunately, in vain. I fear that without the support and good faith of Member States, the Mechanism will not be able to find a solution to that ongoing problem.

Finally, in order to remain operational and continue to deliver results, the Mechanism will need adequate resources. In that regard, financial considerations should not take precedence over the legal process. The Mechanism will continue to reduce its staff and streamline its activities and expenditures to the extent possible. However, there is a line we cannot cross if we are to carry out our mandate, and as a tribunal we must always keep in mind the fundamental rights of the people within our jurisdiction. I therefore urge Member States to support the budget proposal we have just submitted, which is as modest as possible. For our part, we will continue to work for justice in a fair, effective and accountable way that allows Member States and other stakeholders to understand our activities and the contributions made by the ad hoc Tribunals.

(spoke in Spanish)

To conclude, I would like to share some personal impressions, and will therefore go back to speaking in Spanish.

Since assuming my post, I have had the opportunity to get to know two of the countries most affected by the work of the Mechanism — Bosnia and Herzegovina and Rwanda. In July, I participated in the twenty-seventh commemoration of the genocide in Srebrenica, and last month I visited some memorial sites in and around Kigali and met with survivors of the 1994 genocide against the Tutsi. Those encounters had a profound impact on me, both personally and professionally, and solidified my commitment to the legacy of the ad hoc Tribunals and the Mechanism. Those three institutions have offered some measure of consolation to the victims of the conflicts in question and served as inspiration to other international courts and tribunals.

However, despite the world facing a range of new challenges, the trauma of the victims endures. Sadly, we continue to witness increasing genocide denial, historical revisionism and the glorification of convicted war criminals. Those phenomena seek to dehumanize the victims and deprive them of justice and recognition. They distort the truth and deny the lived experiences of those who have suffered the most. I therefore call on the international community not only to support the Mechanism until it has fulfilled its mandate, but also to remain vigilant and firm in the fight against those social patterns, which feed on hatred, incitement and the denial of the crimes of the past wherever they occur.

The President: I give the floor to the representative of the European Union, in its capacity as observer.

Ms. Popan (European Union): I have the honour to speak on behalf of the European Union and its member States. The candidate countries Türkiye, Montenegro, Albania, Ukraine and the Republic of Moldova; the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina; and the European Free Trade Association country Liechtenstein, as well as Georgia and Monaco, align themselves with this statement.

We would like to thank President Graciela Gatti Santana for the tenth annual report of the International Residual Mechanism for Criminal Tribunals (see A/77/242), covering the period from 1 July 2021 to 30 June 2022. We congratulate her on her appointment

as President of the Mechanism. We would also like to congratulate Judge Carmel Agius on his remarkable achievements as President of the Mechanism since 2019, and thank him for his commitment and outstanding leadership during his tenure.

We note that on 29 September, The Hague branch of the Mechanism started the trial in the *Prosecutor v. Félicien Kabuga* for genocide and other horrendous crimes. That is a milestone for accountability, victims and national reconciliation in Rwanda. On 29 June, the Appeals Chamber delivered its judgment in the appeals proceedings in the *Prosecutor v. Fatuma et al.* case, dismissing Ms. Fatuma's appeal. The appeal proceedings in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* are also well on track to be completed by June 2023. We commend the Mechanism for this progress in its core judicial work and in fulfilling its mandate of ensuring accountability for atrocity crimes committed during the conflicts in the former Yugoslavia and Rwanda. In order for it to continue to do so, it is imperative for the Mechanism to receive the necessary financial resources.

International criminal justice cannot be effective without the full cooperation of States. We welcome the results achieved by the Office of the Prosecutor in accounting for two major fugitives indicted for genocide by the International Criminal Tribunal for Rwanda, by confirming their deaths. We would like to extend our gratitude to all States that cooperated with the Mechanism to achieve these results, and underline that the continued full and effective cooperation of all Member States will be essential to account for the last four fugitives at large.

It is equally essential for States to honour their legal obligations to comply with requests for assistance or orders issued by the Mechanism. Failure to cooperate undermines the effective administration of justice and is in breach of Security Council resolution 1966 (2010). We once again deeply regret the lack of cooperation on the part of some States and in that respect note that there has been no progress following the notification of 11 May 2021 from the President of the Mechanism to the Security Council concerning the case of *Prosecutor v. Petar Jojić and Vjerica Radeta*. We call on all States to comply with their international obligations to cooperate with the Mechanism.

We encourage the Office of the Prosecutor to continue to assist national judicial authorities in

prosecuting serious international crimes in order to continue delivering justice for victims. We note with concern the continued uncertain situation of the eight acquitted or released persons in the Niger, and we encourage the Mechanism and Member States to continue their efforts to find a permanent solution for those individuals.

The denial of genocide, the glorification of war criminals and attempts to rewrite history or to deny the work of the Mechanism do not contribute to justice and do not bring peace or safety to victims. Without understanding and reconciling with the past, it is difficult to build the future. Confronting the horrors of the past and struggling with post-conflict transitional justice helps in coming to terms with the dark side of history and of nationalism. That is why increasing awareness of the legacy of the former Tribunals and the ongoing work of the Mechanism is essential. The Tribunals are instruments of justice and reconciliation, not of retribution. The European Union continues to work with the Mechanism on educating affected communities and younger generations in the region of the former Yugoslavia.

In closing, we would like to assure the Assembly of our unwavering support to the Mechanism in its efforts to ensure accountability and to strengthen the system of international criminal justice.

Ms. Hutchison (Australia): It is my honour to speak today on behalf of Canada, New Zealand and my own country, Australia (CANZ).

CANZ reaffirms our strong support for the essential role of the International Residual Mechanism for Criminal Tribunals in carrying forward the unprecedented legacy of both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

As we tragically continue to see the horror of atrocity crimes around the world, the Mechanism and its predecessor tribunals are a concrete example of how the international community can realize accountability for serious international crimes committed in complex conflict situations.

CANZ takes this opportunity to recognize the dedication and leadership of former President Carmel Agius of Malta, whose tenure as President of the International Residual Mechanism for Criminal Tribunals expired in June this year after serving as a

Judge of the Mechanism since it commenced operations in 2012. We are grateful that he will continue contributing to the work of the Mechanism in his role as Judge.

We also congratulate Judge Graciela Gatti Santana of Uruguay on her appointment as President. We are especially pleased to see Judge Gatti Santana appointed as the first woman President of the Mechanism. The authority of the Mechanism and the quality of its judgments are enriched by the diversity of those who serve on and lead its bench. We thank President Santana for her briefing today on the Mechanism's ongoing work to bring perpetrators to justice for atrocities committed in Rwanda and the former Yugoslavia. We look forward to supporting her as the Mechanism enters an important phase in concluding its work and cementing its legacy.

CANZ recognizes the progress made by the Mechanism over the past year in finalizing its core judicial work. We look forward to the conclusion of the appeal in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*.

We are particularly pleased to see that the trial of Félicien Kabuga, the last core case to be heard by the Mechanism, commenced last month. Almost three decades on from the 1994 genocide against the Tutsi in Rwanda, the commencement of that trial is a reminder that the international community can and must remain steadfast to its commitment to international justice and accountability, however long it takes. We also pay tribute to the tireless efforts of the Mechanism's staff in successfully tracking the remaining fugitives of the ICTR, particularly considering the challenges of the coronavirus disease pandemic.

CANZ remains committed to supporting the Mechanism in its enduring efforts to track the remaining four fugitives indicted by the ICTR. CANZ continues to urge all States, especially States where fugitives are suspected of being at large, to strengthen their cooperation with and provide all necessary assistance to the Mechanism. We must all continue to work in ensuring that justice can prevail for victims.

CANZ recognizes the efforts of the Mechanism in finding a durable solution for the eight acquitted or released persons now in the Niger.

CANZ also welcomes the Prosecutor's ongoing discussions with the Serbian authorities, including

again this month, to improve cooperation with the Mechanism, an obligation imposed upon all States.

In July, the Mechanism marked an important milestone — the tenth anniversary of its commencement of operations.

The Security Council's recent fourth review of the Mechanism's work, culminating in its adoption of resolution 2637 (2022), showed significant progress. That demonstrates that no matter the years, impunity will not prevail, but we must also remain committed to supporting the Mechanism's orderly transition in line with its completion strategies. CANZ fully supports the expeditious completion of all proceedings and the Office of the Prosecutor's ongoing assistance to national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda.

In delivering justice through international or regional avenues, we must keep in focus that it is the primary responsibility of States to investigate and prosecute the most serious crimes of international concern.

As with the ICTR and ICTY, the Mechanism's ultimate legacy for international criminal justice is dependent in large part on the individual and collective efforts of Member States. For our part, Australia, Canada and New Zealand will continue to offer our full cooperation and support to the Mechanism in order to give practical effect to our steadfast commitment to international criminal justice.

Mr. Pildegovičs (Latvia): I have the honour to speak on behalf of the three Baltic States: Estonia, Lithuania and my own country, Latvia. The Baltic States align themselves with the statement made on behalf of the European Union and its member States.

I would like to thank Judge Graciela Gatti Santana President of the International Residual Mechanism for Criminal Tribunals, for her annual report (see A/77/242). We congratulate her on her appointment as President of the Mechanism and wish her every success in her endeavours. We would also like to thank the former President, Judge Carmel Agius, for his energetic leadership and productive actions in operationalizing the Mechanism's mandate.

We commend the important work of the Mechanism in ensuring accountability for the most serious crimes under international law. Now more than ever, a strong multilateral, inclusive, rules-based international order is essential to the maintenance of global peace and

security. It must be our joint responsibility to defend and strengthen it with all possible tools.

We believe that international judicial institutions like the Mechanism have a crucial role to play in the establishment and upholding of international peace and security. However, the effectiveness of the Mechanism in conducting its work relies on the cooperation of States. All States should comply with their international obligations and fully cooperate with the Mechanism, including in apprehending remaining fugitives at large.

The Baltic States would like to take this opportunity to reaffirm their continued support for the important work of the Mechanism. The ongoing work of the Mechanism ensures that the legacies of the ad hoc tribunals, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, endure. We reaffirm our strong support for the Mechanism in its work on the peaceful settlement of disputes, and congratulate the Mechanism on the significant progress accomplished during the past year, particularly as regards the pending cases. It is positive that the Mechanism has commenced the trial in its last core case, *Prosecutor v. Félicien Kabuga*.

We remain strong supporters of international criminal justice mechanisms and believe that the Mechanism and other international courts are crucial cornerstones of the international rules-based order. The tribunals and the work of the Mechanism have been instrumental in the jurisprudence and practice of international criminal law and in ending impunity for the most serious crimes of concern to the international community. Together, they have added breadth and depth to international criminal law jurisprudence and administered justice in cases involving some of the most horrific crimes in recent history. Even though the Mechanism has reached its final trials and appeals, its assistance to national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda remains invaluable.

In a world where Russia is committing heinous acts on the territory of Ukraine on a daily basis and shows grave disrespect for the principles of international law, the Mechanism stands as a reminder that the Security Council can and should act to ensure accountability for atrocity crimes. The Mechanism carries on that important work and continues to perform its crucial mandate. We take this opportunity to note of the work of the Mechanism and appreciate that it continues to

proceed even amid the current coronavirus disease pandemic. It is commendable that the Mechanism has adapted its activities to the mandate entrusted to it by the Security Council, and the Office of Internal Oversight Services has positively reviewed the methods and work of the Mechanism.

We reiterate the importance of providing support for the Mechanism. The administration of justice is an ongoing commitment; it is important to support such mechanisms and international bodies in the continuation and completion of their mandates, as envisaged in their initial establishment. The Baltic States believe that it is important for the international community to continue to support the Mechanism in order to bring perpetrators to justice and have lasting and positive impacts on affected communities and victims.

We appreciate that the Mechanism focuses on witness support and protection, and pays attention to the interests of witnesses and victims when considering early-release applications. It is unfortunate that there are several contempt of court cases in which the accused have tried to interfere with witnesses.

The rule of law and the maintenance of international peace and security are at the heart of our foreign policy. We take this opportunity to reiterate our unwavering support for international criminal justice in general and for the Mechanism in particular.

Lastly, in order to further strengthen international criminal justice mechanisms, we strongly support the idea of establishing a special tribunal to prosecute Russia's crime of aggression against Ukraine.

Mr. Silveira Braoios (Brazil): I would like to congratulate Judge Graciela Gatti Santana on her appointment as President of the International Residual Mechanism for Criminal Tribunals (IRMCT), and thank her and Prosecutor Serge Brammertz for having presented its tenth annual report (see A/77/242). I also take this opportunity to commend Judge Carmel Agius for his remarkable tenure as the previous President of the Mechanism.

In June, the Security Council adopted resolution 2637 (2022), which allowed the IRMCT to continue its activities for the next two years. That was an appropriate and necessary decision. The IRMCT still needs time to complete the important tasks it is responsible for under its mandate to fulfil the residual functions of the International Criminal Tribunal for the Former

Yugoslavia and the International Criminal Tribunal for Rwanda. These former Tribunals were landmarks in the history of international criminal justice. They paved the way to the Rome Statute and the creation of the International Criminal Court. They provided important benchmarks for the prosecution of the most serious crimes under international law. Their legacy must be preserved and continued.

This is why it is essential to allow the IRMCT to bring justice to all the cases it has the competence to adjudicate and inherited from the Tribunals for the former Yugoslavia and Rwanda. Furthermore, we must not forget that the IRMCT also plays a crucial role in assisting victims and witnesses and tracking fugitives.

Despite its importance, the IRMCT is not meant to be a permanent institution. The Security Council conceived it to be temporary and its functions to diminish over time. For that reason, we commend the principals of the IRMCT for bearing in mind the need for clear timelines for the completion of its judicial activities. We note with appreciation that the Office of Internal Oversight Services found its recommendations in that respect to be implemented. In that vein, we also welcome the conclusion of the appeal proceedings in the case of *Prosecutor v. Fatuma et al.* on June 29, the prospect for the conclusion of appeal proceedings in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* by mid-2023; and the start of the trial in the case of *Prosecutor v. Félicien Kabuga* in late September.

To discharge its assignments, the IRMCT also needs support from the international community. Therefore, we call for full cooperation with the Mechanism in the tracking of fugitives and the relocation of acquitted or released persons. Brazil believes that national States bear the primary responsibility for holding accountable those who perpetrate crimes in their territories. International tribunals are supplementary to national judiciaries. They must act when national institutions are unable or unwilling to adjudicate those crimes themselves.

The principle of complementarity ensures that national States retain ownership in their right and, above all, duty to provide justice to their citizens. Strong national institutions that are able to provide accountability for serious crimes make their societies more resilient in the face of criminality and relapse into conflict less likely. Still, the international community is also responsible for not allowing, in any circumstances,

that the perpetrators of gross atrocities go unpunished. Impunity undermines the rule of law and the credibility of national and international institutions. International tribunals offer the appropriate means for that not to happen.

Mr. Weinstein (United States of America): I thank President Gatti Santana very much for her briefing on the ongoing work of the International Residual Mechanism for Criminal Tribunals (IRMCT) to bring perpetrators to justice for atrocities committed in Rwanda and the former Yugoslavia.

First, we want to warmly welcome the appointment of Judge Gatti Santana as the President of the IRMCT. We look forward to her leadership of that important institution. We also express our thanks to Judge Agius for his years of service as the President of the Mechanism and his continuing dedication to its work in his role as a Judge.

The Mechanism's activities and accomplishments over the past year are truly commendable. With each fugitive apprehended, prosecution completed and appeal adjudicated, the Mechanism is supporting the goals the Security Council set out at its establishment. Last month's opening of the trial of Félicien Kabuga, alleged financier of the Rwandan genocide, marked a milestone for the Mechanism. Although Kabuga eluded capture for years, his arrest and the commencement of his trial give hope to victims of the genocide, who have waited so long for him to be brought to justice.

The United States fully supports the priorities the Office of the Prosecutor continues to pursue, including the expeditious completion of trials and appeals, locating and arresting the remaining fugitives indicted by the International Criminal Tribunal for Rwanda, and assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda. The Mechanism has taken significant action on cases that move us closer to these collective objectives.

In addition to the opening of the Kabuga trial, we welcome the recent delivery of the appeal judgment in the *Prosecutor v. Fatuma et al.* contempt case in Arusha. We look forward to the expeditious conclusion of the appeal in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* by next summer.

While the Mechanism and its predecessors have done so much to establish the facts and clarify the

historical record of atrocity crimes committed in Rwanda and the former Yugoslavia, national authorities must carry on with the important work of reconciliation and healing. Strong countries speak honestly about the past, even when it is painful, in order to meaningfully address the root causes of conflict and move forward into a peaceful, stable future. We welcome President Gatti Santana's comments on the anniversary of the genocide at Srebrenica that "you cannot achieve a meaningful reconciliation if you do not consider the truth — you cannot forget what happened".

We know that the atrocity crimes committed in Rwanda and the former Yugoslavia were not accidental or unavoidable, but were the result of deliberate choices by those in power to unleash terrible violence against innocent civilians. The denial of historical facts and the celebration of those who have committed grave crimes is an affront to the victims and witnesses who have courageously come forward to tell their stories and an insult to our common humanity.

Taken together, these judicial actions move us closer to securing justice for the victims of those horrific crimes, for their families and communities and for their countries. Additional steps can and should be taken today in the name of justice and the prevention of future atrocities. That includes the swift apprehension of the remaining Rwandan fugitives. We call on Member States that may be harbouring them to cooperate with the investigation.

As long as some continue to engage in the dangerous fiction of genocide denial, we risk recurrences of those horrific crimes. We must confront false narratives and uncover the truth, however painful, about how the normalization of hatred and persecution of certain groups led to tragic consequences in Rwanda and the former Yugoslavia.

We welcome the Mechanism's ongoing engagement with the affected countries, and we encourage those national jurisdictions to vigorously pursue accountability for atrocity crimes. We also thank the IRMCT for its significant work responding to national authorities' requests for assistance. In this way, the Mechanism has continued to play a critical role in facilitating the rule of law globally.

We thank the IRMCT judges and staff for their tireless engagement over the past year to ensure an efficient, thorough, and sound legal process in each of those cases. There is undoubtedly more work to be done,

but each of those steps moves us closer to honouring the victims' memories.

Mrs. Nyagura (Zimbabwe): Allow me to congratulate Judge Graciela Gatti Santana on her appointment as the first woman President of the International Residual Mechanism for Criminal Tribunals. We would also like to thank her for the comprehensive report on the work of the Mechanism that is before us (see A/77/242). We commend the former President for his sterling work.

We also welcome the reappointment of Mr. Serge Brammertz as Prosecutor of the Mechanism and are confident that he will continue focusing on the core priority areas.

My delegation commends the President and the Prosecutor for ensuring that the Mechanism remained operational in spite of the coronavirus disease pandemic, through innovative and creative means. The commitment to completing trials and appeals, locating and apprehending remaining fugitives and assisting national jurisdictions is critical in closing existent gaps and improving cooperation with States. My delegation notes with appreciation that the President's report rightly acknowledges that the full and effective cooperation of Member States will continue to be essential to the achievement of desired results.

Zimbabwe is grateful for the assistance and cooperation provided by the Office of the Prosecutor, the tracking team, Belgium, France, the Netherlands, Rwanda, Spain, the United Kingdom and the United States in ascertaining the remains of Mr. Protais Mpiranya, thereby bringing the matter to finality.

My delegation has noted that the report of the President of the Mechanism, while acknowledging the cooperation of States, generalizes that Member States are not cooperating to advance investigations or track and apprehend fugitives. We urge the President of the Mechanism to be more specific in order to recognize the invaluable efforts of countries that have continued to fully cooperate with the Mechanism, as indicated in the report itself.

In conclusion, I wish to reiterate that Zimbabwe takes its international obligations seriously. We are fully committed to continuing to cooperate with the Mechanism through the interdepartmental task force, cognizant that effective cooperation between States and

the Mechanism is critical in fighting impunity and in strengthening justice, accountability and reconciliation.

Mr. Amorín (Uruguay) (*spoke in Spanish*): At the outset, I too should like to express my appreciation for the exhaustive report (see A/77/242) on the work of the International Residual Mechanism for Criminal Tribunals (IRMCT) between July 2021 and June 2022, introduced earlier by President Graciela Gatti Santana.

In the period covered, the Security Council conducted its fourth assessment of progress in the Mechanism's work, in accordance with its resolution 1966 (2010) and Security Council presidential statement S/PRST/2022/2 of 31 March. The fourth review coincided with a change of leadership at the Mechanism. President Carmel Agius announced his decision to step down at the end of his mandate and the Secretary-General named Graciela Gatti Santana to succeed him on 1 July. The Mechanism made significant progress in its primary judicial work, and the Office of the Prosecutor continued to accord particular attention to the three priorities: the expeditious conclusion of the consideration of cases and appeals, the prosecution of fugitives indicted by the International Criminal Tribunal for Rwanda, and assisting national jurisdictions in the prosecution of international crimes committed in the former Yugoslavia and Rwanda. The confirmation of the death of Mr. Félicien Kabuga, the last fugitive expected to be tried by the Mechanism, will bring the final core case to a close.

Thus, over the previous year, the Mechanism made decisive progress in implementing its mandate and consolidating its activities in accordance with Security Council resolution 2637 (2022). The work of the Tribunals and the Mechanism has been essential to jurisprudence and the practice of international criminal law, and to putting an end to impunity for the gravest crimes affecting the international community, having broadened and deepened jurisprudence and international criminal law on the most egregious crimes of recent history. This is a concrete example of how the international community can use norms-based institutions to ensure accountability for serious international crimes committed in complex conflict situations. The Mechanism continues to undertake that crucial work as it completes its crucial mandate.

Uruguay reaffirms its ongoing support for the important work of the International Residual Mechanism for Criminal Tribunals. The Mechanism's

ongoing efforts guarantee that the work of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda will endure. We are strong supporters of the institutions of international criminal law, and believe that the Mechanism and other international tribunals are critical cornerstones of the international rules-based order.

As I mentioned, on 27 June the Secretary-General appointed Judge Graciela Gatti Santana as the new President of the International Residual Mechanism for Criminal Tribunals for a term of two years, starting 1 July. Judge Gatti Santana was a national judge in Uruguay and internationally for over 29 years. She was appointed as a Judge of the Mechanism in December 2011, took her oath of office in 2012, and has been active in the Mechanism ever since. She has exercised her functions for the Mechanism in various capacities. She was a Judge of the Appeals Chamber in the case of *Prosecutor v. Radovan Karadžić* and is now on the court of first instance in the case of *Prosecutor v. Félicien Kabuga*. In 2016, Judge Gatti Santana was appointed by former Mechanism President Judge Theodor Meron as a judicial member of the Mechanism's Rules Committee, and in that capacity participated actively in amending its rules of procedure. Her recent appointment as President of the Mechanism was the high point of her career to date, and all Uruguayans are extremely proud of her work and appointment.

In conclusion, I reiterate the importance of support for the Mechanism. In general, we believe that it is important for the international community to maintain its support for the Mechanism in order to promote and achieve lasting, positive results for the affected communities and the victims. In that regard, we firmly support the idea that the Mechanism should have the budget necessary for it to meet its goals.

Mr. Nagano (Japan): Japan appreciates the briefing by the President of the International Residual Mechanism for Criminal Tribunals (IRMCT) and welcomes the progress made by the IRMCT to date, as shown in its tenth annual report (see A/77/242).

Strengthening the rule of law based on the Charter of the United Nations is conducive to sustainable growth and the effective development of the international community. By addressing cases and executing existing judgments, the IRMCT has been making remarkable progress in promoting the international concept of

human rights, advancing the fight against impunity, and realizing the rule of law. Japan fully commends the IRMCT's tireless efforts.

On the other hand, Japan is concerned that the lack of indispensable cooperation among States has caused delays in the work of the IRMCT, thereby making it difficult to fulfil its expected role. We are aware that if States do not comply with their international obligations, including those derived from Security Council resolutions, difficulties may arise in extraditing indicted individuals and transferring those who have been released or acquitted. To overcome such impediments, Japan calls on all Member States to support the IRMCT.

In his statement in the General Assembly Hall last month (see A/77/PV.5), Prime Minister Kishida stressed his strong commitment to the realization of a United Nations that promotes the rule of law in the international community. Japan continues to attach great importance to the rule of law and accountability, and therefore is the largest contributor to the International Criminal Court. Japan will become a member of the Security Council in January 2023. We will contribute meaningfully to discussions within and outside of the Security Council to ensure that IRMCT continues to play an important role in fortifying the rule of law.

Mr. Hollis (United Kingdom): I would like to start by congratulating President Gatti Santana on her deserved appointment and by thanking her for the most recent report on the International Residual Mechanism for Criminal Tribunals (see A/77/242). Under her stewardship, the Mechanism will continue to play an essential role in ending impunity and implementing international justice, and will no doubt complete its final trials.

The fact that President Gatti Santana can move the Mechanism into its post-trial phase reflects the significant progress that has been made over the past year. In particular, on the Rwandan side of the Mechanism, we were pleased to see Félicien Kabuga's trial commence in The Hague in September. We must ensure that there is accountability for the appalling crimes committed during the genocide against the Tutsi, even after so many years. The trial has added importance as it highlights the critical role of those who enabled the genocide even if they were not directly carrying out the killings.

In addition, earlier this year the Mechanism confirmed the deaths of two outstanding fugitives, Protais Mpiranya and Phénéas Munyarugarama. It is regrettable that these individuals never faced justice, but the confirmation of their deaths after much difficult investigatory work by the Mechanism is welcome. The United Kingdom thanks Prosecutor Brammertz, his team all States that supported those investigations and hopes for further progress in the coming year on the four remaining fugitives indicted for crimes linked to the genocide against the Tutsi.

We have also seen moves forward on the former Yugoslavia side of the Mechanism, as we anticipate the conclusion of the final appeal relating to the crimes committed by Jovica Stanišić and Franko Simatović, who were found responsible for violations of the laws or customs of war and crimes against humanity. The end of their trial will mark an important chapter in the story of international justice. Through its tireless work, the Mechanism continues to show that impunity is not and will not be allowed to prevail.

However, despite these successes, three issues of cooperation with the Mechanism continue to raise concerns.

First, we must mention the Mechanism's referral of Serbia to the Security Council for the failure to arrest and transfer Petar Jojić and Vjerica Radeta. That continued non-compliance is serious and follows years of requests, considerations and discussion. We urge Serbia to comply with the Mechanism's order.

Secondly, while the Mechanism continues to engage in important work to assist with justice at the national level in the Western Balkans, regional judicial cooperation remains inadequate. That has direct implications for achieving justice for victims, and we call on all States to increase their efforts to provide justice for those heinous crimes.

Thirdly, we remain concerned that the Mechanism faces problems in the relocation of acquitted and convicted persons who have completed serving their sentence. Together, we must find a sustainable solution to this problem.

Looking more broadly at the legacy of the Mechanism, we are sorry to see that the glorification of war criminals, the denial of genocide and the promotion of genocide ideology continue. That is unacceptable and increases the suffering of the victims. We see this in

many areas, including with the continuing presence in Belgrade of a mural of Ratko Mladić, a man convicted of war crimes, crimes against humanity and genocide. The United Kingdom condemns such denial and glorification in all its forms, and calls on all Member States to do so.

Reconciliation is difficult. We must accept and acknowledge the truth of the past to move forward. Glorifying the perpetrators and instigators of those heinous acts takes us further away from reconciliation. It is incumbent on the international community to draw on the hard work of the Mechanism, the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia to tackle these challenges.

Mr. Gastorn (United Republic of Tanzania): Let me begin by congratulating Judge Graciela Gatti Santana on being appointed President of the Mechanism and also its first woman President. Equally, I wish to thank her predecessor, President Carmel Agius.

The United Republic of Tanzania has taken note of the Secretary-General's note (A/77/242), transmitting the tenth report on the work of the International Residual Mechanism for Criminal Tribunals for the period 1 July 2021 to 30 June 2022. On 10 September, Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania, welcomed and met with Judge Graciela Gatti Santana, the new President of the Mechanism. They discussed matters of crucial importance to the functions of the Mechanism, and the Arusha branch in particular. Her Excellency President Samia reiterated Tanzania's unwavering support and commitment to supporting the work of the Mechanism and that Tanzania would continue to comply with its obligations as enshrined in the Charter of the United Nations, the statute of the Mechanism and the Host Agreement. I therefore wish to reconfirm and assure President Gatti Santana of Tanzania's fully support and cooperation during her presidency.

Tanzania has taken note of the progress made and wishes to applaud the Mechanism for continuing to deliver on its mandate, despite the complex prevailing challenges caused by the coronavirus disease pandemic during the period under report. The challenging situations caused by the pandemic could not compromise the functions of the Mechanism, as reflected in the report, and congratulates the Mechanism on that.

Tanzania wishes to remind all Member States that the administration of international criminal justice cannot be fully attained without cooperation from all stakeholders. We therefore call upon all Member States to invoke the provisions of article 28 of the statute of the Mechanism by assisting the tracking, location and arrest of all the remaining fugitives in a timely and effective manner. I would like to assure the international community that Tanzania is ready to provide all necessary facilities and assistance for the continuation of the ongoing trial of *Félicien Kabuga*.

We commend the Mechanism for its continued supervision of the enforcement of sentences and would like to join the Mechanism in thanking all Member States that have provided their facilities for the enforcement of sentences.

The Mechanism also has a mandate to manage the archives and records of international criminal tribunals. Accordingly, the management of the archives, including their preservation and access pursuant to article 27 of the Statute, is a function that will continue for as long as the Mechanism is operational and has custody of all the archives. As the Mechanism is about to close, we wish to recommend that the United Nations consider establishing a Mechanism museum of the Arusha branch, specifically, that would cater to the fields of education, historic and research on administration of international criminal justice.

With regard to the activities of the Registry, my delegation has taken note of the report and has a keen interest in a number of the activities.

I wish to assure members of the Assembly that my delegation stands ready to engage constructively in deliberations on this item and, equally importantly, that it is very proud of the work that the Mechanism is doing in the area of international criminal justice.

Mr. Kayinamura (Rwanda): I join colleagues who have spoken before in warmly welcoming and congratulating President Gatti Santana on her assumption of her new responsibilities and duties. She can count on Rwanda's full support.

In relation to today's briefing, we want to thank President Gatti Santana for the regular briefings relative to the activities of the International Residual Mechanism for Criminal Tribunals (IRMCT) and its continued efforts in the pursuit of justice for the victims of the genocide against the Tutsi and in the former

Yugoslavia. on that mandate, she can count on the full support of Rwanda. Today's briefing on the latest report (see A/77/242), like previous ones, present me with the opportunity to express Rwanda's deep appreciation for the emphasis placed on the remaining fugitives, as well as for the opening of the case of *Prosecutor v. Félicien Kabuga*.

While we speak of our shared commitment to accountability for the victims, in conjunction with our pledge to protect future generations from mass atrocities, where we stand here today it is our collective obligation to acknowledge that the wounds of the survivors of the genocide against the Tutsi will not be healed so long as Member States shelter remaining fugitives instead of bringing them to justice. Despite the 1,145 indictments sent by the Government of Rwanda to several countries around the world, requesting their cooperation in arresting and prosecuting those individuals or transferring them to Rwanda to face justice, very few countries have responded to that call.

It is disheartening that the same Member States continue to fail to honour their legal obligations to cooperate with the Mechanism in bringing to justice genocide fugitives. For too long, the IRMCT Office of the Prosecutor and Rwanda have struggled to obtain the cooperation of Member States, even where there have been clear leads and evidence that those fugitives were present in some countries.

Rwanda commends some countries that are enforcing no-safe-haven policies on genocide fugitives and investigating suspects present on their territories. Rwanda particularly welcomes recent action by the United States in extraditing Beatrice Munyenyezi and commends many European Union countries that have continued to work to establish an international investigative task force focused on investigating genocide suspects present in Europe. Those developments demonstrate both the need for further justice and the positive international legal cooperation between Rwandan and many other national countries in apprehending suspects.

On this note, I call on African countries to emulate those good examples. I recall the decision of the African Union (AU) Peace and Security Council calling on all African countries and member States that have not yet done so to investigate, arrest, prosecute or extradite the fugitives currently residing in their territories. Like many resolutions of the Security Council, the

AU Peace and Security Council decision underscores the importance of member States cooperating with the International Residual Mechanism.

The failure of some member States to cooperate with Rwanda and the Residual Mechanism, pursuant to several Security Council resolutions, General Assembly resolutions and AU decisions, amounts to supporting the fugitives residing in the territories of those particular countries. Member States that have deliberately refused to cooperate must explain to the General Assembly, as well as to the victims and survivors, why they have failed to cooperate.

In previous debates, Rwanda expressed grave concern that most persons convicted of the crime of genocide against the Tutsi were released unconditionally upon or soon after serving only two-thirds of their sentences, even when they had not expressed remorse. Rwanda urges the Mechanism to continue considering the views of the victims before granting early release, including the imposition of conditions on any early release of persons convicted of genocide, crimes against humanity and war crimes, since we have seen those released engage in genocide denial and the trivialization of court precedents.

To conclude, key issues stand out. First, we have heard genocide denial on several occasions. The court has expressed its fundamental concern about genocide denial and called for the urgent attention of the General Assembly, the Security Council and the international community to this matter. Rwanda has articulated the same concern and distress regarding the rise in genocide denial, trivialization, revisionism and the glorification of war criminals and genocide convicts in Rwanda and the former Yugoslavia. Along with many other countries, Rwanda has called for urgent action against genocide denial. Considering the widespread presence of genocide denial, whether directly or in the form of hate speech, serious consideration must be given to the criminalization of genocide denial wherever it is manifested.

Consequently, Rwanda welcomes the Prosecutor's commitment to vigorously investigating and prosecuting those who interfere with witnesses with the aim of falsely undermining the established facts of the genocide committed in Rwanda. We agree with the Prosecutor that such contempt of court is a form of genocide denial and must be stopped. Any lingering ideology of genocide in any part of the world, aided

by fugitives of the genocide or their sympathizers, including some Member States, must be addressed. The General Assembly has a moral obligation and duty to condemn in the strongest terms genocide denial as intolerable and unacceptable to the world.

We must also address the issue of resources needed by the Mechanism. The full approval of the Mechanism's budget requests is necessary to ensure the implementation of its mandate, including the expeditious completion of trials and investigations, as well as the apprehension of the remaining fugitives.

Ms. Aydin-Gucciardo (Türkiye): Türkiye aligns itself with the statement delivered by the observer of the European Union, and would like to add the following in our national capacity.

We thank the President of the International Residual Mechanism for Criminal Tribunals (IRMCT) for presenting the Mechanism's annual report (see A/77/242) to the General Assembly.

Having completed its tenth year of operations since the opening of the Arusha branch in 2012, the Mechanism continues to fulfil its critical function in ensuring individual criminal accountability for the most serious international crimes committed in Rwanda and the former Yugoslavia. Türkiye is honoured to have a highly qualified national serving as a Judge on that body. Addressing impunity for such crimes is vital not only to the delivery of justice for the victims, but also to preventing the recurrence of such crimes in the future and contributing to healing in societies. We applaud the Mechanism and its predecessors for their invaluable contributions in that regard.

Türkiye closely follows the work of the IRMCT. We acknowledge with appreciation the significant progress made with regard to the cases before the Mechanism during the reporting period, despite the continuing challenges resulting from the pandemic. We note with satisfaction that the ongoing proceedings remain on track, in line with the projected timelines. We also take note of the successful conclusion of the fourth biennial review process of the Mechanism, as mandated by the Security Council.

The annual report also indicates noteworthy developments with regard to efforts to account for the remaining fugitives indicted for genocide by the International Criminal Tribunal for Rwanda (ICTR), the assistance provided by the Mechanism to national

jurisdictions and the completion of the translation of judgments issued by the International Criminal Tribunal for the Former Yugoslavia (ICTY) into Bosnian, Croatian and Serbian.

Türkiye attaches great importance to increasing gender parity in international bodies of a legal nature and is proud to have a distinguished woman serving as a member of another expert body, the International Law Commission. In that respect, we are pleased with the increase reported in the number of female judges on the Mechanism's roster, as well as the appointment of Judge Gatti Santana as the first female President. The fact that half the Mechanism's staff at the professional level is made up of women also deserves highlighting. Those are indeed positive developments that set an example and will, we hope, encourage more Member States to nominate women to those and other positions, and also encourage more women to apply to such positions.

The ICTR and ICTY, as well as the IRMCT, have had a major impact on the development and interpretation of international criminal law. We need to continue our efforts to ensure that the legacy of the ICTR and ICTY is preserved and to increase awareness of the work of the Mechanism. It is in line with that spirit that Türkiye provided assistance to the Information Centre on the International Criminal Tribunal for the Former Yugoslavia, which was established in the city of Sarajevo in 2018, with the support of the Mechanism.

In closing, we reiterate our support for that important body in continuing to carry out its mandate by ensuring individual accountability for the most serious international crimes committed in Rwanda and the former Yugoslavia, and thereby strengthening the rules-based international order.

Mrs. Dime Labille (France) (*spoke in French*): France aligns itself with statement delivered on behalf of the European Union, and wishes to add a few brief points in its national capacity.

I thank President Gatti Santana for presenting her report (see A/77/242) and congratulate her on her appointment to the presidency of the International Residual Mechanism for Criminal Tribunals. As she succeeds President Agius, I am convinced that she will make her own mark with great intelligence and elegance. I also welcome the reappointment of Prosecutor Brammertz.

France supports the approach adopted by President Gatti Santana and the Prosecutor, who are devoting their efforts to the completion of trials, the arrest of fugitives indicted before the International Criminal Tribunal for Rwanda and assistance to national courts responsible for prosecuting the perpetrators of international crimes committed in the former Yugoslavia and in Rwanda.

With regard to Rwanda, the trial of Laurent Bucyibaruta, a case referred by the Mechanism to the French courts, was held from 9 May to 12 July. Mr. Bucyibaruta was sentenced to 20 years' imprisonment for complicity in genocide by aiding and abetting and complicity in crimes against humanity. The opening of the trial of Félicien Kabuga before the Mechanism on September 29 demonstrates that justice is advancing with regard to Rwandan personalities suspected of having participated in the genocide of the Tutsi in 1994. This is an important moment for victims and survivors and for international criminal justice. In that regard, we welcome the close cooperation between French and international magistrates, as well as with the Mechanism, that enabled the arrest of Mr. Kabuga on 16 May 2020, in France.

With regard to the former Yugoslavia, we regret that the glorification of war criminals continues, sometimes with the help of national and local authorities. No lasting reconciliation can take place without an acknowledgment of crimes and responsibilities. We therefore call on all relevant States to cooperate with the Mechanism in order to allow it to bring its mandate to fruition. Such cooperation is not optional, but obligatory.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We welcome the new President of the International Residual Mechanism for Criminal Tribunals, Judge Graciela Gatti Santana, to New York. It is well known that a new appointment always carries new expectations with it. Our expectations are extremely simple.

The Residual Mechanism has taken a great deal of time in fulfilling its mandate. If we take as a starting point the date of the establishment of the International Criminal Tribunal for the Former Yugoslavia — 25 May 1993 — then next year we will celebrate the thirtieth anniversary of the existence of these criminal justice organs, which are subsidiary bodies of the Security Council.

Twelve years ago, in 2010, the Security Council, in resolution 1966 (2010), decided to create a “small, temporary and efficient” structure to replace both Tribunals. At the same time, the Council recalled its pledge

“to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010” (*Security Council resolution 1966 (2010), second preambular para.*).

Meanwhile, 2022 is slowly but surely coming to an end. The General Assembly is now considering the tenth annual report of the Residual Mechanism (see A/77/242). Once the system was launched, it appears to have lived by its own rules and has no plans to curtail its activities. We must acknowledge that the Security Council’s experiment with the creation of international criminal justice institutions has proved far from ideal. While the International Criminal Tribunal for Rwanda, with all its shortcomings, made a useful contribution to addressing the consequences of the terrible events of the early 1990s in that country, the Yugoslav legacy of the structure is a typical failed example of the exercise of international jurisdiction.

Let us recall history. On 24 March 1999, with no authorization from the Security Council, the air forces of the United States, the United Kingdom, France, Belgium, Canada, Denmark, Germany, Italy, the Netherlands, Norway, Portugal, Spain and Turkey launched an all-out bombardment of Serbia. Over 78 days of endless air strikes, thousands of civilians were killed and infrastructure, industrial facilities and schools destroyed. Serious damage was caused to medical institutions, cultural heritage sites and places of worship.

Did any of the Western aggressors accept responsibility? Of course they did not, although the Tribunal had all the necessary jurisdiction to consider, among other things, the actions of the NATO bloc. The Western-backed Kosovo Albanian militants who traded in human organs, Croatian military leaders and many other participants in those bloody events also escaped accountability. Since our Western colleagues never tire of praising the legacy of the International Criminal Tribunal for the Former Yugoslavia, does that mean that it is precisely such selective principles that form the basis of modern justice in the Western sense?

Frankly, we have no expectation that the Residual Mechanism will do justice. We do hope that it will, at the very least, demonstrate basic humanity. We are extremely concerned about the situation around General Ratko Mladić and his state of health. I remind the new leadership of the Residual Mechanism of the requirements of Security Council resolution 2637 (2022), of June 22, according to which the Mechanism is obliged to uphold the rights of detainees in accordance with applicable international standards, including those relating to medical care.

Mr. Stastoli (Albania): I too would like to begin by congratulating President Graciela Gatti Santana on assuming her duties as the first female President of the International Residual Mechanism for Criminal Tribunals (IRMCT), and to thank her for submitting the Mechanism’s tenth annual report (see A/77/242), covering the period from 1 July 2021 to 30 June 2022. The report outlines the activities and achievements of the Mechanism, an independent judicial body guided by international law and United Nations resolutions. Its mandate covers not only wide-ranging judicial functions resulting from the ad hoc criminal Tribunals, but helps national judicial bodies in fulfilling their duties in full accordance with international law and in monitoring the cases that are referred to national jurisdictions.

We praise the progress made in the case of *Prosecutor v. Félicien Kabuga* and its impact on the lives of the victims of genocide and atrocity crimes and, more broadly, on reparations, justice and accountability. It conveys a strong message of hope and rehabilitation to those who suffered grave violations of their human rights in Rwanda. We look forward to the completion of the appeal proceedings in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* next year.

The Mechanism cannot work alone and depends on other international entities. Strengthening cooperation between States and the Mechanism is a prerequisite for successful, results-oriented judicial work. On the other hand, the non-cooperation of States with the Mechanism is unacceptable, as it undermines the effective administration of justice and is in breach of Security Council resolution 1966 (2010). We reiterate our regret over the continued lack of cooperation on the notification of 11 May 2021 from the President of the Mechanism to the Security Council concerning the case of *Prosecutor v. Petar Jojić and Vjerica Radeta*. We call on all States to comply with their international obligations to cooperate with the Mechanism.

Furthermore, the suffering of all innocent civilian victims of the war in the former Yugoslavia and Rwanda must be recognized. There can be no long-lasting peace or reconciliation without the full recognition of the suffering of the victims vis-à-vis the responsibility of the perpetrators. Judicial accountability for war crimes is crucial, but equally crucial is the active fight against the denial of war crimes, the glorification of war criminals and any attempt of historical revisionism, as we have just heard from the previous speaker at this rostrum. It is unacceptable to try to undermine, switch roles and confuse the victims with the aggressor.

In conclusion, I would like to reiterate Albania's strong support for the independent work of the Mechanism. Ensuring accountability and promoting a human rights approach through rule-of-law and transitional-justice mechanisms is a core element of Albania's approach at the international level. The perpetrators of atrocity crimes and crimes against humanity should be held accountable for their crimes,

and justice should be served to the victims. We have obligations under international norms and practice, and we should work every day to honour them. Therefore, effective coordination among States is essential to the equal administration of justice at all levels.

The President: We have heard the last speaker in the debate on this agenda item.

May I take it that it is the wish of the Assembly to take note of the tenth annual report of the International Residual Mechanism for Criminal Tribunals, contained in document A/77/242?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 129?

It was so decided.

The meeting rose at 11.35 a.m.