



# Security Council

Seventy-ninth year

**9674**<sup>th</sup> meeting

Thursday, 27 June 2024, 3 p.m.

New York

*Provisional*

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*President:* Mr. Hyunwoo Cho . . . . . (Republic of Korea)

*Members:*

Algeria . . . . .	Mr. Koudri
China . . . . .	Mr. Geng Shuang
Ecuador . . . . .	Mr. Montalvo Sosa
France . . . . .	Mrs. Jaraud-Darnault
Guyana . . . . .	Ms. Persaud
Japan . . . . .	Mr. Yamazaki
Malta . . . . .	Mr. De Bono Sant Cassia
Mozambique . . . . .	Mr. Fernandes
Russian Federation . . . . .	Ms. Zabolotskaya
Sierra Leone . . . . .	Mr. George
Slovenia . . . . .	Mr. Žbogar
Switzerland . . . . .	Mrs. Chanda
United Kingdom of Great Britain and Northern Ireland . .	Mr. Hollis
United States of America . . . . .	Mr. Simonoff

## Agenda

International Residual Mechanism for Criminal Tribunals

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*The meeting was called to order at 3 p.m.*

### Adoption of the agenda

*The agenda was adopted.*

### International Residual Mechanism for Criminal Tribunals

**The President:** The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2024/505, which contains the text of a draft resolution submitted by Sierra Leone.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

*A vote was taken by show of hands.*

*In favour:*

Algeria, China, Ecuador, France, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

None

*Abstaining:*

Russian Federation

**The President:** The draft resolution received 14 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 2740 (2024).

I shall now give the floor to those members of the Council who wish to make statements after the voting.

**Mr. George** (Sierra Leone): At the outset, let me extend my thanks to the Security Council for entrusting Sierra Leone with the role of Chair of the important Informal Working Group on International Tribunals. I also extend my thanks to the members of the Working Group for their constructive engagement in the negotiations on resolution 2740 (2024), which has been adopted today.

For the first time in its history, the International Residual Mechanism for Criminal Tribunals took on a truly residual role earlier this year, when it concluded the trials of all core crimes and completed the tracking of fugitives. In undertaking a constructive assessment

of the work of the Mechanism over the review period of 2022–2024 and in projecting the future direction of the Mechanism, the Working Group has had to grapple with the many uncertainties that face the Mechanism as it transitions into a residual state.

The Working Group held four in-person meetings to discuss the resolution. Furthermore, outside of those meetings, the Chair held numerous direct engagements with members of the Council to bridge diverging opinions. In addition to the traditional biennial briefing by the principals of the Mechanism to the Working Group, which took place on 10 June, the Chair invited the principals of the Mechanism on two other occasions to address the Working Group and to respond to questions. In one of those meetings, which was held on 18 June, an invitation was extended to those Member States that were directly affected by the work of the Mechanism, for the very first time and without setting a precedent, to pose questions to and exchange views with the Working Group and the principals of the Mechanism — namely, Rwanda and Serbia at their request, Bosnia and Herzegovina and Croatia. Throughout the review process, the Chair called on the Mechanism to provide written input and responses to questions posed by members of the Working Group. By and large, the concerns of all Member States were adequately addressed, and we commend the flexibility and the spirit of compromise that ultimately prevailed.

In closing, we reiterate that the resolution that has been adopted today effectively balances the interests, input and positions of all Council members, while reaffirming the commitment of the United Nations to combating impunity and holding accountable those responsible for serious crimes of international concern.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): The Russian Federation abstained in the voting on resolution 2740 (2024) recording the results of the fifth review of the International Residual Mechanism for Criminal Tribunals, even though it played an active role in negotiations on the text. That is primarily due to the continuing delay in the activities of Mechanism. It and the Tribunals that preceded it have been in operation for more than 30 years. That can hardly be called reasonable for a temporary, ad hoc body. However, the Mechanism's leadership does not intend to stop there, stating that its residual functions will last until 2052. In accordance with mandate resolution 1966 (2010), the Security Council's regular review of the Mechanism's work covers its efforts

towards completing its functions. It is no longer enough to simply remind the Mechanism that, in accordance with the same resolution, it is a small, temporary and efficient structure, whose functions and size will diminish over time. It is clear that such reminders do not work.

Against the backdrop of the full completion of the Mechanism's investigative and judicial activities, namely, its main residual functions, the issue of the speedy completion or transfer of all its other secondary functions is of particular relevance. Since the Mechanism was unable to comply with the Security Council's request formulated in previous resolutions and to submit realistic proposals in that regard, my delegation invited the members of the Council to take the initiative and prescribe a road map for the Mechanism themselves, mentioning specific dates and addressees for the transfer of functions. For example, our proposal to transfer convicted persons to their States of citizenship, in addition to the monitoring of their serving of sentences, would make it possible to solve two problems at once. First, it would put an end to the flagrant violations of the rights of those persons, and secondly, it would rid the Mechanism of its most long-term function. It is precisely on the basis of that function that the Mechanism is projected to continue operating until 2052.

We are disappointed that the road map was not included in the text. Instead, we are being asked to request another report, this time from the Secretary-General. We trust that, in preparing such a report, the mistakes made by the Residual Mechanism will be taken into consideration and that, in two years' time, the Council will finally receive a set of detailed and, most importantly, practicable options. We are convinced that the most sensible option of all is the transfer of functions to the national authorities of the States concerned. We ask the Secretary-General to devote priority attention to developing and working on that scenario.

We welcome the changes to the text of operative paragraph 11 on the issue of archives. Those changes refer to the requests made by all affected States to host the archives. We trust that, when the Secretary-General prepares an updated report on that issue, the Residual Mechanism will start to reach agreements with the States concerned on the modalities for such a transfer. For those States, the archives are not a matter of mere memory or idle curiosity; they are primarily a matter of numerous ongoing national investigations and

judicial processes. The archives may contain valuable information for local law enforcement officials and should therefore be fully open and accessible to them. We note the inclusion of relevant language in the text and look forward to its strict implementation by the Mechanism by providing full and exhaustive information to the competent authorities upon request.

Furthermore, we believe that the operation of the so-called information centres has been and will remain the business of the States that have chosen to establish them, and that the assistance provided for in resolution 1966 (2010) for the opening of such centres by the Mechanism is not one of its core functions, much less a reason for extending its mandate.

Moreover, with regard to operative paragraph 16, we assume that, given its updated wording, the Mechanism will finally address the issue of providing necessary medical assistance to Serbian General Ratko Mladić and ensuring for him the minimum guarantees and standards provided for in the so-called Nelson Mandela Rules.

We are nonetheless disappointed by the fact that the text did not include our proposal to resolve the absolutely unacceptable situation of ongoing violations of the rights of persons convicted by the Mechanism and the Tribunals and who are serving their sentences in third countries. As part of the review, we heard extremely disturbing information from Serbia and also from lawyers and relatives of a number of convicted persons who are being held in prisons in Estonia and the United Kingdom. The treatment of those individuals is nothing short of inhumane. At the same time, the so-called monitoring by the Mechanism is limited to receiving reports from the States executing the sentences. In those reports, of course, all violations are being denied. It is hardly reasonable to try to obtain objective information from an interested source. That is not monitoring, but rather outright distortion of the Mechanism's functions.

In that regard, we have proposed a very simple and logical option: to request a report on that from the Secretary-General. That would be the best way for the Council to obtain detailed and objective information. However, Council members from the countries where people are serving their sentences have blocked that proposal. The logical question that arises is: if their prisons do not allow violations, why are they so afraid

of a report from the Secretary-General? The answer to that is quite obvious and requires no further comment.

At the same time, we believe that even without a special mandate, the United Nations system, the International Committee of the Red Cross and the relevant human rights bodies should give priority attention to the egregious situation of the rights of that category of persons. Against the backdrop of the ongoing violations of the rights of Ratko Mladić, Radovan Karadžić and other prisoners, complacency and inaction are unacceptable. For our part, we will continue to draw the attention of the members of the Council to that horrific situation until it is fully rectified.

**Mr. Žbogar** (Slovenia): Slovenia voted in favour of resolution 2740 (2024) on the International Residual Mechanism for Criminal Tribunals, extending the Mechanism's mandate for another two years. We would like to thank Sierra Leone for the efforts it put into the resolution.

The Residual Mechanism is moving closer to the completion of its work. However, the fight against impunity does not have to end. The Mechanism and both its predecessors, the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), have proved that nobody is above the law and that perpetrators will be held accountable, no matter how long it takes. That

legacy must also be preserved after the completion of the Mechanism's work. The archives must be preserved, and property managed. Every new attempt to deny genocide or glorify war criminals shows how important it is to ensure that.

The documentation, knowledge and expertise that were acquired must be preserved and used to support national jurisdictions. That is why we originally proposed the establishment of a permanent centre within the United Nations system that would preserve and manage the Mechanism's information and evidence and those of other existing and future United Nations entities. We believe that that is still an important element to consider when preparing the reports of the Secretary-General provided for in the resolution.

The Mechanism, the ICTY and the ICTR are proof of what the international community and the Council can achieve when we stand united in the fight against impunity when faced with the most atrocious international crimes, which are, by default, threats to international peace and security. Only justice can bring about reconciliation — and more than reconciliation, the healing of societies. That is the true foundation of peace, and only with such a strong foundation does the atrocious part of history stand little chance of repeating itself.

*The meeting rose at 3.20 p.m.*