



Security Council

Seventy-ninth year

Provisional

9805th

meeting

Tuesday, 10 December 2024, 10 a.m.

New York

President: Mr. Simonoff (United States of America)

Members:

Algeria	Mr. Gaouaoui
China	Mr. Li Linlin
Ecuador	Mr. Montalvo Sosa
France	Mr. Fournel
Guyana	Ms. Persaud
Japan	Mr. Mikanagi
Malta	Ms. Gatt
Mozambique	Mr. Fernandes
Republic of Korea	Mr. Cho
Russian Federation	Ms. Zabolotskaya
Sierra Leone	Mr. Kanu
Slovenia	Mrs. Blokar Drobič
Switzerland	Mrs. Chanda
United Kingdom of Great Britain and Northern Ireland . .	Mr. McIntyre

Agenda

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2024/570)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. *Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room AB-0928 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).



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

Adoption of the agenda

The agenda was adopted.

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2024/570)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to participate in this meeting.

On behalf of the Council, I welcome Her Excellency Ms. Maja Popović, Minister of Justice of Serbia.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals; and Mr. Serge Brammertz, Chief Prosecutor of the International Residual Mechanism for Criminal Tribunals.

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

I wish to draw the attention of Council members to document S/2024/570, which contains a note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals.

I now give the floor to Judge Gatti Santana.

Judge Gatti Santana: Allow me to congratulate you, Mr. President, on your country's assumption of the presidency of the Security Council and to express my profound gratitude for the support the International Residual Mechanism for Criminal Tribunals has received from the Council.

I also wish to acknowledge the outgoing Council members, namely, Ecuador, Japan, Malta, Mozambique and Switzerland. They have been key partners, particularly during the most recent biennial review process, which led to the renewal of the Mechanism's mandate in June.

I am honoured to present to Council members the Mechanism's twenty-fifth progress report today, on Human Rights Day. I am doing so also just weeks after

the Sixth Committee's decision to take historic action towards adopting an international convention to govern the prevention and punishment of crimes against humanity. More than 30 years ago, the Security Council lay the groundwork for this important accomplishment by establishing the International Criminal Tribunals for the former Yugoslavia and Rwanda, whose statutes codified crimes against humanity and whose judgments extensively elaborated on their elements. Because of the Council's decisive action to rein in impunity then, the collective conscience can reference the judicially established facts and jurisprudence of those Tribunals to assist in identifying and preventing crimes against humanity today.

Since I addressed the Council six months ago (see S/PV.9651), the Mechanism has advanced with a clear focus. As reported, the Mechanism continues to have substantial work in connection with its residual mandated functions, given their unprecedented scope, and such activity will be ongoing in the near term. However, we are delivering justice in line with our statutory obligations. We are doing so efficiently and with a completion mindset. I would like to start by giving some examples of judicial activity that makes that plain.

The ability to seek review of a final conviction is a fundamental right under the International Covenant on Civil and Political Rights, which the Council enshrined in our statute. About three weeks ago, I presided over a review hearing ordered by the Appeals Chamber in the case *Prosecutor vs. Gérard Ntakirutimana*. Mr. Ntakirutimana had uncovered new information that a witness who had testified against him before the International Criminal Tribunal for Rwanda had recanted evidence that exclusively supported certain convictions.

Over two working days, the Appeals Chamber heard all the relevant evidence and closing submissions from the prosecution and the defence. Following focused deliberations, the Chamber pronounced its judgment at the end of the same week. Having found that the witness's recantation was not credible, the Appeals Chamber unanimously rejected Mr. Ntakirutimana's request to revise his judgment, and his convictions remain unaltered. That process was key to the justice cycle and ensured that no miscarriage of justice had occurred. However, it also exemplified the institution's dedication to ensuring that any in-court proceedings be completed quickly and cost effectively.

Progress has also been made in relation to contempt of court. Our continued jurisdiction over contempt remains essential to ensuring witness protection and the integrity of our cases. However, the Mechanism's statute requires consideration of referring contempt cases to national jurisdictions, taking into account the interests of justice and expediency. This year, single judges referred two contempt cases to national authorities. As a result, resource-intensive in-court proceedings were avoided. A decision on whether to initiate another contempt proceeding is pending and, if authorized, a single judge will first have to consider referral.

Finally, earlier this year, the judges took another important step towards ensuring that the Mechanism can keep reducing in size and scope, in line with the Security Council's vision. As previously reported during their in-person plenary, the judges removed a resource-intensive declassification procedure from the rules of procedure and evidence because it was not essential to providing access to confidential material and could not be concluded in reasonable time. Those examples demonstrate that under the leadership of the judges, with the cooperation of the parties and through the excellent assistance of the Mechanism's court support, the institution remains committed to upholding fundamental rights while, at the same time, ensuring that its procedures are as expeditious and cost-effective as possible.

Our remaining residual activities, supported by all organs of the institution, continue to require time, attention and resources. In the near term, we at the Mechanism are best-placed to execute them, given our institutional knowledge and the need to identify viable and just solutions for transfer or completion. Such activities include supervising the enforcement of sentences of individuals convicted by the Mechanism and its predecessor Tribunals. Currently, the Mechanism supervises the sentences of 41 persons in 11 countries and on two continents. Three additional convicted persons are in the United Nations Detention Unit in The Hague awaiting their transfer to enforcement States, while three more are on conditional early release.

The Mechanism's supervisory function is vital to the completion of the justice cycle. Earlier this year the Office of Internal Oversight Services reported that almost 88 per cent of third-party stakeholders agreed, or strongly agreed, that cooperation with the Mechanism had contributed to sentences being enforced in accordance with international standards. Similarly,

the Mechanism's jurisdiction over applications for early release, pardons or commutations of sentences ensures that they are adjudicated in accordance with established international law and procedure and in a fair, impartial and transparent manner.

Turning to another key function, as domestic jurisdictions seek to close impunity gaps by pursuing justice locally, the Mechanism continues to provide vital assistance as mandated by its statute. While the Prosecutor will address the related activities of his Office, I want to note that over the past few years, the Mechanism's judges have granted, in full or in part, more than 80 per cent of requests for variations of witness protective measures in connection with domestic prosecutions. The judicial process for evaluating those requests is indeed vital to safeguarding sensitive information. When requests are denied, that is due to the high legal threshold required to vary protective measures for witnesses who bravely put their individual fear aside to contribute to collective justice.

Separately, the Mechanism remains mandated to preserve, manage and facilitate access to the archives of the ad hoc Tribunals and the Mechanism. By doing so, we safeguard and strengthen the legacy of those institutions, a responsibility that is growing increasingly vital as we approach the end of our mandate. The archives are more than historical records. They embody the global commitment to justice, accountability and the rule of law. Moreover, they are dynamic tools that help shape the future of international justice and combat historical revisionism and denials of genocide. Through our website, public databases and library, we are also dedicated to making those invaluable resources widely available to all.

Achieving a responsible conclusion of our mandate requires ongoing cooperation from States in addressing critical unresolved challenges. Almost three years on, a durable solution for the six persons acquitted or released in the Niger remains elusive. They are living in limbo and without the rights that they were promised when they agreed to relocate there. State intervention, either to assist in normalizing their situation in the Niger or to facilitate relocation, will be essential to a resolution of the matter. Another issue requiring cooperation has arisen from the effective conversion of the United Nations Detention Unit into a prison facility. That has resulted from the inability of certain States to continue enforcing sentences, as well as the need for additional States to take on the important responsibility

of sentence enforcement. The Detention Unit was never intended to house convicted people in such a manner, yet three currently remain in the facility following the pronouncement of their final judgments, and others may be returned there. The present situation is straining the Mechanism's limited resources and unnecessarily prolonging the adjustment period for prisoners. The Mechanism continues to require additional States to come forward to enforce the sentences. Finally, the *Jojić and Radeta* case has been pending for nearly a decade owing to Serbia's lack of cooperation in arresting and transferring the accused. That is a most unfortunate matter that has been repeatedly brought to the Council's attention.

In this final phase of the Mechanism's existence, future planning takes on greater significance. The Mechanism has paid very close attention to resolution 2740 (2024), including the Security Council's requests to the Secretary-General to present by 31 December 2025 an updated report on the administrative and budgetary aspects of the options for possible locations of the archives, along with a report on options for the transfer of the functions of supervision of enforcement of sentences and the pardon or commutation of sentences, and assistance to national jurisdictions on prosecutions. The Mechanism stands ready to provide any information and support required in relation to those reports, as well as any information requested by the Council itself. In the meantime, the Mechanism continues to streamline and reduce its operational requirements to more fully realize the Council's vision of a small, temporary and efficient institution. Between January 2020 and the end of this year, the Mechanism will have reduced its staffing levels by approximately 60 per cent and cut its budget by more than 30 per cent. Further reductions are proposed for 2025, despite the projected workload for residual functions being largely unchanged from this year.

As outlined in the report before the Council (see S/2024/570), the Mechanism has materially reduced its operational footprint through the successful closure of the Kigali field office, which ceased operations at the end of August. In doing so, the Mechanism, exercising judicial oversight, ensured that hundreds of vulnerable victims and witnesses who had received medical and psychosocial assistance from the Office would continue to receive it from the Rwandan Government. That is a clear example of the Mechanism's willingness and ability to find innovative transfer solutions and to

responsibly cut costs. During the reporting period, the Mechanism also closed its External Relations Office, with its functions being seamlessly absorbed by all three organs. Finally, the Registrar and I reallocated workstreams related to the supervision of the enforcement of sentences in order to avoid unnecessary duplications of work. Aspects of that efficiency were codified with the issuance in July of a revised practice direction related to pardons, commutations of sentences and early release.

In conclusion, the Mechanism exists to complete the cycle of justice initiated by the Tribunals for the former Yugoslavia and Rwanda. We remain resolute in our commitment to that cause. We stand with the States affected, continue to assist them in their quest for accountability and reaffirm our support for victims and witnesses. The Mechanism is actively safeguarding the legacy of the Tribunals that the Council created to provide justice in the wake of horrific crimes, including genocide, that marked the close of the twentieth century. Under the Charter of the United Nations, the Security Council is mandated to ensure international peace and security, and as its subsidiary organ, the Mechanism exists to assist Council members in fulfilling that obligation. Until the Council decides otherwise, we will carry out our work with steadfast commitment to fairness, efficiency and transparency. Whether by supervising the enforcement of sentences, protecting victims and witnesses who have been essential to securing justice, managing and facilitating access to our vast archives or assisting States with investigations and prosecutions at the national level, we will do our utmost to keep advancing accountability and thereby reconciliation. We are prepared to conclude our work and to fulfil the Council's promise to Rwanda and the States of the former Yugoslavia, in resolution after resolution, that justice will be done. The Mechanism is equally prepared to facilitate the responsible transfer of its functions in due course, if the Security Council decides that such a shift will guarantee the rule of law and deliver on the international community's commitment to combating impunity in accordance with the highest standards of justice.

The President: I thank Judge Gatti Santana for her briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I thank the Security Council for the opportunity to again brief members on my Office's

activities and results. Details about our work have been presented in my written progress report. Today I would like to mention some developments from the past six months and then look towards the future. The point I would like to highlight is that while most of the residual functions of the International Residual Mechanism for Criminal Tribunals concern the cases concluded in the past, my Office is now focused on supporting Member States as they continue the accountability process.

Pursuant to article 24 of the Mechanism's statute, the possibility exists for closed cases to be reopened at any time by convicted persons under the review procedure. As reported by the President, during the reporting period my Office litigated such review proceedings in the Ntakirutimana case. Gérard Ntakirutimana was convicted for genocide and crimes against humanity and sentenced to 25 years of imprisonment. He then filed his request for review in December 2023, nearly 10 years after his early release from prison and 19 years after his conviction, on the basis that a witness had recanted their evidence against him. After the Appeals Chamber granted review in May 2024, my Office undertook urgent investigations into the veracity of the alleged recantation by this witness. We uncovered credible and reliable evidence that the recantation was in fact the result of interference with the witness, including financial incentives. That evidence was submitted to the Appeals Chamber. We are satisfied that the Appeals Chamber accepted our arguments that the alleged recantation was not reliable and accordingly upheld his International Criminal Tribunal for Rwanda (ICTR) convictions. We will now work with national partners to identify whether any further steps should be taken in this matter.

There have now been two review proceedings in recent years concerning ICTR convictions, the first being in the Ngirabatware case. In both, witnesses have recanted their testimonies from prior trials. And in both, there has been strong evidence that those recantations were the result of financial incentives. My Office will continue to safeguard the integrity of prior judgments by investigating alleged recantations to determine whether there has been improper interference with witnesses. Review proceedings cannot be licence for convicted persons to rewrite history and erase their crimes by fabricating evidence.

We also continued to litigate the three following matters that should be nearing completion. Fulgence Kayishema remains in South Africa, where he is

contesting his transfer to the Mechanism's custody in Arusha and ultimately to Rwanda for trial. He has further announced his intention to seek revocation of the transfer of his case to Rwanda. Concluding this matter depends now on South Africa fulfilling its international obligations to hand Kayishema over to the Mechanism, as requested by the arrest warrants against him. Conversely, Félicien Kabuga remains detained by the Mechanism in The Hague. My Office is of the opinion that returning him to Rwanda, his country of birth and nationality, would allow this matter to be concluded. Finally, it can be expected that the transfer of the case against Vojislav Šešelj to Serbia will be completed in the near future, so that he can be brought to trial there. That is consistent with the Council's direction that Member States should assume the responsibility for contempt proceedings.

I would like to take this opportunity to highlight that in the last six months, my Office reached a very important milestone in our efforts to support the search for missing persons from the conflicts in the former Yugoslavia. Of the estimated 42,000 missing persons, 30,000 have been found and identified. Unfortunately, that also means that 12,000 families still do not know the fates and whereabouts of their loved ones.

As I previously reported to the Council, in October 2018 my Office and the International Committee of the Red Cross (ICRC) entered into an agreement and joint project to strengthen our cooperation in the search for missing persons. I am pleased to report that, as foreseen in late 2018, my Office finished its last searches for missing persons' names as requested by the ICRC, bringing our contribution to the joint project to a timely completion. In the past six years, we searched for information in our evidence collection concerning more than 12,000 missing persons. Overall, we shared more than 500,000 pages of evidence and a large volume of photographs and audiovisual material with the ICRC. We will otherwise continue to support the ICRC's efforts to find missing persons by responding to additional requests for assistance.

We are also providing extensive investigative assistance and operational support to national authorities searching for missing persons. As is universally agreed, the search for missing persons is a humanitarian imperative and fundamental to reconciliation. My Office played a crucial role in the past, including by locating and exhuming mass graves in Srebrenica and elsewhere. This joint project between

the Office of the Prosecutor and the ICRC was very much a continuation of those efforts. It should serve as a model for how investigators and prosecutors, even after their cases are done, can leverage the evidence they gathered to provide ongoing support for the search for missing persons.

While the work of the ICTR and International Tribunal for the Former Yugoslavia (ICTY) is nearing an end, the accountability process is not. Rather, as the Council envisioned, the responsibility for achieving more justice now is fully in the hands of Member States. That is why my Office's primary activity continues to be providing assistance to our national partners investigating and prosecuting serious international crimes committed in Rwanda and the former Yugoslavia. And it is clear that today Member States still need our help as much as ever before. In 2024, my Office will have received more than 400 requests for assistance, among the most we have ever received in a year. Those requests came from 14 Member States, including Rwanda and the countries of the former Yugoslavia. Not only are we receiving a high number of requests, but these requests are increasingly complex. Member States are looking to us for our investigative, analytical and legal expertise to assist them with resolving challenges in their cases. Empowering Member States to secure justice is an essential part of the completion strategy.

There are three recent examples that help to illustrate how we are assisting Member States to achieve their goals. Rwandan prosecutors requested my Office to provide substantial direct assistance with an important ongoing investigation. Working in close cooperation, together we prepared a sophisticated investigation plan that analysed existing evidence, identified issues for which more evidence was required and developed a series of targeted interviews to move forward the case. Through that intense collaboration over several months, Rwandan investigators obtained highly relevant evidence confirming the participation of the suspect in serious crimes, including the murder of more than 1,000 Tutsi refugees. It is expected that an indictment will be filed in the very near future. We are also working on important files to locate fugitives who have escaped accountability for 30 years.

Turning to other examples, similarly, Montenegro has requested to significantly strengthen cooperation with my Office to support their investigations and prosecutions of war crimes. That work highlights the variety of ways my Office is assisting Member States.

One part of our cooperation has been assisting our Montenegrin partners with a sensitive investigation into serious crimes, including sexual violence, committed in Bosnia and Herzegovina. Through the joint task force we established last year, my Office has provided extensive investigative support, such as identifying potential new witnesses and evidence, facilitating cooperation with other countries and advising on how to overcome the many challenges.

Finally, while our primary partners are prosecutors in Rwanda and the territories of the former Yugoslavia, we are also working with other Member States who are investigating and prosecuting these crimes. That includes nearly a third of the current members of the Security Council. Our cooperation with the French Parquet national antiterroriste has significantly developed following a trilateral meeting earlier this year in Kigali. Just a few weeks ago, my Office provided critical evidence to our French partners in the midst of an important trial, which helped to ensure a conviction. Likewise, my Office is working intensively with the Counter Terrorism Command of the Metropolitan Police Service in the United Kingdom, the Human Rights Violators and War Crimes Centre of United States Immigration and Customs Enforcement, and the Entraide judiciaire internationale, Terrorisme, Droit Pénal international et Cybercriminalité of the Swiss federal police. With all of those partners, we are actively assisting ongoing investigations by providing evidence and advice on a range of topics. It is therefore clear that Member States need assistance, both quantitatively and qualitatively, from my Office to successfully investigate and prosecute crimes committed in Rwanda and the former Yugoslavia.

To assist the Council in its deliberations concerning the Mechanism, I undertook a series of missions and consultations in the past six months to gather more information about Member States' needs and how to cooperate in the future. In September, I visited Bosnia and Herzegovina, Croatia, Montenegro and Serbia for high-level meetings. In November I visited Rwanda. My teams also engaged with operational contact points to better understand the caseload in different countries.

It is true that three decades have passed since the genocide in Rwanda and the conflicts in Bosnia and Herzegovina and Croatia. And significant results have been achieved in that time, first at the ICTR and the ICTY, and then in national courts. But the view of Member States is that the work is not yet done, and

that more justice needs to be achieved. In Rwanda, there are more than 1,000 fugitive génocidaires still to be accounted for. In the former Yugoslavia, several thousand suspects still have to be investigated and, where warranted, prosecuted, including 500 suspects whose cases have to be transferred from Bosnia and Herzegovina to other countries in the region. Similarly, third-party States continue to enforce “no safe haven” policies and to ensure that suspected war criminals and génocidaires are extradited and prosecuted. Criminals have fled to the four corners of the globe, and many Member States are therefore playing an important role in the accountability process. The coming period will be critical. Member States anticipate that their work — and the corresponding need for support from my Office — will continue at the current high level.

As a final remark, I welcome the Security Council’s active deliberations on the future of the Mechanism, which was always intended to be a temporary institution. My Office is working closely with the Mechanism’s Chambers, Registry and Office of Legal Affairs and other stakeholders to develop options for the transfer of its functions, as the Council requested in resolution 2740 (2024). It is also well understood that significant reductions in Mechanism staffing and resources are expected. At the same time, the closure of the Mechanism is just one part of the Council’s completion strategy. The other part, which is even more relevant today, is that Member States will continue the justice process in their national courts. Our workload indicators demonstrate that we are providing essential support to Member States and that it is making a significant impact. That is a positive sign and confirmation that the justice process is on the right path. That process should be safeguarded and supported. It is our shared responsibility regarding the victims and survivors, who still look to the United Nations to support the justice process. My Office remains grateful for the continued support of the Council in all our efforts.

The President: I thank Mr. Brammertz for his briefing.

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

Mr. Kanu (Sierra Leone): Let me first say, Mr. President, that it is great to see you presiding over today’s meeting.

Let me start by thanking Judge Graciela Gatti Santana, President of the International Residual

Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, Chief Prosecutor of the Mechanism, for their insightful briefings and important updates. I welcome the participation in today’s meeting of Her Excellency Ms. Maja Popović, Minister of Justice of Serbia, as well as the representatives of Rwanda, Bosnia and Herzegovina and Croatia.

Given the critical importance of ensuring accountability for atrocity crimes, and the role of international tribunals in ending impunity, with a view to preventing crimes that threaten the peace, security and well-being of the world, Sierra Leone continues to express its full support for the work of the Mechanism. The Mechanism’s twenty-fifth progress report, covering its activities between 16 May and 15 November, which contains the assessments of the President and of the Prosecutor of the Mechanism, examines the progress that the Mechanism has made and the challenges it has faced in ensuring accountability for crimes within its jurisdiction. We note that within its mandated judicial activities, the Mechanism made notable progress during the reporting period in a number of proceedings, issuing 87 decisions and orders, and with the Office of the Prosecutor supporting national jurisdictions in 103 cases. The Prosecutor’s Office also continued to assist national judiciaries in prosecuting war crimes and strengthening regional judicial cooperation, particularly in the countries of the former Yugoslavia, while pursuing accountability for genocide suspects in third-party countries.

Furthermore, we acknowledge with appreciation the Mechanism’s notable achievements in this period, particularly in reducing its operational footprint to align with its diminished functions. That streamlining, along with greater coordination among the Mechanism’s organs, could lead to financial efficiency gains and supports the Security Council’s vision of the Mechanism as a small, temporary and effective institution. The work of the Mechanism would not be possible without the cooperation of Member States. Sierra Leone therefore commends the Kingdom of the Netherlands and the United Republic of Tanzania, which have housed the Mechanism since its inception, and before that its predecessor institutions — the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda — for their dedication and commitment in furthering the mandate of the Mechanism.

Notwithstanding the significant strides made by the Mechanism, there are persistent challenges. For instance, and as reported, the Mechanism continues to face problems with the relocation of acquitted persons and convicted persons who have served their sentences. In that regard, Sierra Leone welcomes the Mechanism's renewed diplomatic strategy and efforts to further leverage partnerships with the United Nations system to find long-lasting solutions to those challenges. Those challenges notwithstanding, it is important to stress that international tribunals such as the Mechanism serve as an important reminder that perpetrators of the most serious crimes of international concern will be held accountable and brought to justice for their crimes.

Finally, we note that the Mechanism is expected to continue its residual work in 2024 within the approved budgetary resources, and we hope that the proposed budget for 2025 will also receive the necessary approval from the General Assembly to support its activities.

Let me conclude by reiterating Sierra Leone's unwavering commitment to supporting the Council's efforts to combat impunity wherever it exists and regardless of who is responsible.

Mrs. Chanda (Switzerland) (*spoke in French*): I would like to thank President Gatti Santana and Prosecutor Brammertz of the International Residual Mechanism for Criminal Tribunals for their clear briefings and updates. We also welcome the participation of the representatives of Bosnia and Herzegovina, Croatia, Serbia and Rwanda in this meeting.

In the words of a witness who spoke before the International Tribunal for the Former Yugoslavia, we cannot undo what happened, but we can ensure that justice is done, so that future generations do not suffer what we have endured. Switzerland continues to strongly support the work of the Mechanism. As we mark the thirtieth anniversaries of the genocides in Rwanda and Srebrenica this year and next, respectively, we should remember that the Security Council is entrusted with the responsibility for ensuring that justice is served. Although the proceedings before the Tribunals and the Mechanism have concluded, the role of the Mechanism remains essential to combating impunity and promoting a lasting peace.

I would first like to commend the progress achieved by the Mechanism in recent years, particularly in the execution of sentences and the tracing of fugitives. But those steps, while crucial, reflect only one aspect of the

Mechanism's central and ongoing role. Several of its residual functions remain essential. In that regard, we emphasize in particular the importance of maintaining, managing and ensuring the accessibility of the archives in order to preserve the collective memory of the atrocities, which is an important pillar of prevention. It is vital to protect the legacy of the Mechanism and the Tribunals that preceded it. The rise in the glorification of criminals and revisionist tendencies, which we condemn, is sad testament to that.

As we discuss the future of the Mechanism, the future of the archives is a key issue that will need to be examined in depth. Switzerland stands ready, including as a host State, to mobilize its expertise and contribute, on the basis of the status of the Mechanism, to the global conversation regarding the future of the archives of the many mechanisms created by the United Nations. We believe that the management of those documents, regardless of the entity that creates them, would benefit from a common framework to render the retention and management of those documents more effective and efficient.

We welcome the support provided by the Office of the Prosecutor to national authorities, which is proof that the importance of the Mechanism is not diminishing but simply taking on a new form. In that vein, we stress the importance of enhanced international cooperation and call on all States to actively support the Mechanism. We welcome the recent developments in regional cooperation between the countries of the former Yugoslavia. We hope that they mark the beginning of a determined effort to address the wounds of the past.

Over the past two years, we have seen significant progress made by the Mechanism. But the work does not stop there. We warn against rushing to close down its important residual functions without considering lasting solutions. Switzerland reaffirms its commitment to international criminal justice and its full support for the work of the Mechanism. There can be no peace without justice.

Mr. Gaouaoui (Algeria) (*spoke in Arabic*): We would like to thank Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals, for her assessment and the twelfth annual report of the International Residual Mechanism for Criminal Tribunals, (see S/2024/570). We would also like to thank Mr. Serge Brammertz, Chief Prosecutor of the Mechanism, for his briefing today in accordance

with resolution 1966 (2010), paragraph 16. We would like to welcome the representatives of Rwanda, Serbia, Bosnia and Herzegovina and Croatia to this meeting. We thank the delegation of Sierra Leone for its work as Chair of the Informal Working Group on International Tribunals. We also thank the Office of Legal Affairs for its efforts to coordinate the work of the Security Council and the Mechanism.

On this occasion, we recall that the Security Council established the Mechanism as a temporary means to address residual issues. Therefore, it is only natural that its activities should gradually decrease within a set and reasonable time frame and in line with relevant Security Council resolutions and the Mechanism's statute. In that regard, we would like to commend the efforts made by all the Mechanism's personnel under the leadership of its President, Judge Gatti Santana, to fulfil the mandate with which she was tasked by the Security Council.

Following the conclusion of all trials concerning the core crimes and the tracking of fugitives — one of the main tasks of the Prosecutor's Office — the Mechanism will have truly and effectively completed its residual phase. Based on that, the two progress reports document a historic milestone towards the fulfilment of the Mechanism's basic mandate, thereby achieving justice and accountability at the international level. At the same time, in order for the national authorities to deliver justice for the victims of serious crimes punishable by international law, those important accomplishments must not necessarily lead to the conclusion of long-term tasks that the Mechanism is expected to perform, such as supervising the enforcement of sentences and penalties until the final convicted person is deceased or their sentence is completed. Such tasks also include providing protection to the victims and witnesses throughout their entire lifetime and providing an option for convicted persons to request a review of their cases should new facts be uncovered, not to mention the option to refer cases to national judicial authorities and to the archives for the benefit of future generations.

In conclusion, the effective and practical cooperation between the Mechanism and the States concerned on enforcing sentences is of great importance, especially in terms of allowing the Mechanism to complete its mandate successfully. The Mechanism can achieve that only by strengthening its work with all stakeholders, by enhancing mutual trust and by taking into consideration the legitimate concerns of all parties in

order to facilitate the adoption of appropriate solutions and address impunity.

Ms. Gatt (Malta): I thank Judge Gatti Santana and Chief Prosecutor Brammertz for their briefings and for all their work. I welcome the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to this meeting.

Malta reaffirms its unwavering support for the International Residual Mechanism for Criminal Tribunals in fulfilling its residual functions as mandated by resolution 1966 (2010). The Mechanism continues to play a vital role in safeguarding the legacy of the ad hoc tribunals, ensuring accountability and maintaining international justice. It stands as a powerful reminder of what the international community can achieve against impunity when there is steadfast commitment and collective resolve. We commend the Mechanism's achievements during the reporting period, including the supervision of the enforcement of sentences, the protection of victims and witnesses and the provision of assistance to national jurisdictions. Those activities remain pivotal in addressing the aftermath of the atrocities committed in Rwanda and the former Yugoslavia and in preventing the resurgence of such crimes.

Malta notes the Mechanism's significant efforts in streamlining operations while maintaining its mandated responsibilities. Its proactive approach to future planning is commendable. Its detailed framework of operations for completing its functions, developed through cross-organ collaboration, reflects an understanding of the Security Council's vision for a small, efficient and truly residual institution.

As the Mechanism continues its careful downsizing, we underline the importance of ensuring that the needs of victims remain central to those efforts. Justice for victims must remain a guiding principle, including through the continued enforcement of sentences, the protection of witnesses and the preservation of historical records.

However, some challenges remain. The situations concerning the relocation of acquitted and released persons and the lack of cooperation by certain Member States in addressing cases such as those of Petar Jojić and Vjerica Radeta are serious concerns and must be resolved. We urge all States to fully cooperate with the Mechanism in accordance with their international obligations.

Malta also supports the Mechanism's initiatives to establish and maintain accessible archives and facilitate information centres. Those efforts not only preserve the legacy of the ad hoc tribunals and the Mechanism, but also combat genocide denial and revisionism while fostering education about the importance of international justice.

The Mechanism stands as a testament to the international community's commitment to justice and accountability. Its work ensures that the crimes of the past are neither forgotten nor repeated, while its progress serves as a beacon of hope for the victims of atrocity crimes. The Mechanism's support for national jurisdictions is an added value that the United Nations provides. Malta will continue to support the Mechanism's efforts and its critical contributions to the global rule of law beyond our Security Council tenure.

Mr. McIntyre (United Kingdom): Let me begin by thanking Judge Gatti Santana and Prosecutor Brammertz for their latest reports (see S/2024/570) and for their briefings to the Council today. I also express our gratitude to the staff of the International Residual Mechanism for Criminal Tribunals for their continued dedication to international criminal justice. Let me also welcome the representatives of Serbia, Bosnia and Herzegovina, Rwanda and Croatia to today's Council meeting.

I would like to make three points today.

First, we note the important work that the Mechanism continues to perform in the exercise of its residual functions. That includes the recent completion of the review proceedings in the *Ntakirutimana* case and the referral of the contempt case concerning Mr. Ndirabatswe to national authorities. The completion of the final searches for the names of missing persons also represents an important milestone in the work of the Mechanism. We also welcome the smooth handover of functions to the Rwandan authorities following the recent closure of the Kigali field office.

Secondly, we welcome the cooperation shown by many Member States and commend the Office of the Prosecutor's work to support the transfer of investigative files to Croatia and Serbia. We echo the Office's call for all relevant authorities to rededicate themselves to ensuring effective cooperation. We once again call on Serbia to engage constructively with the Mechanism and to ensure the arrest and transfer of Petar Jojić and Vjerica Radeta to the Mechanism.

Thirdly, we welcome the Mechanism's ongoing work to realize the Security Council's vision of a small, temporary and efficient institution. We look forward to receiving the upcoming reports from the Secretary-General on the future approach to archives and on options for the transfer of other functions, including the supervision of sentence enforcement and the provision of assistance to national jurisdictions on prosecutions. Those reports will play an important role in shaping the future of the Mechanism. In parallel, we are pleased that the President has reconvened the Mechanism's cross-organ working group in order to undertake further work on future planning in that regard.

In conclusion, the United Kingdom remains a steadfast supporter of the Mechanism's work and its role in delivering justice.

Mr. Montalvo Sosa (Ecuador) (*spoke in Spanish*): I too am pleased to see you presiding over today's meeting, Mr. President.

I thank President Gatti Santana and Prosecutor Brammertz for their briefings, and I congratulate them on the renewal of their appointments. I also thank President Gatti Santana for recognizing Ecuador's efforts as we approach the end of our term on the Security Council. I welcome the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to today's meeting.

Following the conclusion of all judicial proceedings and the tracing and location of fugitives, the International Residual Mechanism for Criminal Tribunals has consolidated its position as a residual institution, devoting its attention to its remaining mandated functions and planning for the future. Such functions, which include supervising the enforcement of sentences, following up cases in national systems, protecting witnesses and preserving the archives, are an integral part of the administration of justice and therefore deserve as much attention as judicial proceedings. Ensuring the integrity and accessibility of archives is therefore essential to ensuring that the truth about what happened is available to all, since it is one of the most powerful tools for combating narratives of historical revisionism that seek to distort the past and sow discord. I also want to highlight the work of the Mechanism, and particularly the Office of the Prosecutor, in assisting national jurisdictions, which contributes significantly to the task of bringing

to justice the perpetrators of atrocities committed in Rwanda and the former Yugoslavia.

My delegation appreciates the priorities expressed by President Gatti Santana and her efforts to streamline the functions of the Mechanism. Actions such as the closure of the Kigali field office and the External Relations Office, as well as the consolidation of the judicial records department and the archive section, are consistent with the mandate set out in resolution 1966 (2010), which established the Mechanism as a temporary and efficient institution, and in resolution 2740 (2024), which renewed its mandate. Looking to the future, we encourage the President to continue streamlining the Mechanism's operations and evaluating the transfer of its functions in order to ensure impartiality, the protection of witnesses and the enforcement of sentences in accordance with international standards. The orderly and efficient conclusion of the Mechanism's operations continues to depend on the cooperation of States, including in the extradition of fugitives. Ecuador therefore reiterates its call on all States to support the efforts of the Mechanism through concrete actions in favour of justice.

Yesterday we marked the seventy-sixth anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide. We must remember that the international community was able to send a clear message against impunity when it established the ad hoc Tribunals and the Mechanism. For that reason, and as this is the last time my country will participate in a briefing on the Mechanism as an elected member of the Council, I would like to recognize its contribution to the development of international criminal law and its commitment to justice and truth. We have a collective responsibility to uphold its work and its legacy, which have shown us that post-conflict justice is not only possible but that it represents an indispensable element of peace and reconciliation.

Mr. Cho (Republic of Korea): I would like to begin by expressing my gratitude to President Gatti Santana and Chief Prosecutor Brammertz for their insightful briefings on the current state of the International Residual Mechanism for Criminal Tribunals. I also welcome the presence at today's meeting of Her Excellency Ms. Maja Popović, Minister of Justice of Serbia, and the representatives of Bosnia and Herzegovina, Croatia and Rwanda. I would like to highlight three key points.

First, we commend the Mechanism's progress towards becoming a small, temporary and efficient organization, as envisioned in resolution 1966 (2010). Multiple measures have been taken to that end. However, while we applaud those efficiency efforts, it is crucial that its core functions, such as the supervision of sentences and the preservation of records, are sustained at full capacity until the Mechanism fully completes its mandate. Those elements are fundamental to achieving justice and preventing impunity. We believe that they will serve as an important precedent for accountability and the development of international criminal law in the future.

Secondly, we are deeply concerned about the rise of denialism and the glorification of war criminals. That troubling trend weakens confidence in the international legal framework, deepens societal divisions and undermines peace and stability. To counter those risks, we emphasize that it is vital to preserve the records of the international tribunals and ensure that they are shared with future generations as an essential resource for education and awareness-raising.

Finally, we stress that preserving the legacy of the tribunals through their archives is a core responsibility of the Mechanism. The archives are invaluable not only as evidence for ongoing and future trials but also as a lasting reminder of past atrocities. Since they provide valuable lessons for generations to come, their ultimate location should be one that ensures accessibility and the highest standards of security and preservation. We trust in the wisdom of the Security Council to reach a decision that determines an appropriate and sustainable home for those archives.

In conclusion, the Republic of Korea remains steadfast in its support for international criminal justice. We stand committed to efforts that end impunity and uphold accountability, recognizing that justice is not the responsibility of one institution alone but the shared commitment of us all.

Mr. Fernandes (Mozambique): Mozambique thanks Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals, and Prosecutor Serge Brammertz for their insightful briefings and updates on the work of the Mechanism. We welcome the presence of Her Excellency the Minister of Justice of Serbia, Ms. Maja Popović, and the representatives of Bosnia and Herzegovina and Rwanda in this meeting. We consider this debate

to be of the utmost importance, given the intrinsic connection between justice and lasting peace and security in the world.

The Mechanism is instrumental in the fight against impunity for the most serious crimes under international law. Ethnic cleansing, genocide, war crimes and crimes against humanity are abhorrent. There should be no impunity for egregious violations of international law.

Mozambique fully supports the Mechanism in its pursuit of accountability for international crimes committed in Rwanda and the former Yugoslavia, through the assumption of the functions of its predecessors — the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). We recognize the historical contribution of those international judicial institutions in the fight to uphold international criminal justice. We commend the Mechanism for the progress made during the reporting period in the fulfilment of its residual functions in that connection, particularly in implementing the mandate originally outlined in resolution 1966 (2010). We particularly acknowledge the progress made in judicial proceedings pertaining to the Ntakirutimana case and the François Ndirabatware case, outlined in the report (see S/2024/570), as well as the Mechanism's accomplishments in other judicial and administrative activities.

The results achieved by the Mechanism, especially considering the significant budget constraints, merit our highest recognition. Cooperation is pivotal to achieving the Mechanism's important objectives and ensuring the success of its mandate. We appreciate the active cooperation and assistance provided by many Member States and stakeholders to the Mechanism, including the 11 Member States that currently enforce sentences imposed by the ad hoc tribunals or the Mechanism. We note with appreciation the external relations activities conducted by the President of the Mechanism, including the Office of the Prosecutor's high-level engagement with political and judicial authorities of Bosnia and Herzegovina, Montenegro, Croatia, Rwanda and Serbia. However, we express concern that certain obstacles to cooperation persist, such as the unresolved situation of acquitted and convicted persons in the Niger.

The completion of prosecutorial and judicial work on all core crime cases by the Mechanism is a positive milestone. We recognize that the justice process extends beyond the trials of the ICTR, the ICTY and

the Mechanism. Critical residual functions, including sentence enforcement, supervision, victim and witness protection, assistance to national jurisdictions and archive management remain components of the comprehensive administration of justice. It is crucial that these residual functions are discharged in line with the small, temporary and effective nature of the Mechanism envisaged by resolution 1966 (2010) and reiterated in resolutions 2637 (2022) and 2740 (2024).

In the fulfilment of the Mechanism's mandate, assistance to national jurisdictions remains critical. We acknowledge the monitoring of one case by the Mechanism in the reporting period and look forward to the planned monitoring of the remaining two cases referred to national jurisdictions. We also recognize the Office of the Prosecutor's assistance to national jurisdictions on the prosecution of war crimes committed in Rwanda and the former Yugoslavia. We encourage the Mechanism to continue downsizing its operations and transferring functions, believing that national authorities can and should advance accountability, with international assistance, in a manner consistent with the principles of complementarity and national ownership.

Victims and survivors must remain at the heart of our efforts to promote justice. We share a collective responsibility to ensure that victims and survivors of the most horrific crimes committed in recent history are neither forgotten nor denied justice. After decades of waiting, it is our solemn duty to hold all those responsible for atrocities accountable.

In conclusion, I would like to seize this occasion to reaffirm Mozambique's unwavering support for the efforts of the Mechanism and the Office of the Prosecutor in promoting justice, accountability and the rule of law.

Ms. Persaud (Guyana): I thank the President of the Mechanism, Judge Gatti Santana, and Chief Prosecutor Serge Brammertz for their briefings and welcome the participation of the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina in today's meeting.

I reiterate Guyana's support for the work of the International Residual Mechanism for Criminal Tribunals in carrying out essential residual functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. Cognizant that the Mechanism only became fully residual in 2023, and of the continuing magnitude of its functions, we acknowledge the efforts of the

Mechanism to reduce its operations, increase efficiency and implement resolution 2740 (2024), adopted by the Council in June. In that regard, we recognize as part of the efforts to reduce the Mechanism's operational footprint the closure of the Kigali field office and the handover to the Government of Rwanda of the medical services and psychosocial support previously provided to victims and witnesses by the Kigali field office. We have also taken note of the significant staff and budget cuts.

Cooperation and support by all States is crucial for the work of the Mechanism. It is concerning that the matter of the relocation of the acquitted and released persons from Arusha to the Niger in December 2021 remains unresolved after almost three years. We acknowledge the persistent efforts of the Mechanism to find a solution to that issue. We are also concerned that the arrest and transfer of the accused in the Jojić and Radeta case is still pending. Guyana encourages States to cooperate and render all necessary assistance to the Mechanism in accordance with their obligations under resolution 2637 (2022). Guyana commends the Mechanism's continued efforts to respond to requests for assistance from national jurisdictions during the reporting period, pursuant to article 28, paragraph 3, of the statute.

The recommendations of the Office of Internal Oversight Services (OIOS) are important to ensuring responsible administration of resources, accountability and transparency. We note the four recommendations made by OIOS in the report (see S/2024/570) and acknowledge the indication by the Mechanism that the first recommendation has already been addressed. We encourage continued implementation and look forward to the biennial review report in that regard. We also look forward to the report of the Secretary-General, which is to be presented in 2025, on the administrative and budgetary considerations relating to managing the archives and recommendations for transferring functions from the Mechanism. That will be helpful to the Council in future consideration of these issues.

In conclusion, Guyana reaffirms its full support for the work of the Mechanism and commends its continued efforts to fulfil its mandate.

Mrs. Blokar Drobič (Slovenia): I would like to thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Gatti Santana, and Prosecutor Brammertz for the detailed

progress reports submitted to the Council and for their briefings today. I also welcome the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to the meeting.

I will start by reiterating Slovenia's continued support for the work of the Residual Mechanism. Its work, despite being in its residual phase, remains crucial for the fight against impunity. We note the progress made by the Mechanism during the review period in exercising its residual judicial activities and maintaining the archives. We welcome the continued support the Prosecutor is offering to national authorities, which are now primarily responsible for prosecuting perpetrators of war crimes, crimes against humanity and genocide committed in Rwanda and in the countries of the former Yugoslavia. There are still thousands of open cases before national courts. Therefore, the support and assistance of the Mechanism to the national jurisdictions need to remain a priority.

The Mechanism is now a truly residual institution. Its leadership has demonstrated its commitment and determination in adequately planning for the future, including with the document entitled "Framework of operations to complete functions". That document, together with the reports of the Secretary General to be prepared by the end of 2025, will guide the Security Council in its decision on the final completion of the Mechanism and on the transfer of the remaining residual functions, because the completion of the Mechanism does not mean the completion of its residual functions. The Security Council will have to decide on the continued supervision of the enforcement of sentences, continued support to national jurisdictions, continued protection of victims and witnesses, the monitoring of cases referred to national jurisdictions and managing the archives of the Mechanism and its predecessors.

The completion and fulfilment of the mandate of the Mechanism also depends also on the cooperation of Member States. Therefore, we urge all States to comply with their obligations under international law, the Charter of the United Nations and the relevant Security Council resolutions and to cooperate fully with the Mechanism. We also urge all States to cooperate with each other in order to ensure the effective conduct of proceedings against the perpetrators, and we welcome the Prosecutor's efforts in that regard.

The legacy of the Mechanism and the legacy of its predecessors — the International Criminal Tribunal for

Rwanda and the International Tribunal for the Former Yugoslavia — will remain. Both Tribunals and the Mechanism crucially contributed to the development of the international criminal justice system; they gave a standing and a voice to thousands of victims, survivors and witnesses who showed immense courage in contributing to the justice process. They established the facts — that genocide happened, and war crimes and crimes against humanity were committed. Those facts will remain long after all perpetrators and victims are gone. Only by knowing history, can we learn from it and ensure it does not repeat itself. Attempts at genocide denial and attempts to glorify war criminals show how important this is. History should be a deterrent for any such attempts.

And lastly, both Tribunals and the Mechanism established and confirmed that all perpetrators of the most heinous international crimes can and will be held accountable, regardless of their position or the time it takes.

Mr. Mikanagi (Japan): Japan appreciates the informative reports and briefing by President Gatti Santana and Prosecutor Brammertz of the International Residual Mechanism for Criminal Tribunals (IRMCT) and welcomes the Mechanism's progress over the past half year.

I reiterate Japan's strong commitment to promoting the rule of law, including the fight against impunity, as well as the pursuit of transitional justice, and its unwavering support for the role of the Mechanism in that regard.

We welcome the transition of the Mechanism to its truly residual phase, following the conclusion of the last core crimes case and the tracking of fugitives indicted by the International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY).

We note that currently one of the main functions of the Mechanism is providing necessary support to national judicial authorities, which have been grappling with prosecuting and executing sentences for atrocity crimes committed in Rwanda and the former Yugoslavia. That is a critically important role, since an effective, reliable judicial process at the national level is essential to achieving greater justice for the victims of those crimes, thereby strengthening the rule of law and promoting reconciliation in society. Japan expresses its appreciation to Prosecutor Brammertz for his leadership and to his team for their efforts to

provide direct support to domestic judicial authorities prosecuting war crimes committed in Rwanda and the former Yugoslavia.

At the same time, we reiterate the importance of States' further cooperation regarding the transfer of those who are convicted for the execution of sentences, as well as the treatment of acquitted persons and convicted persons who have completed their sentences. We call on all Member States to provide the Mechanism with the necessary assistance on that long-standing issue.

While we acknowledge that the Mechanism continues to play an indispensable role, its activities and size should be narrowed over time, commensurate with the reduction in its functions. We take note of the most recent assessment and progress report by President Gatti Santana and Prosecutor Brammertz, and welcome the higher efficiency achieved through cross-organizational efforts.

Japan expresses its appreciation to President Gatti Santana for her leadership and promotion of good governance in the Mechanism, working closely with all key stakeholders, and for her continuous initiative in preserving the legacy of activities of the Mechanism, which will contribute to further promoting the rule of law and not tolerating impunity in the future.

Let me express once again our sincere gratitude for the tireless efforts of the judges, prosecutors and all the staff members of the Mechanism in fulfilling its important mandate, which was entrusted to it by the Security Council.

We will always uphold the rule of law and continue to work together with fellow Member States and international judicial institutions, including the IRMCT.

Mr. Fournel (France) (*spoke in French*): I thank the President of the International Residual Mechanism for Criminal Tribunals, Ms. Gatti Santana, for the presentation of the twenty-fifth biennial report, submitted in accordance with resolution 1966 (2010). I also thank Prosecutor Serge Brammertz for his briefing.

France reiterates its commitment to combating impunity and preserving the legacy of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). We offer our full support to the Mechanism, which must be able to count on support from the Security Council.

The Mechanism can, in very specific circumstances, review judgments handed down by the ICTR, the ICTY or the Mechanism itself. In that regard, we note and welcome the recent holding in Arusha, United Republic of Tanzania, of review proceedings in the *Ntakirutimana* case.

As there are no longer any fugitives indicted for core crimes by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia and given the effective completion of its last judicial proceedings, France supports the Mechanism's transition to truly residual functions.

France welcomes the work carried out by the Mechanism in the context of its many residual tasks, which include the supervision of the enforcement of sentences, the protection of victims and witnesses, assistance to national jurisdictions, archives management and remembrance work.

We welcome the efforts to streamline the Mechanism's activities, and positively note its cooperation with the Office of Internal Oversight Services in the review of its working methods. We also welcome the Mechanism's publication of a living framework document, which sets out the envisaged completion dates for each of the functions. The same is true of the establishment, at the initiative of the President, of an inter-organ working group to follow up on resolution 2740 (2024) and plan the Mechanism's future activities in an orderly fashion. We eagerly await the results and look forward to forecasts for the completion of all its activities and the presentation of solutions for the transfer of functions.

The arrest, a year and a half ago, of Fulgence Kayishema, thanks to the collaboration between the Office of the Prosecutor, the authorities of South Africa and those of other countries, is an example of efficient and effective international cooperation in the fight against impunity.

France reiterates its commitment to the cooperation of States with the Mechanism, in accordance with their international obligations. We regret that some partners still refuse to do so, despite the repeated appeals of the President, the Prosecutor and many Member States, relayed within the Council.

Finally, France reiterates its commitment to remembrance work, a necessary element in the process of reconciliation. We remain concerned about the

denial of crimes, hate speech and the glorification of perpetrators of genocide and war criminals convicted by international criminal tribunals after impartial and independent proceedings.

Finally, I would like to thank Sierra Leone for its excellent work in the Council's Informal Working Group on International Tribunals.

Ms. Zabolotskaya (Russian Federation) (*spoke in Russian*): We carefully reviewed the latest biannual reports of the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals. The documents are voluminous and contain many pages, but the main component is still missing. There is no holistic vision of how to implement the instructions of the Council, which established the Mechanism as a small and purely temporary structure, the size and personnel of which were to diminish over time.

Instead, we found an odd assertion in the report that the Mechanism allegedly acquired a truly residual character only in 2023. We are forced to note once again that almost 15 years ago, the Council established the Mechanism precisely as a residual mechanism. The question arises: does that mean that for the past 15 years, the Residual Mechanism has essentially sabotaged the Council's instructions? In our view, that is precisely what led to the Mechanism continuing to exist with an inflated staff and a huge budget.

The financial and staffing reductions mentioned in the latest report are, of course, steps in the right direction. However, their levels at the present juncture are clearly insufficient. Such selective changes essentially change nothing and are merely a drop in the ocean. It is past time for a deep review of the situation with the Mechanism, with a focus on its prompt closure and the transfer of residual functions.

Against the backdrop of a completely hollowed-out judicial basket, the continued existence of the Mechanism in its current form, with a budget of over \$60 million, can only be described as absurd. We have already stated and remind the Council once again that the International Court of Justice, which is currently inundated with claims and with requests for advisory opinions, is managing with a budget half that of the Mechanism.

Our position regarding the successors of residual functions after the closure of the Mechanism is well

known. We believe that national law enforcement agencies can adequately cope with such tasks as examining cases of contempt of Court, as well as protecting victims and witnesses, and supervising the execution of sentences. Other functions, such as the provision of technical assistance to national investigative bodies, could be absorbed by specialized United Nations agencies.

We trust that the forthcoming report of the Secretary-General will incorporate these reasonable and feasible options. We call for the 8,500-word limit to not be spent describing patently non-viable options, including those already mentioned in the Mechanism's closure strategy, which have been harshly criticized on repeated occasions. Those include the establishment of some kind of omnibus residual mechanism for all ad hoc tribunals. We note that the Council's instructions provide for the closure of the Mechanism, not for its replacement with new structures. There can be no talk of transferring the functions of the Mechanism to the so-called International Criminal Court. This politicized structure, mired in corruption, has nothing to do with the United Nations or with the delivery of justice.

We wish to touch upon attempts to extol the so-called "legacy" of the Mechanism and its predecessor, the International Tribunal for the Former Yugoslavia (ICTY). Let us clarify what we mean by the term "legacy".

There were two main categories of proceedings at the ICTY.

The first — and purely accusatory — category was against the Serbs. This was a no-holds-barred approach, allowing procedural violations and false testimony. If there were any incontrovertible doubts in the evidentiary base, in particular, with regard to the presence of criminal intent, then shady innovations were trotted out in advance by the Judges of the Tribunal. One such innovation was the pseudo-legal construct of a joint criminal enterprise.

The second category of cases — strictly for acquittal — was for non-Serbs. In these cases, the ICTY successfully swept under the rug the atrocities perpetrated by the real thugs: Naser Orić, Ante Gotovina, Ramush Haradinaj and their ilk. The former investigative judge in Pristina, Judge Danica Marinković, noted that she had documentary evidence of the brutal crimes of the Kosovo Liberation Army, but the ICTY paid no heed.

It is surprising that the cases of the monstrous crimes perpetrated by a host of figures from among the former leaders of the so-called Kosovo, which were supposed to be handled by the ICTY, are now, for some reason, being examined by subsidiary bodies. Based on this alone, one can conclude that the ICTY has failed in the task that the Security Council set for it in 1993 in resolution 827 (1993), namely, "the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia" on the basis of the principle of individual criminal responsibility, that is, without taking into account their national or ethnic affiliation.

The obvious bias in the so-called "justice" of the ICTY is confirmed by simple statistics. Serbs were sentenced to a sum total of 904 years of imprisonment, compared to 171 years for Croats and 19 years for Kosovo Albanians. Proportionally, Serbs comprised 85 per cent of convictions, compared to 12 per cent for Croats and 3 per cent for Bosnians. This is a blatantly biased miscarriage of justice. Such is the so-called "legacy" of the ICTY and the Mechanism. It is no wonder that their decisions do not enjoy authority in any country in the region, as is clear from the reports of the Prosecutor of the Mechanism.

Incidentally, witnesses in trials from the non-Serb, "strictly exculpatory" category, were regularly killed or intimidated, forcing certain individuals to change their testimony. All of our questions about this lawlessness were met by the officials of the ICTY throwing up their hands, suggesting that they were unable to protect the witnesses. That is why, when we see that certain Mechanism reports extol the importance of the witness protection function, we remember that those who really needed protection are already dead. This is also the "legacy" of the ICTY and the Mechanism. Serb defendants were also killed, some while being arrested, others while in custody. Attempts to present such cases as alleged "suicides" do not hold water.

More than 30 years have elapsed since the establishment of the ICTY. We call for finally closing the chapter on its shameful "legacy" and for transferring the functions of its successor, the Mechanism, to national law-enforcement agencies. The issue of the speedy transfer of the supervision of the enforcement of sentences to the States of which the convicted persons are nationals merits special attention. The Mechanism's execution of that function can hardly

be termed satisfactory. The enforcement States have continued to ignore even the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Nelson Mandela Rules, which were explicitly cited in resolution 2740 (2024).

We are also extremely concerned about the health of General Ratko Mladić of Serbia, who is being held in the United Nations Detention Unit in The Hague and who is hovering between life and death. According to his relatives and lawyers, Mladić's condition is extremely serious. It is difficult for him to focus or hold a conversation, he spends most of his time half-asleep and his leg has been threatened with amputation, which has so far been avoided thanks only to the intervention of Serbian doctors. We support Mladić's lawyers and family members in their continuing fight for his right to life and medical care. In our view, the President of the Mechanism's decision on 10 May to reject the request for his early release on humanitarian grounds, or to allow him to serve the remainder of his sentence in Serbia, is frankly inhumane. We underscore that the Mechanism's treatment of Mr. Mladić is in stark contrast to the approach in the *Félicien Kabuga* case, in which the Mechanism took into account circumstances surrounding the defendant's state of health, freezing the proceedings and considering the possibility of his release from detention for medical reasons. We call on the Mechanism to finally decide to transfer the General to Serbia to serve the remainder of his sentence. If not, and if the situation takes a negative turn, the Mechanism and its leadership will bear full responsibility for it.

In conclusion, we want to emphasize that the international community cannot afford to spend \$60 million every year on a judicial mechanism that has no judicial cases. The Council should take a responsible decision and ensure that those resources are used for more deserving purposes. I would also like to note one more thing. We heard in the statements made by Council members today a slew of pronouncements from members about the inadmissibility of rewriting history and glorifying criminals. We hope that position is a principled and consistent one and will also be applied, for instance, to the rewriting of the history of the Second World War and the glorification of the Nazis and those who collaborated with them, as laid down in the Nuremberg trials.

Mr. Li Linlin (China) (*spoke in Chinese*): I am very pleased to see you, Mr. President, presiding over today's meeting. China thanks President Gatti Santana

and Prosecutor Brammertz for their briefings, and we welcome the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina to today's meeting.

Last year the International Residual Mechanism for Criminal Tribunals completed all in-court activities for its core criminal proceedings. No ongoing or pending trials or appeals proceedings of core cases remain. During the reporting period, the Mechanism, as mandated by resolution 2740 (2024), proceeded with its remaining work in an orderly manner and actively implemented the recommendations of the Informal Working Group on International Tribunals and the Office of Internal Oversight Services, with effective progress. China would like to make four points regarding the Mechanism's work going forward.

First, the Mechanism should stick to its original positioning as a streamlined, efficient institution. As envisioned in resolution 1966 (2010), it should be a small, efficient and temporary institution whose functions and size should be reduced gradually over time. Given that the relevant work has now truly entered the residual phase, the Mechanism should adhere to that direction, and further strengthen its internal coordination, optimize its allocation of resources, continue to reduce its functions and size, effectively meet the Council's expectations and implement its mandate in line with the actual state of its remaining work.

Secondly, the transfer of functions is both reasonable and legitimate. As Prosecutor Brammertz said in his briefing, in line with the principle of complementarity, States shall bear the primary responsibility for accountability, despite differences in their judicial systems and practices, as long as they comply with due-process and rule-of-law standards. National jurisdictions are better placed to combat impunity and achieve fairness and justice. The Mechanism should engage with interested States as soon as possible to ensure the swift transfer of functions such as the supervision of the enforcement of sentences and hearings of contempt cases by States that are willing and able to do so and should provide practical options for the Secretary-General's report.

Thirdly, the preservation of archives has multiple benefits. The archives of the Mechanism and the two Tribunals are not just an important historical legacy but living procedural evidence and educational material that must be properly preserved. We propose that the Mechanism consider the views of the countries

concerned regarding archival preservation and provide sufficient information and constructive input for the report of the Secretary-General on the administrative and budgetary aspects of the archives.

Fourthly, it is essential to strengthen cooperation and joint efforts. Effective cooperation between the Mechanism and States concerned is crucial to the speedy completion of its work. The Mechanism should continue to strengthen its communication with all the parties concerned, enhance mutual trust, accommodate parties' legitimate concerns, find appropriate solutions to issues such as the sharing of evidence, assistance with prosecutions and the relocation of acquitted and released persons, and work with the parties to combat impunity.

China supports the Mechanism's completion of its mandate and mission as soon as possible. I also want to take this opportunity to thank Sierra Leone, Chair of the Informal Working Group, and the Office of Legal Affairs for their work in coordinating the work of the Council and the Mechanism.

The President: I shall now make a statement in my capacity as the representative of the United States.

I thank President Gatti Santana and Prosecutor Brammertz very much for today's briefing on the ongoing work of the International Residual Mechanism for Criminal Tribunals to advance accountability for atrocities committed in Rwanda and the former Yugoslavia. We are grateful to President Gatti Santana for her leadership and congratulate her on her reappointment as President, as well as on the reappointment of Prosecutor Brammertz and Registrar Tambadou in July.

Just over three decades ago, the Security Council recognized that the atrocities being committed in the former Yugoslavia demanded a response from the international community and established the first international criminal tribunal since Nuremberg and Tokyo to prosecute those responsible. A year later, the Council established a second international tribunal to address the horrors of genocide and other atrocities in Rwanda. In the decades that followed, the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda helped to usher in a new era where impunity for mass atrocities is not the status quo and justice is recognized as key to lasting peace.

As the report (see S/2024/570) from President Gatti and Prosecutor Brammertz makes clear, the work is not yet over. The Mechanism continues to play an indispensable role in ongoing cases, promoting justice in national systems, protecting victims and witnesses, enforcing sentences, preserving court records and educating the public. Among its priorities, the Mechanism must continue to monitor the case of Félicien Kabuga, whose health has made a trial impossible, as well as addressing the appeal in the *Ntakirutimana* case and proceedings related to the transfer of Fulgence Kayishema. We also note that the Mechanism is managing a series of ongoing contempt cases related to its work in Rwanda and the former Yugoslavia.

With national authorities now bearing the primary responsibility to address those atrocity crimes in their own jurisdictions, we applaud Mr. Brammertz's work in responding to national authorities' requests for assistance to advance justice and in providing legal, evidentiary and strategic support. That work has been critical in moving cases forward in domestic systems. We appreciate his recent trips to the Western Balkans and Rwanda to visit stakeholders and hope that the willingness that national authorities have expressed to address residual cases is matched by concrete actions and urgent progress. The proceedings in France, Belgium and the Netherlands regarding genocide and related crimes committed in Rwanda serve as examples that have helped ensure that perpetrators have no safe haven.

We express our gratitude to the 11 Member States that are hosting persons who have been convicted by the criminal tribunals. Supporting the enforcement of sentences is invaluable to the entire operation of the Mechanism. We also express our ongoing concern about the persons who were acquitted or released and relocated to the Niger, who deserve safe places to live, where their rights and freedoms are respected. The United States takes note of the Mechanism's ongoing work to preserve and provide access to the extensive physical and digital records of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Mechanism, while also ensuring the protection of confidential information in the records. We remain committed to supporting those efforts. We strongly support the Mechanism's work to support information-sharing and appreciate the workshops in Arusha and the Western Balkans and the thoughtful consideration on expanding information

centres to make information more accessible to the public. We appreciate President Gatti Santana's expressed priorities, including her ongoing efforts to refine a framework of operations for the Mechanism to complete its important work.

The United States further takes note of President Gatti Santana's and Registrar Tambaou's collaborative efforts to streamline operations and minimize redundancies, such as the supervision of the enforcement of sentences and the management of external relations. Moreover, we welcome President Gatti Santana's, Prosecutor Brammertz' and Registrar Tambaou's efforts to reduce the Mechanism's organizational footprint, including by closing the Kigali field office in August. We call on all leaders to reject nationalist rhetoric and the distortion of historical facts, including genocide denial, in order to move into the future and create the foundation for peaceful, stable societies.

In conclusion, we appreciate and honour victims, survivors and their loved ones, who should be at the heart of our efforts to promote justice and accountability. The United States will continue to press for justice as the foundation for peace and stability in their communities.

I resume my functions as President of the Council.

I now give the floor to the Minister of Justice of Serbia.

Ms. Popović (Serbia): I express my gratitude for the opportunity to address the Security Council on behalf of the Republic of Serbia regarding the semi-annual report on the work of the International Residual Mechanism for Criminal Tribunals.

As highlighted in the report itself, the reality has been significantly different from what was envisaged in the resolution that established the Mechanism (resolution 1966 (2010)), which was intended to be a small, temporary and efficient structure, whose functions and size would diminish over time, with a small number of staff commensurate with its reduced functions. With the conclusion of proceedings in core crime cases, there is no longer any justification to extend the Mechanism's work beyond what is absolutely necessary.

In this statement, I will focus on key issues raised in relation to the statements in the reports of the President of the Mechanism and the Prosecutor of the Mechanism.

One of the issues raised again in the report of the President of the Mechanism concerns the case of Jojić

and Radeta. We restate that Serbia's handling of that case does not constitute a violation of its international obligations, as suggested by the President of the Mechanism, but rather an effort to act in accordance with resolutions 1966 (2010) and 2740 (2024). The Mechanism's decision not to transfer the case to the Republic of Serbia is based on unfounded findings, of which both the Security Council and the Mechanism have been informed. That fact is also supported by the witness statement regarding the incident of 29 September 2021, when representatives of the Mechanism subjected the witness to verbal attacks and intimidation. We are unaware of any actions taken by the Mechanism regarding the initiation of proceedings against its representatives, which we have raised multiple times at Security Council meetings.

In relation to the Jojić and Radeta case, the question arises as to whether the Mechanism has even considered the possibility of initiating proceedings against its representatives regarding the events of 29 September 2021 involving verbal attacks and the intimidation of a potential witness. The Republic of Serbia once again expresses its readiness to take over the proceedings in the case of Jojić and Radeta and requests the Mechanism to transfer the case in the same manner as it did in the case of *Šešelj et al.* Conducting such proceedings through the judicial authorities of the Republic of Serbia provides full guarantees that the trial will be conducted in accordance with the requirements of the proper administration of justice, with full respect for the Mechanism and full observance of the rights of both witnesses and the accused.

In this statement, we are once again compelled to comment on the practice of the Mechanism regarding the early and conditional release of convicted persons. Before Judge Agius assumed his role as President of the Mechanism, the practice of early release was clearly legally grounded and consistent, ensuring the equal treatment of convicted individuals. Since oversight of the execution of prison sentences is one of the core functions of the Mechanism, we believe that the new practice was introduced not in the interest of fairness — primarily concerning individuals of advanced age and with significant health issues — but rather to extend the mandate of the Mechanism. The refusal of early or conditional release violates the right of the accused to equal treatment and disregards the laws and practices of the States in which the convicted persons are serving their sentences. The stricter

conditions for early and conditional release, as reflected in previous reports of the Mechanism's Prosecutor, appears to have been driven by the Prosecutor's efforts, although the Prosecutor should have a very limited role in the decision-making process concerning early or conditional release, namely, by providing relevant information regarding the convict's cooperation with the Prosecution.

The Republic of Serbia is critical of the new practice, which violates the principle that has been the basis for the actions of all previous Presidents of both the International Tribunal for the Former Yugoslavia (ICTY) and the Mechanism, namely, that individuals in similar situations should be treated similarly. However, despite that, we give assurances that all conditions of conditional release, for which Serbia provides guarantees, will be fully respected.

Once again, the Republic of Serbia draws the attention of the Security Council to the fact that there are no longer any obstacles to the enforcement of prison sentences for those convicted by the Tribunal or the Mechanism within the Republic of Serbia. The report of the President of the Mechanism notes that the Mechanism continues to require additional States to come forward who are willing to enforce the sentences. During this Security Council meeting, we reaffirm Serbia's readiness to enforce the prison sentences of those convicted by the ICTY or the Mechanism in Serbia. We express our willingness to enter into negotiations with representatives of the Mechanism to facilitate the transfer of convicts to the Republic of Serbia for the enforcement of the remainder of their prison sentences, naturally under the supervision of the Mechanism. In previous reports of the Mechanism, the possibility of allowing convicts to serve their sentences in the State of their nationality has not even been considered. While the position that sentences should not be served in States from the former Yugoslavia is based on the Secretary-General's reports pursuant to paragraph 2 of resolution 808 (1993), adopted in 1993, we believe that circumstances have significantly changed since then.

Just as the prosecution of war crimes is now exclusively under the jurisdiction of national judicial systems, we see no reason why the enforcement of prison sentences in the Republic of Serbia should be prevented, at least for certain individuals, allowing them to serve their sentences in the country of their citizenship. That would, of course, be under the supervision of the Mechanism and with full authority of the Mechanism

regarding matters such as early and conditional release. That approach would reduce costs, ease the burden on the families of convicted individuals, provide adequate healthcare for them, create conditions for their proper rehabilitation and ultimately strengthen the role of the Mechanism as an international authority. In the recent period, the Ministry of Justice has made several requests to the President of the Tribunal regarding the conditions for serving prison sentences in certain countries but has not received an adequate response.

In its report, the Prosecution repeatedly criticizes Serbia's actions concerning the prosecution of crimes committed on the territory of the former Yugoslavia. Among other things, the Prosecutor states that the number of prosecutions initiated over the past eight years has been low, with indictments issued predominantly against low-level direct perpetrators. The Prosecution insists exclusively on prosecuting senior and mid-level suspects. In Serbia, criminal proceedings are initiated against perpetrators if there is reasonable suspicion that they have committed a crime, regardless of the position they held at the time of its commission. Through its report the Prosecution reveals its prosecutorial policy, which is one of direct interference in the internal affairs of States, particularly their judicial systems. The report states that much more remains to be done to bring to justice senior and mid-level suspects who worked with or were subordinate to senior war criminals prosecuted and convicted by the ICTY.

The Prosecution's policy is evidently aimed at reinforcing the judgments of the ICTY and the Mechanism by focusing not on prosecuting direct perpetrators but those who were in some way subordinate to individuals already convicted by the Tribunal. Unfortunately, that policy seems to apply only to Serbia, while the impunity for crimes against Serbs continues to be affirmed both in the practice of national courts and at the ICTY and the Mechanism. That is acknowledged by the Prosecutor, for instance, when discussing Croatia. Croatian victims have not received any meaningful justice, while Croatian perpetrators continue to enjoy impunity.

Following the conclusion of the final case before the branch of the Mechanism in The Hague, we expect and are committed to achieving effective cooperation between Serbia and the Mechanism, as defined by the relevant Security Council resolutions, and we trust that the residual functions of the Mechanism will no longer serve as a political tool. We also expect the Mechanism,

in the interests of full cooperation with Serbia and other States in the region, to act in accordance with the principles of the Charter of the United Nations, particularly the principles of the sovereign equality of States, territorial integrity, political independence and non-interference in States' internal or external affairs. One issue that the Prosecution addresses only indirectly, in relation to Croatia's actions, concerns the use of prosecutorial policies to either justify or reinforce national agendas, or to exert additional pressure on Serbia either to force Serbs' emigration from Croatia or prevent their return. When indictments are issued and investigations conducted, the aim should be not only to punish the guilty but to leave in peace those for whom there is no basis for prosecution. A selection process based solely on ethnic criteria is unacceptable. In Croatia, the majority of those indicted are Serbs, and trials are often conducted in absentia, while the concept of the homeland war denies crimes committed against Serbs.

A similar situation exists in Bosnia and Herzegovina. A recent example highlights the Mechanism's inaction, even when it involves individuals convicted by the ICTY. Milan Martić, convicted by the Tribunal and currently serving a 35-year prison sentence, received a demand from Croatia to pay court fees in a case where he was tried in absentia. Despite the fact that he was in prison, Croatia pursued the case, either with the approval or the complete indifference of the Mechanism. Yet the Mechanism has the means to prevent cases in which those convicted by it are subjected to further legal action.

Despite the intensive efforts of the Serbian judicial authorities to prosecute individuals suspected of committing serious violations of international humanitarian law, the Prosecution claims that expectations have not been met and even presents inaccurate or incomplete information. In the context, cases such as those of Novak Đukić, Mirko Vručinić, Milomir Savčić, and Milenko Živanović are mentioned. I feel compelled to address each of those cases, as they do not align with the Prosecutor's report. Regarding Novak Đukić, the process of recognizing the foreign court decision and its enforcement in the Republic of Serbia is ongoing. The Higher Court in Belgrade requested the case files from Bosnia and Herzegovina in order to determine whether a fair trial had been conducted. To date, Bosnia and Herzegovina has not provided the requested documentation. Besides that, Đukić's

health condition is such that in November an expert commission determined that he is unable to follow the trial. Regarding Milomir Savčić, the Public Prosecutor for War Crimes in the Republic of Serbia has initiated a case, which is currently in the pre-investigation phase. It cannot therefore be concluded that by coming to Serbia he has avoided prosecution. Regarding the case against Milenko Živanović, also mentioned by the Prosecutor in the report, the proceedings were initiated in 2021 and are now in the final stage, specifically the preparation of closing arguments.

The Prosecutor criticizes Serbia for granting citizenship to individuals suspected of war crimes, claiming that it calls into question Serbia's commitment to war crimes, justice, the rule of law and regional judicial cooperation. Such statements cannot go unanswered. Serbian citizenship can be acquired by anyone who meets the legal requirements, regardless of the suspect's status. After all, a suspect enjoys a presumption of innocence. Acquiring Serbian citizenship does not grant immunity from criminal prosecution. In Serbia, such individuals have a full right to a fair trial, and it is the Prosecutor's duty to initiate proceedings if there is a reasonable suspicion that a criminal act has been committed.

In order to ensure that justice is achieved, we would kindly ask the Prosecutor to provide more objective information to the Security Council in future reports regarding the status of specific cases in the Republic of Serbia. Furthermore, we urge the Prosecutor to comply with the mandate entrusted to him and to refrain from interfering in the internal matters of States. In particular, we cannot accept the criticism regarding the prosecution of direct perpetrators.

The Prosecutor addresses the issues of the so-called glorification of war criminals, denials of crimes and the rejection of facts established by ICTY verdicts in a very superficial manner. He is completely right when he says that acceptance of the truth of the recent past is the foundation for reconciliation and healing between communities in the former Yugoslavia. Unfortunately, that truth is not always reflected in the judgments of the ICTY and the Mechanism. Many facts, both regarding the nature of the conflict in the former Yugoslavia and other international legal and criminal matters, remain disputed. The judiciary in Serbia is independent, and in national legal systems based on the rule of law there are no pre-established facts from the Mechanism or the ICTY. In a democratic society, expert political and

academic criticism of both national and international judicial bodies is allowed, without questioning the validity of these decisions.

The Prosecutor is correct that acceptance of the truth about the recent past is the foundation for reconciliation. Unfortunately, however, the pursuit of truth in previous decades has not been realized, which has resulted in strengthening a policy of impunity for crimes committed against Serbs and the glorification of those criminal acts. While Serbia and Serbs in the Republika Srpska are frequently criticized, streets and institutions are named after individuals with criminal histories who are responsible for crimes committed against Serbs. For example, in Croatia, an airport is even named after Franjo Tuđman, a person known for his statements that the blows inflicted on Serbs should be enough to practically get rid of them altogether, and that the Serbian issue in Croatia has been resolved, with no more than 5 per cent of Serbs allowed to remain. We are unaware of any response from the Prosecutor's Office regarding that.

Regarding the section of the report addressing the issues of Srebrenica and the Srebrenica declaration, it primarily concerns an unsuccessful attempt to assign guilt and responsibility to Serbia and the Serbs, suggesting that only those convicted in selective judicial processes can be considered criminals. For example, if individuals, such as Izetbegović and Tuđman, were not prosecuted, they are allowed to be glorified.

Furthermore, the resolution mentions only the verdicts against the leadership of the Republika Srpska, while the crucial verdicts in Srebrenica-related cases are not mentioned. That reflects the implementation of the policy of the Muslim leadership in Bosnia and Herzegovina, which, unfortunately, the Prosecutor also seems to adopt, even though they are expected to act impartially. Serbia does not avoid a comprehensive discussion of the issues related to the Srebrenica enclave during the 1992–1995 war, but it will always oppose the distortion or deliberate concealment of the truth about events from that period. We do not dispute that a serious crime occurred after the fall of Srebrenica in July 1995. However, much remains controversial, and not all the facts have been fully investigated or re-examined.

Furthermore, one crime cannot be isolated and taken out of context. In the same area, many Serbs suffered and were executed in a very monstrous manner, and their commander, Naser Orić, was rewarded

with an acquittal. In many Srebrenica-related cases in which Serbs were convicted, there is a wealth of evidence of crimes committed under the command and control of Naser Orić that appears to be significantly more than what the Prosecutor presented in the case against him. Acquittals, such as those of Haradinaj for serious crimes in Kosovo and Metohija, Naser Orić for serious crimes in Podrinje and Ante Gotovina for serious crimes in present-day Croatia, are also part of the legacy of the Mechanism, which has reinforced the policy of impunity.

In conclusion, the Republic of Serbia will continue to support the principles of justice and international law. We expect that the Mechanism will align its future work with the mandate given to it by the Security Council and that the objections we have raised during the Council's meetings will finally be considered.

The President: I now give the floor to the representative of Rwanda.

Mr. Rwamucyo (Rwanda): Rwanda appreciates the opportunity to participate in this Security Council meeting on the twenty-fifth progress report of the International Residual Mechanism for Criminal Tribunals. We thank President Gatti Santana and Prosecutor Serge Brammertz for their detailed briefings, as well as the Council members for their statements. We also welcome the participation in today's meeting of Her Excellency the Minister of Justice of Serbia, as well as the representatives of Bosnia and Herzegovina and Croatia.

This year, Rwanda marked the thirtieth commemoration of the 1994 genocide against the Tutsi, during which more than 1 million lives were tragically lost in just 100 days. That remains a defining chapter in our nation's history and a profound journey for our people. As a country directly shaped by the atrocities that led to the establishment of the International Criminal Tribunal for Rwanda (ICTR), which transitioned into the International Residual Mechanism for Criminal Tribunals, Rwanda remains resolute in its support for the Mechanism's mission to uphold justice and accountability for the crimes committed during the genocide.

We commend the Mechanism's steadfast efforts to expedite trials and appeals and its collaboration with national jurisdictions to prosecute international crimes in Rwanda. We particularly acknowledge the good cooperation between the Government of Rwanda and

the Court, the Prosecutor's Office and the Registrar as administrators of the Mechanism — that cooperation is very strong. We commend the Prosecutor in particular for his efforts in tracking and accounting for all the fugitives indicted by the ICTR.

While the most desirable outcome would have been to bring all the fugitives to account before they passed away, we appreciate the Prosecutor's efforts nonetheless, and the fact that they have all been located, identified and accounted for, which brings some form closure for the victims and survivors of the genocide.

As the Residual Mechanism transitions to its next phase, Rwanda emphasizes the importance of sustained cooperation to transfer the valuable expertise, tools and institutional knowledge developed over the years, thereby strengthening national judicial capacities. We reiterate our long-standing call for the relocation of the archives of the ICTR and the Mechanism to Rwanda. Those archives are of profound historical significance, containing decades of testimonies, records and evidence that are pivotal to Rwanda's post-genocide history. Rwanda remains firmly committed to assuming custodianship of those archives, ensuring their accessibility, confidentiality and management in accordance with best international standards and practices, in partnership with the United Nations and other Member States. Rwanda is fully prepared to provide the necessary resources for their secure and effective management, ensuring minimal-to-no-cost implications for the United Nations.

Those archives would join the millions of meticulously preserved Gacaca court archives, which continue to serve as a vital repository of justice and memory under Rwandan stewardship, including through digitization. Rwanda has built state-of-the-art infrastructure for the Gacaca archives and ensured their full digitization. These are millions of pages of documents, evidence, testimonies and judgments that have been fully digitized and put in a truly state-of-the-art facility in Kigali. Our expertise, historic connection and commitment to that responsibility is undeniable. We urge the Security Council to give our request the strongest consideration it deserves, because it eliminates any budgetary implications for the United Nations and Member States, while ensuring the most trusted custodianship of the archives for the benefit of future generations.

On the enforcement of sentences, Rwanda stands ready to contribute to finding solutions for the enforcement of sentences as the Mechanism begins to wind down. Should the Security Council decide to send cases to Rwanda and entrust us with enforcement, as other Member States have done, Rwanda reaffirms its commitment to enforcing those sentences according to international standards. Rwanda already hosts the enforcement of sentences for Sierra Leonean convicts and those referred by the Mechanism. There are already cases that have been referred to Rwanda by the Mechanism and are managed with the best practices, in collaboration with the Mechanism. We are prepared to continue that role and ensure that sentences are served in full compliance with international human rights standards.

Rwanda also remains committed to the return and reintegration of acquitted or released individuals. In the case of the acquitted persons currently residing in the Niger, Rwanda reiterates its consistent position that those individuals are free citizens and are welcome to return to Rwanda. I want to emphasize here that Rwanda's Constitution guarantees that no natural-born Rwandan can ever lose their citizenship, regardless of whatever circumstances they find themselves in. Therefore, these people have been convicted, have served their sentences and are free Rwandan citizens, and there is no reason for them to be stateless. They are welcome in Rwanda anytime. And there is no need for Member States to continue to spending resources on them when they are free citizens who should be enjoying their full citizenship rights as Rwandans.

If those individuals choose to return to Rwanda, they will not be the first Rwandans to return after being acquitted or having served their sentences. Hundreds of thousands of former genocide convicts now live peacefully alongside genocide survivors — a testament to the success of Rwanda's unity and reconciliation efforts. The court has referred several cases to Rwanda for trial and subsequent enforcement of sentences, and Rwanda continues to offer a path of reintegration for those individuals who have completed their sentences or have been acquitted.

On genocide denial, the Mechanism and Rwanda have brought that issue to the Council's attention — an issue that continues to undermine reconciliation, healing, the judicial process and particularly the extradition of genocide fugitives. Fugitives and their networks have collaborated with certain Western media outlets to

distort the facts surrounding the 1994 genocide against the Tutsi and the court's rulings, trivializing the gravity of the genocide crimes. That denial not only affects victims, survivors and the post-genocide generation, but it also hampers the ongoing quest for justice and reconciliation. We urge the Council to condemn genocide denial in the strongest terms.

Adequate funding for the Mechanism is essential at this critical juncture to ensure its operational efficiency and the fulfilment of its mandate. We call on Member States to support the Mechanism's budgetary requirements to enable it to perform its responsibilities effectively. Rwanda fully endorses the proposed 2025 budget for the Mechanism, recognizing that adequate financial support is indispensable for the achievement of its objectives.

In conclusion, Rwanda acknowledges the progress made by the Mechanism and welcomes its responsible transition. We urge the Security Council and the Mechanism to take into account Rwanda's proposals regarding the relocation of archives, the enforcement of sentences, the return of acquitted persons and enhanced international cooperation on fugitive arrests. Those measures are essential for safeguarding the integrity of international justice and for honouring the victims and survivors of the 1994 genocide against the Tutsi.

The President: I now give the floor to the representative of Bosnia and Herzegovina.

Mr. Lagumdžija (Bosnia and Herzegovina): We wish you, Mr. President, a successful presidency of the Council for the month of December.

Allow me to thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Gatti Santana, and the Chief Prosecutor, Mr. Brammertz, for their briefings and updates delivered today. We take note of their respective assessments and progress reports on their work, submitted ahead of this meeting (see S/2024/570).

As Judge Gatti Santana rightly pointed out in one of her previous statements, the process of justice does not conclude with the issuance of a final judgment (see S/PV.9651). While the main burden in achieving justice for the victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda now lies primarily with national prosecutions, the work of the Mechanism — even in winding down

its functions — remains essential for peace, justice and reconciliation through healing.

We maintain our support for the ongoing work of the Mechanism, particularly those functions that are essential for the entire enterprise to come full circle with its credibility and legacy properly upheld and preserved. We find its continued engagement in the enforcement of sentences and the matter of archives to be essential, but most important, we continue to rely on the Mechanism for further assistance in national prosecutions.

To that effect, during the reporting period, several meetings took place between the Prosecutor's Office of Bosnia and Herzegovina and representatives of the Mechanism, as well as with the offices of prosecutors from the countries of the region. We continue to pursue solutions to the notable backlog in cases and challenges in regional cooperation, as well as ways to advance cooperation mechanisms.

We particularly value regular operational discussions and consultations between the Office of the Prosecutor and the Prosecutor's Office of Bosnia and Herzegovina and deem the support of the former essential in securing justice for all victims of crimes committed in Bosnia and Herzegovina. The Office of the Prosecutor continuously provides direct case assistance to the Prosecutor's Office of Bosnia and Herzegovina and responds to a large number of requests for assistance.

We remain committed to our obligations within that framework, determined not only to deliver much-deserved truth and justice for crimes committed in Bosnia and Herzegovina, but to preserve it as well. That is why the issue of archives remains equally as important. The successful preservation and digitalization of audio, video and written records surpasses the mere physical existence of testimonies and evidence of crimes committed. Their value for judicial proceedings in the past may have been exhausted, but they have permanent value for future educational, historical and research purposes.

We take note of the fact that agreements were reached on concrete steps forward within the cooperation mechanisms, including with respect to the transfer of cases involving unavailable suspects and accused persons from Bosnia and Herzegovina to other countries in the region. We are yet to see those agreements come to fruition, since the track record for

the prosecution of war crimes in some countries of the region is far from stellar.

Much more is needed than empty assurances of one's commitment to accepting and processing such cases in order to achieve justice and strengthen regional cooperation and reconciliation. It is a simple fact that unavailable suspects were unavailable for a reason. They are shielded, protected, celebrated, rewarded and honoured for the crimes they committed in Bosnia and Herzegovina. Their crimes are denied, while the victims and their families have been humiliated, day in and day out, for the past 30 years. Novak Đukić, Mirko Vrućinić and Milomir Savčić are just a few of those who enjoy absolute freedom in Serbia.

Further to that, the denial of crimes, revisionism and the glorification of war criminals continue unabated and even worsen over time. Is that the commitment to justice we heard about from Serbia here today? What about good-neighbourly relations, regional cooperation or reconciliation? It takes justice and reckoning to achieve reconciliation. Yet time and time again, our neighbour Serbia unfortunately misses opportunities to come to terms with its past and offer an honest hand of reconciliation to its neighbours. The adoption by the General Assembly of the resolution aimed at honouring victims and formally recognizing judicial decisions (General Assembly resolution 78/282) should have been one such opportunity for common action, not nationalist narratives and revisionist history.

We are all aware that the International Criminal Tribunal for the Former Yugoslavia (ICTY) found Srebrenica to be a genocide. Yet we heard once again today, in this Chamber, talk of "events" in Srebrenica — not even "terrible crimes". It was not a car accident. It was a genocide, as per the verdict issued at The Hague.

When confronted with yet another personal admission of guilt — this time, I shall just give the example of Radislav Krstić, one of three individuals convicted for genocide in Srebrenica — even without his readiness to help the court by providing information where the remaining bodies of victims could be found, in the context of his appeal for early release, the response from Serbia and Republika Srpska was quite telling. Overall, it was met with conspicuous silence and conveniently ignored. I do not count the reaction of Vojislav Šešelj, another war criminal who said that, instead of killing himself or enduring to the end and

dying an honourable death, Krstić made a huge betrayal because of the year or two he would spend in freedom as a wretch and a traitor.

Council members will forgive us if we have zero trust in the willingness, readiness and intent of Serbia to finally fulfil not only its international obligations, but also its moral ones, and prosecute those on its territory suspected of committing the most serious international crimes. Reconciliation is conditioned upon reckoning and justice.

Every year we mark solemn anniversaries: the Holocaust; Kwibuka; Srebrenica. We truly regret that none of those lessons did much to prevent the repetition of pain, suffering and death due to the unimaginable levels of cruelty that one human being can inflict on another. We truly regret that — at least in this case — after 30 years, the killing continues not by arms, but by words. What those who are responsible kill with their denial and their utter lack of remorse and willingness to face the truth is the opportunity to finally put to rest a painful and horrific past for the sake of healthy relationships, trust and cooperation for the future.

Notwithstanding the real motives behind Krstić's letter and the fact that he is in a unique position to back up his words of remorse with more substantive and meaningful deeds and by offering more valuable and concrete information, let us pause over one part of his letter, in which he says:

"I would love for my words to be read and understood by young people who live today in the areas where a country named Yugoslavia used to be. I would love for the people who will live there long after I am gone — if these words somehow find their way to them — to stop and think: nevermore. No more war and no more death because someone is of a different religion, from a different nation or has different beliefs. No more genocide."

If we are to comment on such appeals for early release from the prison sentence imposed by the ICTY and the Mechanism within that territory, we would only recall the pattern of those cases in which the accused and indicted now roam free in Serbia: Radovan Karadžić; Momčilo Mandić; Novak Đukić; Mirko Vrućinić; Milomir Savčić — the list goes on and on, I will not continue with it.

Let us hope that those words we heard from General Krstić will translate into deeds and that he will indeed help Prosecutor Brammertz, who talked about 12,000 people still missing out of 42,000. He can help with that by pointing out where some of those 12,000 people are buried in anonymous graves.

Thirty years ago, the Council was innovative and courageous in taking unprecedented steps that forever transformed the landscape of international justice and enabled the advancement of international law through a substantial body of jurisprudence on genocide, crimes against humanity and war crimes. There is no turning back on that decisive moment for justice, nor can its march forward be stopped. We must stand firm and prevent it from being tarnished, despite quite shameful attempts to do so, if anything — and with this I conclude — for the very fact that at this moment, at the core of almost all the issues on the Council's docket are massive violations against human life. Women, children and innocent people turn their eyes to the Chamber in the hope of protection, salvation and justice. Council members carry the burden to deliver on their obligations, commitments and duty, not to undermine them. That may fall on deaf ears for some. Nevertheless, I felt obliged, as most participants today share this opinion, to note it, knowing that there are enough of us who care about the future work of the Mechanism as another brick in the wall of international law, as well as overall juridical institutions and courts established, in this very building, by the United Nations.

The President: I now give the floor to the representative of Croatia.

Mr. Šimonović (Croatia): I would like to thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Gatti Santana, and Prosecutor Brammertz for their report (see S/2024/570) and for today's briefings.

Croatia would like to reaffirm its strong support for the ongoing work of the Mechanism in fulfilling its remaining residual operations in accordance with resolution 2740 (2024). Croatia strongly supports the Mechanism's efforts to preserve the legacy of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. We find those efforts crucial for catalysing the much-needed collective endeavour of regional stakeholders to counter revisionism, genocide denial and the glorification of war criminals and to further

reconciliation. Regrettably, we again need to reiterate that even in these exceptionally challenging times, as we continue to face serious and blatant violations of international law around the world, it is devastating to witness the ongoing denial of the factual findings and disrespect for the legal qualifications of the Tribunals and the Mechanism.

It is sad that, as we witnessed today, even a permanent member of the Security Council joins such a shameful practice. Serbia and its lone supporter on the Council tend to forget that Serbia's aggression against Croatia, Bosnia and Herzegovina and Kosovo represented the very framework for all crimes committed in the region in the 1990s. They also wish to forget that the greatest majority of crimes were committed by forces under Serbia's command and control and that prosecution against them reflects their disproportionate involvement in the commission of crimes. Serbia has obviously yet to face its own past and realize the difference between Franjo Tudjman, who defended his country from aggression, and Mr. Milošević and his followers — some of whom are still in power in Belgrade — who were responsible for the aggression.

The glorification of war criminals and the denial of committed crimes, including the genocide in Srebrenica, are unacceptable. They increase the suffering of the victims, hamper reconciliation and destabilize the region. They also confuse and deliberately misdirect and embitter future generations. For that reason, Croatia sponsored and voted in favour of the adoption of the General Assembly resolution on the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, which we hope will contribute to the long-term reconciliation process in the region. Croatia will also continue to strongly support the European Union enlargement accession process to all the Western Balkans, which we see as instrumental in our collective efforts to ensure the security and stability of the region.

Croatia remains fully committed to complying with its obligations under the Security Council resolution, namely, constructive, transparent and non-politicized, evidence-based judicial cooperation with other neighbouring States in matters related to war crimes. To that end, we must reiterate that meaningful and productive cooperation is not a one-way process and that, alongside transparency and openness, good practices and international legal standards must be

upheld. In an effort to enhance our cooperation with Bosnia and Herzegovina in the prosecution of war crimes, on 26 November, in Sarajevo, the Croatian State Attorney General met with the Chief Prosecutor of Bosnia and Herzegovina. At the meeting, they discussed the continuation and improvement of the cooperation, focusing on war crimes cases in which the suspects and the accused remain unavailable to the prosecuting authorities.

Unfortunately, we are compelled to raise again the issue of insufficient cooperation with Serbia — which is unlike our cooperation with Bosnia and Herzegovina — in the tracing of missing persons and mortal remains. Determining the whereabouts of 1,788 missing Croatian citizens is our long-standing priority.

Regrettably, we must stress that the lack of political will in Serbia to share information and enable access to archives remains the greatest obstacle to progress in resolving those cases, almost 30 years after the end of the war. To that end, we reiterate that establishing the fate of the missing persons, as well as finding mortal remains and their proper burial, are essential for closure and reconciliation. In addition to its call for improved bilateral cooperation, Croatia urges the Mechanism to prioritize its support for tracing missing persons and mortal remains during its short remaining mandate.

In conclusion, let me reaffirm our strong support for the important work of the Mechanism and the successful completion of its residual operations.

The meeting rose at 12.30 p.m.