



Security Council

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The Security Council,

Reaffirming its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the former Yugoslavia (ICTY) being brought to justice,

Recalling its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and in particular, 1966 (2010) of 22 December 2010, which inter alia established the International Residual Mechanism for Criminal Tribunals (“the Mechanism”),

Taking into account the assessments by the ICTY and the ICTR in their Completion Strategy Reports ([S/2015/874](#) and [S/2015/884](#)), and the updated trial and appeals schedules,

Welcoming the arrest in the Democratic Republic of the Congo (“DRC”) on 8 December 2015 of Ladislav Ntaganzwa, indicted by the ICTR, while *noting* with concern that many genocide suspects continue to elude justice, including the remaining eight fugitives indicted by the ICTR,

Taking note of the letter to the President of the Council from the Secretary-General dated 28 October 2015 ([S/2015/825](#)), attaching a letter from the President of the ICTY dated 1 October 2015,

Noting also the concerns expressed by the President of the ICTY about staffing, and *reaffirming* that staff retention is essential for the most expeditious completion of the ICTY’s work,

Recalling also its previous resolutions on the extension of the terms of office of the permanent and ad litem judges of the ICTY, who are members of the Trial Chambers and the Appeals Chamber,

Further recalling its resolution 2193 (2014) adopted on 18 December 2014,

Having regard to Article 16 of the Statute of the ICTY,

Having considered the nomination by the Secretary-General to reappoint Mr. Serge Brammertz as Prosecutor of the ICTY ([S/2015/969](#)),

Taking note of the regular report on the progress of the work of the Mechanism dated 17 November 2015 ([S/2015/883](#)),



Further noting with concern that the Mechanism faces problems in the relocation of acquitted persons and convicted persons who have completed serving their sentences, and emphasizing the importance of the successful relocation of such persons,

Noting the referral of cases of Laurent Bucyibaruta, Wenceslas Munyeshyaka, Jean Uwinkindi and Bernard Munyagishari to national jurisdictions, pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence of the ICTR, and emphasizing the importance of continuing monitoring progress in referred cases, as well as the goal of achieving the completion of all referred cases at the earliest possible time,

Further noting that the initial period of the operation of the Mechanism, as set out by resolution 1966 (2010), ends on 30 June 2016, and that the Mechanism shall continue to operate for subsequent periods of two years following a review by the Council of the progress of its work, unless the Council decides otherwise,

Recalling its review of the progress of the work of the Mechanism, including in completing its functions, pursuant to paragraph 17 of resolution 1966 (2010) and carried out in accordance with the procedure set out in the statement of its President of 16 November 2015 (S/PRST/2015/21), including the report of the Mechanism on the progress of its work in the initial period, dated 20 November 2015 (S/2015/896),

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the completion of the judicial work of the ICTR following delivery of its last judgment on 14 December 2015, and the impending closure of the ICTR set for 31 December 2015;

2. *Acknowledges* the substantial contribution of the ICTR to the process of national reconciliation and the restoration of peace and security, and to the fight against impunity and the development of international criminal justice, especially in relation to the crime of genocide;

3. *Reiterates* its request to the ICTY to complete its work and facilitate the closure of the Tribunal as expeditiously as possible with the aim of completing the transition to the Mechanism, and expresses its continued concern over repeated delays in the conclusion of the Tribunal's work, in light of resolution 1966 (2010), which requested the Tribunal to complete its trial and appeals proceedings by 31 December 2014;

4. *Underlines* that States should cooperate fully with the ICTY, as well as with the Mechanism;

5. *Decides* to extend the term of office of the following permanent and ad litem judges at the ICTY, who are members of the Trial Chambers and the Appeals Chamber, until 31 March 2016 or until the completion of the cases to which they are or will be assigned, if sooner:

Jean-Claude Antonetti (France)
Melville Baird (Trinidad and Tobago)
O-Gon Kwon (Republic of Korea)
Flavia Lattanzi (Italy)
Howard Morrison (United Kingdom)
Mandiaye Niang (Senegal)

6. *Decides* to extend the term of office of the following permanent judge at the ICTY, who is a member of the Appeals Chamber, until 30 June 2016 or until the completion of the cases to which he is or will be assigned, if sooner:

Koffi Kumelio A. Afande (Togo)

7. *Decides* to extend the term of office of the following permanent and ad litem judges at the ICTY, who are members of the Trial Chambers, until 31 October 2016 or until the completion of the cases to which they are or will be assigned, if sooner:

Burton Hall (The Bahamas)

Guy Delvoie (Belgium)

Antoine Kesia-Mbe Mindua (Democratic Republic of Congo)

8. *Decides* to extend the terms of office of the following permanent judges at the ICTY, who are members of the Trial Chambers and the Appeals Chamber, until 31 December 2016 or until the completion of the cases to which they are or will be assigned, if sooner:

Carmel Agius (Malta)

Liu Daqun (China)

Christoph Flüge (Germany)

Theodor Meron (United States of America)

Bakone Justice Moloto (South Africa)

Alphons Orie (The Netherlands)

Fausto Pocar (Italy)

9. *Decides* to reappoint Mr. Serge Brammertz as Prosecutor of the ICTY, notwithstanding the provisions of Article 16, paragraph 4, of the Statute of the ICTY related to the length of the term office of the Prosecutor, for a term with effect from 1 January 2016 until 31 December 2016, which is subject to earlier termination by the Security Council upon the completion of the work of the ICTY;

10. *Renews its call on* the ICTY, in light of resolution 1966 (2010), to redouble its efforts to review its projected case completion dates with a view towards shortening them as appropriate and to prevent any additional delays;

11. *Requests* the Office of Internal Oversight Services (OIOS) to carry out an evaluation with respect to the methods and work of the ICTY, in the context of the implementation of the Completion Strategy pursuant to resolution 1966 (2010), and to present its report by 1 June 2016, and *further requests* the ICTY to report on implementation of any OIOS recommendations in its next six-monthly report thereafter to the Council on progress towards implementation of the ICTY Completion Strategy;

12. *Commends* States that have accepted the relocation of acquitted persons or convicted persons who have completed serving their sentences to their territories, and reiterates its call upon all States to cooperate with and render all necessary assistance to the Mechanism, for increased efforts towards the relocation of acquitted persons and convicted persons who have completed serving their sentences;

13. *Urges* all States, especially States where fugitives are suspected to be at large, to intensify their cooperation with and render all necessary assistance to the

Mechanism, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the ICTR as soon as possible;

14. *Urges* the DRC to transfer Ladislav Ntaganzwa for trial without delay or conditions;

15. *Urges* the Mechanism to continue monitoring the cases of Laurent Bucyibaruta, Wenceslas Munyeshyaka, Jean Uwinkindi and Bernard Munyagishari, which were referred to national jurisdictions;

16. *Emphasizes* that, in view of the substantially reduced nature of the residual functions, the Mechanism was established to be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions, and, recognizing in this regard the full commitment to these elements expressed by the Mechanism, *urges* the Mechanism to continue to be guided in its activities by these elements;

17. *Welcomes* the report (S/2015/896) and supplementary information submitted by the Mechanism to the Council pursuant to its Presidential Statement (S/PRST/2015/21) for the purposes of the review of the progress of the work of the Mechanism, including in completing its functions, as required by paragraph 17 of resolution 1966 of 22 December 2010;

18. *Takes note* of the work of the Mechanism to date, in particular development of a legal and regulatory framework, procedures, and working practices consistent with the Statute of the Mechanism and drawing on lessons learned from and best practices of the ICTY and ICTR and of other tribunals, including its implementation of the double-hatting of personnel, use of rosters to ensure judges and staff are utilized only when required, enabling judges and staff to work remotely to the maximum extent possible, and minimizing the need for full bench participation in pre-trial and pre-appeal hearing work, in order to produce substantial reductions in the costs of judicial activities compared to those of the ICTY and ICTR, and *commends* the Mechanism for its efforts to produce such reductions;

19. *Notes* further the views and recommendations made with regard to the Mechanism's work by the Council's Informal Working Group on International Tribunals, as reflected in this resolution, and *requests* the Mechanism to take into account those views and implement the recommendations, and to continue to take steps, such as those referred to in paragraph 18, to further enhance efficiency and effective and transparent management, in particular full implementation of the outstanding recommendations of the OIOS; production of more focused projections of completion timelines and disciplined adherence thereto, including by making the best use of the diverse approaches of common law and civil law systems; enhancement of the geographic diversity and gender balance of staff, while ensuring continued professional expertise; implementation of a human resources policy consistent with its temporary mandate; and further reduction of costs, including through, but not limited to, flexible staff engagement;

20. *Further requests* the Mechanism to include in its six-monthly reports to the Council information on progress achieved in implementing this resolution, as well as detailed information on the staffing of the Mechanism, respective workload and related costs with breakdown by division and detailed projections of the duration of residual functions based on available data;

21. *Further notes* the conclusion of the Council's review of the progress of the work of the Mechanism, including in completing its functions, during its initial period, pursuant to resolution 1966 (2010);

22. *Recalls*, with a view to strengthening independent oversight of the Mechanism, that, as set out in its Presidential Statement of 16 November 2015 ([S/PRST/2015/21](#)), future reviews carried out pursuant to paragraph 17 of resolution 1966 (2010) shall include evaluation reports sought from the OIOS with respect to the methods and work of the Mechanism;

23. *Encourages* the Mechanism and the Government of Rwanda to collaborate on matters related to the legacy of the ICTR with respect to reconciliation and justice in Rwanda, including in respect of access to archives;

24. *Decides* to remain seized of the matter.
