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Security Council

Seventy-seventh year

Provisional

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Tuesday, 14 June 2022, 10 a.m.
New York

President:	Mr. Hoxha	(Albania)
Members:	Brazil	Mr. Costa Filho
	China	Mr. Dai Bing
	France	Mrs. Dime Labille
	Gabon	Mr. Biang
	Ghana	Mr. Agyeman
	India	Ms. Bhat
	Ireland	Mr. Flynn
	Kenya	Mrs. Toroitich
	Mexico	Mr. Ochoa Martínez
	Norway	Ms. Heimerback
	Russian Federation	Mr. Kuzmin
	United Arab Emirates	Mr. Almazrouei
	United Kingdom of Great Britain and Northern Ireland	Mr. Wickremasinghe
	United States of America	Mr. Mills

Agenda

International Residual Mechanism for Criminal Tribunals

22-38173 (E)

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

Adoption of the agenda

The agenda was adopted.

International Residual Mechanism for Criminal Tribunals

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 Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals; and Mr. Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals.

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

I give the floor to Judge Agius.

Judge Agius: On behalf of the International Residual Mechanism for Criminal Tribunals, I have the pleasure to brief the Security Council on the progress of our work, as detailed in the comprehensive reports before the Council. On a personal note, let me say that it is a great honour to address the Security Council one last time before I step down as President of the Mechanism at the end of this month.

Leading the Mechanism, alongside my fellow Judges and principals, has been one of the richest and most rewarding professional experiences of my life, and I will miss being able to contribute to the work of this fine institution on a daily basis and interacting with those who have become like family to me. Allow me to share, too, my strong sense of satisfaction, gratitude and confidence when I consider everything that has happened since I took over as President and my conviction that we must carry that momentum forward.

I am satisfied with the significant progress accomplished during the reporting period and throughout my presidency despite enormous challenges, including the coronavirus disease (COVID-19) pandemic. Indeed, I am struck by how different the landscape of the Mechanism appears now, particularly as regards the pending cases.

We have only three main cases left, representing a markedly reduced judicial workload as compared to early 2019, and very soon there will be two, after the delivery, on 29 June, of the appeal judgment in the *Fatuma et al.* case, over which I preside. In our other appeal case, *Stanišić and Simatović*, the proceedings are well on track for completion by the projected time frame of June 2023, and another status conference will be held by me next week in The Hague. In the *Kabuga* case, following the recent hearing of independent medical experts and oral submissions of the parties, I can report that, just yesterday, the Trial Chamber issued its decision, finding that the defence had not established that Mr. Kabuga is presently unfit for trial. The Chamber also decided, inter alia, that the accused shall remain detained at the Mechanism's Hague Branch and that his trial shall commence there until otherwise determined. I invite Council members to read the comprehensive decision of the Trial Chamber, which is publicly available via the Mechanism's website.

I am encouraged that such developments represent the substantial fulfilment of one of the central priorities of my presidency, which was to conclude the Mechanism's existing judicial proceedings in a timely and efficient manner, while ensuring due process and fundamental rights. However, the progress has not stopped there.

Major advances in the tracking of fugitives of the International Criminal Tribunal for Rwanda (ICTR) have also had a decisive impact on the Mechanism's operations and outlook. As a result of the arduous efforts of Prosecutor Brammertz and his team, only four ICTR fugitives are left, all of whom are expected to be tried in Rwanda.

We have made headway in other key aspects of our mandate, as well. Regarding the enforcement of sentences, for example, the Council will recall that, in 2020, I issued a revised Practice Direction on applications for pardon, commutation of sentence and early release, with the aim of simplifying the process, while retaining the same legal approach. Since taking office, I have issued a total of 72 decisions and orders in relation to such applications, and I will leave only two recently filed matters to be dealt with by my successor. Separately, the Mechanism's responsibilities in the monitoring of cases that have been referred to national jurisdictions have been drastically reduced.

When I assumed the presidency, the Mechanism was responsible for monitoring seven cases. Now, only two cases remain.

All the while, steady progress has been achieved in areas as diverse as protecting witnesses, responding to national requests for assistance and managing the archives of the ICTR, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) and the Mechanism. Our productivity in those respects has been enhanced by the Mechanism's continual efforts to further harmonize and streamline its working methods.

Parallel to the results, there have been some setbacks. To my chagrin, I must now return to the Chamber, where last December I announced that the situation of the acquitted and released persons had been resolved (see S/PV.8927), to report that that is no longer the case; that the binding agreement signed between the United Nations and the Niger to relocate those persons to the Niger's territory has not been honoured. The Registrar of the Mechanism is doing his utmost to find a way through that predicament.

Separately, the contempt case against Petar Jojić and Vjerica Radeta is an illustration of where the Mechanism's ability to secure justice has been thwarted — in that instance, by Serbia's ongoing failure to fulfil the international obligations imposed on all States by the Council in resolution 1966 (2010).

I now turn to the immense gratitude I feel when thinking about my presidency and the collaborative efforts that have given rise to our accomplishments. I can categorically assert that we have all done the best that can be done. First and foremost, I wish to acknowledge the contributions made by our extraordinary staff, whom I thank sincerely. I also pay tribute to the friendship and outstanding service of the Mechanism's judges, who hail from all corners of the globe and whose differing perspectives have immeasurably enriched my own. I also commend my fellow principals, Prosecutor Brammertz, who is present here today, and Registrar Tambadou, for their collegiality and assiduousness.

Finally, I would like to publicly praise my own team members for their steadfast commitment and for how greatly they have inspired me. Of course, the Mechanism's success is not only attributable to those who work for or at the institution. The Mechanism, like its predecessor tribunals, is part of a broader system. Reflecting a shared vision of justice and a determination that the crucial work of those tribunals would be seen through to the very end, the Mechanism was brought into being at the international level but also relies heavily upon stakeholders in the regional and domestic spheres.

Within the United Nations, the sterling support and guidance provided by the members of the Council and the Informal Working Group on International Tribunals are essential for the Mechanism's functioning. Thanks to Council members and the United Nations membership, we are able to continue carrying out the vital mission entrusted to us. In addition, during my time as President, I have especially valued the superb assistance provided by the Office of Legal Affairs.

With respect to the role of States in the fulfilment of our mandate, I recall announcing early in my Presidency that justice does not end with the delivery of judgment. The truth of those words has been borne out time and again, and I highly commend all States that have volunteered to enforce the sentences of persons convicted by the ad hoc Tribunals or the Mechanism. Their exceptional cooperation was apparent at the height of the pandemic, when pursuant to my orders enforcement States provided COVID-19 updates every two weeks.

I also acknowledge the Mechanism's wonderful host States, Tanzania and the Netherlands, which so robustly support us in our mission. Finally, I express my gratitude to the European Union and the Swiss Government, whose funding of outreach and informational activities makes a palpable difference to those living in affected communities.

That brings me to the future and the sense of assurance I mentioned at the beginning of my remarks. Following its fourth review of the progress of work of the Mechanism, the Council will soon adopt a draft resolution concerning our mandate, and the Secretary-General will subsequently appoint the next President from among the judges on the Mechanism's roster. Change is therefore upon us, and with it come possibilities for revitalization and further improvement. I am confident that the Mechanism will continue to thrive under its new leadership, largely because it is in better shape than ever before.

Moreover, after almost a decade of operations, the Mechanism is far closer to realizing the Council's vision

of a small and temporary institution — an endeavour that should not be underestimated. It is not easy to head a downsizing institution and counter the deleterious effects of reduced productivity, wounded morale and increased employee turnover. Equally difficult is trying to solidify the "One Mechanism" approach within the Mechanism's unique structure in order to ensure the optimal, most efficient use of resources at our two branches. Still, I am sure that my successor will be more than capable of meeting such challenges.

At the same time, I very much hope that our progress has instilled trust in the members of the Council that, when we say we will deliver results, we mean it, and that the Mechanism will continue carrying out its residual functions in good faith, to the highest of standards.

Nonetheless, I must emphasize once more that many of those activities, including a number of judicial functions, will extend into the foreseeable future and for long after the main cases have concluded, unless the Council decides otherwise. It will be for the Security Council, not for us, to determine the scope of the Mechanism's mandate and to decide if and when certain of our duties should more appropriately be discharged by others. In that and many other respects, we are in the Council's hands.

It is unsettling to be stepping down at a time when the global situation is arguably more precarious than it has been in years. The uncertainties that have plagued us recently show no signs of abating, and I admit that it is not always easy to remain optimistic about the state of international criminal justice.

However, my experiences at the Mechanism and the ad hoc Tribunals have reinforced in me the unshakeable belief that the work of those institutions truly matters; that international justice initiatives can and do succeed, at times beyond all expectations; and that justice will ultimately prevail where there is the political will to seek it. In that light, I urge the international community to draw upon the same courage, determination and imagination it displayed in the 1990s when establishing the ICTY and the ICTR, and in 2010 when establishing the Mechanism.

Finally, the Mechanism will continue to require staunch backing in the years ahead, as well as the meaningful cooperation of those who respect its purpose and foundational principles. There is much work yet to be done and comfort in knowing that the task is a joint one. I again wholeheartedly thank all individuals, States and stakeholders that have shared in the journey of the Mechanism thus far and stood for what is right and just. Their support for our institution and in recent years of my presidency means more than I can express.

The President: I thank Judge Agius for his briefing.

I now give the floor to Prosecutor Brammertz.

Prosecutor Brammertz: I am grateful for this opportunity to address the Security Council about the activities of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals. My written review and progress reports provide details about our activities and results during the reporting period in relation to our strategic priorities.

At the outset, I would like to express my appreciation to the Security Council for its ongoing review of the Mechanism, as well as to the Office of Internal Oversight Services (OIOS) for its recent report on the Mechanism's methods and work. The review process is an important opportunity for detailed engagement between the Mechanism's principals and Council members.

I am very pleased to be able to inform the Council that, in the past two years, my Office has accounted for half of the fugitives who remained at large following the closure of the International Criminal Tribunal for Rwanda (ICTR). That includes all three of the so-called major fugitives — Félicien Kabuga, Augustin Bizimana and, as we announced just a few weeks ago, Protais Mpiranya, former commander of the Presidential Guard.

Following my appointment as Mechanism Prosecutor in 2016, I made it a priority to bring all remaining fugitives to justice. Following a thorough review of past efforts, my Office took key steps to improve and strengthen our fugitive-tracking efforts. We restructured our tracking team and, with additional funding, recruited investigators and analysts with the needed skills. We also fundamentally reoriented our work. We combined in-depth investigations with advanced analytical techniques, including for complex telecommunication, financial and network data. The results we have achieved matter.

For the victims of the 1994 genocide against the Tutsi, it is intolerable that those indicted for horrific crimes remain unaccounted for. While nothing can

erase the victims' pain, we hope they feel satisfied that the hunt for fugitives continues.

For the Security Council and the international community, successes like these again demonstrate the strength of the international community's commitment to the victims and its determination to achieve justice, despite the passage of time. And for the Mechanism and my Office, we have moved closer to bringing this important mandate to completion. There are now only four fugitives remaining, including our top priority — Fulgence Kayishema.

In that regard, I can report that, after several challenging years, progress is now being made with the Republic of South Africa. Thanks to the support of the President of South Africa and his Cabinet, an operational task team was recently established to assist my Office. Our teams held productive discussions in Pretoria just three weeks ago, and my Office has submitted its first set of taskings. We are confident that, with the full and effective cooperation of South Africa, Kayishema's flight from justice will soon be brought to an end. Our ambitious goal is to account for all four outstanding fugitives by the time the Security Council next reviews the Mechanism's work.

We are also continuing our efforts to complete our remaining trials and appeals. In the *Kabuga* case, my Office is ready for the trial to start. We have also undertaken significant efforts to ensure that the trial can be completed swiftly. We have submitted the evidence of most of our witnesses in writing, which should substantially reduce the in-court time required to present our case and, ultimately, the length of the trial.

My Office further continues to litigate our ongoing appeals. In the *Fatuma et al.* case, we look forward to the announcement of the judgment at the end of the month. In the *Stanišić and Simatović* case, we completed our written arguments earlier this year and are now preparing for oral arguments.

My Office remains committed to achieving justice for the victims in Rwanda and the former Yugoslavia, while taking all measures within our responsibility to complete those final cases as soon as possible.

Recognizing that national courts are continuing the work of the ICTR and the International Tribunal for the Former Yugoslavia, the Security Council mandated my Office to respond to requests for assistance from domestic investigators and prosecutors around the world. Accordingly, assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda continues to be a priority.

As my Office moves closer to completing our last cases and accounting for the final fugitives, it is important to remind ourselves that thousands of cases still need to be completed in national courts. The Prosecutor General of Rwanda is still seeking to prosecute more than 1,000 fugitives indicted for genocide.

In Bosnia and Herzegovina, Croatia and Serbia, there are still more than 3,000 suspected perpetrators of war crimes, crimes against humanity and genocide to be investigated and prosecuted. My Office's assistance is essential to completing that work. Our evidence collection contains more than 11 million pages of testimony, reports and records that national prosecutors need. Our staff have expert knowledge of the crimes and the perpetrators.

That is reflected in the number of requests for assistance we receive each year. Ten years ago, in 2013, we received approximately 100 requests for assistance. In each of the past two years, we received nearly 400. Recent requests are also of greater complexity and significance. In the light of the large number of cases still to be completed and national war crimes strategies in the countries of the former Yugoslavia, we anticipate that those trends will continue for a number of years to come.

Yet, despite the support we are providing, national prosecutors still face other critical challenges. In the former Yugoslavia, the most significant issue remains regional judicial cooperation. Recently, my Office facilitated a number of positive developments between Bosnia and Herzegovina and Serbia. The respective chief prosecutors continue to exchange evidence and case files to ensure greater accountability, even if there is certainly still room for improvement.

Unfortunately, both countries are experiencing severe difficulties obtaining cooperation from Croatia. As my written report details, the Croatian Government is taking political decisions to block the justice process. For example, prosecutors in Bosnia and Herzegovina are waiting for cooperation in more than 80 cases, some of which have been pending for up to seven years.

I remember very well that, a decade ago, Croatia was at the forefront of efforts to improve regional judicial cooperation in war crimes cases. Today, unfortunately,

there is a widespread impression that in Croatia there is still the desire to pursue justice for Croatian victims, but not for victims of other ethnicities.

There is a simple step Croatia can take to start changing that view — send all pending requests for assistance currently blocked by the Ministry of Justice to the relevant judicial authorities and encourage them to urgently process those requests.

I also urge the countries of the former Yugoslavia to put their political differences aside and significantly increase their cooperation in the search for missing persons. That is a humanitarian imperative.

With respect to Rwanda, my Office has regularly noted that greater efforts are needed to ensure accountability for génocidaires who fled to other countries, particularly in Europe and Africa. Prosecutors in those countries are well-aware that Rwandan nationals suspected of genocide are living in their countries. The challenge is fundamentally about priorities and resources and, sometimes, a lack of political will.

While it is of course understandable that Governments direct police and prosecutors to focus on crimes being committed today, that cannot be an excuse for failing to investigate and punish crimes of genocide committed in Rwanda two decades ago. Our commitment to ending impunity and ensuring accountability for international crimes must be truly universal.

My Office will continue to work with our national partners to respond to their requests for assistance and overcome the challenges they face. The victims of the 1994 genocide against the Tutsi in Rwanda and the crimes committed during the conflicts in the former Yugoslavia continue to look to my Office and the Security Council for support.

More broadly, in relation to both Rwanda and the countries of the former Yugoslavia, genocide denial and the glorification of war criminals persist. There can be no tolerance for such behaviour, which insults the victims and sows the seeds for future conflict.

In relation to the ongoing review process and the report of OIOS, my Office is grateful that our commitment to realizing the Council's vision of the Mechanism as a small, temporary and efficient structure continues to be recognized.

OIOS found that my Office took steps during the review period that reflected a focus on operationalizing the Security Council's mandate. OIOS further noted that even with skeletal staff numbers, the Office of the Prosecutor flexibly reconfigured operations as necessary to deliver results and redeployed resources to where they were most required. OIOS concluded that my Office has implemented its recommendation that we support and strengthen staff morale, a particular challenge in a downsizing institution. In this regard, OIOS found that as the office has downsized, the smaller team benefited from management's efforts to promote a more positive work environment.

With respect to our results, my Office is pleased that during the review period, important steps were taken to deliver on our mandate. We secured convictions in three important cases, the trials in *Stanišić and Simatović* and *Nzabonimpa et al.*, as well as the *Mladić* appeal. As I noted previously, in the last two years, we accounted for half of the remaining fugitives who remained at large following the closure of the ICTR. These are meaningful results that delivered justice for the victims while also bringing these residual functions closer to completion. As we look ahead, my Office will continue to employ the methods and practices that have established a proven track record of success in recent years.

In conclusion, we would like to take this opportunity to recognize the achievements of President Agius during his time in office and thank him for his leadership of our Tribunal. During his presidency, the Mechanism realized important successes. A number of significant judgments were delivered in accordance with the judicial timelines. And under his leadership the principals established a much closer working relationship to guide the Mechanism through immense challenges such as the coronavirus disease pandemic. Finally, for my Office, we remain grateful for the continued support of the Security Council in all of our efforts.

The President: I thank Judge Brammertz for his briefing.

I would like to draw the attention of speakers to paragraph 22 of presidential note S/2017/507, which encourages all participants in Council meetings to deliver their statements in five minutes or less, in line with the Security Council's commitment to making more effective use of open meetings.

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

Mr. Biang (Gabon) (*spoke in French*): I thank you , Mr. President, for holding this debate on the International Residual Mechanism for Criminal Tribunals. I would like to thank President Carmel Agius and Prosecutor Serge Brammertz for their respective briefings on the fourth report on the progress of the work of the Mechanism, pursuant to Security Council resolution 1966 (2010). I welcome the presence among us of our colleagues from Bosnia and Herzegovina, Croatia, Rwanda and Serbia. As Chair of the Informal Working Group on the International Tribunals, I would like to acknowledge the work done by my predecessor and thank all the members of the Informal Working Group for their commitment to the role assigned to us by paragraph 9 of resolution 2529 (2020).

The Council has been consistent in its attention and support for the activities of the International Residual Mechanism. On 31 March this year, in its presidential statement S/PRST/2022/2, the Security Council requested the Mechanism to report on the completion of the tasks entrusted to it, together with a detailed timetable of ongoing cases and elements that could have an impact on the expected date of closure of those cases and other matters within its competence. In the same vein, the Council instructed the Informal Working Group on International Tribunals to thoroughly review the Mechanism's report and the report on the evaluation of the Mechanism's methods and work. The status update given earlier by President Carmel Agius and Prosecutor Serge Brammertz's report attempt to show that the Council was right to trust and invest in the Mechanism to bring justice to victims of international crimes in Rwanda and the former Yugoslavia.

It is clear that the considerable progress made by the Mechanism during the biennium, despite the many challenges it faced from the health crisis caused by the coronavirus disease pandemic, is a testament to its genuine commitment to fulfilling all aspects of its mandate, while taking into account the imperatives of the time frame. The vocation of the Mechanism is to render justice and leave no room for impunity in the face of the most serious crimes against humanity, knowing that the volume and complexity of these crimes requires human, financial and logistical resources commensurate with the objectives to be achieved and the responsibilities to be assumed.

We must recognize and acknowledge that the Mechanism has taken on its task in a convincing manner. The arrest of Félicien Kabuga, the tracking down of fugitives, the recent confirmation, after lengthy investigations, of the deaths of Protais Mpiranya and Phénéas Munyarugarama, in addition to the convictions of Ratko Mladić, Jovica Stanišić and the four accused in *Nzabonimpa et al.*, are all facts that clearly reflect a mobilization of criminal justice against impunity and the affirmation of the rule of law under the impetus of the Security Council. This meticulous work must be completed without prejudice, of course, to taking into account specific data vis-à-vis personnel, tasks, costs and forecasts relating to the duration of residual functions.

The constant support of the Security Council is essential for the timely completion of the Residual Mechanism's mandate. It is fundamental that the Council fully ensure the smooth functioning of the Tribunals' work until all the assigned objectives are achieved, both at the level of the Office of the Prosecutor and at the level of the Trial and Appeals Chambers. Beyond the support of the Council, cooperation with national courts is also crucial in view of the recurrent referrals of cases to national jurisdictions. The importance of cooperation between States and the criminal courts is crucial in order to maximize the collection of evidence that is indispensable for the opening of judicial investigations, which are laborious, in order to establish the facts of alleged crimes, particularly in Rwanda. In this regard, it is important to strengthen the capacities of national judicial systems and the training of national judicial personnel, particularly magistrates.

The Mechanism was established to fight impunity for those responsible for serious violations of international humanitarian law and to ensure that all persons indicted by the International Criminal Tribunals for Rwanda and for the former Yugoslavia, including those who are still at large, can be tried. The International Residual Mechanism must complete its mandate because many challenges remain, including the active search for indicted fugitives, finding and arresting them so that they can be held accountable for their actions, the closure of pending proceedings and appeals, the resettlement of those acquitted or convicted who have served their sentences, and raising awareness of the fight against glorifying perpetrators of atrocities and of the denial of serious crimes. Clearly, the work is far from over.

I would like to conclude by reiterating to President Carmel Agius, who is stepping down, our appreciation for his remarkable commitment and dedication throughout his tenure as head of the Mechanism, where he displayed tireless zeal for justice and accountability. We wish him well in his future endeavours.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We welcome the presence of Judge Agius and Mr. Brammertz.

We are compelled to note that, over the past six months, the International Residual Mechanism for Criminal Tribunals — the very name of which includes the word "residual" — did not make any progress in the planned completion of its activities. The resolution establishing the Mechanism (resolution 1966 (2010)) emphasizes that its functions and size will decrease over time. Yet we have not seen any real cuts in terms of staff or budget. The progress allegedly made, and so enthusiastically announced from report to report, should be considered over a broader period of time to make it clear that, for example, the Mechanism currently employs the same number of staff as it did in 2017. In other words, over the past five years there has been no real downsizing — only time-wasting tactics and bureaucratic obfuscation.

Let us underscore that the Mechanism has only three cases before it. By July, it will be down to two cases, with one at first instance and one at appeal. No new cases are foreseen — unless the Mechanism cannot resist the temptation to use contempt of court cases as a tool to prolong its own existence. Why it continues to retain so many staff in such circumstances, we do not know.

The next biennial review of the Residual Mechanism is now under way, the results of which will determine the parameters of its further functioning. We trust that the process will help the Mechanism's leadership undertake the necessary efforts to draw down its work as soon as possible.

Efficiency in the use of available resources was never the strong suit of the respective International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY). It is regrettable that the Mechanism has inherited that characteristic. From its most recent report, it is clear that the Mechanism has been chasing ghosts throughout its entire existence. It turns out that one of the so-called major fugitives, Mr. Protais Mpiranya, has been dead for 15 years, while another, Mr. Phénéas Munyarugarama, has been dead for 20 years. Their deaths have only just come to light, which is hardly evidence of outstanding efficiency.

We regret that the ICTR and the Mechanism failed to bring those prime suspects to justice. Our delegation has been closely monitoring compliance with the rights of the persons under the supervision of the Mechanism. We are concerned about the information in the report on the death in Arusha of one of the acquitted persons. We note the lack of details provided on the circumstances surrounding that death.

A year has passed since the dismissal of the appeal by Mr. Ratko Mladić, who remains under the Mechanism's supervision. We are concerned by the news of his deteriorating health. We call on the Mechanism to redouble its efforts to monitor the medical condition of supervised persons and ensure that they receive timely and qualified medical assistance in accordance with resolution 2529 (2020).

I am speaking at the beginning of this meeting, but I have no doubt that those members who speak after me today will discuss at length the so-called legacy of the Mechanism and the Tribunals. Much has also been said on that topic by the leadership of those bodies. At the same time, there is a growing practice of denying the results of the work of those bodies, including the glorification of some persons convicted by them. Let us try to grasp precisely what kind of legacy the Tribunals and the Mechanism will leave behind and whether it will make a real contribution to the process of inter-ethnic and interfaith reconciliation in the Balkans.

Despite the high hopes placed on it, from its very inception the Mechanism has followed in the footsteps of the one-sided and politically biased ICTY. The anti-Serb bias in its investigations and the conviction that the events of the 1990s were the exclusive responsibility of the Serbian people has not disappeared. It is not merely a question of considering how many persons from each ethnic group have been convicted by the ICTY and the Mechanism, which would be a gross oversimplification. The main questions to consider are who exactly was convicted — or not convicted — of what particular crime and what happened to the leaders of each of the parties.

In that connection, the release, on 7 January 2011, of the report of the Parliamentary Assembly of the Council of Europe on the atrocities committed by the leadership of the Kosovo Liberation Army between

1998 and 2000, including crimes against humanity, war crimes, systematic kidnappings and murders, as well as large-scale trafficking in human organs, was a real revelation.

Surprisingly, the ICTY and its successor, the Residual Mechanism, had no questions for those mentioned in the report. During interviews, witnesses spoke of organ harvesting and other inhumane acts committed by the leaders of the Kosovo Albanians, but the ICTY did not consider it necessary to bring any of them to justice and did not even launch an investigation. That is all there is to know when it comes to the impartiality and objectivity of the ICTY, the Mechanism and the international criminal justice system in general.

The protection afforded by the ICTY convinced the leaders of the illegitimate territorial entity that was illegally torn away from Serbia, once and for all, of their own infallibility. Those bandits and criminals, who have blood on their hands, were suddenly transformed into respectable politicians who were lauded as national heroes, gave interviews, shook hands with European leaders and, until very recently, enjoyed freedom and impunity.

I would like to ask our Western colleagues, who are so fond of talking about a victim-centred, rights-focused approach, what they think it was like for the families of those people who were sold into slavery or had their organs harvested to see the likes of Mr. Hashim Thaçi, Mr. Ramush Haradinaj and their accomplices on political tours and trips around Europe? Where in all of that did the fight against impunity feature?

The initiative to establish the Kosovo Specialist Chambers to investigate the atrocities committed by the Albanians does not resolve the question of why the ICTY has turned a blind eye to such egregious crimes in all the years of its existence. The ICTY was supposed to be committed to bringing the perpetrators of the most serious crimes to justice. Its policy of selective hearing is an indelible stain of shame that will forever remain part of the legacy of the ICTY and the Residual Mechanism. As for the Kosovo Specialist Chambers, that initiative is long overdue, to put it mildly, by some 20 years. Even now, it is in no hurry to hand down convictions.

Indeed, the mandate of the Kosovo Specialist Chambers was deliberately constructed with various loopholes that are now skilfully exploited by lawyers. For example, they now demand that charges be dropped for criminal acts perpetrated before mid-1998 or after 10 June 1999, or committed in the territory of Albania. Why is it necessary to drop charges for crimes committed in the territory of Albania? Who is interested in the industrial-scale kidnapping of Serbs, the harvesting of their organs and the sale of those organs to wealthy individuals in Europe and beyond that took place during the Balkan war?

Ms. Bhat (India): I take this opportunity to thank Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals (IRMCT), for his briefing and Prosecutor Serge Brammertz for presenting the twentieth progress report concerning the Residual Mechanism.

The Residual Mechanism, in line with the mandate of the Security Council, has played an important role in supporting the Member States concerned in addressing issues related to impunity, justice and reconciliation. In that context, my delegation appreciates the able stewardship of Judge Agius as President of the IRMCT and thanks him for ensuring that the Mechanism remains on track and continues to deliver.

The coordination among the three principal organs — the Chambers, the Prosecutor and the Registry — in ensuring the fulfilment of the Mechanism's results-oriented mandate deserves appreciation. The efforts made to ensure business continuity to the extent possible under the extraordinary circumstances that the Mechanism sometimes faced is commendable. We are hopeful that those efforts will help in adhering to the timelines laid down for case completion.

We welcome the appointment of Judge Fatimata Sanou Touré of Burkina Faso and Judge Margaret deGuzman of the United States of America to the roster of Mechanism judges. The appointment of female judges to the Mechanism's roster is a positive step towards the establishment of gender parity at the highest levels within United Nations bodies.

We reiterate the importance of implementing the mandate of the Mechanism strictly in accordance with the principles of justice, impartiality and fairness. We acknowledge the progress made on other judicial matters during the reporting period, such as the variation of protective measures, access to confidential materials for use in cases before domestic jurisdictions and the relocation of acquitted and released persons. We also note the work of the Prosecutor's Office in its other residual functions.

We also look forward to an early resolution of the impasse faced by the Mechanism in the context of the acquitted and released persons who have relocated to the Republic of the Niger. That is a humanitarian issue that needs to be addressed with urgency and sensitivity. We welcome the efforts made by the Mechanism towards resolving their predicament. We firmly believe that the situation can be successfully addressed through the collective use of the Mechanism's political, diplomatic and administrative efforts.

The Mechanism should continue to make headway in its remaining residual functions, including by protecting victims and witnesses, tracking the remaining fugitives of the International Criminal Tribunal for Rwanda, extending assistance to national jurisdictions and managing the archives of the ad hoc Tribunals and the Mechanism.

In conclusion, let me once again reiterate that we encourage the Mechanism to take the necessary measures to keep the trial and appeal schedules on track and, in keeping with its mandate, to assist in the capacity-building of national judicial authorities in relevant countries.

Mrs. Dime Labille (France) (*spoke in French*): I thank President Agius and Prosecutor Brammertz for the clear presentation of their report. We also thank the entire staff of the International Residual Mechanism for Criminal Tribunals, based in Arusha, The Hague and Kigali, for their contribution to the proper functioning of the Mechanism and more generally to international criminal justice. The report before us today is a valuable tool for better understanding the progress made by the Mechanism and the challenges it must face. It is an important exercise in transparency, which must be translated into concrete results.

The Mechanism can claim many achievements in the area of judicial activities. Indeed, three judgments have been handed down, two fugitives have been declared dead and one — Mr. Félicien Kabuga — has been indicted. Those results speak for themselves, and we will continue to follow further developments. The three appeals proceedings and the indictment of Mr. Kabuga herald a milestone year for international criminal justice. In that context, it is imperative for the Mechanism to receive the necessary financial resources to fulfil its mandate.

We commend the Mechanism once again on adapting its work to the circumstances related to the health crisis. The Mechanism has successfully demonstrated its effectiveness and relevance. Concrete measures have been taken, including through in-depth coordination among its three organs. The institutionalization of such dialogue represents significant progress in its working methods, and we strongly encourage the Mechanism to continue to make progress in that regard.

International criminal justice cannot be effective without the full cooperation of States. The arrest of Mr. Kabuga in France was made possible thanks to the fugitive-tracking strategy developed by the Office of the Prosecutor, with the support of the Registry and the cooperation of France and its specialized judicial services. That strategy is based on intensive diplomatic engagement and multiple partnerships with national authorities. Such a process would not be possible without States' cooperation. We once again urge States to help in the arrest of the four remaining fugitives in order to ensure that justice is done for the victims. Combating impunity is in everyone's interest.

With regard to the cases referred to national courts, France recalls that the trial of Laurent Bucyibaruta began in Paris on 9 May. At the national level, the Mechanism also plays an indispensable role in monitoring and advising national judicial authorities. That task represents a significant workload for the specific organs, but it is also very useful for strengthening the effectiveness of national jurisdictions and, consequently, criminal justice as a whole.

The mandate conferred upon the Mechanism by the Security Council established it as "a small, temporary and efficient structure, whose functions and size will diminish over time" (*resolution 2529 (2020), para. 6*). Accordingly, we note the recent achievements concerning the fulfilment of its mandate as mentioned in the most recent report of the Office of Internal Oversight Services. Its observations are particularly positive: two out of four recommendations have been implemented and no new ones have been issued by the Office. The report demonstrates the Mechanism's continued efforts to remain within the bounds of its temporary mandate.

We call on the Mechanism to pursue the implementation of the most recent recommendations. France encourages the Mechanism to pursue its efforts in ensuring diversity within its ranks through multilingualism and the representation of different legal systems.

Lastly, we reiterate our full confidence in the Mechanism and our support for its work in the fight against impunity.

In conclusion, let me take this opportunity to congratulate President Agius for the outstanding commitment he has shown during his term at the helm of the Mechanism. We note with regret his decision not to present his candidacy for another term but look forward to benefiting from the skills and experience he will bring to the Mechanism as a judge.

Mr. Agyeman (Ghana): At the outset, I convey my delegation's appreciation to the President of the International Residual Mechanism for Criminal Tribunals, Mr. Carmel Agius, and the Prosecutor of the Mechanism, Mr. Serge Brammertz, for their presentation of the twentieth progress report of the Mechanism to the Council, which provides Member States with an overview of the progress of work and the challenges facing the Mechanism. Since this is the last briefing by Mr. Agius as President of the Mechanism, Ghana wishes to take this opportunity to express its deep appreciation for his dedication and service during his presidency and to express its support for his renomination by the Secretary-General as a judge of the Residual Mechanism.

My delegation acknowledges the important role of the Mechanism in ending impunity and holding accountable to justice the remaining perpetrators of the atrocity crimes committed in the former Yugoslavia and Rwanda. It will support all constructive efforts in that regard.

With regard to the report, Ghana would like to make the following four points.

First, concerning the issue of the relocation of acquitted and released persons by the Mechanism to third States, Ghana encourages the Mechanism to continue with its diplomatic efforts to find an amicable solution with the receiving States. In pursuance of the diplomatic approach, Ghana further encourages the Mechanism to engage with all relevant stakeholders, including the States of origin of released persons.

We also call for the cooperation of States in the enforcement of sentences and reiterate our thanks to the Governments of Austria, Belgium, Estonia, Finland, France, Germany, Italy, Norway, Poland, Sweden and the United Kingdom of Great Britain and Northern Ireland for assuming additional responsibilities by agreeing to enforce the sentences of one or more convicted persons. We encourage those considering enforcing sentences in the future to do so.

Secondly, Ghana pledges its support for the efforts of the Mechanism to arrest fugitives on the run. No matter how long it takes to arrest those fugitives, we as a Council cannot forget the survivors and families of the victims of atrocity crimes, and we must therefore sustain the demands of justice and accountability without limitation over time. As much as the wheels of justice may sometimes grind slowly, we reiterate that it is also our collective responsibility to seek justice for the victims by holding accountable the perpetrators of heinous atrocity crimes. The only way the survivors and the families of victims can find closure is for the perpetrators of such heinous crimes to be brought to justice.

Thirdly, Ghana notes with appreciation the ongoing collaboration between the Office of the Prosecutor and national investigations and prosecutions in the provision of access to evidence and information in response to the high volume of requests concerning those crimes. That is a positive development, as it helps to build the capacities of the officers in the national prosecutions of the affected countries in line with the principle of complementarity.

Fourthly, Ghana applauds the cooperation between the Mechanism and the Office of Internal Oversight Services (OIOS) in completing the Mechanism's residual functions in an efficient and effective manner and welcomes the role that the oversight bodies play in assisting its management to do so. It is gratifying to note that not only did OIOS perform its biennial evaluation of the methods and work of the Mechanism in preparation for the current mandate review, but that its Internal Audit Division also performed a number of audits on specific sections or topics. That is a step in the right direction towards the early completion of the work of the Mechanism.

In conclusion, I would be remiss if I ended this statement without applauding the untiring efforts of the President and the Prosecutor of the Mechanism and their staff, despite the strictures of the coronavirus disease, in carrying out their mandate to bring the perpetrators of atrocity crimes to justice. While commending the President, the Prosecutor and staff of the Mechanism, Ghana urges all States to cooperate with the Mechanism in order to enable it to complete its mandate in line with paragraph 13 of resolution 2529 (2020), which notes the conclusion of the Council's review of the progress of

the work of the Mechanism, including in completing its functions.

Mr. Wickremasinghe (United Kingdom): As Judge Agius addresses us for the last time as President of the International Residual Mechanism for Criminal Tribunals, I congratulate him for his successful tenure and thank him warmly for his unstinting service and his presentation today. He has led the Mechanism expertly and ensured very significant progress on its mandate, even despite the challenges of the global pandemic.

We also welcome the Secretary-General's proposal to appoint Judge Gatti Santana as successor to President Agius. I thank Prosecutor Brammertz for his report and commend his recent work and that of his Office, including in confirming the deaths of Protais Mpiranya and Pheneas Munyarugarama.

I would like to make three points about the Mechanism.

My first point is on the importance of justice and defending justice. We are currently seeing appalling barbarism and heinous acts committed by Russia in Ukraine on a scale not seen in Europe since the dark days of the 1990s in Bosnia and Herzegovina. The Mechanism stands as a reminder that the Security Council can and should act to ensure accountability for atrocity crimes. Our commitment to the Mechanism is unwavering, and we will continue to support it in implementing its vision of being a small temporary and effective organization.

Sadly, there are some who smear the Mechanism and its predecessors and who glorify war criminals and deny the genocides that happened in Rwanda and in Bosnia and Herzegovina. We condemn those false narratives and denial, which punish victims and prevent societies from creating the prosperous future that they deserve. It is dishonest and dangerous to promote the idea that peace and reconciliation are undermined by the careful and rigorous work of the Mechanism and its independent judges.

My second point is on the future of the Mechanism. As the Mechanism looks forward to its post-judicial phase, there remains vital work to be done. Four fugitives remain at large; we await the outcomes of two appeals; and we look forward to the timely trial of Félicien Kabuga, while accepting that the Mechanism must take into account his medical requirements. But the work does not stop there. There are sentences to be enforced, witnesses to be protected and archives to be maintained. We support that important work. We also expect the Mechanism to be as lean as it can be, including by developing detailed completion timelines across its functions and by ending, limiting or transferring functions at the appropriate time.

My third point is on the importance of cooperation with the Mechanism. The Mechanism's successes are the result of significant and sustained international cooperation. We must therefore again raise its referral of Serbia to the Security Council for the ongoing failure to arrest Jojić and Radeta. That continued non-compliance is serious and follows years of requests, consideration and discussion. We therefore urge Serbia to comply with the Mechanism's order immediately.

We commend the Mechanism's work on building capacity in the Western Balkans but note that judicial cooperation within the region still remains inadequate. We call on all countries in the region to remove the impediments to that.

Finally, we are concerned about the situation of the acquitted and released persons who were relocated to the Niger, who are now under effective house arrest. We call upon the Niger and the Mechanism to urgently find a lasting solution to that problem.

Mr. Mills (United States of America): I thank President Agius and Prosecutor Brammertz for their briefings on the efforts of the International Residual Mechanism for Criminal Tribunals to bring perpetrators to justice for the atrocities committed in Rwanda and the former Yugoslavia. We heard from the President this morning some of the challenges faced by the Mechanism — operational challenges, morale challenges and challenges relating to the coronavirus disease pandemic. We are therefore particularly grateful for the commitment and the hard work of the judges, attorneys and staff in Arusha and The Hague, as well as in the field offices in Sarajevo and Kigali, despite those challenges over the past year.

In particular, my delegation would like to thank President Agius for his dedicated years of service as President of the Mechanism and all the contributions he has made to the institution, which we have no doubt will continue as he transitions from President to judge.

Owing to the commendable efforts of the Mechanism, we continue to see it achieve significant success, despite the challenges of operating during a pandemic. Over the next year, like many others, we look forward to the advancement of the proceedings in

the trial against Félicien Kabuga, the alleged financier of the Rwandan genocide. We also look forward to the conclusion of the appeal in the case against Stanišić and Simatović, former members of the Serbian State Security Service. The United States joins others in continuing to urge Serbia to turn over those indicted by the Mechanism.

We also note the importance of the ongoing investigations and proceedings related to contempt charges against individuals from both Rwanda and the former Yugoslavia. Those proceedings are a critical part of the Mechanism's work, as the integrity of court proceedings is fundamental to the delivery of justice. We look forward to the pronouncement of the appeal judgment in the contempt case against Fatuma et al. later this month.

As the judicial activities of the Mechanism continue to draw to a close, the United States is mindful of the importance of finding durable solutions for relocating individuals who have been acquitted or released, and we encourage Member State cooperation in that respect.

We commend the Office of the Prosecutor for announcing its findings of the death of two Rwandan fugitives, Mpiranya and Munyarugarama, both of whom had been charged with genocide and crimes against humanity. As we heard, four fugitives remain at large. The United States continues to offer a reward of up to $5 million for information that leads to the arrest of those individuals, and we urge all countries to cooperate with the Mechanism's efforts to bring them to justice.

We commend the Mechanism on its efforts to support the relevant investigations and prosecutions in domestic courts addressing atrocity crimes. We continue to support the Mechanism for the indispensable role that it plays in ensuring that perpetrators do not enjoy immunity and that victims and survivors are not left without justice, even as the Mechanism winds down. We encourage those national jurisdictions to vigorously pursue accountability for atrocity crimes within their own systems, including by removing legal barriers to prosecution and mutual cooperation on outstanding cases.

Finally, after the success of the Mechanism and its predecessors, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for Rwanda, in proving that serious crimes, including genocide, were committed in Rwanda and the former Yugoslavia, it is very alarming to see political leaders, veterans groups and others rejecting facts established by the courts and distorting the past to amplify grievances and embrace war criminals. The Mechanism has an important role to play in that issue as a repository of the facts and evidence established through hundreds of trials. We applaud its outreach efforts, which include educational programmes and social media campaigns.

But national authorities must also do more to combat the entrenchment of ethnonationalist sentiment and glorification of war criminals, which serves only to inflame tensions and prevent reconciliation and healing. Strong countries speak honestly about the past, even when it is painful, so that they can meaningfully address the root causes of conflict and move forward to a peaceful, stable future.

We now know that the crimes committed in Rwanda and the former Yugoslavia were not accidental. They were not unavoidable, but were the result of deliberate choices by those in power who unleashed terrible violence against innocent civilians. The denial of historical facts and the celebration of those who committed grave crimes is an affront to the victims and the witnesses who have courageously come forward to tell their stories, and it is an insult to our common humanity. The United States will continue to speak about the legacy of these courts, and we will continue to stand by the victims and survivors of these terrible crimes.

Mr. Ochoa Martínez (Mexico) (*spoke in Spanish*): At the outset, I would like to thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Carmel Agius, and Prosecutor Brammertz for their briefings. We also welcome the representatives of Bosnia and Herzegovina, Croatia, Serbia and Rwanda to this meeting.

Mexico wishes to express its particular thanks to Judge Agius for his work at the helm of the Residual Mechanism since 2019. During his tenure, the Mechanism has made significant contributions to international justice despite having faced significant challenges, such as the pandemic.

In the light of the recent conclusion of the fourth review process of the Mechanism's work, we highlight the progress made on the recommendations outlined by

the Office of Internal Oversight Services. We encourage the Mechanism to continue to make progress towards reducing its role in the next review cycles.

With regard to the Trial Chamber's decision in the *Kabuga* case, we trust that his trial will be expedited. We also await the judgments in the *Stanišić and Simatović* and *Fatuma et al.* cases, as well as in the contempt cases that remain pending.

Regarding the situation of fugitives, we welcome the findings of the Office of the Prosecutor confirming the death of two fugitives — in the case of Mr. Mpiranya and the last one scheduled to be tried by the International Criminal Tribunal for Rwanda. The remaining four fugitives are expected to be tried in Rwanda.

The cooperation of the States involved is crucial to the accomplishment of the Mechanism's work. We call on the States involved to increase cooperation with the Mechanism in order to locate and arrest the fugitives so that they can be held accountable in the pending cases. We regret that the relocation agreement reached with the Niger to receive persons who had completed their sentences or were found not guilty has been reversed. That demonstrates the need to find long-term solutions for those in that situation, as well as to avoid such situations in the future.

Mexico rejects rhetoric that seeks to divide and to incite hatred, as Prosecutor Brammertz mentioned unfortunately persists. It is time to move towards reconciliation, cohesion and inclusion, based on justice and truth.

In conclusion, Mexico recognizes that the work of the Residual Mechanism has been fundamental to accountability and to strengthening the rule of law. We reiterate our support for its work to complete outstanding cases and to deliver justice for those who were victims of atrocities in the former Yugoslavia and Rwanda.

Mr. Almazrouei (United Arab Emirates) (*spoke in Arabic*): The United Arab Emirates would like to thank Judge Agius, President of the International Residual Mechanism for Criminal Tribunals, and Prosecutor Brammertz for their briefings. We also express our appreciation to Judge Agius for his tireless efforts as President of the Mechanism since 2019 and wish him well as he prepares to step down from the role. I welcome the presence of Her Excellency Ms. Maja Popović, Minister of Justice of Serbia, and the representatives of Croatia, Rwanda and Bosnia and Herzegovina at this meeting.

The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for Rwanda played a prominent and significant role in the procedures for achieving international justice and law enforcement. Today the International Residual Mechanism for Criminal Tribunals is playing an essential role in completing the final tasks of their work and closing all its files.

In that context, the United Arab Emirates fully supports the mandate of the International Residual Mechanism and welcomes its twentieth progress report. The Mechanism plays a critical role in fighting impunity for serious violations of international law in Rwanda and the former Yugoslavia, as well as in delivering justice for the victims and survivors of those crimes. The United Arab Emirates would like to highlight the following three points.

First, the United Arab Emirates would like to commend the Mechanism for the progress that it has made in performing its main functions. In relation to the core crimes, the United Arab Emirates takes note that the *Félicien Kabuga* case is expected to be the last trial conducted by the Mechanism, which is expected to commence following the judicial decision on his fitness for trial. We appreciate the efforts made by the judges concerned, as well as the prosecution, to find ways to streamline that case and to decrease the anticipated duration of the trial. We take note of the official notice of the death of two fugitives and commend the prosecution's efforts to track the remaining four fugitives.

Secondly, the United Arab Emirates expresses its concern about the unresolved situation of the eight acquitted and released persons. We urge the Mechanism to continue to work with all the relevant parties to find an appropriate solution to the current situation.

Thirdly and finally, we commend the work of the Mechanism in implementing the recommendations of the Office of Internal Oversight Services. We further encourage the Mechanism to implement the remaining recommendations and further streamline its operations, in accordance with resolution 1966 (2010).

In conclusion, the United Arab Emirates reiterates its support for the Mechanism and its work. We support the extension of the Mechanism's mandate for a further two years, and we remain committed to assisting it with the completion of its remaining tasks. Justice is a collective effort, and we call on all Member States to fulfil their obligations to cooperate with the Mechanism in order to turn the page on these dark chapters.

Mr. Dai Bing (China) (*spoke in Chinese*): China thanks President Agius and Prosecutor Brammertz for their respective briefings. We also thank President Agius for his leadership of the International Residual Mechanism for Criminal Tribunals for the past two years, during which the Mechanism has dealt with difficulties and advanced its judicial activities in an orderly manner.

We support the efforts of the Office of the Prosecutor to track down fugitives. In accordance with the relevant Security Council resolutions, the Mechanism should be a small, temporary and efficient structure whose functions and size should gradually diminish over time. The Security Council will decide on the extension of the Mechanism's operating period later this month. China hopes that the Mechanism will continue to conduct its activities in accordance with the mandate set forth in Council resolutions and implement the recommendations made by the Council's Informal Working Group on International Tribunals and the Office of Internal Oversight Services.

Over the past two years, due to factors such as the coronavirus disease pandemic and the state of health of some of the accused, the Mechanism has experienced varying degrees of delay in its proceedings. We note that the Mechanism has completed the health assessment of the accused Mr. Félicien Kabuga and is scheduled to start the trial in September. China expects the Mechanism to strictly follow the projected timetables set out in its work plan and complete the judicial proceedings for the remaining cases in an efficient manner. As the relevant cases near completion, the Mechanism should allocate budgetary resources sensibly, focus on ensuring that its judicial activities are carried out and gradually reduce its expenditures.

Pragmatic and effective cooperation between the Mechanism and the countries concerned is essential in enabling it to complete its mandate and make progress. With regard to issues such as relocating those who have been acquitted or released, transferring cases between the Mechanism and the countries concerned and tracking down remaining fugitives, China hopes that the Mechanism will strengthen its communication with the relevant parties, enhance mutual trust, take their legitimate concerns into consideration, learn from the International Criminal Tribunals' success stories, find solutions and join hands in combating impunity.

In conclusion, I would like to take this opportunity to thank Gabon, Chair of the Council's Informal Working Group on International Tribunals, and the Office for Legal Affairs for their efforts in coordinating the work of the Council and the Mechanism.

Mrs. Toroitich (Kenya): I thank Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals, and Mr. Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals, for their briefings on the work of the Mechanism and their assessments of its progress. We note that this is Judge Agius's last appearance before the Council in his capacity as President of the Mechanism. My delegation therefore pays tribute to him for his service as President and wishes him success in continuing to serve the Mechanism as a judge. I welcome the presence of the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia at today's meeting.

Kenya supports the work of the Mechanism, as established under resolution 1966 (2010) and renewed by resolution 2529 (2020). The purpose of the Mechanism in taking up the residual functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia is a critical part of our collective responsibility to ensure accountability for war crimes and genocide. We believe firmly that States should invest more in preventive processes and mechanisms and encourage international support in that regard. One of the best ways to strengthen prevention is by mainstreaming inclusive national dialogue into national processes. We therefore underscore the importance of ensuring that national authorities maintain a firm grip when it comes to leading in conflict prevention and ensuring accountability. States should therefore be encouraged and supported, where necessary, in strengthening their judiciaries.

We have taken note of the report of the evaluation of the methods and work of the Mechanism by the Office of Internal Oversight Services (S/2022/148), in line with resolution 2529 (2020). We also note the report on the implementation of the recommendations from the last evaluation. We acknowledge the commendable

strides the Mechanism has made towards completing its judicial work under the mandate as it comes to a close. We also acknowledge that that has been accomplished largely under working arrangements constrained by the pandemic. The completion of the Mechanism's judicial work is crucial to providing a level of closure to the survivors and the families of the victims, and that in turn will play an important role in promoting reconciliation, which is essential to both prevention and healing.

The Mechanism's completion of its work will also respond to the Security Council's vision for it as a small, temporary and efficient structure whose functions and size diminish over time. We therefore urge for speedy completion of the remaining cases, including that of *Prosecutor v. Félicien Kabuga*, especially now that it has been determined that Mr. Kabuga is fit to stand trial. To that end, we call on all States to cooperate with the Mechanism in apprehending the remaining fugitives.

In conclusion, Kenya would like to reaffirm its support for the work of the Mechanism. We will support the renewal of its mandate while encouraging its speedy conclusion of its work.

Ms. Heimerback (Norway): I would like to thank Judge Agius and Prosecutor Brammertz for their thorough report to the Security Council and for today's briefings. Let me also extend our appreciation for Judge Agius's long and committed service as President of the International Residual Mechanism for Criminal Tribunals.

At the outset, I want to reaffirm Norway's strong support to the International Residual Mechanism for Criminal Tribunals, which diligently implements the important mandate given to it by the Council. Norway commends the Mechanism's activities during the reporting period, with the appeal judgment of the *Fatuma et al.* case scheduled for the end of June, and proceedings in the *Prosecutor v. Jovica Stanišić and Franko Simatović* appeal case continuing. Pre-trial assessments are also ongoing in the important *Prosecutor v. Félicien Kabuga* case. Mr. Kabuga was recently deemed fit to stand trial. A significant number of decisions and orders have also been issued by the President and judges.

I would like to bring up the obligation of all States to fully adhere to the Security Council's decisions. We therefore regret the lack of progress in the *Prosecutor v. Petar Jojić and Vjerica Radeta* case and once again strongly urge Serbia to cooperate fully with the Mechanism. In general, the Mechanism is dependent on the cooperation of Member States in order to fulfil the mandate the Council has provided to ensure accountability and justice for the victims. With respect to the Mechanism's administrative winding-down, we note that the staff was downsized during 2022 and significant further reductions are planned for 2023. That is in line with Council resolutions and the recommendations of the Office of Internal Oversight Services.

We regret that despite an earlier agreement, the Mechanism continues to face problems with relocating the eight persons who have been acquitted or released. We urge the Niger to fully adhere to the agreement with the United Nations. Norway appreciates the work of the Office of the Prosecutor to account for the remaining fugitives. We note the Prosecutor's recent confirmation of the death some years ago of two individuals wanted in relation to the 1994 genocide against the Tutsis in Rwanda, with four fugitives remaining at large. We urge all States to fully cooperate with the Mechanism and arrest and surrender all remaining fugitives. The Council should assume its responsibilities by examining every possible measure to facilitate the arrest and surrender of those wanted by the Mechanism.

Mr. Flynn (Ireland): I want to thank President Agius and Prosecutor Brammertz for their comprehensive briefings this morning.

As this was President Agius's last briefing to the Council in his capacity as President, I join others in paying tribute to him for his tireless leadership in guiding the International Residual Mechanism for Criminal Tribunals, including during the challenging period of the pandemic.

The fourth review report of the Mechanism details a range of successes over the past two years, continuing to demonstrate that accountability can be made a reality. The Mechanism delivered three landmark judgments, made breakthroughs in the area of fugitive tracking and substantially reduced its in-court activity, in line with its mandate. In particular, we note yesterday's decision by the Mechanism's Trial Chamber, which found that the trial against Kabuga can now proceed in The Hague. We also welcome the progress achieved by the Mechanism in implementing the recommendations of both the Office of Internal Oversight Services and the Informal Working Group on International Tribunals. Overall, we have seen real and tangible advances in realizing the

Security Council's vision of the Mechanism as a small, temporary and efficient structure whose functions and size will diminish over time.

Cooperation is essential in ensuring that the Mechanism can fulfil many of its mandated functions, and we recall that States have an obligation to cooperate with the Mechanism in its investigations and prosecutions. While we note and welcome some positive steps in terms of engagement with the Prosecutor, I want to reiterate today our continued concern at Serbia's persistent failure to take action in relation to the *Jojić and Radeta* case.

We urge all States to comply with their obligations under international law, as well as to assist and cooperate fully with the Mechanism in its efforts to arrest and surrender the remaining fugitives.

Separately, Ireland welcomes the tireless efforts of the Mechanism, as well as the assistance and cooperation afforded by Member States, in confirming the deaths of fugitives Mpiranya and Munyarugarama. We note that only four fugitives now remain at large.

Ireland remains concerned about the ongoing difficulties experienced by the eight acquitted or released individuals who were relocated from Arusha to Niamey in December and the impact of those developments on the Mechanism's workload. We call on the States concerned to respect the decisions of the Tribunal and to abide by the terms of the Relocation Agreement. We commend the Registrar for using his good offices to find a solution to this situation and support continued efforts in that regard.

For reconciliation and peacebuilding, acceptance of the truth and of facts is a precondition. Therefore, the negative developments during the reporting period relating to the denial of crimes and glorification of war criminals remain concerning. Ireland again condemns genocidal ideology, the denial of crimes and the praise lavished on war criminals by high-level officials.

In conclusion, Ireland reaffirms its steadfast commitment to international criminal justice, ensuring accountability and achieving justice for all victims and survivors of atrocity crimes. We firmly reject any effort to undermine the work of the Mechanism.

Until it fully completes the remaining work of the International Criminal Tribunals, the Mechanism remains an indispensable part of the international criminal justice system. The victims and survivors of atrocities committed in Rwanda and the former Yugoslavia deserve no less.

Mr. Costa Filho (Brazil): Let me start by congratulating and thanking Judge Carmel Agius for his remarkable tenure as the President of the International Residual Mechanism for Criminal Tribunals. In full compliance with the mandate he received from the Security Council, he has acted to lower the judicial caseload of the Mechanism, which, let us not forget, is residual and temporary in nature. He has also led the Mechanism with zeal in order to enable it to carry out other fundamental statutory tasks, such as lending assistance to the States concerned in tracking fugitives and protecting victims and witnesses.

Let me also express our appreciation to the Prosecutor of the Mechanism, Mr. Serge Brammertz, for his dedication to his high responsibilities, as well as for the briefing presented to us today.

Brazil believes that States bear the primary responsibility for holding accountable those who perpetrate crimes in their territories. It therefore sees international tribunals as essentially supplementary to the national judiciaries. International courts should step in when the national ones are unable or unwilling to adjudicate those crimes themselves.

On the one hand, the complementarity principle is important to ensure that States retain ownership of their right and, above all, duty to provide justice to their citizens. On the other hand, history has shown how crucial it is for the international community not to allow, in any circumstances, perpetrators of gross atrocities to go unpunished. Impunity undermines the rule of law and the credibility of national and international institutions. International tribunals offer the international community appropriate means for that not to happen.

The Residual Mechanism is a notable example of how we can work together as an international community for the sake of justice. The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, established during ongoing wars, were pioneers in strengthening accountability in the international arena. Their legacy cannot be put in danger. Although the Residual Mechanism cannot exist endlessly, it is paramount to bring justice for all the crimes for which it was created and for which the International Tribunals were established. Furthermore, it would not be responsible to take for granted that

victims and witnesses would remain safe on their own after the trials.

The Mechanism still fulfils those vital functions. It must therefore be allowed to pursue its course of action while necessary. Brazil strongly supports the timely renewal of its mandate and the reappointment of its Judges, Prosecutor and Registrar. In that sense, Brazil is ready to collaborate in our effort and duty, as Security Council members, to adopt a draft resolution to that end before June 30 and commends Gabon's work in coordinating its drafting in the Informal Working Group on International Tribunals.

Brazil would also like to express its support for the Secretary-General in the process of appointing or reappointing the members of the Mechanism. In 2010, the Security Council demonstrated that it can act to ensure accountability at the international level for serious violations of international criminal law. Now it is time to show that we are still able to do so.

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

First of all, I would like to thank President Agius and Prosecutor Brammertz for their insightful reports and briefings. As Judge Agius is relinquishing his position as President, I would like to pay tribute to his tireless and efforts and express our hope that the Mechanism will continue to benefit from his vast experience and wisdom as part of the judicial body.

I wish to affirm Albania's strong support for the Mechanism as part of our unwavering commitment to accountability. The work of the International Residual Mechanism for Criminal Tribunals (IRMCT) is key to continuing to ensure responsibility for the most serious crimes under international law. We express our appreciation for the excellent work IRMCT over the years in the face of manifold challenges and support its ongoing engagement to continuing justice for the victims of atrocity crimes in Rwanda and in the former Yugoslavia.

There is hardly any need to recall the fact that justice contributes to reconciliation, peace and development. Justice helps heal the wounds of the past and brings comfort to the hearts and minds of survivors. Justice clears and cements the path towards the future.

I would like to highlight the following points. First, Albania supports every effort aimed at bringing to justice those responsible for war crimes in the former Yugoslavia, Rwanda and anywhere else. We commend States for their cooperation with the Mechanism in capturing and arresting fugitives. We welcome the recent progress made in the *Kabuga* case and look forward to the appeals phase in the *Stanišić and Simatović* case and the rendering of judgment in the *Fatuma et al.* appeal that, as we learned, will happen this month.

The legal obligation to cooperate with the Mechanism is not optional, and arrest warrants should be executed without delay. In this respect, the arrest warrants for Jojić and Radeta, who have been charged with witness interference, must be executed. Contempt cases are part of the Mechanism's work, and it is important to ensure the rule of law. There should be no illusion: lasting peace and stability will not be ensured as long as those responsible for atrocity crimes remain at large.

Secondly, glorification of war criminals, genocide denial and history revisionism are unacceptable. They should not have any place anywhere, even less so in the Western Balkans, since they dishonour the memory of thousands of victims of the genocide in Srebrenica, of atrocities in Vukovar or in Račak. They run against rulings of the International Tribunal for the Former Yugoslavia (ICTY) and contradict the most fundamental European values. It is utterly worrying that such abhorrent views are openly defended in the main squares, displayed on the streets and shouted in school stadiums. We should stand firmly against hate speech, inflammatory rhetoric and incitements to violence. We cannot contemplate the risk of recurrence of horrific crimes that should never happen again. We must therefore confront false narratives, face the truth — however painful — and stand firmly against the banalization of hatred. History has taught us where ethnic-based hatred and persecution of certain groups can lead. We cannot afford to succumb to collective amnesia. As we have seen in various places and on various continents, it is only a matter of time before what is tolerated somewhere will happen elsewhere.

Thirdly, we welcome the IRMCT's significant work responding to national authorities' requests for assistance which, as we have noticed, have multiplied. It remains a critical aspect of the Mechanism for its future as it continues to play an important role in facilitating the rule of law. We therefore support the renewal of its mandate.

While the Mechanism is scaled down in accordance with the Security Council vision for a small, temporary and efficient body whose function is reduced over time, we must ensure that for as long as it remains in function, the Mechanism is able to implement its mandate in full, as provided for by the Council. Let us not forget that over its lifetime the ICTY has achieved a great deal. It has indicted 161 individuals, convicted 90 and acquitted 19 — of different nationalities, from different countries.

The wheels of justice may be slow, but they grind finely. Those behind bars know it, and we do as well. It is in this way that we make sure that war criminals know that they will not find safe harbour anywhere or at any time. It is our common responsibility to support international mechanisms and deliver justice for the families of victims, their communities and the countries concerned.

I would like to make one final point at this stage. As far as the allegations of Albanian involvement mentioned by the Russian delegation go, I just need to say that that is an overdose of obsessional fantasy. What we heard about my country is as credible as what we have heard in this Chamber from the same delegation over and over again: "there is no war in Ukraine". Who would believe that? "The Ukrainians are killing themselves and staging crimes in which people are executed with their hands tied behind their backs." Who would believe such a thing possible?

I will spare Council members the horrors. I do not need to remind them that a former Prime Minister of the Republic of Kosovo and a prominent politician, Mr. Ramush Haradinaj, who was mentioned specifically, was twice — not once, but twice — tried and was twice cleared of any wrongdoing. He did not hide. He resigned from the Office of the Prime Minister, made himself available to justice, faced the facts, was acquitted and was freed. Will Russian soldiers and politicians guilty of the crime of aggression and other serious crimes, as documented every day, do the same? I hope so.

The ICTY investigated in Albania openly freely and found nothing — I mean nothing — to substantiate any of the allegations, not then, not later, not now, not ever, for the very simple reason that the allegations were built on nothingness.

I resume my functions as President of the Council.

I would like to again draw the attention of speakers to paragraph 22 of presidential note S/2017/507, which encourages all participants in Council meetings to deliver their statements in five minutes or less, in line with the Security Council's commitment to making more effective use of open meetings.

I now give the floor to Her Excellency Ms. Maja Popović, Minister of Justice of Serbia.

Ms. Popović (Serbia): I would like to thank you, Mr. President, for the opportunity to address the Security Council on behalf of the Republic of Serbia with respect to the six-month progress report of the International Residual Mechanism for Criminal Tribunals and underline some of the key instances of the current cooperation between the Republic of Serbia and the Mechanism.

In his briefing, the President of the Mechanism once again mentioned allegations of Serbia's non-cooperation in connection with the *Jojić and Radeta* case. At previous Security Council meetings, Serbian representatives explained in great detail the reasons we do not accept annulling the decision of the Mechanism to transfer this case to the Serbian judiciary. The conduct of the Republic of Serbia with regard to this case does not, as stated by the President of the Mechanism, constitute a violation of our international obligations, but it is an effort to comply with the resolution 1966 (2010). We believe that, in the current circumstances, proceedings before national courts can improve justice and strengthen confidence in national judicial systems which, in accordance with the aforementioned resolution, should take over prosecutions. This is further supported by the fact that the Higher Court in Belgrade issued a decision based on the merits that the preconditions for the extradition of Mrs. Radeta and Mr. Jojić were not met. This decision was confirmed by the Appellate Court in Belgrade, thus making it final.

I would also like to take this opportunity to once again remind the Council of our readiness for — and our request that — prison sentences imposed on our nationals by the International Tribunal for the Former Yugoslavia (ICTY) and the Residual Mechanism be executed in the Republic of Serbia, under the supervision of the Mechanism. This has been presented to the Security Council several times before. Serbia strongly opposes the new practice of the Mechanism, which resulted in many years of non-decisions on requests for early release of our citizens, which flagrantly violates their basic human rights. In addition, we strongly believe that this new practice violates the principle that

was the basis for the actions of all the former presidents of the ICTY and the Mechanism to provide the same treatment to all convicts who find themselves in the same situation. Nevertheless, the Government of the Republic of Serbia stands ready to give assurances and guarantees that the conditions of early release will be fully respected, as they have been respected so far without any exception. I must emphasize that the Republic of Serbia has fulfilled all its guarantees in the past.

Another outstanding issue where, for reasons unknown to us, there has been no progress, is the return of the extensive archives to Serbia. These archives consist of voluminous documentation forwarded to the ICTY and the Mechanism that was not used or is no longer needed for the ongoing trials before the Mechanism. There is currently only one ongoing appeal procedure before the Mechanism, the *Stanišić and Simatović* case, and we believe there is no reason for further delay in initiating the process of returning the original documents.

In the reporting period, the Mechanism Prosecutor's Office intensified its activities on issues related to contempt of court, submitted numerous requests for evidence and information and announced the filing of new indictments. We believe it is important to emphasize that the Mechanism was established by the Security Council to prosecute persons responsible for gross violations of international humanitarian law committed on the territory of the former Yugoslavia. However, after more than 20 years of work, the Mechanism began to deal with violations of procedural discipline — more precisely, illegal behaviour that did not represent a significant danger to society. It therefore focused all its activities on this alleged illegal behaviour of minor significance, as described, despite the fact that it was not established to deal with such matters. All the requests are related to one case alone, that of *Vojislav Šešelj*, which has been finalized.

In the reporting period, Serbia responded to five of the 12 requests submitted by the Mechanism's Office of the Prosecutor, and representatives of the Office questioned 11 persons as witnesses on the premises of the Office of the War Crimes Prosecutor of the Republic of Serbia. We would also like to emphasize that the Serbian authorities served the summonses for the hearing of the seven persons who have to be interrogated in the Office of the War Crime Prosecutor in Belgrade as suspects. In serving the summonses, Serbia fulfilled its obligations, and yet Prosecutor Brammertz did not include that fact in his report. Serbia therefore actually fulfilled two further requests of the Office of the Prosecutor. As the Chief Prosecutor is familiar with this matter, we assume that it will be incorporated into the next report.

During the reporting period the Office of the War Crimes Prosecutor of the Republic of Serbia actively cooperated with the Office of the Prosecutor of the Mechanism. In addition to regular high-level meetings, cooperation was established in specific cases against two high-ranking officials, resulting in one case in the filing of an indictment and in an improvement to the investigation in the other. In the same period, a working group composed of representatives of the Mechanism and the Office of the War Crimes Prosecutor of the Republic of Serbia was established in order to improve cooperation in specific cases, especially where the provision of evidence was concerned. The Mechanism's experts also held a practical training session for the representatives of the Office of the War Crimes Prosecutor on investigations of conflict-related sexual abuse as an international crime. And cooperation between the Mechanism and the Office of the War Crimes Prosecutor is being fostered through the implementation of the relevant activities set up in the Action Plan for Chapter 23.

One of the objections of the Mechanism's Office of the Prosecutor is that certain individuals have delegitimized facts that contradict the official standpoints of the Prosecutor's Office and arise from the judgments of the ICTY or the Mechanism. In that context, I would like to point out that Serbia is a democratic country in which freedom of speech, as well as professional and scientific criticism, is guaranteed and to which the judgments of the ICTY and the Mechanism are subject, as in any other democratic country.

In the report, the Office of the Prosecutor further states that the cooperation on war crimes between the Republic of Serbia and so-called Kosovo did not improve. We welcome the position of the Mechanism's Office of the Prosecutor that all references to so-called Kosovo should be considered in full compliance with resolution 1244 (1999). It is indisputable that everyone involved in the proceedings regarding war crimes and cooperation in the fight against crime has an obligation to act in full accordance with that resolution.

I would like to take this opportunity to once again point to the problems that arose in connection with the requests by so-called Kosovo for the extradition of a person who had already been convicted before the Mechanism and the obligation of the Mechanism to act in accordance with resolution 1244 (1999) in carrying out its activities. The Office of the Prosecutor of the ICTY completely failed to conduct investigations and hold trials for the crimes against Serbs and non-Albanian civilians committed in Kosovo and Metohija. That significantly damaged the reputation of and trust in the ICTY and the Mechanism. Impunity for the horrific crimes committed against the Serbian population became for all practical purposes a policy that found its main support in the work of the ICTY Prosecutor's Office. In that context, I would like to point out that the Office of the Office of the War Crimes Prosecutor of the Republic of Serbia forwarded 10 requests for assistance to the European Union (EU) Rule of Law Mission in Kosovo (EULEX) in Pristina that remain unanswered to this day. Let me remind members that EULEX conducts its activities under the authority of the Security Council.

The Mechanism's Office of the Prosecutor points to a standstill in the negotiations between Serbia and Croatia on agreeing to the establishment of a framework for the processing of war crimes. We note that this is a bilateral issue that does not fall under the jurisdiction of the Mechanism, nor is it of special interest for its functioning, since Serbia and Croatia have very similar provisions for their criminal and criminal procedure codes. In addition, both countries are party to the relevant conventions of the Council of Europe, including, but not limited to, the European Convention on Extradition and the European Convention on Mutual Assistance in Criminal Matters. Those conventions of the Council of Europe take precedence over bilateral agreements. The Mechanism's Office of the Prosecutor did not state any reason as to why it would be necessary to conclude a special bilateral agreement for the effective administration of justice. Serbia remains open to further negotiations with Croatia on improving criminal prosecution for gross violations of international humanitarian law committed on the territory of the former Yugoslavia, based on the principle of the rule of law.

I would like to emphasize that the agreement between Serbia and Croatia on processing war crimes was not concluded because Croatia insisted on the abolition of universal jurisdiction in Serbia's legal system. Universal jurisdiction is a legacy of international humanitarian law and applies to gross violations of human rights. For that reason, we believe it should necessarily be an integral part of Serbia's legal system. That type of jurisdiction is known in Croatia's legal system as well as those of other EU member States, which makes us question why Croatia insisted that it be removed from Serbia's legal system. In May, for the purpose of improving regional cooperation, the Office of the War Crimes Prosecutor of the Republic of Serbia invited the Chief State Attorney of Croatia to hold a bilateral meeting in order to, among other things, effectively conduct joint activities on improving the efficiency of war crimes proceedings and cooperation in the area of protection, support and assistance to victims and witnesses.

In the reporting period, Serbia made significant efforts to improve regional cooperation, especially with the Offices of the Prosecutor of Bosnia and Herzegovina and of Croatia, respectively. A meeting was held with the Office of the Prosecutor of Bosnia and Herzegovina to discuss issues of legal assistance in specific cases, including the issue of taking over and transferring criminal prosecution, which is expected to be realized in the coming period.

In conclusion, the Republic of Serbia strongly believes that every war crime must be adequately punished, regardless of who commits it. For that reason, I particularly emphasize that it is essential that the other countries of the region take the same steps, as Serbia is the only one sincerely offering a hand of reconciliation. In that regard, I would like to underline that the Serbian Ministry of Justice and the Office of the War Crimes Prosecutor stand ready to implement activities within their competences on the issue. The Republic of Serbia pursues a responsible policy of reconciliation in the region, without which there can be no future, stability, economic development or normalization of relations.

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

Mr. Alkalaj (Bosnia and Herzegovina): At the outset, please allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I wish you every success in performing your duties. You can count on my delegation's full support.

I would also like to thank the President of the International Residual Mechanism for Criminal Tribunals, Judge Carmel Agius, for his leadership and

guidance during this period, as well as the Prosecutor of the International Residual Mechanism for Criminal Tribunals, Mr. Serge Brammertz. I am grateful to them both for their respective reports and comprehensive briefings today.

We commend the Mechanism on continuing to make progress in its work since the last Security Council meeting on the topic (see S/PV.8927) and to function despite all the circumstances affecting the work of the Mechanism. This unprecedented justice project can be concluded only when all of its unfinished cases receive proper closure. The continuation of its work until such closure is therefore of paramount importance.

The situation arising from the coronavirus disease pandemic has continued to have a serious impact on the actions and activities of the International Residual Mechanism for Criminal Tribunals, as well as those of the judicial authorities in Bosnia and Herzegovina, since the previous Council meeting on this subject. Given the challenges that the pandemic has posed for the national prosecutors of war crimes in Bosnia and Herzegovina, the work of the Prosecutor's Office and the Court of Bosnia and Herzegovina, which deals primarily with unfinished and very complex war crimes cases, was inevitably affected.

The judicial authorities in Bosnia and Herzegovina are focused on and committed to the implementation of the revised strategy for work on war crimes cases adopted by the Council of Ministers of Bosnia and Herzegovina. One of the strategy's first and most important goals is to conclude all unresolved war crimes cases by 2023. To that end, the authorities in Bosnia and Herzegovina are working to resolve all open war crimes cases among judicial authorities at different levels in Bosnia and Herzegovina. All potential perpetrators of war crimes must be prosecuted for their personal or command responsibility. In accordance with the revised strategy, the judicial authorities should align court practices in order to strengthen trust in the judicial system and ensure the equality of all citizens before the law. The implementation of the strategy will send a strong message that impunity will not and must not be allowed, regardless of the nationality or ethnicity of the victims or perpetrators. That is important for reconciliation and progress in Bosnia and Herzegovina and throughout the Western Balkans.

Speaking of reconciliation, the glorification of war crimes and their perpetrators and, conversely, their denial is one of the main obstacles that we are facing in this long and painful process. It is unacceptable and as such must be punishable under the law. The proper acknowledgement of truth, along with the punishment and condemnation of all persons responsible for war crimes committed in the past, is key to our shared future, to forging relationships and cooperation built on trust and respect and a necessary and significant step in making progress on our path towards membership in the European Union.

According to the records of the Prosecutor's Office of Bosnia and Herzegovina, a total of 21 indictments against 56 persons were confirmed in 2021, and five indictments against 19 persons were confirmed in the first five months of this year. The Prosecutor's Office of Bosnia and Herzegovina has forwarded to the Prosecutor's Offices at the entity level and to the Prosecutor's Office of Brcko district a total of 18 cases. In addition, the Prosecutor's Office of Bosnia and Herzegovina has issued orders to open seven new cases against 67 persons. I would like to inform the Council that according to the records of the Court of Bosnia and Herzegovina, the Court received 21 indictments in 2021 and one in the first four months of this year. In the period from 2020 to the end of April 2022, the Court therefore pronounced 25 first-instance and 20 second-instance verdicts.

I want to emphasize once again that as demonstrated in their reports throughout the relevant period of operations, the cooperation of Bosnia and Herzegovina with the Mechanism has been stable and comprehensive. In that context, we commend the recent trip by Mr. Brammertz to Sarajevo and his meetings with the Acting Chief Prosecutor at the Prosecutor's Office of Bosnia and Herzegovina, the Minister for Foreign Affairs of Bosnia and Herzegovina and the Chief Prosecutor of the Office of War Crimes of Republika Srpska. We remain committed to contributing actively to the Mechanism's efforts to accomplish its mission. We would also like to reiterate our commitment to its work and call on all Member States to fulfil all their obligations and make their financial contributions to ensure the uninterrupted work of the Mechanism. We are grateful that the Office of the Prosecutor of the Mechanism has continued its engagement with the judicial authorities of Bosnia and Herzegovina and that it remains committed to providing Bosnia and Herzegovina with full support in assisting, transferring knowledge and applying all lessons learned.

We also want to express our gratitude for the support of the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the United Nations Development Programme for strengthening the human and material resources of judicial institutions prosecuting war crimes and engaged in general capacity-building. I would like to emphasize that the Prosecutor's Office of Bosnia and Herzegovina has supported and implemented the OSCE Mission in Bosnia and Herzegovina's project regarding the technical needs assessment of databases, already established in cooperation with the OSCE, the Prosecutor's Office and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Bosnia and Herzegovina remains committed to investigating, prosecuting and punishing all persons responsible for war crimes, regardless of the offender's nationality, ethnicity, religion or political or other affiliation. We would also like to emphasize that witness protection is of the utmost importance in the conduct and operations of all judicial institutions in Bosnia and Herzegovina. Cooperation between the institutions of Bosnia and Herzegovina and those of neighbouring countries in the exchange of information is also critical. We continue to search for and identify the approximately 7,400 persons who remain missing in Bosnia and Herzegovina. In that regard, Mr. Milanko Kajganić, the Acting Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, met Ms. Kathryne Bomberger, the Director-General of the International Commission on Missing Persons, in Sarajevo on 17 March. The main topic of the meeting was improving the process of searching for missing persons and their identification and assistance by the International Commission on Missing Persons.

I would like to commend the continued cooperation between the Prosecutor's Office of Bosnia and Herzegovina and Prosecutor's Office for War Crimes of the Republic of Serbia. In that regard, they organized a successful meeting held in Sarajevo on 5 April. The main topics of the meeting were the implementation of memorandums and protocols of cooperation signed between the two countries and the exchange of information in the criminal prosecution of war crime cases. In addition, they discussed topics related to cooperation in the fight against impunity for war crimes, as well as the current cases in progress, in which mutual legal assistance was requested in certain procedural actions. One of the most important issues discussed in the meeting was the status and stages of criminal proceedings in cases transferred from Bosnia and Herzegovina to the Republic of Serbia and vice versa. A draft agreement of understanding and cooperation for the protection and support of witnesses and victims in war crime cases has been prepared by the Prosecutor's Office of Bosnia and Herzegovina and the War Crimes Prosecutor's Office of Serbia.

We regret, however, that there has been no progress in the matter of Novak Đukić and Milomir Savčić, who were standing trial in Bosnia and Herzegovina and fled to Serbia. Cooperation with the judicial authorities of the Republic of Croatia could and should be improved with regard to positive responses from the Croatian authorities to the requests for mutual legal assistance sent to them by Bosnia and Herzegovina. But they have not responded so far. The Prosecutor's Office of Bosnia and Herzegovina has finished a couple of investigations, but it is not possible to file indictments without questioning the suspected persons residing in Croatia. In that regard, we urge the Government of Croatia to change its attitude and start complying with our requests. We need that if we are to improve the fight against impunity and reconciliation in the Western Balkans.

I would also like to inform the Council that the Protocol on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide has been signed between the State Prosecutor's Office of Montenegro and the Prosecutor's Office of Bosnia and Herzegovina. The Protocol will help facilitate the exchange of information and evidence between two countries.

We are fully committed to continuing to strengthen the rule of law, human rights and economic development. We will continue to work to strengthen the justice system in Bosnia and Herzegovina. Stability, progress, mutual trust and cooperation cannot be achieved without full justice.

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

Mr. Gatete (Rwanda): Let me start by congratulating you, Mr. President, on your presidency of the Security Council for the month of June. I would also like to thank President Agius and Prosecutor Brammertz for their detailed briefings and the members of the Security Council for their statements. Rwanda welcomes the good work done by the court and the Prosecutor's Office in the execution of the mandate

of the International Residual Mechanism for Criminal Tribunals. We also value the good cooperation that exists between the Mechanism and the Government of Rwanda. As Judge Agius concludes his mandate as President of the Mechanism, Rwanda recognizes and congratulates him on his tremendous contribution to international justice.

We would like to focus on four points. The first is locating and arresting the remaining fugitives indicted by the International Criminal Tribunal for Rwanda; the second is the *Félicien Kabuga* case; the third is the transfer of eight Rwandans to the Niger; and the fourth is the proliferation of hate speech in the Great Lakes region.

In locating and arresting the remaining fugitives indicted by the Mechanism, Rwanda commends the Prosecutor's Office for its relentless and fruitful efforts. However, while the Office has viable leads on the whereabouts of some of the remaining fugitives, the major remaining challenge is the lack of timely and effective cooperation on the part of some Member States. Rwanda has sent out more than 1,000 indictments to 34 countries around the world, requesting their cooperation in arresting and prosecuting fugitives or transferring them to Rwanda to face justice. Regrettably, only a few have complied. Rwanda would like to remind Member States that all resolutions of the Security Council and the General Assembly and all decisions of the African Union oblige Member States, particularly those where genocide fugitives are suspected to be living, to intensify their cooperation and render the necessary assistance to the Mechanism and Rwanda so as to quickly obtain the arrest of all remaining genocide suspects. The Council has repeated that call in all its resolutions, most recently resolution 2529 (2020). We commend the countries that have heeded the call for justice and transferred genocide fugitives to Rwanda or prosecuted them in their national courts.

Rwanda welcomes the 13 June decision by the Trial Chamber of the Mechanism that Félicien Kabuga is now fit to stand trial. We would like to remind the Council that Kabuga was one of the masterminds of the 1994 genocide against the Tutsi in Rwanda. The Government and the people of Rwanda have always made justice a priority, and given that it has been more than two years since Kabuga was arrested, we call on the Mechanism to commence his trial without delay.

Rwanda takes note of the situation of the individuals who were transferred to the Niger. In all previous engagements with the Residual Mechanism, Rwanda made it clear that we welcome all ex-convicts who have completed their sentences and persons who have been released to return to Rwanda and resettle. A case in point is that of Major Bernard Ntuyahaga, who served his 20-year prison term in Belgium and was sent back to Rwanda, where he now lives peacefully. What makes the eight individuals' case so special that they cannot be similarly resettled in Rwanda, and what kind of precedent does that set?

As we contend with the issue of genocide fugitives and rising genocide denial, Rwanda is also deeply concerned about the current resurgence in hate speech targeting the Tutsi and Rwandaphones in the Democratic Republic of the Congo that is fast developing within public and official circles, as well as mainstream and social media. That deteriorating environment is an early warning sign of intentions to commit genocide. We should all remember that on 18 June 2019, the Secretary-General launched the United Nations Strategy and Plan of Action on Hate Speech, in which he noted that hate speech is in itself an attack on tolerance, inclusion, diversity and the very essence of our human rights norms and principles. More broadly, it undermines social cohesion, erodes shared values and can lay foundations for violence, setting back the cause of peace, stability, sustainable development and the fulfilment of human rights. In response to the Plan of Action, the Security Council should take urgent action against the hate speech that we are currently observing in the Democratic Republic of the Congo.

In conclusion, given the significance of the work undertaken by the Mechanism and the Prosecutor's Office, we highly recommend that the Security Council provide them with all the support and financial resources they need to fulfil their mandate. Moving forward, Rwanda hopes for improved and meaningful cooperation between the Mechanism and Member States. Justice can be rendered only where there is the political will to do so.

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

Mr. Šimonović (Croatia): I would like to welcome President Agius and Prosecutor Brammertz, and I thank them for their briefings today. Since this is the last briefing by Judge Agius as President of the Mechanism, I would like to express our gratitude for his tireless efforts throughout his mandate, and prior to that at the International Tribunal for the Former Yugoslavia

(ICTY). Croatia also wishes the next President of the Mechanism every success. We will continue to support the Mechanism for the remainder of its mandate.

Let me first address some pending cases. Croatia was very surprised that in the *Jovica Stanišić and Franko Simatović* case the Trial Chamber established the existence of a joint criminal enterprise of Serbian leaders led by Slobodan Milošević, as well as their responsibility for crimes committed in Croatia and Bosnia and Herzegovina, but did not list Stanišić and Simatović among them. That decision departs from findings in the ICTY verdicts against Milan Babić and Milan Martić for crimes committed in Croatia, which established the existence of a joint criminal enterprise in which Stanišić and Simatović, as Serbia's top security officials, participated along with others, led by Slobodan Milošević. We sincerely hope that the Appeals Chamber will acknowledge the necessity of ensuring the coherence of judgments rendered by the former ICTY and the Mechanism and will convict Stanišić and Simatović for participation in a joint criminal enterprise, as well as for all crimes committed in Croatia and Bosnia and Herzegovina, as requested by the Prosecutor.

We hope that the Mechanism will complete its remaining work soon. The Rwandan fugitives have to be apprehended and put on trial. The Mechanism's repeated referral of Serbia to the Security Council for the failure to arrest and transfer Petar Jojić and Vjerica Radeta must be dealt with effectively, as requested in President Agius's report. The intimidation of witnesses is a serious crime that undermines accountability efforts, and it should be treated as such.

The glorification of war criminals and the denial of genocide are unacceptable. They increase the suffering of victims and take countries under the mandate further away from reconciliation. We especially condemn the consistent denial of the genocide committed in Srebrenica. Croatia is committed to constructive, effective, non-politicized and evidence-based judicial cooperation with other mandated countries in war crime matters. We reject some of the Prosecutor's negative qualifications regarding Croatia's bilateral cooperation with other mandated countries, and stress that meaningful cooperation is not a one-way process and that we expect other States to also actively engage and contribute to improving cooperation.

For years, Croatia has been waiting for Serbia's response to its invitation to finalize the draft of a bilateral agreement on processing war crimes, whose conclusion would represent a significant step forward in our judicial cooperation. Instead, Serbia is initiating politicized criminal proceedings against Croatian citizens, which are at odds with the international standards of universal jurisdiction.

With regard to Croatia's bilateral cooperation with Bosnia and Herzegovina, both sides should press to implement the bilateral agreement on cooperation in war crime matters more effectively and reduce the backlog in responding to requests for mutual legal assistance.

Another important area of regional cooperation is tracing missing persons. Determining the fate of 1,839 Croatian citizens still missing is our long-standing priority. It is deeply disappointing that crucial information is still not shared.

We encourage the Mechanism to use the short time remaining at its disposal before the termination of its mandate to increase its efforts to help to resolve at least some of the roughly 10,000 unresolved cases altogether through cooperation with the International Committee of the Red Cross and States within its mandate. Just 19 resolved cases based on the exchange of information in the past six months is simply not enough. At that pace, it would require more than 250 years to complete the process.

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

The meeting rose at 12.20 p.m.