

**Security Council**

Seventy-seventh year

9217th meeting

Monday, 12 December 2022, 10 a.m.

New York

Provisional

President: Mrs. Kamboj/Mr. Ravindran (India)

Members:

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| Albania | Ms. Dautllari |
| Brazil | Mr. Costa Filho |
| China | Mr. Geng Shuang |
| France | Mrs. Dime Labille |
| Gabon | Mr. Biang |
| Ghana | Mr. Agyeman |
| Ireland | Ms. Miley |
| Kenya | Ms. Nyakoe |
| Mexico | Mrs. Jiménez Alegría |
| Norway | Ms. Syed |
| 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

Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2022/583)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals (S/2022/583)

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.

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

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

I wish to draw the attention Council members to document S/2022/583, which contains a note by the Secretary-General on the International Residual Mechanism for Criminal Tribunals.

I now give the floor to Judge Gatti Santana.

Judge Gatti Santana: It is a great honour and privilege to appear before the Security Council today and present the twenty-first progress report of the International Residual Mechanism for Criminal Tribunals. I do so in my new capacity as President of the Mechanism. Mindful of this unique opportunity, I wish to express my gratitude for the trust placed in me and to pledge to lead in exemplary and effective ways. I follow in the footsteps of my predecessor, Judge Carmel Agius, whom I want to publicly praise. His generosity of spirit, combined with his able stewardship and pragmatic approach to solving problems, should serve as an example for our discordant times.

I am happy to report that the Mechanism, one entity with two branches, remains strong and continues to deliver tangible results in the fulfilment of its mandate and is becoming a truly residual body. Institutions are only as effective as the individuals who constitute them.

In my first five months, I have witnessed at first hand the tireless efforts of judges and staff alike, all working tirelessly to make further significant progress in relation to the Mechanism's pending judicial caseload. In that regard, after disposing of the contempt case in *Prosecutor v. Fatuma et al.* on 29 June, in line with the original projection, we are left with only two main cases, both relating to core crimes.

I refer first to the trial against Mr. Félicien Kabuga, which commenced at The Hague on 29 September and is proceeding apace. Before the Mechanism's end-of-year judicial recess, which starts on 26 December, the Trial Chamber expects to have heard 20 of the approximately 50 witnesses who will testify in Court for the prosecution. The innovative conduct of this case shows excellent inter-branch coordination and the determined will of the Trial Chamber to move trial proceedings along as expeditiously as possible, with full respect for due process and the fair-trial rights of the accused. In addition to The Hague court room, witnesses and counsel can securely participate from the Arusha Branch and the Kigali Field Office, and the accused is able to attend the trial in person or remotely from the United Nations Detention Unit. The judges are supported by a dedicated team of lawyers working from across all duty stations. I have appointed a reserve judge to ensure continuity should one of the judges on the bench become unavailable. The projection for the completion of the trial phase of this case remains by September 2024.

Equally, the appeals procedure in the case *Prosecutor v. Jovica Stanišić and Franko Simatović*, over which I have presided since July, continues to be on track. The next status conference will be held on 19 January, and the in-person appeal hearing has now been scheduled for 24 and 25 January. With those key hearings in place, and with the full support of the judges on the bench, I am confident in confirming that the appeal judgment will be delivered by June. Notably in this case, all of the judges on the bench, except for me, carry out their work remotely.

In addition, the mechanism made important strides with respect to its other continuous judicial activities arising from functions such as the protection of victims and witnesses, assistance to national jurisdictions and the monitoring of cases referred to national courts, as well as the enforcement of sentences. Those matters regularly call for decisions by Mechanism judges or the President and require sustained effort and resources

to see the full cycle of justice through to the end. The recent in-person plenary session of judges held from 28 to 30 November provided a suitable forum for discussing those matters in greater depth.

Earlier this year, the Security Council reviewed the progress of the work of the Mechanism, resulting in the adoption of resolution 2637 (2022) in June. Review processes and evaluations present unique opportunities for improvement and self-calibration. Having the resolution in place from the very start of my mandate has helped me to define the priorities of my presidency and other important areas of focus, and I would like to make a few remarks in that connection.

First, the resolution contains a strong call on all States to cooperate fully with the Mechanism. It is a compelling call to action that applies to all crimes enumerated in article 1 of the Statute of the Mechanism. Contempt is among those crimes, as it is not a mere violation of procedural discipline, despite one delegation's previous suggestion. Respect for the proper administration of justice constitutes an integral part of our system and a *sine qua non* for the existence of the rule of law. Interference cannot be tolerated. It threatens the bedrock of the international justice system and the legacy of our court. In the *Jojić and Radeta* case, the Republic of Serbia has an unequivocal obligation to cooperate with the Mechanism. The national authorities recently informed me that they have no intention of complying with the order issued on 13 May 2019 by the Single Judge, which the Appeals Chamber confirmed on 24 February 2020. Let me say that, while I am disappointed, I am not discouraged. I will continue to raise the matter in the expectation that Serbia will ultimately fulfil its international duties under the Charter of the United Nations, as it has done on a number of occasions in the past relating to contempt of court.

Another serious matter on which the Security Council has called on all States to cooperate with the Mechanism and render it the necessary assistance concerns the eight relocated persons who have been acquitted or completed their sentences. The best way to resolve the situation would be for the existing agreement between the United Nations and the Niger to be observed. The fact that this has not happened has resulted in those persons living under *de facto* house arrest, despite the fact that they are now free men. The Mechanism, and the International Criminal Tribunal for Rwanda (ICTR) before it, have brought the urgent need

to resolve the matter of acquitted or released persons to the attention of the Security Council time and again. A year ago, in this Chamber, my predecessor announced a breakthrough, in the belief that the matter had reached a conclusion (see S/PV.8927). At the time he praised the representative of the Niger, who was serving as President of the Security Council in December 2021, for his country's acceptance of its duty to relocate those persons on its territory. A year later, our collective inability to find a durable solution reflects negatively not only on the Organization but on the credibility of international justice as a whole. State assistance in identifying and implementing an acceptable solution to this crisis will go a long way to helping the Mechanism to move ahead with its transition plans.

Secondly, the Council has requested that the Mechanism provide options regarding the transfer of its remaining activities in due course. We have taken that request seriously and that is why developing a strategy for the future has become one of the priorities of my presidency. Last Friday, I presented the Security Council's Informal Working Group on International Tribunals with a road map for developing a Mechanism-wide scenario-based workforce plan. The road map lays out the remaining residual functions with preliminary projections involving three drawdown phases. The first phase would correspond to the period in which *ad hoc* judicial activity and the tracking of fugitives are expected to be completed. The second phase would correspond to the period during which the Mechanism will focus exclusively on discharging its continued residual functions, which require more complex and long-term consideration. Finally, in the third and final phase, it is anticipated that our continuing residual functions will have a greatly reduced workload, for which specific projections are not available at present. The Mechanism will continue to work collaboratively on crafting options for any transfer of functions, as well as timelines for expected durations. With the road map as a first point of reference, the Mechanism will provide updates on the development of a comprehensive strategy to guide the Mechanism's continued transition to a truly residual court.

As the Council has previously noted, there can be no exit without a strategy. While that is true, I would underscore that our planning for the future is dependent on addressing the challenges of the present. Any delay on that front will have an impact on our transition plans. One clear example is the enforcement of sentences.

Compared to other international courts and tribunals, we have the largest number of convicted persons — 51 in total — serving the lengthiest sentences, including 17 life sentences. To date, 13 States have gone above and beyond to demonstrate their strong commitment to international justice by willingly assuming their additional and weighty responsibilities for enforcing sentences. Their ongoing support and cooperation are critical to the Mechanism's ability to carry out that aspect of its mandate, and I commend and sincerely thank them. I urgently appeal to other States to follow their lead in sharing the burden of enforcing the sentences of people convicted by the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda or the Mechanism. Unless additional States come forward, the Mechanism will struggle to continue to fulfil its duties in that important area.

Finally, I want to discuss the Council's continued emphasis on ensuring that our residual tribunal remains guided by the premise of operating as a small, temporary and efficient structure. The ability to appreciate what "residual" truly means has become clearer now that we are dealing with our final trial and appeal proceedings. The reality, however, is that the scope of our responsibilities and the volume of our activities extend far beyond what was envisaged back in 1993 and 1994 when the ad hoc tribunals were established. In that sense, the term "residual" should not give the impression that we no longer matter. On the contrary, our mandated residual functions, including judicial functions, remain essential. Indeed, that is why the institution was created in the first place. Even after the completion of our pending caseload, we will be left with a number of valuable, long-term responsibilities aimed at consolidating our achievements and results. I refer to the enforcement of sentences, the preservation of archives, the protection of witnesses, assistance to national jurisdictions and other judicial activities. I therefore urge the international community to remain steadfast in its commitment to fighting impunity, to embrace the reality that justice does not end with final judgments and to acknowledge that our residual functions require continued efforts to ensure that the legacy of the ICTY, the ICTR and the Mechanism is not derailed.

I would also underscore the need to redouble our efforts to counter genocide denial, revisionism and the glorification of war criminals. By defending and

disseminating the truth, we can help prevent genocide and other heinous crimes from occurring again. The information centres envisaged by the Security Council in resolution 1966 (2010) are geared to that, and as demonstrated by the existing centre in Sarajevo, will play a vital role in making our work more comprehensible and accessible to the communities affected. For that reason, the international community is encouraged to work with Rwanda and the countries of the former Yugoslavia and to support the establishment of those valuable platforms.

Through the establishment of the Residual Mechanism, more than a decade ago, the Security Council sent a strong message about impunity — that high-ranking fugitives indicted by the ICTY and the ICTR cannot escape justice and that the legacy of those two courts must be protected. Justice and peace are the most pressing needs of today's world. I can say without any doubt that we have done our part. The Mechanism is proud of its contribution and should be considered one of the best investments of the United Nations.

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

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I thank members of the Security Council for this opportunity to brief them once again on the activities of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals, the details of which are set out in our report. I will mention some of the most important points and priorities today. At the outset, I would like to congratulate President Gatti Santana on her appointment. I look forward to working with her and her Office, where she has already started in an excellent way.

The Mechanism now has only two core crime cases remaining — the *Kabuga* trial and the *Stanišić and Simatović* appeal. We are satisfied with the swift progress in the presentation of our evidence in the *Kabuga* case. Since the first witness was called on 5 October, the testimony of 12 of the 54 witnesses has already been heard, and hearings are being held in person and remotely, which has so far proceeded very well from the Mechanism's different locations. With the encouragement of the Trial Chamber, our team has made extensive use of the available rules to present evidence in writing, which reduces the amount of in-courtroom time we require. Subject to further developments, we hope to be able to complete the presentation of our

evidence in the prosecution case in the second quarter of next year. In relation to the *Stanišić and Simatović* appeal proceeding, the prosecution team is preparing for oral arguments, which are currently scheduled for the end of January. I would like to highlight my Office's important work under its mandate to investigate and prosecute contempt-of-court crimes.

At the end of June, the Appeals Chamber announced its judgment in the *Fatuma et al.* case. The Appeals Chamber granted our appeal in its entirety, dismissing all defence appeals. My Office is satisfied that Augustin Ndirabatware's attempt to influence witnesses in order to overturn his genocide convictions was detected and halted. Five accused, including a defence investigator, were convicted and punished for those crimes. The effective investigation and prosecution of contempt of court and breaches of witness-protection measures are essential for protecting witnesses and maintaining the integrity of the proceedings conducted by the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY) and the Mechanism. We trust that, by prosecuting those crimes now, we will deter others from similar attempts in the future.

Turning to the search for the remaining fugitives, only four remain at large. Our top priority is Fulgence Kayishema, who was indicted for the murders of more than 2,000 women, men, children and elderly refugees at Nyange Church in April 1994. As I previously reported to the Council (see S/PV.9062), since 2018 the investigation had been significantly impeded by challenges in obtaining cooperation from South Africa. However, I am pleased that cooperation with South Africa is now moving in a very positive direction. Thanks to the support of the President of South Africa, a dedicated national investigative team was established to work directly with our tracking team at an operational level. The two teams have met regularly and undertaken coordinated investigations over the past six months. Important results have already been achieved, and our investigation in South Africa is progressing quickly. Looking forward, my Office will continue to need extensive support from national partners. Our tracking team is now in contact with a number of other countries in Africa, Europe and North America, and we trust that we will receive a positive response to our requests. As always, we continue to receive excellent support from the Government of Rwanda, including the Minister of Justice, the Minister of National Unity and Civic

Engagement, the Inspector General of Police and my colleague the Prosecutor General.

In that respect, I would like to take this opportunity to brief the Council on an issue that is important to victims and survivors of the 1994 genocide against the Tutsi in Rwanda. Today there are still more than 1,000 fugitives wanted by Rwandan prosecutors for crimes committed during the genocide. They organized, encouraged, led and assisted mass killings at the local level, including as members of the army, police and civilian leadership. In order to escape justice, they lied about their past and abused the refugee process in order to find sanctuary in countries around the world. In their new homes, many continue to promote genocide ideology, encouraging hatred between Hutus and Tutsis. While tracking our ICTR fugitives, my Office has discovered some of the other fugitives who are enjoying impunity in third countries. We will work with those countries' national authorities, who are responsible for extraditing or prosecuting those individuals. States should be concerned that suspected génocidaires may be living in their territory, and the refugee process needs to be protected by ensuring that those who abuse it are detected and appropriately dealt with. My Office will continue to track the remaining ICTR fugitives. While bringing the four fugitives to justice is a critical step, Rwanda will continue to need assistance from the international community to account for the many other fugitives suspected of genocide.

In recognizing that national courts are continuing the work of the ICTR and the ICTY, the Security Council mandated my Office to respond to requests for assistance from domestic investigators and prosecutors around the world. Meeting that mandate continues to be our 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 remain to be completed in national courts. As I just mentioned, the Prosecutor General of Rwanda still seeks to prosecute more than 1,000 fugitives 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 who have yet to be investigated and prosecuted. My Office's assistance remains essential for completing that work. Our confidential evidence collection contains more than 11 million pages of testimony, reports and records. By providing access to that evidence and the expert

knowledge of our staff, we directly support more justice for more victims. That is also reflected in the numbers of requests for assistance that we receive every year. Ten years ago, we received approximately 100 requests for assistance per year. In the past five years, an average of 362 requests per year were submitted to our Office. We anticipate that such trends will continue for a number of years to come and that such requests will increase in complexity and significance.

Yet, despite the support that we provide, national prosecutors continue to face other critical challenges. In the former Yugoslavia, the most significant issue remains regional cooperation among prosecution offices. Cooperation among prosecutors in the region is essential because today the victims and the perpetrators often live in different countries. In order to achieve meaningful justice, cases must therefore be transferred from the country investigating the crime to the country that can prosecute the suspect. As my written report details, there are important signs of positive progress in cooperation among Bosnia and Herzegovina, Montenegro and Serbia. However, prosecutors in the region report that they do not receive the cooperation they need from Croatia in cases involving Croatian suspects.

I have discussed that matter extensively for the past six years with Croatian Ministers of Justice and other interlocutors. As Croatian authorities informed me earlier this year, they believe the investigation and prosecution of their nationals is a national security issue. Such a stance turns justice into a political matter, when it should involve only an impartial judicial assessment of the evidence and the law. I was informed recently that a few requests from Bosnia and Herzegovina have been unblocked. Yet the backlog remains immense, and even more requests will be submitted in the future. The coming period will show whether there has been meaningful change, and we hope that there will be progress as well.

In that context, non-governmental organizations and human rights mechanisms have raised further concerns about justice in Croatia. They note that the large majority of cases in Croatia are in absentia trials of Serbian nationals, while notable crimes against Serbs have not yet been addressed. Unfortunately, few victims consequently receive meaningful justice. Prior to joining the European Union, Croatia was at the forefront of promoting justice and effective regional cooperation. Regrettably, it is no longer playing that

role. My Office will continue to engage with Croatian authorities to find mutually acceptable solutions, as our goal is to ensure that more victims receive justice. More broadly, my report once again covers issues related to the continuation of the denial of war crimes and the glorification of convicted war criminals in the countries of the former Yugoslavia.

In Croatia, the President has continued to question whether genocide was committed in Srebrenica. In Republika Srpska, senior officials, including the Prime Minister, have praised convicted ICTY war criminals. In Serbia, civil society embraces the atmosphere of denial and glorification created by political leaders — more than 150 murals of Ratko Mladić have been counted in Belgrade alone. Those are not the words and acts of people on the margins, but of those at the political and cultural centres of the region's societies. Glorifications of war criminals and revisionist denials of recent atrocities have been mainstreamed. My Office will continue to call on all officials and public figures in the region to act responsibly and put the victims and the suffering of civilians at the forefront of all their activities.

In conclusion, I would like to assure the Council that my Office remains firmly focused on its mandated functions. Our prosecutions of the final Mechanism cases are moving forward expeditiously, and we are actively investigating the current whereabouts of the four remaining ICTR fugitives. We are also providing critical assistance to the national authorities that now have primary responsibility in continuing the accountability process for crimes committed in Rwanda and the former Yugoslavia. In all our efforts, we remain grateful for the support of the Security Council.

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

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

Mr. Biang (Gabon) (*spoke in French*): I would like to thank you, Madam President, for your initiative in organizing today's meeting on the progress report of the International Residual Mechanism for Criminal Tribunals. I would also like to thank the President of the Mechanism, Ms. Graciela Gatti Santana, and the Prosecutor, Mr. Serge Brammertz, for their briefings in the context of the twenty-first progress report on the work of the International Mechanism for the period from mid-May to mid-November. I welcome the

representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to today's meeting. And, as Chair of the Informal Working Group on International Tribunals, I would like to reiterate our congratulations to the President of the Mechanism on her appointment.

We commend the efforts made by the Mechanism during the reporting period to carry out its residual functions in accordance with resolution 1966 (2010), despite the many challenges it has encountered since the health crisis caused by the coronavirus disease began. We welcome the strategy implemented by the Office of the President, which is essentially aimed at strengthening the Mechanism's efficiency and its working methods. In our view, that approach appears to be the right one for enabling a targeted transition towards the Mechanism's completion of its residual functions in accordance with resolutions 1966 (2010) and 2637 (2022).

To that end, we welcome the road map and all measures taken to achieve that objective. We encourage the Office of the President to use that strategy to raise awareness within the international community, primarily the Security Council, on salient, complex issues such as the tracking of fugitives, the trial proceedings of highly sensitive cases, technical assistance to national courts, the monitoring and execution of sentences and the protection of victims and witnesses as well as of the archives. Significant progress has been made in the context of pending judicial proceedings, notably the conclusion of the *Marie Rose Fatuma et al.* case, which serves to encourage us to redouble our efforts to settle the two remaining and ongoing trials, concerning the cases of *Prosecutor v. Félicien Kabuga* and *Prosecutor v. Jovica Stanišić and Franko Simatović*, whose complexity we acknowledge.

The Mechanism has now reached a crucial phase, and its credibility and effectiveness will continue to depend largely on the assistance that States provide, especially their support to the Prosecutor to facilitate the arrest of the fugitives at large. If they are not arrested and then tried according to the required legal procedures, the Mechanism's purpose and effectiveness will be called into question. The fight against impunity must remain an imperative for the international community. We encourage the States concerned to cooperate closely with the two branches of the Mechanism in order to maximize the collection of the evidence needed to begin the difficult criminal investigations that can

determine the facts of the serious crimes that have been committed.

In conclusion, we reiterate our full support to the Mechanism and call for mobilizing serious efforts to ensure that its important work will continue unhindered and with the effective collaboration of the international community. In addition to fulfilling its essential mandate, its work is dedicated to the quest for truth and justice and constitutes a moral bulwark against arbitrary action and mass atrocities.

Mr. Geng Shuang (China) (*spoke in Chinese*): China thanks President Santana and Prosecutor Brammertz for their briefings.

During the reporting period the Security Council adopted resolution 2637 (2022), by which it decided that the International Residual Mechanism for Criminal Tribunals should continue to operate for another two-year term. In accordance with resolution 2637 (2022), the Mechanism should set timetables for all its activities, in particular the processing of cases, and strictly adhere to them. It should further reduce its costs and propose alternatives for the transfer of its remaining activities in due course. China hopes that the Residual Mechanism will carry out its work in accordance with its mandate and the requirements of the Council and looks forward to progress being made in that regard as soon as possible. The progress of the Mechanism's trials on core cases in the past two years has been slow, due to the impact of the coronavirus disease pandemic and the health of those indicted, among other things. China hopes that the Mechanism will complete the remaining two cases efficiently and in strict accordance with the estimated timetables outlined in the report.

Given the diminishing number of cases and judicial functions, the Mechanism should continue to reduce its expenditures and further rationalize the allocation of budgetary resources to focus on judicial activities. Practical and effective cooperation between the Mechanism and the countries concerned is particularly important for its completion of its mandate and advancement of its work. With regard to issues such as tracking the remaining fugitives, relocating those who have been acquitted and released and transferring cases between the Mechanism and the countries concerned. China hopes that the Mechanism and the parties concerned will strengthen communication, enhance mutual trust, accommodate each other's legitimate concerns, draw on the successful practices

of international criminal tribunals to find appropriate solutions and cooperate in the fight against impunity. In accordance with the relevant Council resolutions, the Mechanism should be a small, temporary and efficient structure whose functions and size diminish over time. China hopes that the Mechanism will continue to carry out its activities in accordance with its mandate under the relevant Council resolutions and implement the recommendations of the Council's Informal Working Group on International Tribunals and the Office of Internal Oversight Services.

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

Mr. Almazrouei (United Arab Emirates) (*spoke in Arabic*): At the outset, I would like to congratulate Judge Graciela Gatti Santana on her appointment as President of the International Residual Mechanism for Criminal Tribunals. In addition to her qualifications and extensive experience, we believe that her appointment is a positive step towards increasing women's representation in leadership positions in United Nations bodies. I would also like to thank President Gatti Santana and Chief Prosecutor Brammertz for their valuable briefings. I express our appreciation to Judge Agius for his tireless efforts as President of the Mechanism since 2019. I also welcome the participation in today's meeting of the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina.

The United Arab Emirates reiterates its support for the mandate of the International Residual Mechanism for Criminal Tribunals and welcomes its progress report. The Mechanism plays a pivotal role in achieving justice and protecting the rights of the victims of war crimes, genocide and ethnic cleansing, as well as in combating impunity for the serious violations of international law perpetrated in Rwanda and the former Yugoslavia. We have followed the progress of the Mechanism in carrying out its core functions. We take note of the start of trial proceedings in the Kabuga case in late September, which may be the last trial conducted by the Mechanism. We hope that the Mechanism will be able to conclude the appeal proceedings in the *Stanišić and Simatović* case next year. We emphasize that the main responsibility for holding perpetrators of crimes accountable lies with States, while stressing

the important role of international organs in achieving international justice. We also appreciate the efforts of the Mechanism, represented by its relevant judges and the prosecution team, to find ways to simplify and conclude its work, including by prosecuting all the fugitives.

We stress the importance of the Mechanism continuing its efforts to be more effective and efficient and to reduce its workload, guided by the Security Council's vision that the Mechanism, as a structure, must be temporary, effective and diminish over time. In that regard, the United Arab Emirates welcomes the President's remarks that the coming years will see the transition of the Mechanism from a legislative body into a truly residual Mechanism. Regarding the situation of the eight acquitted and released persons, the United Arab Emirates regrets that their situation remains unresolved. We stress the importance of the Mechanism continuing its work with all the parties concerned in order to reach an appropriate solution as soon as possible in order to ensure the protection of their rights and freedoms.

In conclusion, the United Arab Emirates urges all States, especially those concerned, to fulfil their obligations and cooperate with the Mechanism, as well as to support it in completing the remaining tasks needed to achieve international justice, because relying on justice is the best way to honour the victims of serious international crimes. In that connection, we emphasize that strengthening international justice and the rule of law on the basis of the Charter of the United Nations is essential for the international community to effectively achieve sustainable development.

Mr. Mills (United States of America): I would like to thank President Gatti Santana and Prosecutor Brammertz very much for their briefings on the ongoing work of the International Residual Mechanism for Criminal Tribunals to bring perpetrators to justice for the atrocities committed in Rwanda and the former Yugoslavia.

First, my delegation wants to thank President Gatti Santana for her leadership in her first six months as President of the Mechanism. We appreciate her commitment to ensuring that the remaining trial and appeal proceedings are concluded efficiently and fairly, and that the Mechanism is able to transition into a fully residual institution. We also acknowledge that even as the work of the Mechanism comes to a close, President

Gatti Santana has made it a priority to meet victims and stakeholders where they live, travelling to Bosnia and Herzegovina for the commemoration of the Srebrenica genocide and to Rwanda for meetings and visits to memorial sites. We must continue to place victims at the centre of our efforts to promote justice for the crimes committed in Rwanda and the former Yugoslavia, even as the Mechanism moves away from trials and appeals.

At the close of the year, we can reflect on the remarkable successes of the Mechanism in moving forward on active trials and appeals, closing the book on outstanding fugitives and assisting national jurisdictions in prosecuting international crimes. Almost 30 years since the International Criminal Tribunal for the former Yugoslavia was established, only the appeal in *Stanišić and Simatović* remains to be decided. After years of proceedings, we hope that a decision in that case will finally clarify the role of those officials in Belgrade for the crimes committed in Bosnia and Herzegovina and Croatia.

The remaining proceedings with respect to the Rwandan genocide are also drawing to a close. We commend the Mechanism on the opening of the trial of Félicien Kabuga, who is accused of acting as the primary financier of the militia and political groups that perpetrated the genocide in Rwanda in 1994. We appreciate the efforts of the Mechanism to move as expeditiously as possible — given Mr. Kabuga's age and health — as the victims have been waiting decades for justice. The Mechanism has also moved swiftly to address the last remaining fugitives from the International Criminal Tribunal for Rwanda. With the termination of the proceedings against Protais Mpiranya and Phénéas Munyarugarama, only four fugitives remain. We are pleased by South Africa's increased cooperation with the Mechanism and call on Member States that may be harbouring any of those remaining fugitives to cooperate with the investigation. We also commend the Mechanism for finalizing the contempt verdict in the *Fatuma et al.* case. We do, however, note the outstanding contempt case and the lack of action with respect to defendants Jojić and Radeta, and we urge Serbia to respond to the outstanding arrest warrants. Ensuring the integrity of court proceedings is essential to the administration of justice.

Finally, we are grateful to the 13 countries serving as enforcement States. Holding persons who have been convicted and ensuring that their sentences are carried out is indispensable to the operation of an international

tribunal. While the Mechanism and its predecessors have done much to lay the groundwork for a new era of accountability, national authorities must now carry on with the important work of ensuring domestic prosecutions and promoting truth-telling, reconciliation and healing. We strongly urge States to promptly and fully respond to all requests for cooperation.

Regrettably, as we have just heard from the Chief Prosecutor, we continue to confront the dangerous example of non-acceptance of historical facts. It is striking that the Prosecutor stated in his briefing that in the western Balkans, the denial of crimes, the non-acceptance of judicial facts and the glorification of war criminals are “not the words and acts of people on the margins, but of those at the political and cultural centres of the region's societies”. Some people also continue to deny the genocide crimes perpetrated against Tutsis in Rwanda. We know what the consequences of the normalization of hatred are and what the persecution of certain groups can lead to. We must unequivocally denounce those who seek to deny the clear historical record and nurture old grievances rather than move towards a future in which the rule of law will govern.

In conclusion, we welcome the Mechanism's ongoing engagement with the affected countries to strengthen national judicial systems, as well as its efforts to promote public awareness and engagement in ongoing court proceedings, preserving and sharing court records and other initiatives designed to inform and educate the public. That work is vital for ensuring that the Mechanism's work will continue to have an impact long after the work in the courtroom is complete.

Mr. Agyeman (Ghana): Since this is the first briefing to the Security Council by Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals, I wish to congratulate her on her appointment and thank her for her forward-looking briefing, which also provides an overview of the progress of work and the challenges facing the Mechanism. I would like to take this opportunity to assure her of Ghana's support and cooperation during her tenure. I would like to congratulate Mr. Serge Brammertz, Chief Prosecutor of the Mechanism, on his reappointment and thank him for his briefing. I also welcome the participation in this meeting of the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina.

We acknowledge the important role of the Mechanism in ending impunity and bringing the perpetrators of atrocity crimes to justice and will support every effort and work constructively with other members of the Council in that regard. With regard to the contents of the report, Ghana would like to make the following four points.

First, with regard to cooperation, Ghana continues to call on all States to cooperate with the Mechanism in accordance with applicable laws by handing over fugitives to enable the judicial process to continue and be completed. It may be noted that 152 States have said “no” to atrocity crimes through the Convention on the Prevention and Punishment of the Crime of Genocide. We urge those States that are still harbouring identified fugitives to hand them over in fulfilment of their international obligations. We also call for the cooperation of States and the enforcement of sentences and take this opportunity to thank 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 and to encourage those considering enforcing sentences in the future to do so.

Secondly, Ghana has always maintained that, as a comity of nations, we have a collective responsibility to remember the survivors and families of the victims of the atrocity crimes that have been committed and to sustain the demands of justice and accountability without limitation over time. We underscore the fact that the wheels of justice may sometimes grind slowly. However, it is also our collective responsibility to seek justice for them by holding the perpetrators of heinous atrocity crimes accountable. The only way those survivors and the victims’ families can find closure is for the perpetrators of such heinous crimes to be brought to justice.

Thirdly, Ghana takes notes with appreciation of the forward-looking plans, as well as the road map that gives the Security Council some clarity on the Mechanism’s residual functions; future workload, as outlined in the first to third phases; and possible options for future institutional change. That is a positive development for Ghana. And we look forward to further engagement with the Mechanism through the Informal Working Group on International Tribunals in respect of possible changes to the mandate with a view to assisting with the implementation of the road map.

Fourthly, Ghana recalls resolution 2529 (2020), which emphasizes the importance of expeditiously and durably relocating persons who have been acquitted or have completed their sentences and calls on States to cooperate and assist the Mechanism in doing so. Ghana wishes to draw attention to the challenges facing the Mechanism in the implementation of the resolution. It is pertinent to state that the international justice community has to pay attention to and resolve the situation of the acquitted and released persons who have completed their sentences. The continued lack of liberty of those persons remains a stain on international justice and perpetuates a well-founded criticism that international justice has failed to ensure and implement fundamental human rights. As we commend the efforts of the Registrar for using diplomatic, political and judicial avenues to resolve some of the challenges, we call on the Council to also critically discuss the matter with an outcome that will assist the Mechanism in line with resolution 2637 (2022). Paragraph 5 of the resolution states,

“Notes that decisions on the relocation of persons who have been acquitted or completed their sentences should take into account inter alia the readiness of the state of origin to accept its nationals, the consent or any objections raised by the individuals to be relocated and the availability of other relocation states”.

Ghana is convinced that paragraph 5 sets the tone for an in-depth discussion by the Security Council. The proposal is being made against the backdrop of the fact that more of such persons will be released in the near future and that, of late, not many States have expressed interest in taking those persons. How long will the Mechanism continue to take on such responsibilities, which also have budgetary implications?

Ghana notes with appreciation the collaboration between the Office of the Prosecutor and the national prosecutions by providing them with access to evidence and information in response to a high volume of requests for those crimes. That is a positive development as it helps in building the capacities of the offices in the national prosecutions of affected countries.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We welcome the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals.

The Residual Mechanism was established by the Security Council 12 years ago. Finally, a miracle has happened: the President announced her intention to transform the Mechanism from a judicial body into a genuine residual structure. By the way, I thank Ms. Gatti Santana. She has once again proven us right. For all these years, we keep saying that a *de facto* judicial body has continued to exist under the label of “Residual Mechanism”. The Security Council’s decisions pertaining to a drawdown of the Tribunals, have not been implemented. The Residual Mechanism was deliberately dragging out cases and assuming functions not within its mandate in an attempt to artificially prolong its existence. I hope that, under the new leadership, the situation will change significantly.

In that context, we took note of the plans to close the pretrial detention facility in Arusha and the Sarajevo office as of 1 April 2023. We consider that decision a step in the right direction, and we urge not stopping there. In general, given the residual nature of the Mechanism, we are convinced that its leadership should regularly review its functions, departments and offices to check for redundancies and diminishing relevance. The relevant practical recommendations of the Office of Internal Oversight Services are much needed.

At the next briefing, it would be useful to hear considerations of options for transferring the residual functions of the Mechanism following its closure — for example, their transfer to competent national bodies, the United Nations Secretariat and so forth. In that regard, the Mechanism should follow the best practices of other similar structures, in particular the Special Tribunal for Lebanon.

Indeed, the Special Tribunal for Lebanon is responsible, *inter alia*, for managing archives, including physical evidence, assisting national bodies and protecting victims and witnesses. At the same time, unlike the Mechanism, it has been able to set a precise date for the conclusion of its work, 31 December 2023, and make a clear plan for the completion of its final responsibilities before that deadline. That example clearly shows that sound management and planning make the conclusion of residual functions a manageable task.

We once again have to express our extreme concern with regard to the poor health of Ratko Mladić. He is in the custody of, and therefore under the direct responsibility of, the Mechanism. We recall that the

evaluation of, the care for and the improvement of the physical and mental health of convicted persons falls within the remit of the relevant penitentiary institution and is one of the United Nations Standard Minimum Rules for the Treatment of Prisoners. In addition, access to timely and qualified health care for persons under the authority of the Mechanism is established in basic international legal documents, as well as in the relevant resolution 2529 (2020).

We also noted that the instrument for early release is used only when the Mechanism needs to absolve itself of its responsibility for another seriously ill prisoner. That is indicated by the fact mentioned in the report that Radoslav Brđanin was released literally days before his death. We consider that practice outrageous, inhumane and in need of review.

The *Prosecutor v. Ratko Mladić* case is a good opportunity for the Mechanism to demonstrate a humane approach. It is no secret that the fundamental human rights of the Serbian Colonel General were violated in the sentencing process. The disqualification of three of the Mechanism’s judges because of bias speaks volumes about the lack of objectivity in this case. In that regard, bearing in mind Ratko Mladić’s health and advanced age, we believe it would be fair for the Mechanism to consider his release on humanitarian grounds. That step would also help heal the wounds inflicted by the civil war in the Balkans and NATO’s indiscriminate bombing of the former Yugoslavia in the 1990s.

We would like to make a separate point about the Mechanism’s oversight functions with regard to the sentence of Radovan Karadžić. Representatives of Serbian civil society sent an open letter in defence of his rights. The letter gives a detailed account of the flagrant neglect of his legitimate rights by the United Kingdom, where Mr. Karadžić is serving his life sentence. In particular, the document shows that his rights to a safe environment and access to information are being ignored. He is unable to communicate with his family and has no access to the materials in his own case. That is a blatant violation of fundamental international human rights legal instruments, including the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Mandela Rules. We call on the Mechanism to assume responsibility for, rather than simply pay lip service to, its oversight functions for the serving of sentences.

Ms. Miley (Ireland): At the outset, I would like to extend Ireland's congratulations to Judge Gatti Santana on her appointment as President of the International Residual Mechanism for Criminal Tribunals. I also want to thank both the President and Prosecutor Brammertz for their comprehensive briefings today.

We commend the Mechanism for the progress achieved across its judicial functions, as well as other key areas of its mandate, during the reporting period. That output is all the more impressive given that downsizing and budgetary constraints form an ever-present backdrop to the Mechanism's operations. We also thank the President for elaborating the three core priorities of her presidency. Ireland very much welcomes the focus on steering the Mechanism through the next phase of its lifespan, one focused on its long-term residual activities.

Cooperation is essential in ensuring that the Mechanism can fulfil many of its mandated functions. We recall that States have an obligation to cooperate with the Mechanism in its investigations and prosecutions. While we welcome the progress detailed by the Prosecutor, I want to reiterate today our deep concern about Serbia's persistent failure to arrest and surrender Petar Jojić and Vjerica Radeta — despite the fact that Serbia has been referred to the Security Council for non-cooperation on three occasions. We urge all States to comply with their obligations under international law, as well as to cooperate fully with and assist 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 afforded by Member States, to track the four remaining fugitives.

Ireland regrets that the situation of the eight acquitted or released individuals relocated from Arusha to Niamey in December last year has yet to be resolved. We share the Mechanism's concern that the situation continues to have a serious detrimental impact on the rights of the relocated persons who are living under de facto house arrest. We also note the impact of those developments on the Mechanism's workload. We call on the Niger and the States concerned to respect the decisions of the Tribunal and to abide by the terms of the relocation agreement. We also commend the Registrar for his continued efforts to find a viable solution to the problem.

Last Friday marked the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime. By remembering the events of the past and honouring the victims and survivors of genocide, the international community signifies its commitment to "never again". It is therefore deeply worrisome that genocide denial, historical revisionism and the glorification of convicted war criminals continue to gain momentum, as reported by the President and the Prosecutor. Ireland again condemns genocidal ideology, the denial of crimes and the glorification of war criminals, including by high-level officials. Ireland also strongly supports the Mechanism's role as a preventive tool against future acts of violence. That includes educational initiatives funded by the European Union.

In conclusion, Ireland reaffirms its steadfast commitment to achieving justice for all victims and survivors of atrocity crimes in Rwanda and the former Yugoslavia. As we leave the Council, we will continue to support the work of the Mechanism and its vital role in ensuring that perpetrators of international crimes are held to account.

Ms. Syed (Norway): I would like to thank Judge Gatti Santana and Prosecutor Brammertz for their thorough report to the Security Council and for today's briefings. I also congratulate Judge Gatti Santana on her appointment as President of the International Residual Mechanism for Criminal Tribunals.

At the outset, let me reaffirm Norway's strong support for the Mechanism, which diligently implements the important mandate given to it by the Council. Norway commends the Mechanism's activities in the reporting period.

In June we concluded the fourth review of the work of the Mechanism and adopted resolution 2637 (2022). We support the priorities outlined by the President and the Prosecutor to implement the resolution, as follows.

First, they must ensure an efficient, effective and fair conclusion of the two remaining main cases. We note that the trial proceedings started this fall in the *Kabuga* case and that the proceedings in the *Stanišić and Simatović* appeal case continue as scheduled.

Secondly, they must lead the continuing transition from an operational court to a truly residual institution. We note in that regard that the planned downsizing of staff continues.

Let me recall the obligation of all States to fully adhere to the Security Council's decisions. We therefore regret the lack of progress in the *Jojić and Radeta* case and once again strongly urge Serbia to cooperate fully with the Mechanism. The Mechanism is dependent on the cooperation of Member States in order to fulfil the mandate that the Council has provided: to ensure accountability and justice for the victims.

We regret that, despite an earlier agreement, the Mechanism continues to face problems in the relocation of the eight persons who have been acquitted or released. We urge the Niger to fully adhere to its agreement with the United Nations.

Norway appreciates the Office of the Prosecutor's work, including the assistance rendered to national jurisdictions prosecuting international crimes. We thank the States that assist the Mechanism in tracking fugitives. And we urge all States to fully cooperate in order to ensure the arrest and surrender of all remaining fugitives.

The Council, too, should assume its responsibilities by examining every possible measure to conclude the important work by the Mechanism.

Mr. Costa Filho (Brazil): I would like to commend Judge Gatti Santana for the productive beginning of her tenure as the President of the International Residual Mechanism for Criminal Tribunals and thank her and Prosecutor Serge Brammertz for their 16 November report on its activities.

Last June, the Security Council adopted resolution 2637 (2022), which allowed the IRMCT to continue its work for the next two years. This decision was taken on the grounds of its continuing importance to international justice. The IRMCT still needs time to complete the important tasks for which it is responsible in its mandate to fulfil the residual functions of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

These former Tribunals feature prominently in the history of international criminal justice. They paved the way for the Rome Statute and the creation of the International Criminal Court. They provided important benchmarks for the prosecution of the most serious crimes in international law. Their legacy must not be imperilled. This is why it is essential not to thwart the IRMCT in its mission to bring justice to all the cases it has the competence to adjudicate and inherited

from the former Tribunals for the former Yugoslavia and Rwanda. Moreover, we must not forget that the IRMCT also plays a crucial role in assisting national jurisdictions, protecting victims and witnesses, tracking fugitives and managing archives.

Despite its importance, the IRMCT must envisage a path towards the conclusion of all its activities. The Security Council conceived it to be temporary and for its functions to diminish over time. For this reason, we commend the principals of the IRMCT for bearing in mind the need for clear timelines for the completion of the Mechanism's judicial activities. We note with appreciation that the Office of Internal Oversight Services found that its recommendations in this respect were implemented. We also welcome Judge Gatti Santana's efforts to devise a comprehensive strategy to guide the Mechanism's ongoing transition from an operational court to a truly residual institution.

At the same time, we acknowledge that the Mechanism should be given enough time to transfer all its functions in the light of the continuous nature of some of them. In this context, we were satisfied to learn about the progress achieved by the Mechanism in its remaining core judicial cases. This was illustrated by the conclusion of the appeal proceedings in the *Fatuma et al.* case on 29 June, the prospect for the conclusion of appeal proceedings in the *Stanišić and Simatović* case by mid-2023 and the start of the trial in the *Kabuga* case in late September.

To discharge its assignments, the IRMCT also needs support from the international community. We therefore call for full cooperation with the Mechanism in the tracking of fugitives, the execution of outstanding arrest warrants and orders of surrender, and the relocation of acquitted or released persons.

Brazil reiterates its belief that national States bear the primary responsibility for holding accountable those who perpetrate crimes in their territories. International tribunals are supplementary to national judiciaries. They must act when national institutions are unable or unwilling to adjudicate those crimes themselves.

The principle of complementarity ensures that national States retain ownership in their right and, above all, duty to provide justice to their citizens. Strong national institutions that enforce accountability for serious crimes make their societies more resilient in the face of criminality. They also reduce the likelihood of relapse into conflict.

Still, the international community should not evade its responsibility for ensuring that perpetrators of gross atrocities will never go unpunished. Impunity undermines the rule of law and trust in national and international institutions. International tribunals are a guarantee that justice will prevail in the end.

Ms. Dautllari (Albania): Let me begin by thanking President Gatti Santana and Prosecutor Brammertz for their detailed report and their briefings.

We join other members in reaffirming our strong support for the work of the International Residual Mechanism for Criminal Tribunals — and of President Gatti Santana — as the Mechanism continues to make its own contribution to international criminal justice, building on the work of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda. We are particularly pleased with the progress achieved in terms of the Mechanism's judicial role, including the ongoing trial in the *Kabuga* case and the progress on the appeal proceedings in the *Stanišić and Simatović* case. Effective cooperation with States is critical to locating and arresting the four remaining fugitives. We appeal to all States to facilitate the completion of this task.

We applaud the ongoing work of the Mechanism in completing trials and appeals, protecting victims and witnesses, and ensuring that the proceedings remain trustworthy, accessible and useful for future contributions to international criminal justice. We are particularly appreciative of the work of the Mechanism in assisting national war crime prosecutions in the Balkans and Rwanda, and we agree with Prosecutor Brammertz that regional cooperation is important in making progress in the work. Albania strongly supports the efforts in ending impunity for the crimes committed in the Balkans and anywhere else.

States have an obligation to cooperate with the Mechanism and execute the arrest warrants without delay. No one can afford to stand in the way of delivering justice to victims. In particular, Serbia must promptly execute the arrest warrants for Jojić and Radeta to make sure these individuals face justice.

As President Gatti Santana said, justice does not finish with the final judgment, and we agree that information centres remain vital, considering the cases involving the glorification of war criminals, genocide deniers and historical revisionism of basic facts. We deplore and condemn in the strongest terms

these views, which are openly expressed in the public square, on the streets, in stadiums and the Internet, including by public figures and officials. All that not only runs against rulings of the ICTY, but it offends and dishonours the memory of thousands of victims, in Srebrenica, Vukovar and Račak. They encourage the commission of these crimes in future. The international community must never normalize such views and act against those who enable them.

In closing, we will continue to support the Mechanism, and we must ensure that the Mechanism maintains the capabilities necessary to implement its mandate in full and deliver justice for the families of the victims, their communities and their countries.

Ms. Nyakoe (Kenya): I thank Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals and Prosecutor Serge Brammertz for their briefings and in-depth assessments of the progress of work of the Mechanism. This being the first time that Judge Gatti Santana briefs the Security Council in her capacity as President of the Mechanism, my delegation would like to congratulate her on her appointment and wishes her a successful tenure of service. I welcome the participation of the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina in this meeting.

Kenya supports the work of the Mechanism established under resolution 1966 (2010) and renewed under resolution 2637 (2022). The vision of the Security Council was for the Mechanism to be a small, temporary and efficient structure, whose functions and size will diminish over time. This remains inseparable from the aims of justice and accountability and was re-emphasised by the Security Council through resolution 2637 (2022). We therefore acknowledge the progress that the Mechanism has made towards the completion of that work and continue to urge it to move quickly to complete the remaining cases. With the commencement of the trial in the *Félicien Kabuga* case, it is the expectation of the survivors and families of victims in particular that the completion of the case will provide a considerable degree of closure. It should also help to bring them the healing they desire and to solidify the gains made in reconciliation processes. Given the responsibility we all collectively have to ensure accountability for war crimes and genocide, we urge all States to cooperate with the Mechanism in its efforts to apprehend the remaining fugitives.

As we stated at the Security Council meeting on 14 June (see S/PV.9062), we reiterate our belief that more effort should be put into preventive processes and mechanisms. One of the greatest fears of people who have suffered atrocities such as those covered under the Mechanism is the possibility that they may recur. One of the best ways of offering assurance that this will not happen and actually preventing it from happening is by investing in national reconciliation and early-warning and preventive mechanisms. We encourage international support in that regard, running in parallel with the judicial processes but structured to outlive them. Inclusive national dialogues should therefore be woven into national processes. Similarly, we call on the United Nations and other international partners to provide support to the States affected in strengthening their national investigative, prosecutorial and judicial capacities, which is in line with the primary responsibility of States to ensure justice and accountability for their peoples.

Kenya thanks the delegation of Gabon, under the leadership of Ambassador Biang, for ably and successfully steering the work of the Informal Working Group on International Tribunals.

In conclusion, we reaffirm Kenya's support for the work of the Mechanism, while encouraging the speedy conclusion of its work. We also want to assure the Mechanism that as we leave the Security Council at the end of this year, our support will continue within a clear plan for the Mechanism's work that corresponds to the Council's vision.

Mrs. Dime Labille (French) (*spoke in French*): I thank President Gatti Santana and Prosecutor Brammertz for their briefings and their report. I would like to congratulate Judge Gatti Santana on her appointment as President of the International Residual Mechanism for Criminal Tribunals. We also welcome the presence of the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina.

France reiterates its full support to the Mechanism and its work in the fight against impunity and the preservation of the legacy of the International Tribunals for the former Yugoslavia and Rwanda. The year 2022 has been a decisive one for the Mechanism, which has been able to continue its activities in a more favourable health environment and to make concrete progress that testifies to its relevance and effectiveness. The Security Council should support it in its work. We take this

opportunity to thank Gabon and congratulate it on its excellent coordination work at the helm of the Informal Working Group on International Tribunals.

We commend the important judicial work of the Mechanism, including the commencement of the trial in the *Kabuga* case, which constitutes an important development for the victims and for national reconciliation in Rwanda. We also welcome the delivery of the judgment in the *Fatuma et al.* contempt case, as well as the continuation of the proceedings in the *Stanišić and Simatović* case. In order to complete those and other pending proceedings in a timely manner, the Mechanism must have adequate financial resources and qualified staff. France once again urges all States to cooperate fully with the Mechanism in accordance with their international obligations, and to support it in its activities. We deplore the fact that some partners still refuse to do so, despite the numerous calls from the authorities of the Mechanism relayed in the Council. It is essential that the last of the fugitives indicted by the International Criminal Tribunal for Rwanda be brought to justice. The death of alleged perpetrators of the most serious crimes cannot be considered justice for the victims. Since the creation of the Mechanism, France has provided significant support in several areas.

First, it has supported judicial cooperation, notably with the arrest in May 2020 of Félicien Kabuga, one of the final fugitives from the International Criminal Tribunal for Rwanda, and his transfer to the Mechanism. Secondly, we have provided support through the French courts, particularly in the case of Laurent Bucyibaruta, who was sentenced by the Paris Assize Court on 12 July 2022 to 20 years' imprisonment for complicity in genocide and crimes against humanity. Lastly, France's active and permanent support for the two ad hoc criminal tribunals has also taken the form of agreements on the enforcement of sentences. In 2000, France and the United Nations concluded an agreement on the enforcement of sentences handed down by the International Criminal Tribunal for the former Yugoslavia. In that regard, three persons served their sentences in France between 2004 and 2013 and one other is currently serving a sentence in France. That ongoing support, which is part of France's broader commitment against impunity, will continue to ensure that justice is served for the victims.

In conclusion, we would like to stress that the work of the Mechanism is not limited to its judicial activities. We welcome the President's announcement about the

plan to develop a drawdown strategy for the Mechanism. We encourage her to continue her efforts and to work on options for the future of this jurisdiction. The fact is, however, that after the conclusion of its core criminal cases, the Mechanism will have to continue to carry out onerous tasks, including addressing other judicial issues as they arise, assisting national jurisdictions, protecting victims and witnesses, managing archives and monitoring the enforcement of sentences. Remembrance work is also essential for reconciliation.

Finally, we remain deeply concerned about the resurgence and proliferation of political statements and acts of denial with regard to war crimes, as well as the glorification of perpetrators of genocide and war criminals convicted by international criminal tribunals following impartial and independent proceedings.

Mrs. Jiménez Alegría (Mexico) (*spoke in Spanish*): We thank President Gatti Santana and Prosecutor Brammertz for their report, and we welcome the President of the International Residual Mechanism for Criminal Tribunals to the Security Council for the first time. We are confident that under her leadership the Mechanism will continue to work effectively to fight impunity. We also welcome the delegations of Bosnia and Herzegovina, Croatia, Serbia and Rwanda to this meeting.

We take note of the priorities identified by the President, particularly the actions she has launched since taking office to develop a comprehensive strategy for guiding the Residual Mechanism towards an effective and efficient conclusion. Regarding the Mechanism's judicial functions, we welcome the conclusion of the Fatuma et al. case and acknowledge the efforts of all actors involved in the issuance of the appeal judgment. We take note of the commencement of the trial in the *Kabuga* case and the appeal proceedings in the *Stanišić and Simatović* case. We are sure that they will be conducted efficiently and expeditiously.

Regarding the situation of the four fugitives, we highlight the work of the Prosecutor's Office in following up on those cases and acknowledge the progress made in locating one of the fugitives. Mexico considers their arrest and prosecution under Rwandan jurisdiction to be a priority. We would like to remind everyone that cooperation in locating fugitives is not optional, but an obligation in accordance with Council resolutions. We also underscore the value of cooperation between the Office of the Prosecutor and

the national authorities responsible for the procurement and dispensation of justice, as it is those authorities that must continue to work to combat impunity for crimes committed both in Rwanda and the former Yugoslavia. Regarding the contempt cases, we want to once again express our concern about the failure to comply with arrest warrants, and we reiterate our call for their enforcement.

Last week, we commemorated the seventy-fourth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime. In that regard, we condemn the propagation of narratives that deny the commission of atrocities punishable under international law and that glorify war criminals. In 2022, there is no place for divisive narratives that incite hatred. We urge the States concerned to actively promote actions to counter such messages, in particular to strengthen the promotion of education to combat racism and discrimination.

Almost three decades after the establishment of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, Mexico acknowledges the contribution of both Tribunals, as well as the Residual Mechanism, to international justice. In the context of commenting on the latest update on the work of the Residual Mechanism, as a non-permanent member of the Security Council Mexico reaffirms its support for and commitment to accountability, truth and justice.

Mr. Wickremasinghe (United Kingdom): Let me start by welcoming President Gatti Santana to the Security Council for the first time. We are confident that she will be an excellent leader of the International Residual Mechanism for Criminal Tribunals. We also would like to thank her and Chief Prosecutor Brammertz for presenting the report of the Mechanism and their informative briefings today. It is clear that under their stewardship the Mechanism will continue to play an essential role in ending impunity and implementing international justice. Their briefings demonstrate that this is a good opportunity to look forward to the Mechanism's future.

First, this summer we will see the conclusion of the final appeal relating to the crimes committed in the former Yugoslavia. The final decision in the *Stanišić*

and *Simatović* case is a defining moment, of which the Court should be proud.

Secondly, we note that Félicien Kabuga's trial is progressing on schedule and is due to conclude with judgment in 2024. His trial is a testament to the international community's continuing dedication to accountability for the genocide against the Tutsi.

Thirdly, we are pleased to see the efforts that the Mechanism is making to be agile and to downsize in line with the tasks that it now has, including by looking for new headquarters in The Hague and reducing its presence in the Western Balkans. We look forward to collaborating closely with the Mechanism and all colleagues on the Security Council to ensure that the Mechanism remains efficient, while securing its critical legacy.

While there are positives for the future, we have continuing concerns. It is high time that Serbia arrested and transferred Petar Jojić and Vjerica Radeta to the Mechanism following years of requests, considerations and discussion. Separately, while the Mechanism continues to engage in important work to assist with justice at the national level in the Western Balkans, the blocking of cooperation by some in the region represents a critical and growing risk to meaningful reconciliation and long-term stability. That has direct implications for achieving justice for victims, and we call on all States to meet their obligations and increase their efforts to provide justice for those heinous crimes.

Finally, we are saddened to see that the glorification of war criminals and the denial of genocide continue. That is unacceptable and increases the suffering of the victims. The United Kingdom condemns such denial and glorification in all their forms and calls on all Member States to do so as well. While we regret those continuing issues, they serve as an important reminder that the work and legacy of the Mechanism remain as important as ever.

Before concluding, I would like to say a word in answer to the concerns raised by our colleague from Russia. Let me assure colleagues on the Council that Mr. Karadžić is treated exactly the same as other convicted prisoners, with the same rights, privileges and restrictions. He has not been mistreated in any way. While his access by telephone to certain members of his family and a wider circle of contacts was temporarily suspended, those controls were legal and in line with prison service policy and were intended to prevent

his continued abuse of such access and to protect the victims of his crimes. We also understand that, despite Russia's concerns, Mr. Karadžić himself has raised no complaint. We consider that those types of spurious complaints are a deliberate attempt by Mr. Karadžić's supporters to undermine the Mechanism and the United Kingdom, as the enforcing State, as well as the victims and survivors of his terrible crimes.

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

I join others in thanking the President of the International Residual Mechanism for Criminal Tribunals, Judge Graciela Gatti Santana, and Chief Prosecutor Serge Brammertz for presenting the latest report of the Mechanism. We are particularly delighted to see a female Judge heading the Mechanism. India firmly believes in gender equality, with the full expression and participation of women in public life and our socioeconomic and political discourse. I also take this opportunity to commend outgoing President, Judge Carmel Agius, for his able stewardship, despite enormous challenges, including during the coronavirus disease pandemic.

India supports the work of the Mechanism and appreciates its contribution to the fight against impunity. We reiterate the importance of the implementation of the Mechanism's mandate in strict accordance with the principles of justice, impartiality and fairness. It is our collective responsibility to seek justice for victims. My delegation appreciates Judge Gatti Santana's outlined core priorities for her presidency, with a focus on an efficient, effective and fair conclusion of the remaining trial and appeal proceedings. We hope that the Mechanism will very soon complete the transition from an operational court to a truly residual institution.

We have taken note of the progress made by the Mechanism in the trial proceedings in the *Kabuga* case, as well as in the appeal proceedings in the *Stanišić and Simatović* case. The judgment in the *Fatuma et al.* case and the termination of proceedings against Mr. Protais Mpiranya following his death has reduced the judicial workload of the institution. The Mechanism is now left with only two main cases relating to its core mandate. We also acknowledge the progress made in other judicial matters. The Mechanism should continue to make headway in its remaining residual functions, including 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.

We also emphasize the importance of cooperation between the Mechanism and the Member States concerned to address legal and logistical challenges. We look forward to an early resolution of the impasse posed in the context of the acquitted and released persons relocated to the Republic of the Niger. That is a humanitarian issue that needs to be addressed with urgency and sensitivity.

I now resume my functions as President of the Council.

I give the floor to the representative of Serbia.

Mr. Holovka (Serbia): At the outset, I would like to thank the President and the Prosecutor of the International Residual Mechanism for Criminal Tribunals for the presentation of their comprehensive periodic report and for their briefings today. I also take this opportunity to congratulate Judge Graciela Gatti Santana on her appointment as President of the Mechanism.

We are pleased that the Mechanism is aware of the major issues of concern, as set out in resolution 2637 (2022), and that it is investing efforts to implement the recommendations of the Informal Working Group on International Tribunals, as well as those of the Office of Internal Oversight Services. We are particularly encouraged that, as reflected in the report and the briefings, the Mechanism's leadership has paid very close attention to the resolution's particular focus on the future of the Mechanism, including with respect to providing clear and focused projections of completion timelines for all of the Mechanism's activities, as well as options regarding the transfer of its remaining activities in due course, and the fact that the new President has made it one of her core priorities to guide the Mechanism's transition from an operational court to a residual institution. When those efforts come to fruition, the aims of resolution 1966 (2010) will have been achieved.

In that vein, I would like to point out several issues stemming from the very nature of the Mechanism and its residual functions, which warrant our attention. From the standpoint of Serbia, they are: the initiation of new cases before the Mechanism; supervision of

the execution of sentences; provision of assistance to national jurisdictions; and management of the archives.

In relation to the first issue, I wish to point to the repeated assertions of alleged non-cooperation of the Republic of Serbia with the Mechanism regarding the case of *Prosecutor v. Petar Jojić and Vjerica Radeta*. Serbia's position in connection with that case remains consistent that its conduct does not represent a violation of its international obligations, but an effort to act in accordance with resolution 1966 (2010). We are convinced that, under the current circumstances, conducting proceedings before national judicial authorities can promote justice and strengthen confidence in national judicial systems. We reiterate our readiness for the Jojić and Radeta case to be taken over by the judiciary of Serbia, and we are ready to provide assurances that the proceedings will be conducted in accordance with the requirements of the proper administration of justice, with full respect for both the Mechanism and the rights of witnesses and the accused.

Similarly, with regard to ongoing investigations in another case of contempt of court, the case of *Prosecutor v. Vojislav Šešelj*, should the Prosecutor decide to bring charges against certain individuals for contempt of court, we express our readiness for the trial to be conducted in the Republic of Serbia.

With regard to the supervision over the execution of sentences, we would like to recall our readiness and repeat the request that the prison sentences handed down by the International Tribunal for the Former Yugoslavia (ICTY) and the Mechanism be served in the Republic of Serbia, under the full authority and supervision of the Mechanism. We are firmly convinced that circumstances in the region have changed significantly since the opinion given by the Secretary-General pursuant to resolution 808 (1993), back in 1993.

As the prosecution of war crimes today is exclusively within the competence of national judiciaries, we do not see any justification for maintaining the current policy. Furthermore, we believe that, in that way, not only would costs be reduced and the position of the families of convicted persons be eased, but the conditions would be created for proper rehabilitation, and the authority of the Mechanism would be strengthened.

At this point, we are compelled to again appeal to the Security Council and the Mechanism to prevent all attempts to harass convicted citizens of

Serbia and request the President of the Mechanism to immediately notify the Republic of Serbia of all requests for extradition or the provision of other kinds of legal assistance in criminal matters that concern its citizens who are serving sentences, and to enable it to participate in eventual proceedings. We firmly stand by the position that the country in which the convicted person is serving a prison sentence and the Mechanism do not have jurisdiction to decide on the extradition of our citizens to a third country. Furthermore, it is the responsibility of the Mechanism to ensure that prison sentences are served in a country in which conditions provide for the adequate treatment of convicted persons.

Another issue that is pending is the return of the extensive archives provided by Serbia to the ICTY or the Mechanism. We do not see any reason for the massive volumes of documentation that are no longer needed or that were never used to remain with the Mechanism and remain hopeful that the matter of the return of original documents will be dealt with, without further delay.

Regarding the claims related to the denial of crimes and glorification of war criminals, we must clearly state the position of the Republic of Serbia. With the many proceedings that it has concluded and harsh sentences that it has handed down, primarily to its citizens, for crimes committed on the territory of the former Yugoslavia, Serbia has proven its commitment to justice and accountability. On the other hand, several acquittals by the ICTY, a lack of cooperation by certain elements in the region and an evident lack of readiness to investigate horrendous crimes perpetrated against the Serbs or to try perpetrators, particularly members of the so-called Kosovo Liberation Army in Serbia's province of Kosovo and Metohija, have cast a serious shadow on the legacy of the Tribunal and the Mechanism.

We rightly expect that the Mechanism will act in accordance with its mandate in fostering regional cooperation and the provision of assistance to national jurisdictions. In that sense, we see merit in the Prosecutor's assessments, particularly with regard to the conduct of one particular neighbouring country, the Republic of Croatia, and call upon its judicial authorities to cooperate.

For its part, Serbia strongly believes that all crimes must be tried and adequately punished, regardless of the nationality of the perpetrator. It remains fully committed to a policy of reconciliation in the region,

without which there is no future, stability, economic development or normalization of relations.

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

Mr. Kayinamura (Rwanda): Allow me to join previous speakers in thanking both principals of the International Residual Mechanism for Criminal Tribunals, Judge Santana and Prosecutor Brammertz, for their usual useful briefings.

Rwanda welcomes the work done by the court and the Office of the Prosecutor in executing their mandate. Rwanda also values the good cooperation that exists between the Mechanism and the Government of Rwanda. We commend the relentless efforts of the Office of the Prosecutor in locating and arresting the remaining fugitives. Rwanda believes that the expertise and knowledge of the court should not end with the court, but rather should assist member States like my own with capacity-building and knowledge transfer, to assist our countries in hunting down the remaining fugitives. We believe that it is the responsibility of the international community to assist Rwanda in bringing to justice the remaining known fugitives and those yet to be known.

Despite having set up the international criminal tribunals, the international community was indeed reluctant — for a long time — to put pressure on countries to bring genocide perpetrators to justice. It took years before those indicted were transferred for trial and many perpetrators are yet to be brought to justice.

Given the significance of the work undertaken by the Mechanism and the Office of the Prosecutor, we highly recommend that the Security Council provide them with all the necessary support, including the financial resources needed, to fulfil their mandate. The push for a drawdown of the court should consider the gravity of the crimes handled by the court, not only the financial resources. The survivors, too, have been patiently waiting for too long for justice. Rising genocide denial and glorification of criminals are eroding the steps taken by the court, and the established jurisprudence of the court is under attack.

While the Office of the Prosecutor has viable leads on the whereabouts of some of the remaining fugitives, a major challenge remains the lack of timely and effective cooperation by Member States. Similarly, as mentioned,

Rwanda has sent out more than 1,000 indictments to 34 countries around the world, requesting their cooperation in arresting, prosecuting or transferring fugitives to face justice in Rwanda. Regrettably, only a few countries have complied.

The failure by some Member States to cooperate with the court, pursuant to Security Council resolutions, General Assembly resolutions and African Union decisions, amounts to active support for genocide fugitives in escaping justice and is, therefore, a failure of their international legal obligations.

The survivors and victims hope to see action and hear concrete proposals by the Council on how to deal with the continued problem of the failure of Member States to cooperate. The implementation of the Mechanism's mandate requires the full cooperation of Member States.

Today's briefing, like previous ones, is a reminder to the Council that the victims are still waiting for justice. They had expected to see a greater degree of justice done through cooperation among Member States. Worse, they are still tormented by genocide deniers and the glorification of war criminals. Denial is damaging to the survivors and to reconciliation. At the moment, the international community remains silent on the need to stop and punish genocide deniers. Genocide denial concerns us all because it undermines the justice that the courts have so painstakingly achieved. The first step to taking genocide denial seriously is to pass laws at national levels that criminalize genocide denial. Laws prohibiting the denial of genocide would greatly contribute to setting the record straight and reducing the chances of political leaders and opinion-makers conducting shameful discourse on genocide denial. Protecting the truth from deniers and bringing justice to the victims of the genocide is the best action the Security Council can take to prevent genocide from recurring in the future.

In conclusion, pronouncements of commitments to international law and justice are not credible unless they are matched by actions. Rwanda will continue to seek justice for the more than 1 million lives exterminated during the genocide against the Tutsis. That genocide was perpetrated by an extremist Government with the complicity of a passive international community. Instead of the genocides of the twentieth century serving as a stunning lesson to the world as one of the vilest chapters of contemporary history and helping to

prevent their recurrence, we are hearing silence. As we heard today, that is a dangerous situation for the entire world. The proliferation of hate speech, as reported by both the Office of the High Commissioner for Human Rights and the United Nations Office on Genocide Prevention, should be a wake-up call to the Council to take action to prevent and stop future genocides.

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

Mr. Šimonović (Croatia): I would like to thank Judge Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals, and congratulate her on her appointment. I thank her and Prosecutor Brammertz for their briefings today. Croatia is fully committed to complying with its obligations under resolution 1966 (2010) and will continue to support the Mechanism for the remainder of its mandate.

Let me first address the cases that are still pending before the Mechanism. In the *Stanišić and Simatović* case, we hope that the Appeals Chamber will convict Stanišić and Simatović for their participation in a joint criminal enterprise and for crimes committed in Croatia and Bosnia and Herzegovina, as requested by the Prosecutor. Considering the fact that circumstances unfortunately did not allow the world to see the end of the *Milošević* case with a final verdict against him for the brutal crimes he committed and orchestrated, it is very important for the *Stanišić and Simatović* case to end with a judgment that clearly demonstrates the involvement of Serbia's top authorities in atrocity crimes committed in Croatia and Bosnia and Herzegovina.

With regard to the importance of cooperation between Member States and the Mechanism, which is a prerogative under resolution 1966 (2010), we are compelled to once again raise the issue of the Mechanism's referral of Serbia to the Security Council for its continued failure to respect its international obligations by refusing to arrest the accused, Petar Jojić and Vjerica Radeta, for contempt of court, and by not transferring them to the Mechanism.

Croatia is committed to constructive, transparent, non-politicized and evidence-based judicial cooperation with other neighbouring States in matters related to war crimes. In that regard, we were disappointed by the factual inaccuracies and contradictions in the Mechanism's progress report, as well as the biased qualification regarding Croatia's bilateral cooperation with other mandated States. We therefore want to

stress again that meaningful cooperation is not a one-way process, and that alongside transparency and openness, standards of good practice must be upheld if States are to engage constructively when ensuring meaningful progress in cooperation. To that end, as we have already indicated during previous briefings on the Mechanism, Croatia is still waiting for Serbia's response to our invitation to a fourth and final round of negotiations on a bilateral agreement on processing war crimes. The provisions of that agreement would prevent further misuse of the instrument of legal assistance. Unfortunately, instead of concluding a bilateral agreement, Serbia started a politically motivated trial against Croatian citizens that does not comply with international legal standards.

The non-acceptance of the facts established by the Tribunals, as well as the denials of the work of the Mechanism and attempts to rewrite history, require our attention. The Government of Croatia has consistently condemned and will continue to condemn the genocide in Srebrenica and its perpetrators and enablers, in full accordance with the verdict of the International Court of Justice.

The glorification of war criminals and the denial of the crimes committed, as well as non-cooperation regarding missing persons, are unacceptable. Resolving the fate and whereabouts of the remaining 1,821 missing persons is something that Croatia will continue to pursue with the full determination it deserves. It is the lack of political will in Serbia to forward information and enable access to archives that remains the greatest obstacle to achieving that end. Finding the remains of the missing persons and determining the circumstances that led to their disappearance is a matter of both human dignity and long-overdue comfort for the victim's families, and an essential element in contributing to reconciliation. It is therefore very important, as the Mechanism transitions from an operational court to a truly residual institution, to increase awareness about the legacy of the former Tribunals. In that regard, we recognize the need to establish information and documentation centres with the support of the Mechanism.

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

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

Mr. Alkalaj (Bosnia and Herzegovina): At the outset, I would like to congratulate you, Madam, on assuming the presidency of the Security Council for this month. I want to wish you every success in performing your duties and assure you of my delegation's full support.

I would also like to congratulate Ms. Graciela Gatti Santana on her appointment as President of the International Residual Mechanism for Criminal Tribunals (IRMCT). I wish her every success in her work, whose main goal is to achieve justice for all in the international community, especially victims of war crimes. And I thank her and Mr. Serge Brammertz, the Chief Prosecutor of the Mechanism, for their comprehensive briefings today. Let me also commend Mr. Carmel Agius, the former President of the Mechanism, for his tireless work and success in leading the Mechanism for the past three and a half years.

We commend the Mechanism for having continued to make progress in its work during the reporting period. I would like to emphasize that the work of the Mechanism can be concluded only when all unfinished cases in The Hague and the region receive a rightful outcome. Therefore, the continuation of its work until such closure is achieved is of paramount importance. I would like to inform you, Madam President, that the judicial authorities in Bosnia and Herzegovina are working tirelessly on the implementation of the revised strategy for processing war crime cases. One of the required steps in implementing that strategy and strengthening the rule of law is the formation of a supervisory body for the strategy. In that vein, I would like to confirm that the Council of Ministers of Bosnia and Herzegovina is working on the formation of that important body. The implementation of the strategy will send a strong message that impunity will not and must not be allowed, regardless of the nationality and ethnic identity of either the victims or the perpetrators. That is important for reconciliation and progress in Bosnia and Herzegovina and throughout the Western Balkans.

I would also like to inform you, Madam President, that the Prosecutor's Office of Bosnia and Herzegovina, as well as the prosecutors' offices at the other, lower levels in Bosnia and Herzegovina, are taking all the necessary measures to investigate all war crimes that are still unresolved and prosecute all potential perpetrators for their personal or command responsibility. According to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Prosecutor's offices at all

levels in Bosnia and Herzegovina are working on 465 war crimes cases, involving more than 4,000 suspected persons. Also, courts at the different levels in Bosnia and Herzegovina are working on 220 unresolved war crime cases. During the reporting period, the Prosecutor's Office of Bosnia and Herzegovina filed three indictments against seven persons, while 75 cases were delegated to the other, lower levels for prosecution. The Prosecutor's Office in Bosnia and Herzegovina is still working on a total of 334 war crime investigation cases against 3,572 suspected persons. Assistance from the Office of the Prosecutor of the Mechanism remains essential for completing that work.

Let me inform Council members that the Prosecutor's Office of Bosnia and Herzegovina has registered 362 suspected or accused persons who are inaccessible to the judicial authorities of Bosnia and Herzegovina. According to the available information, 63.3 per cent of those persons are located in the Republic of Croatia, Montenegro and the Republic of Serbia, while the other persons are located in Australia, Austria, Belgium, Canada, Denmark, Germany, the Netherlands, Saudi Arabia, Türkiye and the United States of America. The Prosecutor's Office has already issued 50 warrants, and 62 additional warrants have been issued by different courts in Bosnia and Herzegovina. The judicial authorities of Bosnia and Herzegovina will work closely with Prosecutor Brammertz and those countries I just mentioned to make all suspected persons available to our judicial authorities.

Allow me to emphasize once again that, as evidenced in their reports during the period under review, the cooperation of Bosnia and Herzegovina with the International Residual Mechanism for Criminal Tribunals has been stable and complete. In that vein, we commend the regional meeting held on 10 and 11 October in Belgrade between Prosecutors from Bosnia and Herzegovina, Montenegro and Serbia with a delegation from the International Residual Mechanism for Criminal Tribunals, led by Mr. Serge Brammertz, Chief Prosecutor of the Mechanism. Good cooperation among those Prosecutors Offices was recognized in the compliments bestowed by Mr. Brammertz at the meeting; however, participants also recognized a lack of good cooperation with the judicial authorities of the Republic of Croatia. I would like to recall that the judicial authorities of Bosnia and Herzegovina have been awaiting a significant number of responses from the authorities of the Republic of Croatia for

mutual legal assistance but have not received them. In that regard, we appeal to the judicial authorities of the Republic of Croatia to take action and positively respond to the requests of Bosnia and Herzegovina for mutual legal assistance.

I would like to inform Security Council members that representatives of the International Residual Mechanism for Criminal Tribunals visited Sarajevo and had a meeting with the Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina on 1 November, at which regional cooperation and the transfer of a number of cases to and from other countries in the Western Balkans region were discussed. I would like to highlight the good and improved cooperation between the Prosecutors in the region. A memorandum of understanding on support for witnesses and victims for their participation in criminal proceedings was signed by the chief Prosecutors of the relevant countries.

I would like to emphasize the importance of education and the dissemination of judicial practice among the younger generations. In that vein, let me congratulate the Mechanism and its cooperation with the European Union and Switzerland on the implementation of the Mechanism Information Programme for Affected Communities. It is significant that more than 100 high-school history teachers participated in five workshops organized by the Mechanism on using the archives of the International Tribunal for the Former Yugoslavia and the Mechanism. Also, we would like to congratulate the President of IRMCT, Judge Gatti Santana, on her launch of the fourth cycle of the Programme's video lecture series, entitled "International Law and Facts Established before the ICTY", with the participation of postgraduate law students from 14 universities across the former Yugoslavia.

I would like to extend our gratitude to the European Union for the fourth phase of the implementation of the project of improving work on war crime cases, which started in 2021. The European Union, in that phase, invested about €4 million, improving our human resources and other capacities needed for more efficient and timelier implementation of the revised strategy for processing of war crime cases.

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, and we continue to search for, with a view to identifying, about 7,000 persons who still remain missing in Bosnia and Herzegovina. In that regard, I would like to inform Council members that the authorities of Bosnia and Herzegovina exhumed the human remains of 93 persons in 2022.

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 obligations and make their financial contributions to provide for the uninterrupted work of the Mechanism. We are fully committed to continuing to strengthen the rule of law, human rights and economic development.

The meeting rose at 12.10 p.m.