



# Security Council

Seventieth year

## 7574<sup>th</sup> meeting

Wednesday, 9 December 2015, 10.15 a.m.

New York

Provisional

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*President:* Mr. Pressman . . . . . (United States of America)

*Members:*

Angola . . . . .	Mr. Gimolieca
Chad . . . . .	Mr. Gombo
Chile . . . . .	Mr. Barros Melet
China . . . . .	Mr. Li Yongsheng
France . . . . .	Mr. Lamek
Jordan . . . . .	Mr. Hmoud
Lithuania . . . . .	Mrs. Jakubonė
Malaysia . . . . .	Mr. Ibrahim
New Zealand . . . . .	Mr. Van Bohemen
Nigeria . . . . .	Mr. Laro
Russian Federation . . . . .	Mr. Zagaynov
Spain . . . . .	Mr. Gassó Matoses
United Kingdom of Great Britain and Northern Ireland . . . . .	Ms. Mulvein
Venezuela (Bolivarian Republic of) . . . . .	Mr. Ramírez Carreño

## Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Report of the International Criminal Tribunal for Rwanda (S/2015/577)

Report of the International Tribunal for the Former Yugoslavia (S/2015/585)

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Letter dated 16 November 2015 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2015/874)

Letter dated 17 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/883)

Letter dated 17 November 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2015/884) Letter dated 20 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/896)

*The meeting was called to order at 10.15 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

#### **International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

#### **International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994**

**Report of the International Criminal Tribunal for Rwanda (S/2015/577)**

**Report of the International Tribunal for the Former Yugoslavia (S/2015/585)**

**Letter dated 16 November 2015 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2015/874)**

**Letter dated 17 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/883)**

**Letter dated 17 November 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2015/884)**

**Letter dated 20 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/896)**

**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 Carmel Agius, President of the International Tribunal for the Former Yugoslavia; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda; Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda and Prosecutor of the International Residual Mechanism for Criminal Tribunals.

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

I wish to draw the attention of Council members to documents S/2015/577 and S/2015/585, containing respectively the report of the International Criminal Tribunal for Rwanda and the report of the International Tribunal for the Former Yugoslavia.

I also wish to draw the attention of members to documents S/2015/874 and S/2015/884, containing respectively a letter dated 16 November 2015 from the President of the International Tribunal for the Former Yugoslavia and a letter dated 17 November 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

I further wish to draw the attention of Council members to documents S/2015/883 and S/2015/896, containing respectively a letter dated 17 November 2015 and a letter dated 20 November 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council.

I now give the floor to Judge Agius.

**Judge Agius:** I am deeply honoured to have been elected President of the International Tribunal for the Former Yugoslavia (ICTY) at a crucial time in its history, with the ultimate responsibility to guide its closure in 2017. In many ways, this task will be extremely challenging, but it is a challenge that I willingly accepted, having served as Vice-President for the past four years and as a Judge of the Tribunal since 2001. It is also a responsibility that has been entrusted to me by my colleagues, and I intend to accomplish it with determination and to the very best of my abilities. In this regard, I am looking forward to working closely with my colleague from China, Judge Liu Daqun, in his capacity as Vice-President of the Tribunal.

Please allow me to first pay tribute to my predecessor, President Theodor Meron, for his outstanding work during the past four years. His endeavours have been vital in preparing the Tribunal for its last biennium. In this regard, I wish to point out that the written report being presented today (see S/2015/585) reflects the work of the Tribunal over the last reporting period under President Meron's guidance. I also would like to underscore that cooperation between the Tribunal and the International Residual Mechanism for Criminal Tribunals is ongoing and will continue, in order to ensure a smooth transition of remaining functions and services to the Mechanism, in compliance with resolution 1966 (2010).

Before turning to my report on the work of the Tribunal, I wish to congratulate the United States on assuming the presidency of the Security Council. I would also like to express my gratitude to the Informal Working Group on International Tribunals, with which I had the honour to meet two days ago. In particular, I should like to recognize the exceptional leadership of Chile over the past two years. Further, I wish to recognize the invaluable support and assistance provided to the ICTY by the Office of Legal Affairs and the Legal Counsel. Finally, I wish to pay tribute to my colleague President Vagn Joensen, and to recognize the immeasurable contribution he has made to international criminal justice as President of the International Criminal Tribunal for Rwanda (ICTR), an institution that will close its doors at the end of this year.

I am pleased to report that the Tribunal has continued to make progress in completing its work. During the reporting period, four trials, involving four individuals, and three appeals, involving 10 individuals, were ongoing. One of the appeals, in the *Prosecutor v. Jovica Stanišić and Franko Simatović* case, is scheduled to be finally disposed of in a few days, on 15 December. In addition, the day before that, on 14 December, the Appeals Chamber will deliver its judgement in one of the largest appeals cases ever, the *Butare* case, which is an appeal from a judgement of the Rwanda Tribunal and will signal the end of that Tribunal's judicial work. That will leave four trials and two appeals pending before the Tribunal of which I am President.

While the Tribunal continues to make every effort to meet the targets of its completion strategy and the forecast judgement delivery dates, it has faced a number of challenges, which to my great regret have

caused delays in some cases. The specific lengths and causes of these delays are outlined in the written report that has been submitted to the Security Council in document S/2015/874.

In the trial of Mr. Goran Hadžić, on 26 October the Bench rendered a decision in which it stayed the proceedings, considering by majority that while the accused is still fit to stand trial, his health condition precludes his detention at the United Nations Detention Unit in The Hague. The decision to stay has been taken for an initial, renewable period of three months. An appeal of this decision has been lodged by the Prosecution and I will deal with it over the next couple of months. I am sure that Council members will agree with me that challenges such as the health of the accused are beyond our control and require ongoing assessment on a case-by-case basis. The health situation of Mr. Hadžić is being closely monitored.

The Tribunal continues to make significant progress notwithstanding the ongoing challenges it is facing. However, this progress has unfortunately suffered some setback in that both the *Karadžić* and the *Šešelj* trials will not be decided by the end of 2015, as had been forecast. That having been said, the drafting of the judgement in the extremely complicated *Karadžić* trial is at a very advanced stage, and the Presiding Judge has assured me that proceedings will definitely come to an end before the end of March 2016. I am also hopeful that the *Šešelj* trial will be concluded by the same date. I have the commitment of the Presiding Judge and his two colleagues that every effort will be made to observe that deadline. In particular, the Presiding Judge, on behalf of the bench, has now advised that a written judgement is planned to be delivered during the first quarter of 2016.

Further, I am pleased to report that the *Mladić* trial, and the appeals in *Prosecutor v. Mičo Stanišić and Stojan Župljanin* and *Prosecutor v. Jadranko Prlić et al.* remain on target. Regarding the *Prlić* appeal, I wish to highlight that this case is the most voluminous appeals case in the history of the Tribunal and will require not only time, but adequate uninterrupted resources. While it will certainly be a challenge to meet the projected time frame, the Appeals Chamber remains committed to completing this case by November 2017. I will make sure that, with the Security Council's help, all measures are taken in order to ensure an efficient and timely completion of the case and to prevent any slippage.

It should be noted that the responsibility for meeting a projected time line is that of the Presiding Judge of a case. Nevertheless, as President I remain in constant dialogue with the various Presiding Judges to seek to identify potential delay factors and to work towards early solutions, as far as possible. I can assure Council members that all possible measures are being implemented to prevent and address causes of potential delay that are within the control of the Tribunal. Judges and staff are working diligently to complete judicial work as rapidly as possible, while maintaining our commitment to guaranteeing procedurally just trials and appeals. It is therefore expected that the Tribunal's judicial work will be completed on time. However, while the Tribunal is currently on track, there are challenges that must be managed if the Tribunal is to meet its ultimate goal of closure in 2017. These challenges are not new and have been brought to the attention of the Security Council by my successive predecessors.

Most critically, there is the perennial and endemic problem of staff attrition. The increasingly alarming drain of experienced staff constitutes a serious threat to our efforts to complete the mandate within the projected timeline. This issue has been, and continues to be, addressed in the proceedings of the *Prlić* appeal, *Mladić* and *Šešelj* by increasing the number of staff on the teams and allowing for the possibility of promotion as a staff-retention measure. The *Šešelj* case in particular suffered continuous departures of members of the Chambers support team during the last reporting period. The team has subsequently been reinforced.

The other challenge facing the Tribunal remains that of staff morale. To ensure that staff morale is maintained as much as possible, the Registrar has developed a fair and transparent downsizing process in consultation with the Staff Union, and dialogue between staff and management is ongoing. In addition, the Registrar has implemented other measures, including the services of a career transition adviser to assist staff in transitioning to other areas of employment. Of course, it is clear that the Tribunal must continue its efforts to adopt strategies that reduce any delays in ongoing cases to a minimum; this obligation impacts both the fundamental rights of the defendants and the resources of the international community.

I wish to recall that this year was marked by the twentieth anniversary of Srebrenica and the twentieth anniversary of the Dayton Peace Accords, as well as the seventieth anniversary of the United Nations. I note also

that today is the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime. Anniversaries provide us with an opportunity to reflect on what has been achieved and to take stock of what remains to be done. Further, remembering the events of the past and paying tribute to those who suffered should strengthen our resolve to prevent such events from ever happening again. While the Tribunal is doing everything in its power to address challenges to the timely completion of its work, the obstacles it continues to face should not overshadow its enormous achievements.

The Tribunal has been at the forefront in the fight against impunity for international crimes, and it continues to serve as a symbol of the international community's commitment to ensuring accountability for grave crimes, such as those committed in the former Yugoslavia, and to the laudable aim of preventing such crimes from being committed again in future. It is also important not to forget the pivotal role that the Tribunal has played, and continues to play, both in setting global standards for international criminal law and justice and in helping strengthen the rule of law at the local level. In this respect, critical to the broader success of the Tribunal is an understanding of its work by the broader international community and in particular by the countries of the former Yugoslavia.

I wish also to thank the European Union for its generous funding in support of the outreach projects in the region, which are a vital tool we have to ensure that the legacy of the Tribunal remains a priority. We indeed have a responsibility towards the legacy that we will leave behind. We also have a responsibility towards victims and their families.

Despite the serious challenges that the Tribunal is facing, we stand committed with the Security Council to ensuring the efficient and orderly closure of this institution by the end of 2017. We are now at a crucial moment in the Tribunal's history. I believe that the Security Council and the Tribunal share the same goals and aspirations, namely, to bring to a successful conclusion this first big experiment in international criminal justice after the Second World War. With the support and encouragement of the States Members of the United Nations, the ICTY, under my leadership, will strive to make all of the progress required in order to fulfil its mandate and will continue to serve as the concrete manifestation of a commitment to ending impunity.

**The President:** I now give the floor to Judge Joensen.

**Judge Joensen:** I would like to begin by extending my sincere congratulations to the representative of the United States of America, who is presiding over the Security Council in December, as well as the representatives of Japan, Egypt, Ukraine, Senegal and Uruguay for their nations' election to the Security Council beginning in January 2016. I wish them all the best for a successful tour of duty.

I would also like to express the gratitude of the entire Tribunal to the representatives of Chad, Chile, Jordan, Lithuania and Nigeria for their nations' service to the Security Council as they near the completion of their terms, and to express also my sincere appreciation to His Excellency Ambassador Cristián Barros Melet and his team for Chile's effective and smooth management of the Informal Working Group on International Tribunals, which has been instrumental in facilitating the cooperation between the international tribunals and the members of the Security Council.

Now, after 21 years of the International Criminal Tribunal for Rwanda (ICTR) bringing those most responsible for the genocide in Rwanda to justice, it is my distinct honour and privilege to stand before the Council today and provide the Council with an update on the Tribunal's impending closure and to speak about some of the milestones that the Tribunal has achieved over the past two decades.

I am proud to report that on Monday, 14 December, the Tribunal will deliver its forty-fifth and final judgement on appeal in the *Nyiramasuhuko et al.* ("*Butare*") case involving six accused. The rendering of this judgement represents, therefore, the culmination of more than 21 years of judicial work by both the Trial and Appeals Chambers and marks the completion of the Tribunal's core judicial functions. With the completion of this case, the ICTR will formally close its doors on 31 December 2015, and only liquidation activities will remain to be completed during the first half of 2016. In so doing, the ICTR will become the first ad hoc international criminal tribunal to complete its mandate and hand its remaining functions over to its residual mechanism, the International Residual Mechanism for Criminal Tribunals.

The Tribunal's final report to the Security Council provides an overview of the work of the ICTR, work that included 5,800 days of proceedings in which the ICTR brought indictments against 93 individuals, issued

55 first-instance judgements and 45 appeal judgements and heard the powerful accounts of more than 3,000 witnesses who bravely recounted some of the most traumatic events imaginable during ICTR trials.

From the beginning of the Tribunal's establishment by the Council, the judges of the ICTR were cognizant of the importance of their role in developing international legal concepts and providing a model for domestic judiciaries by codifying numerous facets of international criminal law and international humanitarian law that, at the time of the Tribunal's establishment, were either undeveloped or non-existent. The seminal judgement in the *Akayesu* case represented the beginning of this very task, as the Tribunal issued the first judgement by an international court on the crime of genocide and became the first international court to interpret the definition of genocide set forth in the Genocide Convention of 1948. The judgement further provided the first acknowledgment by an international court that genocide against the Tutsi had occurred in Rwanda in 1994, which was subsequently treated by the Tribunal as a fact of common knowledge that could not be disputed.

Between its first and last judgement, in *Akayesu* and *Butare*, the Tribunal has issued many novel judgements that have significantly impacted the evolution of international law, including the first conviction for rape and sexual violence as a form of genocide and the first judgement against a Head of Government since the Nuremburg and Tokyo Tribunals. Furthermore, by strengthening the jurisprudence on sexual violence crimes through the extended form of joint criminal enterprise and by holding those in power accountable, the ICTR has issued judgements that serve as powerful deterrents to those who might commit similar crimes in the future while also sending a clear message to the international community that all those who commit genocide or other atrocities, regardless of their position, will no longer go unpunished.

Those milestones are but a few of the key jurisprudential contributions that the Tribunal has made to international justice. However, none would have been possible without the efforts of all the Tribunal's judges and staff, who have faithfully served at different periods over the past 21 years. I would therefore like to acknowledge and thank the Prosecutor, Mr. Hassan Bubacar Jallow, and the Registrar, Mr. Bongani Majola, and all of the Tribunal's former Presidents, Judges, Prosecutors and Registrars, for the indispensable work they have done to ensure that when the Tribunal closes

its doors, at the end of year, it does so with a completed mandate in hand.

I would also like to take this opportunity to express a special note of appreciation to the Legal Counsel, Mr. Miguel de Serpa Soares; the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias; and the staff of the Office of the Legal Counsel for all of the support they have provided to my Office and to the Tribunal as a whole. In addition, I would like to underscore that the Tribunal would not have been able to complete its mandate successfully without the assistance of the Government of the Republic of Rwanda. In that regard, I would like to inform the Council of a recent delegation, which included myself as President, the Prosecutor and the Registrar, which travelled to Rwanda last month to thank its Government for the tremendous support and cooperation it has provided to the Tribunal over the years. Without the support from the Rwandan Government, it would have been impossible to conduct investigations and obtain evidence of the atrocities committed during the genocide, or bring to trial those indicted by the Tribunal.

Further, the evolution of the Tribunal's referral programme, which culminated in the transfer of eight cases from the ICTR to Rwanda, represents a significant part of the Tribunal's legacy, as it has not only strengthened the relationship between the ICTR and Rwanda but has led to substantive and procedural reforms to the Rwandan judiciary, including the abolition of the death penalty, which were all aimed at meeting international fair trial standards. The Tribunal's referral programme as a whole has provided the international community with a model on how an international criminal court can cooperate with national authorities to rebuild justice sectors in conflict and post-conflict environments.

The Tribunal also owes a true debt of gratitude to its gracious host for the past 21 years, the United Republic of Tanzania. Since the Security Council determined that the Tribunal would have its seat in Arusha, Tanzania, the ICTR has enjoyed unwavering support from the Government of Tanzania, which has provided assistance in countless areas, including assistance related to security, the transfer of witnesses, the Tribunal's Detention Unit and, more generally, the Tribunal's capacity-building and outreach programmes. With the addition of the African Court on Human and Peoples' Rights, the East African Court of Justice and the Mechanism, Tanzania continues to act as a hub

for international law and a beacon for the continued development of international justice throughout Africa.

As I have done in the past, I would now like to briefly update the Council on the progress being made with respect to the issue of reparations for victims of the 1994 genocide in Rwanda. As I explained in my previous briefing to the Security Council (see S/PV.7332), the International Organization for Migration has completed and submitted a draft assessment study to the Government of Rwanda. The assessment study identifies options for reparations for victims and survivors and describes in concrete and operational terms how those options can be developed and implemented in Rwanda, as well as how those programmes may be funded. The final report of the study will be issued in due course, and thereafter transmitted to the relevant stakeholders, and follow-up activities will be planned.

Turning to another important issue, that of relocating the acquitted and convicted released persons still residing in Arusha, I wish to inform the Council that my Office and the Office of the Registrar will continue to provide the Mechanism, which has already assumed responsibility for that function, with all possible support until the end of the year. I believe that the issue remains a serious challenge to the credibility of international criminal justice, and I shall call once again for urgent assistance from the Security Council to find a sustainable solution to a problem that continues to result in acquitted and convicted released persons, some of whom have remained in a safe house in Arusha for over a decade, without a place to call home.

With respect to the transition to the Mechanism, I am proud to report that the Mechanism's reliance on the ICTR for administrative and other services continues to be significantly reduced. The Tribunal has to date already transferred the human resources, travel, procurement and about 80 per cent of its finance functions to the Mechanism. All remaining administrative functions will be transferred by the end of the year.

With respect to the Tribunal's archives, the ICTR continues to ensure that records are prepared in a manner that will facilitate their effective management after being transferred to the Mechanism, and I am happy to report that the Tribunal has transferred 80 per cent of its records to Mechanism. Judicial records relating to the *Butare* case have been separated for

transfer following the upcoming appeal judgement, and the Tribunal remains hopeful that the remaining transfer of its records will be completed upon closure.

As I speak before the Council today, less than one month before the formal closure of the ICTR, it is hard not to reflect on the legacy of the Tribunal and what it will leave behind for posterity. In that regard, events marking the closure of the Tribunal were held last week, which included the inauguration of a new Peace Park in Arusha in memory of the victims and survivors of the Rwandan genocide and in honour of the work of the ICTR, and a main closing ceremony. During those events, representatives from Members States, along with representatives from other international and domestic courts, Government officials and scholars from across the world, came together to discuss the ICTR's contribution to peace and reconciliation in the Great Lakes region, not only through justice but also through the capacity-building and outreach programmes it created over the years.

By complementing the Tribunal's core judicial work with other programmes, especially those conducted in Rwanda, such as the implementation of genocide-awareness-raising campaigns, workshops and trainings focused on strengthening the capacity of the Rwandan judiciary and the creation of the *Umusanzu mu Bwiyunge* Information Centre, in Kigali, as well as 10 additional provincial centres across Rwanda, the Tribunal was able to bridge the gap between the Tribunal and the Rwandan population and ensure that justice was not only done but also, perhaps equally important, was seen to be done by those directly affected by the genocide.

In our final month of operation, the Tribunal continues to ensure that the knowledge gained and lessons learned throughout its existence are not only passed on to its successor, the Mechanism, but are also shared with other national and international jurisdictions. Through the Prosecutor's development of best practices and lessons-learned manuals, including manuals on the prosecution of sexual and gender-based violence, on the referral of international criminal cases to national jurisdictions and on the tracking and arrest of fugitives from international justice, and by the Tribunal's sharing of expertise on criminal justice with countries and judiciaries throughout Africa and beyond, the Tribunal has directly strengthened the capacity of national criminal justice systems to effectively prosecute international crimes and ensured that the

Tribunal's work will continue to help future triers of international crimes long after the closure of the ICTR.

As this marks my final appearance before the Security Council as President of the ICTR, I would like to thank once more all those who have supported the work of the Tribunal and to express my sincere hope that, as the ICTR closes its doors, part of its legacy will be the tremendous potential to dispense justice held by the Council. The success of the Tribunal is a success for the Council as it highlights the possibilities for justice to address conflicts and fight impunity and to provide at least some comfort to the victims of heinous crimes. The ICTR has proved that it is possible. It has been my honour and privilege to serve in that endeavour.

**The President:** I thank Judge Joensen for his briefing and congratulate him.

I now give the floor to Judge Meron.

**Judge Meron:** It is an honour to appear before the Council once again to report on the work of the International Residual Mechanism for Criminal Tribunals.

Before I proceed with my remarks, I would like to offer my congratulations to the United States on its assumption of the presidency of the Security Council. I also wish to express my gratitude to the Security Council's Informal Working Group on International Tribunals and to offer my particular thanks to the delegation of Chile for its superb leadership of the Group.

As always, I must also underscore my deep appreciation for the assistance provided to the Mechanism by the Office of Legal Affairs, in particular by the Legal Counsel himself, Mr. Miguel de Serpa Soares, and the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias. Their support and the support of their whole team continue to be invaluable to the Mechanism and its continued success.

Finally, I wish to note that I appear before the Council today along with two of my friends and colleagues, President Vagn Joensen of the International Criminal Tribunal for Rwanda (ICTR) and President Carmel Agius of the International Tribunal for the Former Yugoslavia (ICTY). This is a historic day for both of them and for the Tribunals they represent. President Joensen has presented the final report (S/2015/577) to the Council on behalf of the ICTR, and I wish to commend him for the integrity and dedication



with which he has led that Court since 2012. President Agius, meanwhile, is appearing before the Council for the first time as the President of the ICTY. It has been my great pleasure to work with him closely over the past four years when he was Vice-President of the ICTY, and I wish him every success as he steers the ICTY towards the completion of its own vital remaining tasks in these, the final years of the Tribunal.

As the six-month report (see S/2015/883) recently submitted by the Mechanism makes clear, the Mechanism continues to carry out the mandate entrusted to it and to do so in a manner that reflects a commitment to the highest possible standards as well as to the Council's vision of a small, efficient and economical institution. Since I last appeared before the Council (see S/PV.7455), the Mechanism's Judges have issued a great number of judicial orders and decisions, addressing everything from the enforcement of sentences to requests for the review of judgements to applications for the variation of protective measures granted to vulnerable witnesses and victims. At the same time, all three organs of the Mechanism have continued preparations at the working level for the historic appeals that are anticipated to begin in spring 2016 as well as for the trials of the remaining fugitives indicted by the ICTR whose cases are the responsibility of the Mechanism.

During the past six months, work on the legal and regulatory framework of the Mechanism has also progressed, and a number of new policies and other regulatory instruments addressing matters ranging from legal aid to access to archives are expected in the coming months. The Mechanism has also continued to monitor proceedings referred for trial in Rwanda and France and to receive and respond to requests for assistance in relation to proceedings in national courts. The Mechanism has also continued to supervise the enforcement of sentences in a number of States on two continents and remains very appreciative of the commitment and cooperation of those enforcing States.

During the reporting period, important advances have been made at both branches in terms of the preparation and transfer of records from the Tribunals to the Mechanism with the great majority of ICTR records of long-term or permanent value now in the custody of the Mechanism. At the same time, the Mechanism has continued to take a number of steps, both large and small, to facilitate greater access to the records entrusted to it.

At the Arusha branch, the past six months have been particularly busy as the Mechanism has increasingly assumed responsibility for the remaining functions and obligations of the ICTR, including responsibility for the United Nations Detention Unit in anticipation of the closure of the ICTR at the end of 2015. A number of ICTY administrative sections have worked together with staff at the Mechanism and the ICTR to ensure that all contractual arrangements and structures are in place at the Mechanism's Arusha branch to ensure the uninterrupted provision of administrative services following the closure of the ICTR. Progress has continued on the construction of the permanent premises in Arusha for the Mechanism. We are very grateful for the generous support of the Government of Tanzania and the invaluable assistance of various offices of the United Nations Secretariat in connection with the project. All of this, I should note, has been accomplished at the same time that the Mechanism, together with a number of other departments and offices throughout the United Nations, have undergone the labour-intensive process of transitioning to Umoja.

While the reporting period has been a productive one, the Mechanism continues to face certain challenges — challenges of which I have spoken before. When the Mechanism opened its doors in Arusha on 1 July 2012, there were nine individuals indicted by the ICTR who had yet to be arrested and brought to trial. Thanks to Prosecutor Jallow's considerable efforts, we have some news to report today on which the Prosecutor will brief the Council in a few moments. While the Mechanism's own fugitive-tracking activities continue, the involvement and commitment of Member States is essential if we are to ensure that the fugitives are apprehended. And ensure that we must. The Council's continued attention to the issue is vital and very much appreciated.

The second challenge facing the Mechanism involves the resettlement of the small number of persons acquitted by the ICTR or who have completed the sentences imposed by that Tribunal. The Mechanism continues to seek ways to promote resettlement, but, as is true with the fugitives, we are dependent on the involvement of the international community to solve the humanitarian challenge posed by the issue. The challenge is, in many respects, a challenge to and for international justice itself.

Before concluding my remarks, I wish to take note that, pursuant to the statement (S/PRST/2015/21) by

the President of the Security Council of 16 November, the Mechanism has submitted a report in connection with the review of its work in the initial period of its operations and provided additional information to facilitate this important review process. I am most grateful for the attention that you, Mr. President, and your colleagues are giving to the review of the work of the Mechanism. The Mechanism stands ready to offer any further information or assistance that may be of use to the Council in connection with the completion of the review by 21 December, as called for by the presidential statement.

The Mechanism has accomplished much over the course of the initial period of its operations and, indeed, in just the last six months as well. While much important work remains to be done, including the completion of those trials and appeals that are expected to come within the jurisdiction of the Mechanism, the Mechanism is prepared to carry out this work efficiently, while respecting the entire panoply of fair-trial rights.

As the initial period of its operations draws to its close — a period in which the Mechanism has benefited greatly from the support of, and coexistence with, the ICTY and the ICTR — the Mechanism is increasingly standing on its own as a separate institution, an institution that learns from the lessons of its predecessors and fulfils its obligations and its mandate both economically and effectively.

The Mechanism's success in that regard depends to a great deal on effective management focused on seeking out new, principled ways to ensure economy and efficiency and that takes full advantage of the Mechanism's novel structure and legal framework. For instance, the statute already provides for single judges — rather than full trial chambers, as was the case with the ICTR and the ICTY — to address most matters at first instance. But even where the statute calls for the assignment of a multi-judge panel, significant savings as compared with the ICTR and the ICTY may be achieved as a result of pre-trial and pre-appeal judges carrying out much of the preparatory work for cases, with the full bench involved only if and as necessary and in those situations remunerated only for the days of work conducted. Such work by the full bench would also be conducted remotely unless the bench's presence is required at one of the seats of the Mechanism.

I wish to assure the Council that my fellow principals and I continue to invest all of our energies

and focus in helping to ensure that the Mechanism lives up to its promise and is truly a model of what an international judicial institution should be. In doing so, the Mechanism will not only be a credit to the United Nations and to the Council. The Mechanism will also — like the ICTR and the ICTY before it — serve as a vital and continued embodiment of the international community's dedication to the fight against impunity.

In a world where armed conflicts still rage on continent upon continent, where atrocities against civilians continue unabated and where international humanitarian law can still be violated with impunity—in this world, we must not underestimate the need for, and the importance of, such symbols of our shared and continued commitment to principled accountability, to international law and to respect for the rule of law. We must not underestimate the value of institutions such as the Mechanism that demonstrate that respect for the rule of law must be paramount, that we cannot and shall not tolerate impunity for serious violations of international law, and that justice can be delivered efficiently and economically, yet in accordance with the highest possible standards. And it is perhaps all the more important now, as we despair at the indescribable violence and violations that continue to be committed in conflicts around the globe, that the Council take all possible steps to ensure that the important tools at its disposal in the fight against impunity, like the Mechanism, realize their full potential.

**The President:** I thank Judge Meron for his briefing.

I now give the floor to Mr. Brammertz.

**Mr. Brammertz:** I thank Council members for the opportunity to again address them on the Office of the Prosecutor's progress in completing its mandate.

In this reporting period, we continued to make every effort to complete our work on the Tribunal's final trials and appeals. As the President already mentioned, four final trials and three appeals are ongoing. My Office is awaiting the issuance of trial judgements in two trials, those of *Karadžić* and *Šešelj*. On the *Mladić* case, we remain very focused on responding to the evidence presented by the defence and, in the *Hadžić* case, my Office is exploring all reasonable options to make possible the completion of that trial.

In relation to appeals, during the reporting period my Office presented its oral arguments in the *Stanišić* and *Simatović* case, and we note the scheduled delivery of the appeal judgement in that case next week. Next

week we will also present our oral arguments in the *Stanišić and Župljanin* case. And finally, the *Prlić et al.* appeal is now fully briefed and we await the scheduling of the oral arguments.

Attrition remains a persistent challenge. During the reporting period, many of our Appeals Division staff were recruited by the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals. Also, we have seen significant attrition over the past few months in the *Mladić* trial team. Nonetheless, my Office is overcoming those and other challenges. We have continued to downsize, abolishing 50 per cent of our posts since January 2014. By improving the efficiency of our operations and flexibly managing our staff resources, we have ensured that attrition does not delay the completion of our work. In the final phase of our mandate, we will increasingly look to the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals for support through double-hatting and other cost-efficient arrangements, just as we supported the Mechanism in its start-up phase.

The countries of the former Yugoslavia continue to cooperate with my Office and to respond as required to our requests for assistance. Even at this late stage in the Tribunal's mandate, State cooperation remains essential to enable the completion of our work on schedule. I therefore trust that, with regard to the contempt case made public last week, Serbia will continue its recent record of full cooperation and appropriately execute the Tribunal's arrest warrants.

With regard to the category II cases that my Office transferred to national prosecutors, my previous reports noted our significant concerns about delays by the Prosecutor's Office of Bosnia and Herzegovina in processing those cases. During my mission to Sarajevo in May, the Chief Prosecutor gave me his assurances that prosecutorial decisions would be taken by the end of the year in all remaining category II cases. I am pleased to report that, in large measure, that pledge has been honoured. While a few cases may not be finalized until early next year, it is clear that over the last six months the Prosecutor's Office redoubled its efforts and redeployed significant resources to the cases transferred by my Office a few years ago.

Throughout the region, however, there continue to be a number of concerns. Progress in national war crimes cases is uneven and still fragile.

In Bosnia and Herzegovina, the Prosecutor's Office has reported that it filed a significant number of indictments in the past few years. That is the positive news. My Office welcomes these results, but also notes that the targets established in the National War Crimes Strategy will not be met by a significant margin. My Office encourages the Prosecutor's Office in Bosnia and Herzegovina to dedicate its efforts to prosecuting the most complex and highest-priority cases, in accordance with the National War Crimes Strategy. In addition, cooperation between prosecutors' offices at the state, entity, district and cantonal levels remains problematic, and there is general consensus that the justice sector is not yet meeting the public's expectations.

In Serbia, important results continue to be achieved, including in regional cooperation and the exhumation of mass graves. My report (S/2015/874, annex II) emphasizes that the accountability process in Serbia is at a critical crossroads. Further progress in Serbia will require strong political commitment. In this regard, the fact that last week senior Government ministers escorted and welcomed a convicted war criminal, General Vladimir Lazarević, back to Serbia upon his release sends absolutely the wrong signal.

In Croatia, there was an important development in regional cooperation with the transfer of one Category II case from Bosnia and Herzegovina to Croatian authorities. In addition, Croatian authorities last week began exhumations of a mass grave believed to contain the remains of Croatian Serbs killed during Operation Storm. The Croatian judiciary now has the important opportunity to visibly demonstrate that the accountability process continues in an independent and impartial manner.

While recognizing the progress that has been made, it is clear that throughout the former Yugoslavia, more accountability can and should be achieved. Victims from every group are dissatisfied that investigations of many notorious incidents remain unresolved after so many years. While those who directly committed crimes are being brought to trial, impunity remains the rule for senior and mid-level leaders who planned, ordered and facilitated the crimes. Regional cooperation continues to face many challenges, and in some respects has even regressed. These challenges can be addressed with political will and appropriate technical assistance. Within existing resources, my Office will continue to support national judiciaries in achieving

fuller accountability, as we have since the completion strategy was adopted.

Missing persons from all sides of the conflict must be found and identified. Enormous progress has been made, thanks to the work of organizations like the International Commission on Missing Persons, but far too many families still do not know the fate of their loved ones. During my mission to Sarajevo a few weeks ago, I met with national authorities responsible for missing persons and their international partners. They were unanimous in their opinion that if further meaningful progress is to be achieved, those who know where mass graves and other burial sites are located must be encouraged to come forward. Yet today in many parts of society, war criminals are still glorified, and people providing information about missing persons risk being branded traitors and exposed to possible retribution. My Office therefore calls upon all States of the region to undertake prominent public-awareness campaigns encouraging witnesses, including perpetrators of the crimes and their associates, to come forward with information about missing persons.

As the end of our mandate approaches, my Office has a limited window of opportunity to distil our key operational insights and make them available to others in the future. We believe this is critical in order to maximize the value of investments in our work and strengthen future prosecutions by other courts. As a first contribution, my Office has now completed a detailed assessment of our work on prosecuting conflict-related sexual violence crimes, which will be published in April next year. We have taken an honest look at the challenges we faced, the strategies we adopted, the results we achieved and the things we could have done much better. We have crafted the publication to be a practical resource for other prosecutors grappling with similar challenges.

In conclusion, the foremost objective of my Office is completing our remaining cases, in accordance with the completion strategy. We will continue downsizing staff and significantly reducing expenditures. We will also continue to support and build capacity in national criminal justice sectors prosecuting war crimes in the Western Balkans. I firmly believe that as a result of the Council's leadership, the former Yugoslavia is today one of the most successful examples of complementarity in international criminal justice.

Yet the completion strategy is not simply a matter of winding down operations and transitioning our

responsibilities to national courts. At the Tribunal, our final cases are among the most important we have undertaken. It is anticipated that, in a few months, the trial judgement will be delivered in the case against Radovan Karadžić, former President of the Republika Srpska. The significance of this moment should not be overlooked.

While in accordance with the mandate given by the Security Council, my Office brought many prosecutions against military and civilian leaders from all parties to the conflicts, the *Karadžić* and *Mladić* trials perhaps best exemplify why the Tribunal was created, as well as the many challenges we have had to overcome. For that reason, their successful completion will be an unmistakable demonstration of the commitment shown by the Council, the United Nations and its Member States to international peace, security and justice.

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

I now give the floor to Mr. Jallow.

**Mr. Jallow:** I am pleased to present once more to the Security Council my six-monthly report (S/2015/883, annex II) and assessment on the work of the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals and for the last time in respect of the International Criminal Tribunal for Rwanda (ICTR). Permit me to begin with the Residual Mechanism.

With the imminent closure of the ICTR, the Office of the Prosecutor of the Mechanism has taken over the functions of the Office of the Prosecutor of the ICTR and continues to do so gradually in respect of the International Tribunal for the Former Yugoslavia (ICTY). Activities have been intensified on tracking the three fugitives earmarked for trial by the Mechanism. We are deploying considerable efforts to secure their arrest and trial before the Mechanism or in Rwanda, as appropriate. In this respect, I am pleased to inform the Council that Ladislav Ntaganzwa, one of the six indictees whose cases have been referred by the ICTR to Rwanda for trial, has been arrested in the past 24 hours and is currently in the custody of the Democratic Republic of the Congo police. Ntaganzwa, the former mayor of Nyakizu commune in Butare, was indicted on charges of genocide and crimes against humanity in respect of the killings of thousands of Tutsi in the parish of Cyahinda in Butare, of having ordered the rape of several women, and of inciting the killings of Tutsi.

We wish to thank the authorities of the Democratic Republic of the Congo and several other countries for their cooperation in this particular operation, and at the same time urge the Democratic Republic of the Congo to make the necessary arrangements to ensure the transfer of the accused to Rwanda for trial without delay, in accordance with the order of the referral chamber of the ICTR. The Council is requested to urge all States to cooperate fully in the arrest and transfer of the remaining eight fugitives. That is absolutely essential to supplement our internal measures in tracking if these are to yield dividends.

With regard to judicial activities, there has recently been a significant increase in motion practice in the Mechanism. In the past six months alone since June, both the Arusha branch and The Hague branch have been engaged in litigation in 23 cases. As the Tribunals have downsized, the staff of the Mechanism have increasingly been called upon to multi-task in order to maximize the use of the resources of the Prosecutor's Office, provide for greater flexibility, and fulfil the mandate of the Mechanism in respect of both its core and ad hoc functions. We have also adopted other strategies to maximize efficiency, including by delaying recruitments in order to adapt to changes in the ICTY trial schedule. With the staff now in place in The Hague — 10 continuous posts and 26 ad hoc staff members — intense preparations are already under way for possible appeals in the cases of Vojislav Šešelj, Radovan Karadžić and Goran Hadžić in the months ahead.

Assistance to national jurisdictions continues to be an important part of the work of the Mechanism Office of the Prosecutor. In the past six months, we have handled some 135 requests for assistance from eight Member States and international organizations, bringing the total of requests over the past 12 months to 343. That represents a significant workload, which, I am pleased to report, the Mechanism Office of the Prosecutor continues to manage efficiently, through the multitasking of staff, as well as other measures. In that regard, I have promulgated several guidelines and protocols in order to streamline procedures regarding the provision of assistance to national jurisdictions.

The Mechanism Office of the Prosecutor has also now taken over the bulk of investigation and prosecution records and material from the ICTR Office of the Prosecutor. The remaining items are scheduled to be transferred after the delivery of the *Butare*

judgement on 14 December and will complete the transfer of all ICTR Office of the Prosecutor records to the Arusha branch of the Mechanism. The ICTR evidence collection database, the shared network drives and equipment, as well as the vault containing the physical evidence of the ICTR Office of the Prosecutor have now been fully transferred to and are managed by the Office of the Prosecutor of the Arusha branch. The Hague branch continues to work with the ICTY Office of the Prosecutor to prepare for a gradual handover of the ICTY records to the Mechanism in tandem with the completion programme of the ICTY.

The Mechanism is also monitoring the cases transferred by the ICTR to Rwanda and France. The investigation phase of the *Munyeshyaka* case in France has now been concluded and, following the dismissal of the case by the *juge d'instruction*, as recommended by the French Prosecutor on 5 October, the case is now on appeal in France. The *Bucyibaruta* case, also before an investigating judge in France, is expected — I am advised — to be completed by the first quarter of 2016 with trial, if any, anticipated to commence by the end of 2016, in which case a final decision is not likely before mid-2017. The *Uwinkindi* case in Rwanda, following closing arguments in November, is now scheduled for judgement in December, whereas the *Munyagishari* case is scheduled for 7 January 2016 for commencement of trial.

Permit me to now turn to the ICTR. Just over a week ago, on 1 December, the ICTR held its official closing ceremony in Arusha to mark the conclusion — save for the judgement in the *Butare* case — of its work and mandate. We are expecting the judgement in the *Butare* case to be delivered on 14 December. It has been a long and challenging journey for all involved in ensuring accountability for the crimes committed in Rwanda in 1994 and in bringing justice to the community subjected to one of the most horrendous humanitarian tragedies of modern times.

The case statistics are fully set out in the report (see S/2015/884) before the Council, as well as the overview of the execution of our mandate, and I need not repeat those details. Through those cases the Tribunal has established, in a fair and transparent judicial process, the account of what transpired in Rwanda in 1994. It has held to account those who committed serious violations of international humanitarian law. It has contributed significantly in the development of the jurisprudence and of good practices in the investigation

and prosecution of international crimes. The work of the ICTR, including its jurisprudence, practices and procedures, provides, I believe, some significant lessons, learned from the challenges that we faced in trying to respond to them, for national courts and international tribunals in carrying forward the task of the investigation and prosecution of international crimes. The documentation of such lessons and practices, which has already commenced in the closing years of the ICTR, should be continued by others for the benefit of future generations.

A debt of gratitude is owed to the many whose support has been indispensable and critical to the execution of the ICTR mandate. The Security Council, the Secretary-General, the Secretariat — particularly the Office of Legal Affairs and its leadership — and the other organs and States Members of the United Nations for their cooperation in tracking and arresting fugitives and in all the other aspects of our operations; the Government and people of Rwanda, whose support and cooperation have been critical in assisting our investigations, in accessing witnesses and other evidence and in the implementation of our strategy for referral of cases to national jurisdictions; the Government and people of Tanzania, who have been our gracious hosts for over two decades; the thousands of witnesses — for both the prosecution and the defence — who have had to travel to Arusha to testify and have recounted and relived their often traumatic experiences in order to provide the Court with the relevant evidence; the entire staff of the Tribunal, in the Chambers, the Registry and the Office of the Prosecutor, including the judges, who have all given the best of their time and skills with dedication and commitment.

I pay particular tribute to my predecessors, Prosecutors Richard Goldstone, Louise Arbor and Carla del Ponte, each of whom made a lasting and valuable contribution to the work of the Office of the Prosecutor and of the Tribunal; President Vagn Joensen, Registrar Majola and their predecessors; and also, of course, our colleagues for the defence, who are an indispensable element of any fair judicial process. For in the end, the legacy of a judicial process is perhaps determined more by its fairness than by its jurisprudence or statistics.

Much has been accomplished in bringing justice to the victims and the survivors and in bringing accountability to the perpetrators of the genocide, but work still remains to be done. Current gaps in impunity need to be closed with proper accountability.

Member States need to give maximum cooperation to the Mechanism to secure the arrest and trial of the remaining eight fugitives. Hundreds of other suspected *génocidaires* must be tried in their countries of refuge or be extradited to Rwanda for trial. The acquitted and released persons currently under the Mechanism in Arusha need to be relocated to where they can resume their lives. The closure of the ICTR, the first ad hoc tribunal of its kind to complete its work, is a momentous event. But it is merely the end of a chapter. The global struggle for justice and accountability must continue and must be intensified, building on the legacies of the ICTR, the ICTY and, indeed, of the hybrid tribunals.

Finally, I would like to place on record my appreciation to the Security Council and to the Secretary-General for having given me the opportunity to serve as Prosecutor of the ICTR, and in that way, to take leadership of the investigation and prosecution process at the peak of the Tribunal's workload, during the implementation of the completion strategy, and through the transition phase as we establish the Residual Mechanism. I am indeed immensely grateful to everyone for that honour.

**The President:** I thank Mr. Jallow for his briefing.

I shall now give the floor to the members of the Council.

**Mr. Barros Melet (Chile)** (*spoke in Spanish*): We are grateful for the comprehensive briefings on the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and on the International Residual Mechanism for Criminal Tribunals in connection with the completion strategies for the Tribunals, in compliance with resolutions 1534 (2004) and 1966 (2010). We take this opportunity to welcome President Agius, who succeeds President Meron at the International Tribunal for the Former Yugoslavia, to whom we reiterate our appreciation and gratitude.

My delegation acknowledges the significant progress described in the most recent reports, without losing sight of the challenges that still remain in the final phase of work, especially in the case of the Tribunal for the Former Yugoslavia, the closure of which is planned for 2017. On that account, we appreciate the firm commitment of the judges and of Prosecutor Brammertz in sparing no effort to comply with the deadlines indicated in the respective resolutions. For that reason, we also support the extension of their

appointments in line with their requests. Nevertheless, we remain convinced that both the cooperation of certain State actors with regard to the provisions of the statute of the Tribunal, as well as the support of the international community as a whole, particularly the Security Council, continue to be crucial if we are to achieve the full completion of the respective mandates in the effort to end impunity.

We would like to commend in particular the International Criminal Tribunal for Rwanda, and Judge Vagn Joensen, for having carried out their completion strategy this year, a symbolic ceremony for which took place 1 December in Arusha, reminding us of the tragic events of 1994. The work done by that Tribunal constitutes a historic milestone of which we are proud to be a part, and its legacy will not only serve in the successful completion of the mandate of the International Tribunal for the Former Yugoslavia and the Mechanism, but will also be useful for the design and implementation of any new tribunals that may be established in future. The rich experience and jurisprudence accumulated, the development and maintenance of the archives, as well as the invaluable task of capacity-building undertaken throughout the region linked to the work of the Tribunal have paved the way towards a new era in the development of international criminal justice. Once again, we express our satisfaction and extend our gratitude to all those involved throughout the decades in the International Criminal Tribunal for Rwanda. We remain confident in the Mechanism's ability continue the remaining work assigned to it.

We also appreciate the recent completion of the report of the International Organization for Migration on the study prepared for the Government of Rwanda on reparations for the victims of the genocide. We look forward to its timely publication and to the planning of follow-up activities aimed at the prompt implementation of that important project.

My country recognizes the significant contribution made by the Mechanism under President Meron and Prosecutor Jallow, and would like to reiterate our positive assessment of the work done to date in the framework of the recently launched review process in accordance with presidential statement S/PRST/2015/21, adopted on 16 November.

The question of those that have been sentenced and yet remain at large, as well as the issue of the relocation

of persons that have been acquitted and released yet remain in Arusha, deserve our collective concern and focus as the Council, with a view to reaching a solution. International cooperation, which has found tangible expression in the mechanisms intended to facilitate the dispensation of justice, is indispensable going forward and should be intensified in both cases to ensure accountability.

As Chair of the Informal Working Group on International Tribunals, Chile would once again like to express its commitment to the work of the Tribunals and the Mechanism. As we approach the end of our two-year chairmanship, we reiterate that cooperation with its completion strategy is one of the most direct ways in which the Council can contribute to international justice in situations of crimes against humanity.

Echoing the content of the reports, we would like to conclude by expressing our gratitude to all who have contributed to the functioning of the Tribunals, including each member of the staff. We would like to pay special tribute to the ongoing support of the Office of the Under-Secretary-General for Legal Affairs. These Tribunals are, in the end, the way forward to strengthen the rule of law, peace and justice — an aspiration that we all share.

**Mr. Gombo** (Chad) (*spoke in French*): First of all, I would like to thank the Presidents of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda, the President of the International Residual Mechanism for Criminal Tribunals and the Prosecutors for the presentation of their respective reports.

Since the presentation of the evaluation reports on 3 June (see S/PV.7455), the International Tribunal for the Former Yugoslavia has made considerable efforts, trying four accused in four cases in first instance and three cases on appeal. It will also complete this month, in cooperation with the International Criminal Tribunal for Rwanda, the largest appeal judgement ever been carried out by the Tribunal: the *Butare* case. In the same vein, there is every reason to believe that the timeline concerning the two rulings planned for March 2016 as well as the completion of the work of the International Tribunal for the Former Yugoslavia in December 2017 will be respected.

To date, the International Tribunal for the Former Yugoslavia has rendered 147 rulings or judgements out of the 161 cases for which it is responsible. The work

accomplished by this Tribunal should be commended, as should its enormous contribution to international justice. However, despite the progress made, the International Tribunal for the Former Yugoslavia continues to encounter difficulties. The departure of a number of qualified staff members is likely to cause new delays. Accordingly, the necessary attention should be paid to the analysis of the financial strategy drafted by the Tribunal, with a view to allowing it to retain staff members and carry out its work in accordance with the set time frame. Similarly, the question before the Council of extending the terms of judges should have a positive outcome.

We welcome the fact that the International Criminal Tribunal for Rwanda has completed its work this year, even though the costs and deadlines initially set by the relevant Security Council resolutions have largely been surpassed. The objective of the International Criminal Tribunal for Rwanda is to combat impunity and console the victims and their families. We would like to pay due tribute to all of the Tribunal's judges and staff who, despite difficult conditions, have carried out their task in a dignified manner. However, we regret to note that some fugitives are still avoiding justice. We have just been informed by the Prosecutor of the International Criminal Tribunal for Rwanda that one of them has just been apprehended in the Democratic Republic of the Congo. We welcome the arrest and hope that the eight others will be found and transferred to the Mechanism and to the national tribunals to stand trial. To that end we reiterate our appeal to the countries where those fugitives appear to be in hiding to engaged in greater cooperation with the Mechanism.

We note with satisfaction the almost seamless setting up of the Mechanism, as well as its operationalization, which is evidenced by its numerous judgements, orders and opinions. Its first judgement, which concerns the *Ngirabatware* case, was rendered according to the timeline. The Mechanism has ruled on various administrative and judicial issues and is working effectively to protect witnesses. Its two sections are actively supporting national tribunals, and many good initiatives are being carried out, including provisions in terms of time and resources for future judgements in the first instance and on appeal, the establishment of a staff-recruitment policy, computerized networks, and so on. We hope that those planning efforts will make it possible to ensure that the errors of the past are avoided.

In conclusion, we reiterate our support for the International Tribunal for the Former Yugoslavia and its new President, Judge Carmel Agius, as well as for the International Residual Mechanism for Criminal Tribunals. President Agius has sought to promote effectiveness and transparency in order to complete the work of the Tribunal in the stipulated time frame.

**Mr. Ibrahim** (Malaysia): I wish to express my appreciation to the briefers — Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR); Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia (ICTY); Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; Mr. Serge Brammertz, Prosecutor of the ICTY; and Mr. Hassan Bubacar Jallow, Prosecutor of the ICTR — for their statements.

We wish to take this opportunity to congratulate Judge Carmel Agius on his recent appointment as President of the ICTY. We are confident that Judge Agius will continue the excellent work of his predecessor, Judge Theodor Meron, in providing leadership to the Tribunal in fulfilling its mandate.

The reports and briefings have provided invaluable insight into the progress made by the Tribunals and the Mechanism, as mandated by the Council. We value the work of the Tribunals and the Mechanism in upholding the rule of law and dispensing justice for the heinous crimes committed in the former Yugoslavia and Rwanda. In that regard, we are highly encouraged by the commitment, integrity and high standards of professionalism shown by the judges and the staff of the Tribunals in their work, consistent with the fundamental principles of due process and fairness.

We are also very encouraged that the Tribunals are on track towards meeting their respective completion dates — the ICTR by the end of this year and the ICTY by the end of 2017. We give due recognition to and commend Judge Joensen for his effective and successful stewardship of the ICTR, leading to its closure by the end of this year and transition the International Residual Mechanism for Criminal Tribunals, pursuant to resolution 1966 (2010).

However, we understand that the ICTY is faced with several challenges, in particular as regards staff attrition, which has reached a critical level, and also the request for extension of the terms of service for



its Judges, necessitated by delays in proceedings. We believe that the delays are due to factors beyond the Tribunal's control, such as resignations and the health condition of the accused. We therefore believe that those challenges are not insurmountable. We will continue to give the necessary support to the ICTY in overcoming those challenges. We cannot in good conscience ignore or refuse to assist the Tribunal in overcoming those challenges as it approaches the last stretch in completing its mandate.

As the closure of the ICTR approaches, we agree that it is important to preserve its legacy in the form of judgements, testimonies and other records related to upholding the rule of law and the delivery of justice regarding one of the darkest periods of modern history. The preservation of those records would provide a basis for future international tribunals and serve as a reminder to humankind of the importance of combating impunity.

We further wish to acknowledge the cooperation of the States concerned and the regional States for their cooperation with the Tribunals. It would have not been possible for the ICTR and ICTY to fulfil their mandates without the fullest cooperation of the respective States. We encourage the concerned States to continue their cooperation so as to enable the Tribunals and Mechanism to fulfil their respective mandates. While it would have been ideal for the Tribunals to fulfil their respective mandates expeditiously and without delays, we are of the view that our eagerness to pursue justice should not come at the expense of due process or the rule of law.

We need to continue sending a strong and unequivocal message that impunity will not be tolerated or go unpunished. Malaysia remains resolute in its position that the perpetrators of such crimes must and will be brought to justice to account for their crimes. That is part of the healing, truth and reconciliation process that communities and States have to undergo in seeking and upholding justice. In that regard, Malaysia highly values and underscores its full support for the work of the ICTY, the ICTR and the Mechanism in upholding the rule of law and justice. We deeply acknowledge their contributions to the international justice system, the rule of law and the maintenance of international peace and security.

**Mr. Laro** (Nigeria): Mr. President, the Nigerian delegation thanks you for convening this meeting. We also thank our briefers for their briefings.

Concerning the International Tribunal for the Former Yugoslavia (ICTY), we have carefully studied the twenty-second annual report (see S/2015/585), which provides detailed information on its work during the period under review. We commend the Tribunal's commitment to completing its proceedings expeditiously and in accordance with due process. We note the important work done by the Registry in coordinating the practical arrangements necessary for the ongoing process of downsizing the Tribunal's operations and the transfer of responsibilities to the International Residual Mechanism for Criminal Tribunals.

The ICTY outreach programme has made significant contributions to transitional justice and post-conflict recovery in the former Yugoslavia. That is a noteworthy legacy of the Tribunal. We commend the ICTY media office for facilitating the work of journalists covering the activities of the Tribunal, which has helped to promote transparency in its work.

Concerning the International Criminal Tribunal for Rwanda (ICTR), we are pleased to note that as of 15 November the Tribunal had completed its work at the trial level for all 93 accused and transferred its final outstanding cases to other competent judicial authorities in preparation for its closure. The fact that the judgement in the sole remaining case on appeal will be delivered on 14 December is a significant indication of the progress made by the Tribunal in completing its work.

We note that the ICTR is on course to formally cease its activities on 31 December. The progress made in implementing its completion strategy attests to that. The smooth handover of most judicial and prosecutorial functions to the Mechanism is laudable. It is particularly significant that the Mechanism has already assumed full responsibility for monitoring cases referred to national jurisdictions for trial, tracking fugitives, responding to requests for mutual legal assistance and supervising conditions of detention for the 28 persons currently serving sentences imposed by the Tribunal. We encourage States Members of the United Nations to offer their full cooperation to the Mechanism in the attainment of its mandate.

In conclusion, we may tribute to our distinguished briefers for their astute leadership and assure them of our continued support.

**Mr. Zagaynov** (Russian Federation) (*spoke in Russian*): We thank the leadership of the Tribunals and

the International Residual Mechanism for Criminal Tribunals for their information on the progress of legal proceedings, the pace of their completion and the transfer of the Tribunals's functions to the Mechanism. We take this opportunity to congratulate Judge Agius on his election to the post of President of the International Tribunal for the Former Yugoslavia (ICTY).

In resolutions 2193 (2014) and 2194 (2014), the Security Council agreed to the request of both Tribunals for another extension of the terms of their Judges. However, given the delays in the work of the International Tribunal for the Former Yugoslavia, the Council emphatically urged that body to redouble its efforts to reduce the time period for the proposed completion of cases.

We take note of the information contained in the progress report (see S/2015/585) of the International Tribunal for the Former Yugoslavia on the steps taken to that end. However, to date, those steps have not produced results. We note the deferral of decisions that had already been postponed on several occasions. We cannot pretend that this does alleviate our concerns. On the contrary, it creates an unfavourable backdrop for the consideration of the extension of the terms of the Judges and the Prosecutor of the Tribunal. The staffing issues to which the report of the Tribunal refers can hardly be a valid excuse for the situation.

Furthermore, one has the impression that staffing shortages are not a reason but rather a result of the slow pace of trials, which cannot be linked to the normal transfer of staff to other jobs. Attention should also be paid to the situation of defendants with serious health problems. We believe that the Trial Chambers and the Office of the Prosecutor of the ICTY should determine how best to conduct the relevant ongoing investigations, taking into account, inter alia, all of the humanitarian considerations.

One trial is unprecedented in its length, namely, that of Vojislav Šešelj, who spent 11 years in pre-trial detention. We were disappointed to learn from the report that the judgement, which was expected at the end of the year, is still not ready and that its rendering has been postponed once again. That is an outrageous situation in a case whose hearing was completed in 2012. We hope that the ICTY leadership can decrease the time needed to conclude trials and ensure the swift completion of the work of the Tribunal in line with the requirements and stipulations of the Security Council.

We urge that all the necessary measures be taken to that end.

We welcome the final report (see S/2015/577) of the International Criminal Tribunal for Rwanda. The report confirms that the ICTR will complete its work and will be considered officially closed by 31 December. Unfortunately, that is one year after the deadline set by the Council. Nonetheless, we would like to thank all those who contributed to achieving the aims of the Tribunal and strove for its proceedings to be completed. The ICTR has had to deal with the most serious crimes, and now we can say that, in general, it rose to the challenge, although admittedly not without difficulties and mistakes. However, only time will tell what the contributions of the ICTR have been to the cause of international justice.

With regard to the Residual Mechanism, we see that the institution has found its feet and has become operational. We trust that the Mechanism will be as effective as possible in its work, given the temporary nature of its mandate, which was established in resolution 1966 (2010). We welcome the start of the review process of the Residual Mechanism for its initial four-year period, in line with the parameters stipulated in presidential statement S/PRST/2015/21, of 16 November. We hope that that will provide the Mechanism with further impetus to improve the effectiveness of its work.

**Mr. Hmoud** (Jordan) (*spoke in Arabic*): At the outset, I would like to welcome Judge Agius, President of the International Tribunal for the Former Yugoslavia (ICTY); Judge Joensen, President of the International Criminal Tribunal for Rwanda (ICTR); and Judge Meron, President of the International Residual Mechanism for Criminal Tribunals, and thank them all for their briefings. I also thank Mr. Brammertz and Mr. Jallow for their briefings.

The establishment by the Security Council of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda was the result of the international community's deeply held conviction that there was a need to end the most atrocious of international crimes, such as crimes against humanity, war crimes and the crime of genocide. It also wanted to ensure that criminal justice was duly dispensed and to prevent any of those involved in such atrocities from escaping being held accountable for their crimes and ensure that justice was rendered. The

goal was to uphold the rule of law. The establishment of such international criminal tribunals is an affirmation that international criminal justice, stability and peace go hand in hand. It is impossible for us to achieve lasting peace without holding accountable those who have committed crimes.

The two Tribunals have made major progress recently on delivering on the objectives for which they were set up. We find that to be true in many of the cases that have been heard by the Tribunals, although a few cases remain outstanding in one of the Tribunals and have still to be heard. With respect to the ICTR making its final ruling last week, we think that it is a perfect opportunity to express our appreciation for the enormous efforts made by the Tribunal to ensure that it could duly complete its work by the date on which its responsibilities were to be transferred to the International Residual Mechanism for Criminal Tribunals. It has met that deadline.

Nonetheless, Jordan remains concerned about the fact that nine persons who have been accused or indicted are at still at large. They are fugitives, and we call upon the Residual Mechanism to continue to pursue them and to work to ensure that they are apprehended, in line with resolution 1966 (2010). The achievements of both Tribunals and all that they have done for the rule of law has demonstrated the wisdom of establishing the Tribunals in the first place, and also attest to the efforts made to support their work despite the various financial and administrative challenges that both Tribunals have had to face over the past few years. Despite such issues, they have succeeded in playing a key role in developing the principles of international criminal law.

Moreover, the interpretations and rulings provided by the two Tribunals pertaining to the provisions of international humanitarian law and their definitions of legal terms in international criminal law have laid the foundation for other international and national courts and tribunals, including the newer International Criminal Court itself, which refers to the work of ad hoc International Tribunals in rendering its judgements. That is why we call upon all national tribunals and courts and international justice bodies to make use of and learn lessons from the experiences of and example set, at the judicial and administrative levels, by the Tribunals and to benefit from their archives, jurisprudence and achievements.

The two Tribunals were established on the basis of constructive cooperation. We must continue to

lend such support to the ICTY while its work is still ongoing, and make available to it all the resources it needs so that it can complete its work by the date set by its President. We call upon the countries of the former Yugoslavia to continue to cooperate fully with the Tribunal and with the Prosecutor. We would also like to reiterate that the transition to the Residual Mechanism must be as smooth for the ICTY as it has been for the ICTR. We also call for the full implementation of the completion strategy and for all trials to be duly brought to a successful conclusion. We therefore support the Residual Mechanism in its pursuit of ensuring that international criminal justice has been served.

Once again, we thank those who briefed us for all that they have achieved and for their presentations. We pay tribute to the exceptional work they have carried out and express our full support to them.

**Mr. Gasso Matoses** (Spain) (*spoke in Spanish*): I too would like to thank the Judges and Prosecutors representing the two International Tribunals and the Residual Mechanism. I begin by paying tribute to the outstanding work done over the past two years in the Informal Working Group on International Tribunals under the helm of Ambassador Cristián Barros Melet and his team.

I would like to share some initial thoughts pertaining to the International Tribunal for the Former Yugoslavia. We welcome the comments of Judge Agius with regard to the Tribunal's commitment to concluding its work in December 2017. It is clear that the gradual loss of experienced staff at the Tribunal and the delicate health of some of the accused pose a challenge to concluding ongoing proceedings. Nonetheless, we call upon the Tribunal to make every possible effort to meet the deadlines — of course, within the bounds of respecting due process and fair-trial guarantees. To achieve that goal, Spain fully supports extending the mandate of the judges as requested by the Tribunal.

We also reiterate our concern about the pace, effectiveness and small number of proceedings undertaken by national authorities, particularly in cases involving defendants of senior or mid-level rank. We therefore call for strengthened efforts to achieve genuine post-conflict national justice, which is essential in strengthening the rule of law. We agree with the Prosecutor that more can, and should, do more. We listened very closely and carefully to Prosecutor Brammertz's comments and extensive explanations.

Generally speaking, we welcome the fact that the level of cooperation on the part of the authorities of Serbia, Croatia and Bosnia and Herzegovina with the Prosecutor's Office has been positive. Nonetheless, certain aspects concern us, specifically the communication received by the Council on Serbia's failure to carry out various arrest warrants and surrender orders issued by the Tribunal. We therefore call upon the Government of Serbia to duly abide by the requirements of the Tribunal. We reiterate that cooperation with the Tribunal is an unavoidable duty. We encourage the authorities of those three countries to continue to move forward on their regional cooperation and to pursue joint efforts to overcome any obstacles that might hamper such cooperation.

With regard to the International Criminal Tribunal for Rwanda, Spain is of the view that, as has been said, today's debate is rather unusual. It has special significance because it is the last debate in which those heading the Tribunal will participate. This is therefore a moment to pay tribute to the men and women who, throughout the past 21 years, have contributed to the work of the Tribunal. The Tribunal will be closing its doors, but its legacy will remain as a testimony, not only to the horror of the genocide against the Tutsi people in Rwanda, but also to the value of justice.

It is important to recognize the impact on international law of the Tribunal's groundbreaking jurisprudence in the area of genocide. It has been especially important with respect to various issues, including its interpretation of acts of sexual violence as elements of the crime of genocide, as explained by Judge Vagn Joensen, as well as in cases of incitement to genocide through the media. The Tribunal's contribution to peace in the Great Lakes region cannot be denied, as Spain fully acknowledges.

We acknowledge, and indeed welcome, the information shared with the Council by Mr. Jallow regarding the detention of one of the remaining fugitives indicted by the Tribunal. We urge the authorities of Rwanda and those leading the International Residual Mechanism for Criminal Tribunals to spare no effort in finding the remaining eight fugitives and bringing them before the Tribunal or the Mechanism itself or Rwanda's judicial authorities. At the same time, we also urge States where those fugitives might be found to cooperate with the Tribunal by arresting them and immediately handing them over to it.

With respect to the International Residual Mechanism for Criminal Tribunals, we believe that the transition phase, which in the case of the Tribunal for Rwanda is nearly complete and in the case of the Tribunal for the Former Yugoslavia is well under way, has been remarkably efficient to date. That has made possible a smooth and uninterrupted transition in the conduct of the work of both Tribunals, including in cases regarding extremely sensitive issues such as the protection of witnesses and victims. It was not an easy task. We therefore commend those leading the processes of all three institutions. We encourage the Mechanism, whose initial period of activity is currently under review by the Council, to continue to apply the lessons learned and good practices developed by both Tribunals.

I will conclude with some general thoughts. The establishment of the Tribunal for the Former Yugoslavia and the Tribunal for Rwanda constituted a milestone in international criminal law. Their contribution to the development of international criminal law has been invaluable. That legacy is the best possible tribute to the victims and the survivors. It is critical, however, that their work be completed by national jurisdictions, whose genuine commitment to accountability is indispensable in establishing the rule of law and bringing about true reconciliation. As Judge Meron has reminded us, today in Syria, Iraq, Libya, the Sudan and the Central African Republic — and in many other places as well — we are once again witnessing the terrible consequences of contempt for the most basic elements of international humanitarian law and international human rights norms.

The achievements on the part of the international criminal Tribunals, and the current work of other instruments — I call particular attention to the International Criminal Court — comprise a source of hope, because they demonstrate that, through political will and the necessary means, justice is also possible for the victims of those conflicts. Combating impunity must remain a priority for the Council, and the message must be clear: those responsible must not go unpunished, and the rule of law must, and can, prevail in the face of barbarity.

**Mr. Gimolieca** (Angola): Let me thank Judge Carmel Agius, Judge Vagn Joensen, Judge Theodor Meron, Mr. Serge Brammertz and Mr. Hassan Bubacar Jallow for their comprehensive briefings. For the past

20 years, the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have played a crucial role in promoting the rule of law and ending impunity by establishing an internationally recognized system of criminal justice, setting up a national and international justice mechanism, leading the fight against impunity and ensuring that many of those responsible for serious crimes against humanity were held accountable and brought to justice.

As the cessation of the ICTR's activities draws near, we commend the contribution, support and international cooperation afforded to it by Member States, as well as its legacy on best practices and lessons learned in the tracking and arrest of fugitives, the prosecution of sexual and gender-based violence and the referrals of international criminal cases to national jurisdictions. The final judgement, in the *Nyiramasuhuko et al. (Butare)* case, which is scheduled for 14 December and will formally mark the end of the Tribunal's operations, will be a landmark event in the history of international criminal and humanitarian law. The Tribunal has played a crucial role by contributing to peace and reconciliation in the Great Lakes region and by pursuing justice for the victims and survivors of the 1994 tragic events in Rwanda. The Tribunal's formal closure coincides with the completion of its work and the transfer of any residual functions to the International Residual Mechanism for Criminal Tribunals, which, according to resolution 1966 (2010), has the responsibility of tracking the remaining fugitives indicted by the ICTR. Ensuring the arrest and prosecution of the remaining fugitives is a top priority of the Residual Mechanism.

During the period under review, the ICTY completed nearly all of the cases under its jurisdiction, with four trials and two appeals still pending at the end of 2015. We acknowledge the Tribunal's commitment to completing its work expeditiously, and the judges' efforts to expedite the pending cases. We value greatly the Tribunal's commitment in meeting the date foreseen for its closure in 2017, as well as the diligent efforts to expeditiously complete the transfer of functions to the Residual Mechanism in accordance with resolution 1966 (2010). However, we are concerned about the continued challenges the ICTY is facing, particularly those related to staff attrition, resulting delays in trials and appeals, and the Tribunal's inability to offer an end-of-service incentive. We hope those delays will not affect the trials that are ongoing and that the Tribunal's

judicial work will be effectively completed by the end of 2017.

We note that the Residual Mechanism will assume full responsibility for the ICTR's remaining functions by the end of 2015. The ICTY's closure is expected for 2017, while the Tribunal principals and staff will continue working to ensure a smooth transition for the remaining functions and services, harmonizing and adopting best practices. However, the Mechanism is still facing two long-standing challenges — ensuring that the nine individuals indicted by the ICTR who remain at large are apprehended, and that the 18 individuals who have been acquitted and released by the ICTR but who are unable to return to their countries of origin are relocated.

We are encouraged by the fact that the Mechanism has continued to communicate and cooperate with Rwanda and the States of the former Yugoslavia, keeping them updated on the Mechanism's activities, the transition of responsibilities and on its assistance to national jurisdictions. We would like to highlight the fact that international criminal justice, through both the Tribunals for Yugoslavia and Rwanda, has been crucial to the recovery processes following the horrific events that took place in those territories.

Finally, in closing these files, it is critical to ensure that we have the cooperation and support of the international community for the ongoing operations tracking and capturing fugitives and for the Tribunals' remaining work.

**Mr. Li Yongsheng** (China) (*spoke in Chinese*): I would first like to thank President Agius, Prosecutor Brammertz, President Joenson, Prosecutor Jallow and President Meron for their briefings on the reports of the International Tribunal for the Former Yugoslavia (see S/2015/585), the International Criminal Tribunal for Rwanda (see S/2015/577) and the International Residual Mechanism for Criminal Tribunals (S/2015/896, annex).

China welcomes the ICTR's last report, and congratulates the Tribunal on completing its work and its preparations to close down by the end of the year. Through its judicial activities over the past 21 years, the ICTR has prosecuted some of the most serious international crimes. Meanwhile, it has also promoted the development of international law, particularly international criminal law, and has proudly set records in many areas. It has also played a role in promoting peace and reconciliation in the Great Lakes region.

The Tribunal's various Presidents, Prosecutors and staff have accomplished a great deal and for that China expresses its appreciation.

Through its report and the events centred around its closure, the Tribunal has already begun reviewing and reflecting on its judicial process. We believe that its experiences and lessons learned in prosecuting some extremely serious international crimes and addressing the relationship between the pursuit of justice and the maintenance of regional peace and stability will go down in the annals of history, for future generations to comment on and learn from.

China would like to congratulate Judge Agius on his election to the presidency of the International Tribunal for the Former Yugoslavia (ICTY), and we welcome the fact that the Tribunal will reach a verdict on two of its appeal cases in mid-December. We have also noted that a number of cases have been delayed, for various reasons, and that their initial trials will not be completed within the expected schedule. We hope that under President Agius's leadership, the ICTY will continue to fully implement the relevant resolutions of the Security Council and, while ensuring judicial fairness as a precondition, will rationalize its work arrangements and use of the available resources, overcome its difficulties and complete all of its work as soon as possible.

China welcomes the Council's first review of the work of the Residual Mechanism and appreciates the Mechanism's report (S/2015/883, annex I) on its initial work and the six-month progress report. We thank the Secretariat for submitting the summary of the report of the Office of Internal Oversight Services (OIOS). We commend the progress that the Mechanism has made since its inception and appreciate the improvements it has instituted, in accordance with the recommendations of OIOS. We hope that the Council's first review of the Mechanism will highlight the progress it has made and the areas that still need improvement, including those related to its request for keeping the minimum levels necessary for staffing and financial resources, in order to urge the Mechanism to continue to abide by Council resolutions and conduct its work efficiently and cost-effectively.

The two Tribunals and the Mechanism represent an important effort by the international community to punish the most serious types of international crime and demonstrate the international community's

determination to adhere to the rule of law at the international level. We hope that the ICTY and the Mechanism will continue to work hard to improve and enhance their work in order to live up to the expectations of the international community.

Last but not least, I would like to take this opportunity to thank Chile, in its capacity as Chair of the Informal Working Group on International Tribunals, and the Office of Legal Affairs for their work.

**Ms. Mulvein** (United Kingdom): I would like to thank the Presidents and Prosecutors for their presentations today. The United Kingdom is fully committed to the principle that there must be no impunity for the most serious international crimes, and we continue to support the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals in their work in tackling that.

Regarding the ICTY, I would like to welcome President Agius in his new role and to thank President Meron for his excellent work for the Tribunal in its capacity as its President for the past four years. We are pleased to note that the transition to the Mechanism is going as planned. We understand the challenges of staff attrition, but we hope that the ICTY staff will see their roles through until the end of the Tribunal's mandate.

We are pleased that the trial judgement in the *Mladić* case is still on track, and we hope that continues to be the position. It is disappointing that the *Karadžić* case completion date has slipped, but we understand the difficulties and look forward to a judgement in March. We note the update on the *Hadžić* case and look forward to receiving more information on it. We are disappointed to hear that the date for a judgement in the *Šešelj* case has slipped to early 2016. We agree with the Office of the Prosecutor that every effort should be made to expedite that, and we note the commitment to a written judgement in the first quarter of 2016. We understand that it may be a challenge to meet the projected time frame for the *Prlić* appeal, but we hope that November 2017 date will be met. We are pleased that the other two outstanding appeals remain on track, and we are looking forward to a judgement in one of those next week. We support extending the Judges' mandates in order to complete the work that remains.

We have also noted the concerns of the Office of the Prosecutor about the pace and effectiveness of national

war crimes prosecutions in Bosnia and Herzegovina. We agree that the challenges can be overcome, and we urge the Government to support those efforts. We are also concerned about the fact that national war crimes prosecutions in Serbia are at a crucial point, and we urge the Serbian Government to support those efforts too. We once again voice our support of the Prosecutor's call for a search for and exhumation of mass graves, and the United Kingdom encourages regional Governments to continue to support those efforts.

We are concerned by the President's letter of 13 October with regard to non-compliance by Serbia with the Tribunal in relation to three arrest warrants and orders for surrender. We note the Prosecutor's report that cooperation is satisfactory in other respects, and we call on Serbia, and indeed all States, to cooperate fully with the Tribunal.

Turning to the ICTR, I would like to thank the Tribunal's judges, prosecutors and staff for their hard work over the past 21 years in the pursuit of justice for the victims and survivors of the 1994 genocide in Rwanda. We look forward to the final judgement in the *Butare* appeal next week.

Over the past 21 years, there have been some notable developments and achievements. I should like to name a few. The judgements recognizing sexual violence as acts of genocide, war crimes and crimes against humanity have significantly contributed to the development of international criminal law. There was no legal aid system at the international level when the Tribunal commenced, and they succeeded in developing a new system. There are many lessons to be learned from the ICTR, and we encourage other tribunals to profit from them and from publications such as their manual on best practices in the prosecution of sexual violence in crimes and their manual on tracking and arresting fugitives. The Tribunal leaves behind a great legacy.

We welcome the work done on preserving evidence for use in future trials, and we very much welcome today's news that one of the fugitives has just been arrested. We encourage full and prompt cooperation by all States with the Mechanism and the Rwandan Government to ensure the arrest of the remaining fugitives still at large. I think that today's arrest shows that we must not give up on these continued efforts. We will ensure accountability, no matter how long it takes.

Finally on the ICTR, we look forward to receiving the report of the International Organization for Migration's assessment study on reparations for victims in due course and the follow-up on that.

Moving on to the Mechanism, we are pleased with its work in the past 6 months, and indeed since its commencement. We particularly welcome the news that progress continues to be made on new permanent premises in Arusha. We would welcome an update in due course on the negotiations on The Hague branch premises. We welcome the fact that the recruitment of staff is proceeding well and that staff with relevant experience from the ICTY and ICTR are being drawn upon. The Council is currently conducting its first review of the Mechanism's work, and there is good evidence that the Mechanism is functioning well. It has a vital role to play in the international criminal justice system, and we have every confidence that it will carry out the residual functions appropriately in the future. In that respect, we would also like to thank Chile for its leadership of the Informal Working Group on International Tribunals, both with regard to the review and in other respects over the past two years.

Let me conclude by thanking the ICTR once again for its service to international justice over the past 21 years. I had the honour to attend the closing ceremony events in Arusha, which were a fitting way to mark the end of the Tribunals's work. We wish all its judges, prosecutors and staff well as they move on to other things.

**Mrs. Jakubonė** (Lithuania): I thank Judges Carmel Agius, Vagn Joensen and Theodor Meron and Prosecutors Serge Brammertz and Hassan Bubakar Jallow for their extensive briefings on the implementation of the completion strategy for both ad hoc Tribunals. I also take this opportunity to extend our appreciation to Ambassador Cristián Barros Melet and his team and to acknowledge the way in which he has guided the work of the Informal Working Group on International Tribunals.

The implementation of the principle of accountability is a key element in maintaining international peace and security. The Tribunals have played an essential role in consolidating the rule of law and in promoting reconciliation and long-term stability. Their jurisprudence has had far-reaching effects and has been a source of inspiration for national and international

jurisdictions, in particular for the establishment of the International Criminal Court.

The year 2015 has been a symbolic milestone, as the International Criminal Tribunal for Rwanda (ICTR) is completing its mandate. Since the establishment of the Tribunal, more than 20 years ago, it has played a significant role in the development of international criminal law and international humanitarian law, including through its jurisprudence, by recognizing sexual violence as acts of genocide, crimes against humanity and war crimes, and by providing model examination of the role of the media with respect to incitement to commit genocide. The contribution of the Tribunal has not been limited only to the development of international criminal law. It also extends to the provision of assistance and support to victims and witnesses, capacity-building and legacy preservation.

While the ICTR is completing its work, several defendants among those indicted by the Tribunal still remain fugitives. In order to arrest the fugitives, both those under the jurisdiction of the Mechanism and those who have been transferred to Rwandan jurisdiction, the cooperation of all States, especially those in the region, is necessary.

With regard to the International Tribunal for the Former Yugoslavia (ICTY), that Tribunal continues to move towards completing its work. We are aware that a high rate of staff attrition and the advanced age of some of the accused are factors in the delay in meeting the established deadlines. We encourage the ICTY to take all the appropriate measures to complete its work expeditiously, while ensuring that trials and appeals are conducted in a manner consistent with fair-trial standards. It is in our interests that the Tribunal completes its case work successfully. We are of the view is that the term of office of the judges of the Tribunal should be extended until the completion of their cases.

The commemoration of the twentieth anniversary of the Srebrenica genocide earlier this year (see S/PV.7481) reminded us all of the importance of holding the perpetrators to account. The fact that those who were behind that tragedy are standing trial proves that there is no escaping justice, and that sooner or later those who committed atrocities will be held to account.

We commend the cooperation of the International Residual Mechanism for Criminal Tribunals with the Tribunals in taking over their functions, including with regard to the enforcement of sentences, the protection

of victims and witnesses, the management of archives and the relocation of acquitted and released persons. We note the remaining challenges with regard to the relocation of individuals who have been acquitted or those who have served their sentences. We need to work together to find solutions to address the situation of eight persons acquitted by the ICTR and three persons released by the Tribunal who need to be relocated from Arusha.

Finally, since this is the last time that Lithuania speaks on the subject as a non-permanent member of the Council, I would like to pay sincere tribute to the judges, prosecutors and officials of both Tribunals and their overall contribution to the fight against impunity.

**Mr. Ramírez Carreño** (Venezuela) (*spoke in Spanish*): We thank Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), and Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia (ICTY), for their briefings and work. We would also like to thank Prosecutors Serge Brammetz and Hassan Jallow for their briefings and work.

The Bolivarian Republic of Venezuela supports the work of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as the International Residual Mechanism for Criminal Tribunals, in their efforts to bring to justice the perpetrators of genocide, crimes against humanity and war crimes committed during the conflicts that affected those countries and whose violations of international humanitarian law and international human rights shocked the conscience of humankind. The work conducted by those tribunals reaffirms the commitment of the international community to combat impunity with respect to war crimes and crimes against humanity in order to ensure that such acts are never repeated. Such efforts contribute to strengthening the rule of law at the international level.

As we near the end of the work of both Tribunals, which are in the midst of transferring their archives and their pending cases to the International Residual Mechanism, we believe that this represents an important opportunity to bolster the cooperation between that body and the States concerned in order to ensure completion of the mandates set out in resolution 1966



(2010). This support is an essential component of the successful achievement of the goals set.

Turning first to the International Tribunal for the former Yugoslavia, we wish to underscore that, although it is true that significant progress has been made and judicial proceedings have been completed in 147 of the 161 individual cases that were entrusted to the court, we nonetheless note with concern that, despite the fact that more than two decades have elapsed since the ICTY was established, several cases are experiencing procedural delays, due mainly to external factors. We hope that these difficulties can be overcome so that the trials can be completed by the set deadline, with due respect for the principles of due process and judicial impartiality.

Venezuela would also like to acknowledge the work of the International Criminal Tribunal for Rwanda, which was highlighted at the closing ceremony held last week in Arusha, Tanzania, and which is reflected in the raft of jurisprudence accumulated over the years, the safeguarding and preservation of judicial archives, the many lessons learned and the capacity-building that has been engaged in by this body throughout its lifetime. All of this represents a legacy that can serve to enrich the work of other legal bodies such as the International Criminal Court. In a similar vein, we duly acknowledge the influence exercised by the ICTR on the capacity-building of the judicial system in Rwanda itself.

We also commend the ICTR for having wrapped up the cases of 93 accused, leaving just one single case pending in the Appeals Chamber that involves six individuals; it is projected that this appeals case will be concluded by the end of this year.

With regard to the cases of the nine fugitives from justice, six of which were referred to the jurisdiction of the national courts of Rwanda and the other three to the Residual Mechanism, we encourage the authorities to locate, apprehend and try those accused as quickly as possible in order to ensure that justice is applied to all of the indicted.

With regard to those individuals who are serving their sentences and those who have been acquitted, the International Criminal Tribunal for Rwanda has referred these cases to the Residual Mechanism so that it can support the relocation of the individuals that have been acquitted, given that theirs is a humanitarian issue that requires the cooperation of the international community. Only thus will such persons be able to be

reintegrated into society. By the same token, we support the strategic plan adopted by the Residual Mechanism consisting of stepping up efforts to find appropriate places for the relocation of these individuals and thus provide them with appropriate levels of humanitarian assistance. We encourage the Mechanism to maintain the pace of work documented in the management report in order to achieve a successful and unhindered transition of the two Tribunals.

We would like to pay due tribute to the work of Chile in its capacity as Chair of the Informal Working Group on International Tribunals. We underscore the work done by its delegation and the contribution it has made to those bodies.

We would like to conclude by reiterating our commitment to and support for the work done by the International Tribunals in the fulfilment of their mandates. Support for them and their work will make it possible to fulfil the commitment made by the international community to promote the rule of law and put an end to impunity in the fight against genocide and crimes against humanity, thus strengthening global peace and security.

**Mr. Van Bohemen** (New Zealand): I should like to thank the Presidents and the Prosecutors for the clarity and specificity of their briefings. They have reminded us of the significant practical issues that need to be addressed as the Rwanda and Yugoslavia Tribunals wind up their work. They need our continuing support as they go through this important period.

With the International Criminal Tribunal for Rwanda closing this month and the International Tribunal for the former Yugoslavia expected to close in the foreseeable future, it is timely for us to take a step back and reflect on the value and significance of their work.

New Zealand has a very strong sense of identification with both Tribunals. As a Council member in 1993, New Zealand was an early and strong advocate for the establishment of the Yugoslavia Tribunal. In 1994, New Zealand played a leading role in pushing the Council to respond to the unfolding genocide in Rwanda, and later that year we took the initiative in the Council to prepare the draft statute and led the negotiations on the text.

When we look back at what the Tribunals have achieved, we are all the more convinced that the Council made the right decision in establishing these

bodies. We should be proud of what was created. We should warmly thank the judges, Tribunal staff and United Nations personnel who have worked tirelessly to deliver justice and provide some measure of closure to victims, and, above all, to send a clear message that there can be no impunity for perpetrators of atrocities, even at the highest levels.

New Zealand also congratulates all those countries that have cooperated with the Tribunals to help bring accused persons to trial, and those countries that provided other forms of practical assistance to the Tribunals, not least the Netherlands and Tanzania.

Unfortunately, the Security Council itself has been a less supportive parent to the Tribunals than it should have been, and it has failed to support the International Criminal Court with regard to cases that it has referred to it. We also believe that it is necessary to speak out against an unfortunate trend that has developed in the Council in recent years. A budget-driven mentality seems to have distorted the conversation about the role and performance of the Tribunals. While justice must be delivered efficiently and expeditiously, judicial machinery is inherently expensive. Judicial processes are slow. We know this only too well from our domestic experiences. We all knew this would be the case in 1993 and 1994, and we also knew that teething problems and initial inefficiencies were likely; they always are when you create something new.

We accept that there have been administrative and other problems that might have been avoided. The Tribunals have not been perfect. But we reject any suggestion that this should lead to the conclusion that the Tribunals have failed. We also take issue with any assertion that the experience of these two Tribunals means that future efforts to establish ad hoc tribunals must rely solely on voluntary contributions. Begging-bowl justice is unseemly and unsustainable over time. The experience of the Lebanon, Sierra Leone and Cambodia tribunals has highlighted the many challenges that a wholly voluntary funding model presents.

It is true that we now have a standing judicial body in the International Criminal Court (ICC). That is an important and positive part of the way forward. But we are nonetheless seeing an ongoing demand for ad hoc judicial solutions, in order to meet local characteristics or requirements related to specific peace processes. The Special Criminal Court established in the Central

African Republic is a current example of this; it complements the ICC and responds to the need for wider national accountability. New Zealand wants to put firmly on record our view that a reliance on voluntary funding alone is not adequate for such bodies.

We need to have a serious conversation about how to practically, sustainably and cost-effectively ensure accountability for serious international crimes. In these conversations we need to face up to the reality that real justice has real costs; it always has. Part of this conversation also needs to be about how the Council can do better in ensuring practical support for the machinery of international justice and thus assist it in expediting its work.

Looking forward, we reiterate our support for the Residual Mechanism. It has an important role to play as the Rwanda and Yugoslavia Tribunals complete their work.

The Mechanism's first review is under way. There is, of course, still room for improvement, including drawing on lessons learned from the Tribunals. But overall, we believe the Mechanism should be commended for its work to date. It is implementing many of the lessons learned from the Tribunals. We would encourage the Mechanism to work collaboratively with Rwanda on legacy issues, including with regard to the final location of the Rwanda Tribunal archives and original documentation and evidence.

The Council also needs to continue to support the Yugoslavia Tribunal through to the end of its mandate. As we have been reminded today, some of the judgements yet to be handed down are among the most important that the Yugoslavia Tribunal will deliver. We need to ensure that the Tribunal has the resources needed to complete this important work. Negotiations on a draft resolution to extend the judges' terms will begin shortly. Member State cooperation in accordance with the relevant Security Council resolutions continues to be vital to the success and timely completion of the work of all tribunals.

Finally, I would like to thank Ambassador Cristián Barros Melet of Chile for his work in chairing the Informal Working Group on International Tribunals.

**Mr. Lamek** (France): I would like to thank President Agius, President Joensen, President Meron and Prosecutors Brammertz and Jallow for their briefings.

France once again thanks, and reiterates its support for, all the staff of the Tribunals for the work carried out in order to successfully conduct the Tribunals' judicial proceedings. We recognize the importance of mobilizing everyone to meet the timetables set by the Security Council. The International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) branches of the International Residual Mechanism for Criminal Tribunals are well under way in the transition so that the work of justice can be pursued and brought to completion. In that regard, we welcome the comprehensive review of the temporary Mechanism's report currently being undertaken by the Council. We encourage, as we did with the French initiative in favour of an external audit of the functioning of the International Criminal Court endorsed at the recent meeting of States parties to the Rome Statute, the continuing and deepening of this approach with respect to all international criminal courts.

In the context of completion strategy, France attaches great importance to the Tribunals continuing to render justice in full compliance with the procedural safeguards and with respect for the diversity of legal systems. While there are many reasons for the delay with respect to the deadlines set by resolution 1966 (2010), this delay makes it all the more critical that greater attention be paid to the efficiency in the work and the use of allocated resources. The credibility of international criminal justice as a whole depends on it. With these two goals in mind, France reaffirms today that it might support the extension of the current mandates beyond 31 December 2015.

Today's debate should be an opportunity for the Council to welcome the significant work conducted by the Tribunals to combat impunity, promote reconciliation and identify the work that States must now undertake so that the effort to render justice continues to move forward in the long term. Immediately after the genocide in Rwanda, and in the 21 years since then, the ICTR has been at the forefront of the global fight against impunity by prosecuting those most responsible for the most serious crimes committed in 1994.

The Tribunal's legacy provides the basis for a new era in international criminal justice. The closing ceremony, held on 1 December in Arusha, set the stage for recalling the importance of the work of the ICTR, the first international criminal tribunal on African soil and the first jurisdiction to interpret concept of

genocide established by the 1948 Convention; it has placed justice at the heart of national reconciliation and reconstruction.

France continues its support for the ICTR and the Mechanism, including in apprehending fugitives subject to arrest warrants issued by the Tribunal. France recalls the obligation of all States to cooperate with the Tribunal and the Mechanism in that regard. In addition, I would to note that the two cases transferred by the ICTR to French jurisdiction — concerning Mr. Bucyibaruta and Mr. Munyeshyaka — are being taken up with due diligence and all the rigour required.

This year we commemorated the twenty-second anniversary of the founding of the ICTY. The Tribunal, guarantor of the right to truth, the fight against impunity and the duty to remember, was a major player in the momentum of reconciliation at the regional level. It is now up to the States concerned to continue building the rule of law with full respect for the independence of the judiciary. The adjudication of so-called intermediary criminals should remain a national priority and be the subject of cooperation and enhanced regional support.

The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda constitute a major step in the fight against impunity. While the ICTR will conclude its work on 31 December and that the ICTY is pursuing its completion strategy, it is time for us to appreciate the Tribunals' jurisprudential achievements in addition to their work in doing justice, which we must strive to keep alive from both a cultural memory and academic standpoint. It is also necessary to maintain vigilance at all times in the protection of witnesses and to give due attention to the rights of victims.

In conclusion, I would like to thank the Ambassador of Chile, Chair of the Informal Working Group on International Tribunals, and his entire team. I would also like to thank the representatives of the International Tribunals and the Office of Legal Affairs of the Secretariat for their efforts to implement the transition plan set forth in resolutions 1966 (2010) and 2193 (2014).

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

I would like to welcome Judge Agius, the new President of the International Tribunal for the Former

Yugoslavia (ICTY), and thank Presidents Joensen and Meron and Prosecutors Brammertz and Jallow for their critical contributions to advancing justice for victims of mass atrocities.

The ICTY, the International Criminal Tribunal for Rwanda (ICTR), and the International Residual Mechanism for Criminal Tribunals have played a central role in both advancing justice and developing our understanding of international criminal law and international humanitarian law. They have served as a demonstration that, indeed, when the Security Council is united and when we are committed, we can ensure that those who perpetrate the worst atrocities can be forced to account for their crimes. Justice, after all, is not an afterthought to our work advancing international peace and security; it is the essence of it.

Today, the extraordinary work of colleagues around this table and in capitals near and far has ensured that those accused by the ICTY — all 161 out of 161 — were brought to justice. But just as we recognize the success in apprehending the ICTY's fugitives, we must redouble our efforts to ensure that the remaining fugitives of the ICTR — and now the Mechanism — face the same fate. It is important to name those men: defendants such as Fulgence Kayishema, accused of orchestrating the massacre of thousands; Charles Sikubwabo, accused of instigating massacres at a church; Aloys Ndimbati, a former mayor accused of being directly involved in the massacres; Augustin Bizimana, the former Defence Minister of the interim Rwandan Government who is alleged to have controlled the nation's armed forces in planning and preparing for the genocide campaign and preparing lists of people to be killed; Charles Ryandikayo, who reportedly participated in the massacre of thousands of men, women and children who had congregated in a church, and directed militias and gendarmes to attack the church with guns, grenades and other weapons; Pheneas Munyarugarama, a former lieutenant colonel in the Rwandan Army who allegedly helped to direct and take part in the systematic killing of Tutsi refugees who were fleeing the fighting; Felicien Kabuga, the alleged main financier and backer of the political and militia groups that committed the genocide and who is accused of transporting the death squads in his company's trucks; and Protais Mpiranya, commander of the Rwandan Presidential Guard, who allegedly directed his soldiers to kill the sitting Rwandan Prime Minister and 10 United Nations peacekeepers guarding her home. While those men are at large, they

should know that they are still at the forefront of our minds and the Security Council's focus, and there they will remain until each and every one of them stands to answer for their actions. We will not forget them, and we must never forget their victims.

It is that commitment that led just today to the arrest of Ladislas Ntaganzwa by Congolese national authorities, who have indicated that they will take the proper steps to transfer him to Rwandan custody. Ntaganzwa, first indicted by the ICTR in 1996, is charged with five counts of genocide and crimes against humanity. He is alleged to have participated in the planning, preparation and carrying out of the massacre of more than 20,000 Tutsis at Cyahinda parish, many of whom had gathered to take refuge from massacres in the surrounding countryside, as well as the massacres of thousands of Tutsis at Gasasa Hill and killings carried out elsewhere. He is also charged with directly ordering women to be brutally and repeatedly raped. Today, for the first time in two decades, he is behind bars — and so he should be.

The ICTR has concluded all trials on its docket in 2012 and is expected to issue its last appellate judgement in a few days. As the Tribunal prepares to close at the end of this month, the United States wishes to recognize the monumental legacy of the Tribunal and its many staff, including judges, prosecutors, support staff, investigators and defence attorneys, who took care over the past decades to be compassionate with victims and witnesses, to uphold with integrity the principles of international law and to ensure that the Tribunal advanced justice for victims. The Tribunal's hard work has also ensured that a smooth and efficient transition to the Mechanism and to national courts, where proceedings against ICTR indictees who remain at large will take place when — I use that word intentionally — when they are captured. The United States is unwavering in its commitment to ensuring that the eight remaining fugitives from the ICTR are apprehended, as Ntaganzwa was earlier today, and brought to justice. To that end, we continue to offer a reward of up to \$5 million for information leading to the arrest or transfer of those fugitives.

I would also like to commend the ICTY for a productive year. The Tribunal has completed almost all of its cases, with only four cases remaining at the trial level and three cases on appeal. An important appellate decision, as we have discussed, in the *Prosecutor v. Jovica Stanišić and Franko Simatović* case is expected

to be issued before the end of this month, and progress has continued on all of the remaining cases. We welcome the important efforts by the trial chambers to expedite judgements and ensure that they are delivered in a timely manner.

We also again express our deep appreciation and admiration for Judge Meron, who recently completed his term as the President of the ICTY, for his judicious leadership in guiding the ICTY and the Mechanism during the past few years. His leadership has included helping to ensure a seamless, in our judgement, transfer of initial functions of both the ICTY and the ICTR to the Mechanism.

Part of justice, of course, is recognizing what has happened and what has not, recognizing who bears responsibility for it and who does not. The work of the ICTR and the ICTY has contributed enormously to our ability to grapple with uncomfortable and shocking truths about what human beings have done to other human beings. In doing so, they have made our world safer. The importance of that work is rendered all the more important when, as we have seen in the Chamber, some continue to resist facts or rewrite history. Twenty years after the genocide in Srebrenica, the Council was painfully unable to adopt one simple draft resolution (see S/PV.7481) recognizing one simple fact — a fact that has been established by the International Tribunal for the Former Yugoslavia and a fact that has been established by the International Court of Justice — that genocide took place in Srebrenica. While that draft resolution may have been vetoed, the truth and the judicial findings of the ICTY and International Court of Justice cannot be. It is a testament to the enduring power and the importance of their work.

In conclusion, there is perhaps no more fitting day than today, 9 December, the date newly designated by the General Assembly as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime to once again focus on the past, the unfinished work of advancing accountability for the mass atrocities and genocides committed in Rwanda and the former Yugoslavia. But so too must we focus on the future. Even as we recommit ourselves to advancing justice for crimes that have already been committed, so too should we use this moment to reaffirm our commitment to respond to indicators of realized or potential future atrocities on a massive scale, whether in Burundi or Syria or South Sudan or beyond. After all, the ultimate

justice for victims is to ensure that they are never victimized, that crimes that we have pledged to never allow again do not indeed occur again and again. It is our job to find the tools, the unity and, ultimately, the will to act.

I now resume my functions as President of the Council.

I give the floor to the representative of Croatia.

**Mr. Drobnyak** (Croatia): Allow me to begin by welcoming the Presidents of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals — Judges Agius, Joensen and Meron, respectively — as well as Prosecutors Brammertz and Jallow. We commend their important work and their continued efforts to ensure accountability, and we thank them for today's briefings and comprehensive reports.

Croatia pays tribute to Judge Theodor Meron, former President of the ICTY, under whose vigorous and diligent guidance the Tribunal achieved further important progress in the proper interpretation and application of international humanitarian law. During his presidency, the Tribunal significantly contributed to ending impunity for horrendous crimes committed on the territory of the former Yugoslavia. We also use this opportunity to welcome Judge Carmel Agius and wish him every success in carrying out his new duties as President of the ICTY.

As the ICTR completes its work at the end of this month, we recognize its achievements and invaluable contribution to international criminal justice. Together with the ICTY, it has embodied the pivotal quest to fight impunity and has paved the way for the International Criminal Court, which Croatia strongly supports. We commend the fact that the Residual Mechanism is increasingly assuming responsibility for all aspects of the work of the two Tribunals, and we commend the ongoing progress in that regard. Croatia believes that it is important that both Tribunals and the Mechanism receive all the necessary support to complete their mandates. We reaffirm our unwavering support for their work.

Many words have been said on the matter in the Council Chamber. When it comes to the ICTY, some things have not changed in the past six months. We

are still waiting for the verdicts in certain pivotal cases involving the masterminds of some of the most horrendous crimes. The slow pace of the proceedings remains a serious problem. More than two decades after the establishment of the Tribunal, thousands of victims and their loved ones are still waiting for justice to be served.

Croatia reiterates the importance of completing the remaining ICTY trials in the *Šešelj, Hadžić, Mladić* and *Karadžić* cases. In that regard, we note with great concern the continued suspension of proceedings in the *Goran Hadžić* case. While commending the efforts of the Office of the Prosecutor for the continuation of the trial, we encourage the Tribunal once again to take all the necessary steps to ensure that this significant trial recommences forthwith. As in the case of Hadžić's mentor in crime, Slobodan Milošević, painfully reminds us, justice delayed is indeed justice denied. His death thwarted his deserved conviction.

In a completely different case, but in the same context of prolonged proceedings, let me add that Croatia hopes that the fact that there is a new presiding judge in the case *Prlić et al.* will not affect the length of the proceedings or the procedural results achieved. This is the most voluminous appellate case in the history of the Tribunal. Nevertheless, it would have been reasonable to expect the final decision by the end of 2016, but it seems that it will not arrive before November 2017. We call on the Tribunal to find the ways not to prolong this extremely complex case, keeping in mind the Tribunal's targeted completion strategy.

We must again draw the Security Council's attention to the *Šešelj* case and the toxic impact of the temporary release of the accused. The fact that this indicted war criminal is still allowed to continue with his cynical rampage and mockery of victims, with occasional live appearances on Serbian television reality shows, his victims rightly regard as a slap in the face of international criminal justice and humanity itself. In a further abomination of justice relating to this particular case, three persons charged with contempt of Court for having threatened, intimidated, offered bribes to or otherwise interfered with witnesses have not yet been arrested and surrendered to the Tribunal. We took careful note of the ICTY written assessment that this represents Serbia's serious failure to honour its international obligations. We therefore call upon Serbia to comply with the Tribunal's requests without delay and recall that full cooperation with the ICTY remains

an essential condition for the candidate country in its accession process to the European Union, as a tool for ensuring not only continued cooperation with the ICTY, but also for the transformation of domestic institutions and State-building in general, including the reform of the judiciary and consolidation of the rule of law.

The important work of the ICTY in bringing justice to thousands of victims is not yet completed. That is why justice must be served without any unnecessary postponement while ensuring full State cooperation. I will say once again what we have stated in the Security Council on many occasions: protracted proceedings may lead to the weakening of public trust in international justice and its appropriate administration. We must constantly remain mindful of that fact.

Council members may rest assured that Croatia will continue to render its full support and assistance to the Tribunal and its efforts to complete its work. The lessons learned and knowledge gained from the work of both the ICTY and the ICTR in the fight against impunity forms an essential part of their legacy and must not be forgotten. We are hopeful that a smooth and efficient transition process for both branches of the Mechanism shall ensure the protection and effective continuation of the work of the Tribunals.

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

**Mr. Obradović (Serbia):** It is my great privilege and distinct honour to speak to the Council as the representative of the Republic of Serbia today.

Before I proceed to make my statement, allow me to welcome Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia (ICTY), and congratulate him on the assumption of that important office. He can always count on Serbia's cooperation and support. I also welcome Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda, and thank them for their semi-annual reports (see S/2015/585 and S/2015/577). My welcome is also extended to the two Prosecutors, Mr. Serge Brammertz and Mr. Hassan Jallow. Aware of their intense and informed scrutiny, I shall undertake to discuss my country's contribution to the completion strategy of the ICTY here today.

Serbia remains firmly committed to the principles and system of international criminal justice and their

role in fighting impunity. Its cooperation with the Tribunal continues faithfully, in particular in the cases of Goran Hadžić and Vojislav Šešelj, who are on provisional release. The ICTY Prosecutor expressed, in his written report (S/2015/874, annex II) and today also, his satisfaction with that cooperation, especially in processing the requests for assistance of his Office, as well as in maintaining direct dialogue with my country's governmental and judicial authorities.

My Government follows the ICTY activities with great attention and interest, particularly those concerning the completion of its long-lasting trials of Serbian citizens. In that regard, let me remind the Council that, on 23 February 2016, the *Šešelj* case, still in the first instance phase, will enter its fourteenth year. Notwithstanding that anomaly, Serbia continues to be fully supportive of the ICTY's commitment, spelled out again in the report, to completing the trials expeditiously, while ensuring that all judicial proceedings are conducted in a manner consistent with the fundamental principles of due process and fairness. In that context, my country supports the new President and his intention to implement measures to expedite the work of the Tribunal and calls, at the same time, on the Security Council to accord its attention to the completion strategy of the two ad hoc Tribunals, in particular to the measures regarding the staff attrition proposed by President Meron in his report.

War crimes proceedings in Serbia are ongoing and proceeding in parallel with the ICTY completion strategy. A national strategy on war crimes issues is being drafted and charged with the responsible task of chairing a working group established by the Ministry of Justice to draft that document. I expect it to be published in a couple of days. It will include a road map of activities and improvements needed to investigate, prosecute and try heinous crimes committed in the former Yugoslavia in the 1990s, measures to improve the protection of witnesses and support victims during criminal proceedings, some general improvements in the defence of the accused, cooperation with and support to national, regional and international commissions on missing persons, and measures to advance regional cooperation in processing war crimes. The national strategy will also contain the positions and measures designed to improve the overall social milieu in relation to war crimes, their investigation and prosecution. The key challenges identified in the reports of the ICTY, the Organization for Security and Cooperation in Europe,

and other relevant stakeholders have been taken into account, while due respect is paid to the domestic legal system and the independence of the judiciary.

The Government of the Republic of Serbia firmly believes that domestic prosecution of the core international crimes committed in the armed conflicts of the 1990s in the former Yugoslavia is one of the most important steps in the process of reconciliation. It is the collective duty of the countries of the region to investigate and prosecute those responsible without any discrimination against the perpetrator or the victim on the basis of national, ethnic or religious origins. Justice must not be allowed to be hobbled by selectivity.

With that in mind, I would like to remind the members of the Security Council of my statement at the Council's meeting in June (see S/PV.7455), in which I said that, notwithstanding the recognition by both the ICTY and the International Court of Justice that Croatian Government forces killed many civilians of Serb ethnicity in Operation Storm in 1995, the judiciary in Croatia has passed only one final conviction for the commission of the war crime of murder. And although the revisiting of ultimate tragedies that befall innocent people is a painful and sad exercise and there is nothing to like about it, I still would like to have heard from the representative of the Croatian Government what is being done to bring justice to the Serbs, many of whom were gunned down on the threshold of the doors of their homes or strafed from the air in helpless refugee columns as they fled their ancestral homes during and after the Operation.

The Government of my country expects that the monitoring by the ICTY Prosecutor, or the Prosecutor of the Mechanism in the future, of the domestic prosecution of war crimes will be expanded to include the Croatian judiciary as well. For the report before Council members carries only the monitoring observations of the domestic trials of war crimes in Bosnia and Herzegovina and Serbia and not of the trials in Croatia.

Yet the Government of Serbia is obliged to Mr. Brammertz and his hard-working team for their constant support and advice to the Serbian War Crimes Prosecutor. The provision of information and evidence in ICTY cases is a commendable example of two-way cooperation; it benefits both the fight against impunity domestically and the completion strategy of the Tribunal. This process has to be intensified by the

Serbian side, all the more so in view of the statement in paragraph 39 of the report of the ICTY Prosecutor. He states, *inter alia*, that Serbian judicial authorities must process war crimes cases that do not exclusively involve Serbian nationals suspected of committing crimes against nationals of other States. That statement, as my Government understands it, is supportive of the existing scope of jurisdiction of the Serbian judiciary which, unfortunately, was recently impugned in the European Parliament. My Government also welcomes the joint European Union/Tribunal Training Project for National Prosecutors and Young Professionals, as well as the workshop organized by the Office of the Prosecutor of the Mechanism.

Last but not least, Serbia thanks the ICTY Prosecutor for the efforts that were invested in improving regional cooperation on matters of war crimes and welcomes his stated intention to closely monitor further developments. That is also my country's request. In the *Djukić* case, the competent Serbian authorities will respond appropriately to the request, received recently, of Bosnia and Herzegovina for the enforcement of the sentence in Serbia, in accordance with a bilateral agreement.

Let me also reiterate the interest of my country in future dialogues on questions related to the ICTY archives and reaffirm its previous humanitarian request with respect to the enforcement of sentences and the possibility that convicted persons may serve their sentences in Serbia.

Allow me now to respond very briefly to the statements that we heard today concerning the reported non-compliance of Serbia's Government in the execution of the arrest warrants in the Tribunal's cases of contempt against *Jojić et al.* Owing to the confidentiality of the submissions of the Government of the Republic of Serbia to the ICTY Trial Chamber in that case, I am not at liberty to discuss the matter in detail. Moreover, the matter is still *sub judice* at the ICTY, and it would be inappropriate for me to discuss it now in this forum. However, the issue of arrest warrants will be resolved in cooperation with the Tribunal.

Before I conclude my statement, let me make two very pertinent remarks.

Twenty years ago, almost to the day, a Peace Agreement was signed in Dayton, Ohio. It put an end to the armed conflicts and horrific atrocities in Bosnia

and Herzegovina and Croatia. The three Presidents who signed the Agreement — Alija Izetbegović, Slobodan Milošević and Franjo Tuđman — were subjected to ICTY investigations soon thereafter. Only one of them, Slobodan Milošević, was indicted. The other two died before the victims of the acts for which those men were being investigated could ever be given the satisfaction of seeing them indicted and arraigned.

Twenty years later, my country is hard at work, developing good-neighbourly relations and establishing lasting peace in a region that was once ripped apart by suffering and war. This year, my Prime Minister visited Srebrenica on two occasions in an effort to promote reconciliation and offer cooperation to the community that had suffered the kind of calamity that only inter-ethnic and interreligious wars can provoke. We must not be deterred in our efforts to bring about reconciliation and cooperation, and that includes by trying those responsible for crimes in domestic courts. The victims will not be forgotten and the crimes must not be allowed to be repeated.

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

**Mr. Vukašinić** (Bosnia and Herzegovina): At the outset, allow me to congratulate you, Sir, on your delegation's assumption of the presidency of the Council, and wish you every success in leading the Council this month.

I would like to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals for their reports and informative briefings today. I also wish to take this opportunity to congratulate Judge Carmel Agius on his election as President of the ICTY, and to convey my thanks to Judge Theodor Meron and Judge Vagn Joensen for their work.

The work and practice of both Tribunals have had a significant impact on and launched a new dynamic within international criminal law and the national legal systems of the concerned countries. Since the very beginning, Bosnia and Herzegovina has fully cooperated with the ICTY and implemented all its decisions and rulings. We emphasize the importance of the successful completion of the work of the ICTY, and we encourage the Tribunal to make every effort to



meet the targets of its completion strategy and forecast delivery dates of judgements in order to avoid any further delays.

Bosnia and Herzegovina continues to cooperate with the ICTY and will continue to do so with the Mechanism. The completion of the ICTY mandate does not mean the end of the fight against impunity in my country. We remain committed to strengthening the national justice systems at all levels in order to bring to justice persons responsible for atrocity crimes. The National War Crimes Strategy has improved the consistency of juridical practices throughout the entire country at all levels, and ensures the protection and support of victims and witnesses.

The implementation of the Strategy is a complex process in which many institutions, at all levels of authority, in Bosnia and Herzegovina participate. Despite numerous challenges, important results have been accomplished. As of June, we had reduced the number of unresolved cases of war crimes in the Prosecutor's Office by 15 per cent. Some progress has been made in resolving Category II cases. A centralized database of war crimes cases has been established by the Prosecutor's Office at the state level. The Prosecutor's Offices in Bosnia and Herzegovina dealing with war crimes at all levels of authority can use the database, which promotes more effective case management and prevents overlapping investigations. The evaluation and selection criteria to determine case priority have been harmonized. The harmonization of court practices in cases of war crimes prosecuted before the courts in my country has been strengthened through closer cooperation among the Court of Bosnia and Herzegovina, the entity-level Supreme Court and the Appellate Court of Brčko district.

Lack of funding has jeopardized the progress that has been made in the implementation of the National War Crimes Strategy. We welcome the support of the European Union in the implementation of the strategy and the support of the Organization for Security and Cooperation in Europe and the United Nations Development Programme, particularly in connection with witness protection activities and the appropriate assistance and support to victims.

In September, the Council of Ministers of Bosnia and Herzegovina adopted a justice sector reform strategy for the period from 2014 to 2018. The strategy will contribute to the long-term reinforcement of the rule

of law. It will further consolidate the judicial system, including measures to improve judicial independence and efficiency. Furthermore, the strategy will support the effective implementation of the National War Crimes Strategy.

Bosnia and Herzegovina remains committed to promoting regional cooperation, which plays a key role in rebuilding trust in the region. A good step in that direction would be the conclusion of the cooperation protocols in the prosecution of war crimes between the Prosecutor's Office of Bosnia and Herzegovina and Prosecutors' Offices of neighbouring countries. Intensified regional cooperation in the prosecution of war crimes enables more efficient work on cases that involve suspects, victims or evidence located in two or more countries.

Finally, I would like to underline that the legacy of both Tribunals should serve as a constant reminder in the fight against impunity, both now and for future generations. Bosnia and Herzegovina is dedicated to the fight against impunity. We underline the importance of justice for achieving true reconciliation, as well as political stability and socioeconomic development within the country and in the whole region.

**Mrs. Byaje (Rwanda):** I thank you, Sir, for inviting Rwanda to be a part of this debate. At the outset, I would like to thank Judge Carmel Agius, President of the International Tribunal for the Former Yugoslavia; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda; Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals; Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia; Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda and Prosecutor of the International Residual Mechanism for Criminal Tribunals; as well as other previous speakers for their respective briefings and statements.

Before delving into the topic of today's debate, allow me to preface my remarks with a reference to the celebration of Human Rights Day, which we will commemorate tomorrow, as well as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, which we commemorate today. In the light of these important events, I invite all present to pause and recall to memory the reality of our common failure 21 years ago, when the world turned a blind eye to the

worst violation of human rights that occurred in my country, Rwanda, the worst genocide of our times. The rationale behind this reminder is to invite us all to take stock and to gauge whether any lesson has been learned from that disturbing reality, and whether the Council is currently better prepared and better equipped to avert or stop future heinous crimes and genocide.

Sadly, we have no choice but to note that human rights violations and abuses are becoming the norm as we grow accustomed to unfathomable human suffering caused by unrest and conflicts that are adversely impacting the well-being of peoples. This state of affairs is conducive to the spread of terrorism and the displacement of people. Should this trend persist, the enjoyment of freedom and human rights will continue to remain an elusive and distant reality.

More than any other country, Rwanda understands the adverse consequences of such despicable crimes against humanity, which deprive people of their basic rights. Drawing from our history — in which such intolerance led to the creation of marginalized communities that were treated as second-class citizens, and the subsequent systematic slaughter of the Tutsi during the genocide — the current leadership, in its quest for peace, has made it a point to prevent Rwandans from falling into the same trap by combating any form of divisionism and genocide denial, and by ensuring that all citizens enjoy the same privileges and equal treatment. It is against that background that I wish to tackle today's topic as we mark the end of the era of the International Criminal Tribunal for Rwanda (ICTR) in international justice.

As previously stated to the Council on numerous occasions, the Government of Rwanda believes that the ICTR has not only played a key role in the fight against impunity for mass atrocities, but has also produced a substantial body of jurisprudence, including definitions of the crime of genocide, crimes against humanity, war crimes, as well as forms of responsibility, such as superior responsibility. Most importantly, the Tribunal has established that the genocide that occurred in Rwanda was against the Tutsi as a group, and ruled that acts of rape and sexual violence constitute crimes of genocide if committed with the intent to destroy the targeted group, thereby contributing to post-genocide reconciliation and healing in Rwanda.

As we acknowledge that milestone in post-genocide Rwanda and in the history of international

law and jurisprudence with the closure of the first United Nations international tribunal, we note with satisfaction that the 93 individuals from all walks of life — international fugitives who had evaded Rwandan justice and who were indicted for genocide by the court — were mainly the masterminds of this crime. We take note of the announcement by Prosecutor Jallow of Ladislas Ntaganzwa's arrest, and trust that he will be extradited as soon as possible to face justice in Rwanda. We deplore, however, the fact that other fugitives are still at large, and reiterate our call on all Member States, especially those still harbouring them, to honour their moral obligation to the Charter of the United Nations, as well as the Convention on the Prevention and Punishment of the Crime of Genocide, and to cooperate in their arrest.

Returning to the subject of fugitives, the son-in-law of tycoon Félicien Kabuga, Paulin Murayi, provides financial support to the Forces démocratiques de libération du Rwanda (FDLR), a terrorist organization that relentlessly continues to spread its genocidal ideology and activities in eastern Democratic Republic of the Congo. We also regret the lack of progress in the monitoring of cases referred to international courts outside Rwanda. The two cases referred to Rwanda in 2012 and 2013 have advanced. In addition, we are extremely concerned by the decision of the French prosecution to drop charges against Father Wenceslas Munyeshyaka, a decision that contradicts the nature and scale of the crimes committed. We call on the French authorities to expedite the investigations and proceedings in the case against Laurent Bucyibaruta.

Another outstanding issue that Rwanda is determined to pursue is the matter of who should be entrusted with the repository of the ICTR/International Residual Mechanism for Criminal Tribunals archives. While it recognizes that the archives constitute a United Nations property, Rwanda has made several strong requests for their transfer to Rwanda upon the completion of the Mechanism's mandate. We believe that there should be no ambiguity in the understanding of the matter. In the aftermath of a conflict, archives help to transfer historical realities into a shared understanding of the past. The primary beneficiary should be the sole proprietor of such materials. I would emphasize that those archives are a part of our history, and it is of paramount importance that they be preserved in Rwanda for the sake of future generations. Rwandans, as the people most concerned

by those historical records, which constitute the most thoroughly depicted and comprehensive account of the 1994 genocide against the Tutsi, are indeed entitled to them. We hope that all stakeholders will understand the legitimacy of our request and do us justice.

Another important point that was overlooked pertains to the compensation of the victims of the genocide for their loss. That remains a dark spot on the Tribunal's legacy when compared to that of the Gacaca courts, which recognized and honoured victims, and provided compensation for their looted and destroyed property.

Let me emphasize the need to fight genocide and its ideology, and reiterate our belief that giving a media platform to an individual convicted of the crime of genocide is wrong and unethical. The recent media interview with the unrepentant mastermind of the 1994 genocide against the Tutsi, Jean Kambanda, was not only an insult to the victims but also a platform to spread Kambanda's evil motives, which remain fresh in the memory of many Rwandans. We hope that Member States will discourage such practices in their territories in order to avoid similar incidents.

In conclusion, I wish to take this opportunity, to thank the ICTR judges and staff for their contribution to humankind in the fight against impunity. We wish the best of luck to those who will still continue to work for

the Residual Mechanism and assure them of Rwanda's continued cooperation. Let me also thank Chile for its leadership in chairing the Informal Working Group on International Tribunals.

Allow me to end this statement with the following words — prompted by a tweet I read this morning, stating that the Forces démocratiques de libération du Rwanda has claimed more lives in neighbouring Democratic Republic of the Congo — just to stress the following message.

Genocide is not an ordinary crime. Its devastating effects linger forever. In Rwanda, we have been battling them for the past 21 years. Luckily, we have been gifted with an enlightened leadership that, in tandem with the Rwandan population, has conducted numerous consultations and national dialogues to address the multifaceted challenges it faces, including ending impunity and preventing its future occurrence. Rwanda will diligently continue to do its part and expects the international community and the United Nations to do theirs.

**The President:** There are no more names inscribed on the list of speakers.

Once again, let me thank the Judges and the Prosecutors for their briefings.

*The meeting rose at 1.30 p.m.*